

20 January 2025

Strategic Initiative  
Auckland University  
By email: [strategicinitiative@auckland.ac.nz](mailto:strategicinitiative@auckland.ac.nz)

Tēnā koutou

### Proposed new faculty arrangements: Law and Business & Economics

The New Zealand Law Society Te Kāhui Ture o Aotearoa (**Law Society**) writes in response to the opportunity to provide feedback to the University of Auckland Waipapa Taumata Rau (**Auckland University**) on the proposal to combine the Faculties of Law and Business & Economics.

The Law Society has statutory regulatory and representative functions under the Lawyers and Conveyancers Act 2006 (the LCA).<sup>1</sup> We have more than 10,000 members and represent their interests. Our regulatory functions include ensuring the competent provision of legal services, through the monitoring, regulation, and enforcement of the LCA and other associated rules and regulations. The regulatory framework, including the educational requirements for admission as a barrister and solicitor, is designed to ensure consumers can be confident in the legal services they receive.<sup>2</sup>

The Proposal Document is brief and focussed on the structure of a proposed new Faculty, the creation of two departments (private law and public law) within the Law School, and outlining the governance and reporting structure of the new faculty. It is not possible to ascertain from the information contained in the proposal to what extent consideration has been given to how the new faculty would operate in practice, such as preserving the independence of the law school, and how it would function and its impact on the LLB degree and compulsory prescribed courses.

The feedback is set out below and includes some general comments on the place of legal education, and addresses each of the proposals in turn. However, it is possible that the Law Society would have further feedback or comment were more details available.

### General Comment

The Law Society acknowledges the challenging financial environment and pressures currently facing all New Zealand universities and also acknowledges that decisions

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<sup>1</sup> Lawyers and Conveyancers Act 2006, ss 65 and 66

<sup>2</sup> The New Zealand Council of Legal Education, an independent statutory body, regulates the study, training and experience of candidates for admission as barristers and solicitors of the High Court (pursuant to the Lawyers and Conveyancers Act 2006, ss 274(a) and (b), and 278(1)(a) and (b))

regarding the business and administration of Auckland University rest fully with its Council. The proposal provides little information about the suggested economic benefits of the proposed merger and no detail of the suggested benefits for the funding of research and availability of resources, in particular for those legal subjects outside of commercial and business law. It is not possible, then, to engage substantively with this aspect of the proposal.

However, we are conscious there is a depth of feeling and concern about changes to the University of Auckland Law School (**Law School**), which may be less likely to arise in other subject areas. The role law schools play through their leadership and relationships with the profession, the Courts, government, and wider New Zealand society means that many, including the Law Society, view law schools and the legal education they provide as being a unique and important part of our democratic and free society. The legal education of lawyers also directly relates to the quality of legal services provided by lawyers, which the Law Society regulates.

For the reasons set out below, the Law Society is concerned about the potential consequences of the proposal and urges Auckland University to consider the place and purpose of legal education and Law Schools in New Zealand when making its decision on the proposal.

### Legal education

Legal education is a unique discipline, which has been acknowledged for some time in New Zealand's tertiary education development.<sup>3</sup> Law schools must prepare students with a strong professional education that meets the requirements of both practical training, as well as academic education (the theoretical and moral underpinnings of the law, how to analyse critically, how to undertake research, how to understand the world more broadly and the law's role in it).

Professor John Burrows said of the teaching of law:<sup>4</sup>

The right balance between theory and practice has always been a contentious subject ... But we must remember that while it is essential that students acquire a deep critical knowledge of law and its underlying premises, and that while law is rightly an academic subject, law is also an intensely practical subject. It has to be — it regulates society.

In 2023, the Chief Justice, the Right Honourable Dame Helen Winkelmann remarked:<sup>5</sup>

When [judges] place confidence in a lawyer's conduct of a trial or hearing we are in part placing confidence in the education they have received at Law School. In the cases we hear, we also see the fingerprints of lawyers who work outside of the courts... In each of these roles, lawyers perform the constitutionally significant task of enabling

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<sup>3</sup> For example, the 1925 Royal Commission on University Education: University Education in New Zealand (Royal Commission) (AJHR 1925, E-7A)

<sup>4</sup> John Burrows, Emeritus Professor of the University of Canterbury "The Legal Profession and Legal Education" (New Zealand Law Society 150-Year Anniversary, Christchurch High Court, 5 September 2019)

<sup>5</sup> Dame Helen Winkelmann, Chief Justice of New Zealand

people to comply with the law and enabling them to access its protection. In all these roles lawyers are relied upon to know the law, to know the systems through which the law is applied, and how to access or use those systems. Judges therefore have a good understanding of the contribution that this Law School, along with others, has made to the legal profession, the administration of justice, and indeed to the rule of law.

Graduates of an LLB who are admitted as barristers and solicitors of the High Court have a fundamental obligation, irrespective of their job role, to uphold the rule of law and facilitate the administration of justice in New Zealand.<sup>6</sup> This is a constitutionally important role and responsibility, which goes beyond the mere vocational. For these reasons any proposal that might be perceived as threatening the quality and independence of legal education can elicit a strong response from the legal community.

### A new Faculty

The proposal indicates that the 'brand name' of Auckland Law School will be retained alongside the name of the new Faculty. While we agree it is important to retain this externally-facing identity, 'Auckland Law School' is not simply a name or a brand. Established in 1883, Auckland Law School has a strong and independent history, known for the quality of its law graduates, both domestically and internationally.

The largest law school in New Zealand, it is also New Zealand's top-ranked law school – currently ranked at 55 in the 2025 QS University World Rankings by subject.<sup>7</sup> While in many areas of academic study, rankings have little practical impact – for graduates entering the profession, the maintenance of this ranking may have a bearing on the roles they are offered or places in post graduate study at preeminent universities overseas.

We urge the University to consider whether subordinating the Law School under a Business and Economics banner could diminish its reputation as a legal education institute. Any perceived diminishment in the name or reputation of Auckland Law School could impact graduates' job prospects or further academic pathways, particularly overseas, as well as the Law School's attractiveness for future international and postgraduate students. We note that – for students within the Law School – the proposal largely speculates benefits of relevance to those focusing on commercial and business law subjects. The impact on other areas of legal study, positive or negative, remain unclear.

We also encourage the University to carefully consider the reasons why similar restructuring has been unwound by other universities (such as the University of Canterbury). We understand this merger caused problems for both schools, particularly in relation to the accreditations required for the business school and the desire by both schools to return to being independent.

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<sup>6</sup> Lawyers and Conveyancers Act 2006, s 4

<sup>7</sup> [QS World University Rankings 2025 | QS](#)

## Two departments – Private Law and Public Law

The proposal indicates that the Law School would be divided into two departments – one for private law and one for public law. Very limited information is provided as to the perceived (and actual) benefits of this part of the proposal, nor the actual purpose of this division.

More details would be useful to understand how this division would work in practice, particularly in relation to the compulsory prescribed courses but also for the broader LLB. It would be unfortