



FCOM 111

GOVERNMENT, LAW and BUSINESS

2010

COURSE OUTLINE

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

TRIMESTER TWO

Teaching Period: Monday 12th July – Friday 15th October 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>12 July</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>19 July</i>	(M) Constitution (W) Executive and Legislative	<ul style="list-style-type: none"> • Writing Skills Workshop #1 this week
Week 3 <i>26 July</i>	(M) The Public Sector/Service (W) Election 2008 (MMP etc)	<ul style="list-style-type: none"> • Writing Skills Workshop #2 this week • Do your readings for Tutorial Assignment Worksheet #1
Week 4 <i>2 August</i>	(M) What is Law? (W) Map of the Legal World • Tutorial Assignment 1 Due	<ul style="list-style-type: none"> • Writing Skills Workshop #3 this week • Do your readings for Tutorial Assignment Worksheet #2
Week 5 <i>9 August</i>	(M) Process of Making Law 1 (W) Process of Making Law 2 • Tutorial Assignment 2 Due in tutorials	<ul style="list-style-type: none"> • Do your readings for Tutorial Assignment Worksheet #3 • Government Assignment Due Thursday 12 August between 10.00am-12.00noon
Week 6 <i>16 August</i>	(M) How Law Develops and Changes 1 (W) How Law Develops and Changes 2 • Tutorial Assignment 3 Due in tutorials	
MIDTRIMESTER BREAK 21 August – 5 September		
Week 7 <i>6 September</i>	(M) Is there a Legal Duty to Honour Promises? 1 (W) Is there a Legal Duty to Honour Promises? 2 • No Tutorial Worksheet this week	<ul style="list-style-type: none"> • Do your readings for Tutorial Assignment Worksheet #4 • Check Blackboard for information on the Legal Test to be held next week
Week 8 <i>13 September</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 • Legal Test – Monday 13 Sept at 6.15pm
Week 9 <i>20 September</i>	(M) A General Legal Duty of Privacy 1 (W) A General Legal Duty of Privacy 2 • Tutorial Assignment 5 Due in tutorials	<ul style="list-style-type: none"> • Do your readings for Tutorial Assignment Worksheet #6
Week 10 <i>27 September</i>	(M) Ethics and Trust (W) Public Policy / Process • Tutorial Assignment 6 Due in tutorials	<ul style="list-style-type: none"> • Do your readings for Tutorial Assignment Worksheet #7
Week 11 <i>4 October</i>	(M) Politics, Economics and Business (W) Case Study • Tutorial Assignment 7 Due in tutorials	<ul style="list-style-type: none"> • Do your readings for Tutorial Assignment Worksheet #8
Week 12 <i>11 October</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 essay due by noon 12 August 2010 (Government Assignment)
4, 5, 6	Legal test – Monday 13 Sept 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 the 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 the ITS 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:

Your fees will be refunded if you withdraw from this course on or before **23 July 2010**.

The last date for withdrawal from this course is the three-quarter point of the teaching period, i.e. **Friday 24 September**. After that date, permission to withdraw requires the permission of the Associate Dean (Students) as set out in section 8 of the Personal Courses of Study Statute <http://policy.vuw.ac.nz/Amphora!~~policy.vuw.ac.nz~POLICY~000000001743.pdf>

To apply for permission, fill in the Late Withdrawal form available from either of the FCA Student Customer Service Desks located in EA005 or at the Pipitea Campus on the ground floor.

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. If you arrive late to a tutorial then your tutor may not award you with 'attendance' for that tutorial.

AND

- c) Submit at least SIX of the EIGHT Tutorial Assignment Worksheets as per the Schedule on Page 3 of this Course Outline. Note that the first Tutorial Worksheet is due in Week 4 (the third Writing Skills Workshop).

AND

- d) Submit the Government Assignment.

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

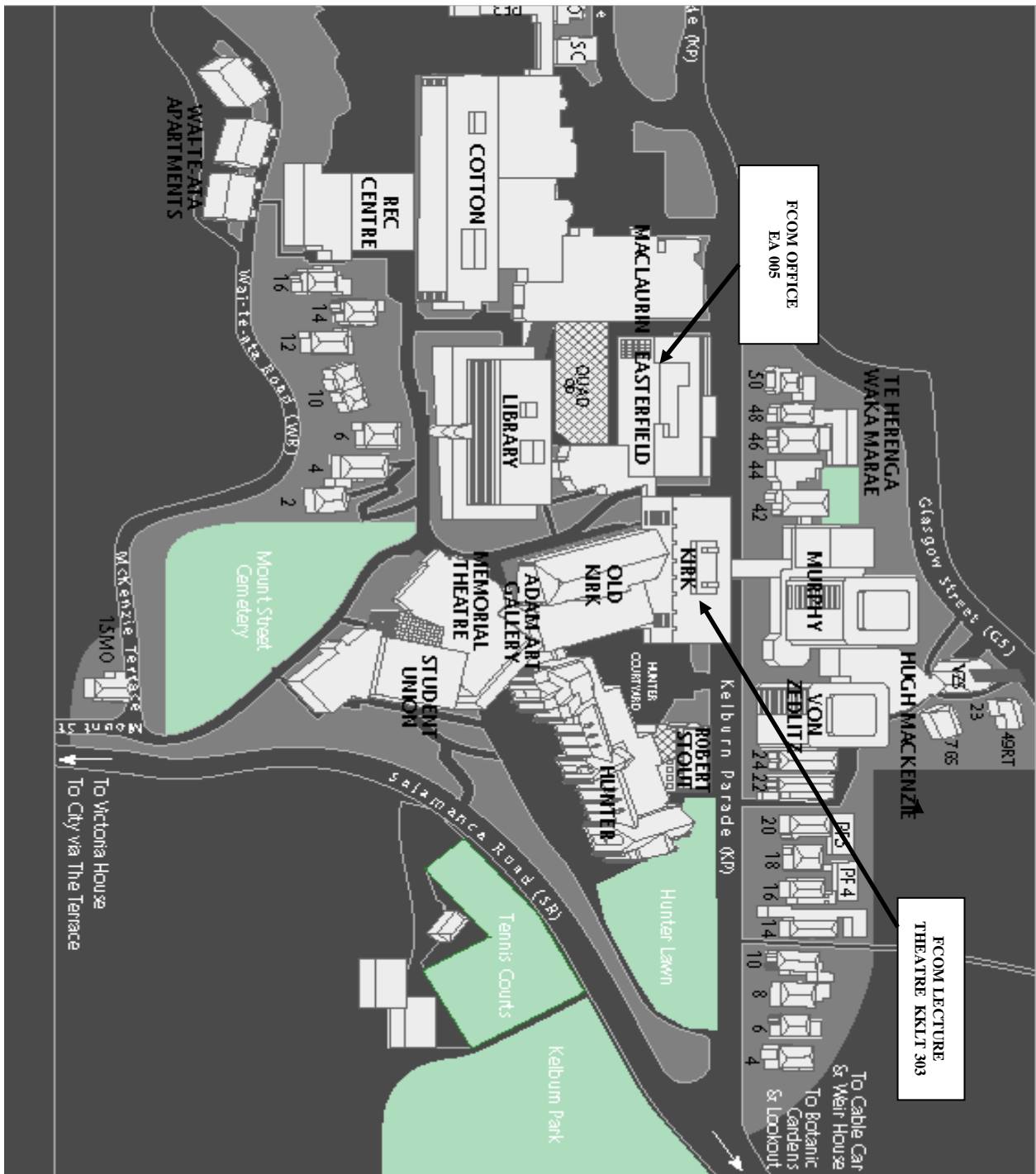
- e) Sit the Legal Test and the Final Course Examination.

Students whose total course marks are greater than 50%, but who do not fulfil **ALL** of the Mandatory Course Requirements 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 811, 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: RWW 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. 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 12th July – Friday 15th October 2010.

End of Trimester Study Period: Monday 18th October – Thursday 21st October 2010.

Examination Period: Friday 22nd October – Saturday 13th November 2010 (inclusive).

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 17244	Monday: 1.10pm – 2.00pm	KKLT 303
STREAM1	Wednesday: 1.10pm – 2.00pm	KKLT 303
CRN 17245	Monday: 3.10pm – 4.00pm	KKLT 303
STREAM2	Wednesday: 3.10pm – 4.00pm	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 3.10pm 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. 12 July & 14 July

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. 19 July & 21 July

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 from <http://www.cabinetmanual.cabinetoffice.govt.nz/node/68>)
- Shaw, R. & Eichbaum, C. (2008) *Public policy in New Zealand: institutions, processes and outcomes*. (2nd ed.) Auckland, New Zealand: Pearson Education New Zealand.

Week 3. 26 July & 28 July

L5: The Public Sector / Service *Chris Eichbaum*

L6: Election 2008 (MMP) *Chris Eichbaum*

Readings:

- Elections New Zealand. (2006). *From FPP to MMP*. 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 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 from <http://justice.govt.nz/policy-and-consultation/electoral/mmp-referendum/frequently-asked-questions>

Week 4. 2 August & 4 August

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, New Zealand: Palatine.
- Longdin, L. (2006). Classification of law. In L. Longdin (Ed.), *Law in business and government in New Zealand* (pp. 15-22). Auckland, New Zealand: 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. 9 August & 11 August

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, New Zealand: Pearson.
- *Lee v Lee's Air Farming Ltd* [1961] NZLR 325
- Mortimer, J. (1993). *The best of Rumpole* (pp. 88–94). Harmondsworth, United Kingdom: Penguin.

Week 6. 16 August & 18 August

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

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

MIDTRIMESTER BREAK 21 August – 5 September

Week 7. 6 September & 8 September

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. 13 September & 15 September

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. 20 September & 22 September

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. 27 September & 29 September

L19: Ethics and Trust

Chris Eichbaum

L20: Public Policy / Process

Chris Eichbaum

Readings:

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

Week 11. 4 October & 6 October

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 from www.economicshelp.org)

Week 12. 11 October & 13 October

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 19 July.
- 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 12 July at 6.00pm**. Signups close at 6.00pm on **Sunday 18 July** – 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 19 July.**
- 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

- Keith, K. (2008), *Cabinet Manual – On the constitution of New Zealand: An introduction to the foundations of the current form of government*. (Retrieved from <http://www.cabinetmanual.cabinetoffice.govt.nz/node/68>)
- Shaw, R. & Eichbaum, C. (2008) *Public policy in New Zealand: institutions, processes and outcomes*. (2nd ed.) Auckland, New Zealand: Pearson Education New Zealand.

NOTE: Tutorial Worksheet #1 is due to be handed in this week

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 assignments. 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 due that week. Students should refer to the schedule on Page 3 of this Course Outline regarding the due dates of Worksheets. These assignments are attached at the back of this course outline and will also be available on the Blackboard site. **Students are to handwrite these assignments and 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 Electoral System

Readings:

- Elections New Zealand. (2006) *From FPP to MMP*. Retrieved 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 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 from <http://justice.govt.nz/policy-and-consultation/electoral/mmp-referendum/frequently-asked-questions>

Tutorial Two: Week Six

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, New Zealand: Palatine.
- Longdin, L. (2006). Classification of law. In L. Longdin (Ed.), *Law in business and government in New Zealand* (pp. 15-22). Auckland, New Zealand: 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.

Tutorial Three: Week Seven

Legal Test Revision Tutorial

NOTE: There is no Tutorial Worksheet due this week.

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, New Zealand: Pearson.
- *Lee v Lee's Air Farming Ltd* [1961] NZLR 325
- Mortimer, J. (1993). *The best of Rumpole* (pp. 88–94). Harmondsworth, United Kingdom: 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, NY: 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 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 and 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. 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 12 August between 10.00am and 12.00noon
(Week 5)

Assessment Two: **Legal Test (25%)**
Date: Monday 13 September
(Week 8)
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 22nd October – Saturday 13th November 2010 (inclusive).

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%)

“New Zealand has a special status among the world’s democracies as the purest example of the Westminster model of government” (Lijphart, 1987).

Critically assess the extent to which New Zealand is, in 2010, still an example of the Westminster model of government.

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 12 August by 12.00noon

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: Monday 13 September 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 22nd October – Saturday 13th November 2010 (inclusive).

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 (starting in Week 5) and be marked off as present by your tutor. If you arrive late then your tutor may not award you with 'attendance' for that tutorial.
AND
- c) Submit at least SIX of the EIGHT Tutorial Assignment Worksheets as per the Schedule on Page 3 of this Course Outline. Note that the first Tutorial Assignment Worksheet is due in Week 4 (the third Writing Skills Workshop).
AND
- d) Submit the Government Assignment.
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
- e) Sit the Legal Test and the Final Course Examination.

Students whose total course marks are greater than 50%, but who do not fulfil **ALL** of the Mandatory Course Requirements 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

Rutherford House (RH) - FCA Student and Academic Services Counter

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:

- 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). *The Economist*, 360, 3-6.

Pettinger, T. R. (2008). *Five blogs on the global financial crisis of 2007-2008*. (Retrieved from www.economicshelp.org)

1. Discuss at least two ways by which globalisation makes countries more dependent upon one another.

1.
2.

2. Discuss how globalisation can lead to either an increase or a decrease in available jobs.

Increase:

Decrease:

3. Discuss how mortgage backed securities can be both beneficial and harmful to business.

Beneficial:

Harmful:

4. Discuss how lower interest rates can be both beneficial and harmful to businesses and homeowners.

Beneficial:

Harmful:

Mark out of 10

Tutor comment:

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, NY: 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 guidance is provided to NZ public servants on ethical standards and behaviour? Cite a reference to one official source using the APA referencing style.		
<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 (see the Materials Book):

Rylands v Fletcher (1868) LR 3 HL 330

1. In the above case, name the party who brought the original action (plaintiff) and the parties against whom the action was brought (defendants). Briefly state what the plaintiff claimed against the defendants and for what reasons.	
2. Why is this case regarded as an important development in civil legal liability?	
3. What were the legal principles formulated by the House of Lords upon which a landowner becomes liable for the use of his/her land?	
4. What are the defences available to a landowner against an action under the <i>Rylands v Fletcher</i> principles?	
<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 (see the Materials Book):

Central London Property Trust v High Trees House [1947] KB. 130

1. In the above case, after first claiming £7,916 against the defendant, why did the plaintiff finally decide to claim £695 only?

2. What was the defendant's reply to the plaintiff's claim?

3. What did the court (Denning J) decide about the claim of £695? What reasons did the court give for its finding?

4. What did the court (Denning J) say if the claim had been for £7,916? What reasons did the court give for its opinion?

Mark out of 10

Tutor comment:

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: <i>Carlill v Carbolic Smoke Ball Company</i> [1893] 1 QB 256		
1. What is the: - Name of the case - Citation - Court - Judge(s) name	Name: Citation: Court: Name(s):	
2. List 3 relevant facts in the case as outlined in the ruling.	1. 2. 3.	
3. What was one of the questions that the court had to answer in order to decide (rule on) the case?		
4. What did the Court decide about whether Mrs Carlill should have notified the Smoke Ball Company of her acceptance of their offer?		
5. What was the result or outcome of the case? (Who won?)		
<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>
Readings: 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. Legal actions may be about facts, law, or public policy. Describe the differences between them.	Facts: Law: Public Policy:	
2. Using the above ‘legal actions’, identify and briefly explain if these issues are evident in the Christchurch Casino Case.	Facts: Law: Public Policy:	
3. The law should be certain, predictable and efficient. Briefly explain why this is desirable.		
4. Your parents purchase and send your 10 year old cousin a ‘scratch and win’ ticket for their birthday. Justify why your cousin should be able to claim the \$100 prize they win.		
<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>
<p>Readings:</p> <p>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 from http://www.cabinetmanual.cabinetoffice.govt.nz/node/68)</p> <p>Shaw, R. and Eichbaum, C. (2008) <i>Public policy in New Zealand: institutions, processes and outcomes</i>. (2nd ed.) Auckland, New Zealand: Pearson Education New Zealand.</p>		
1. Define what is meant by a constitution.		
2. What is meant by the notion of a ‘parliamentary executive’?		
3 List four statutes (Acts of Parliament) that form part of New Zealand’s overall constitutional arrangements.	1. 2. 3. 4.	
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>	

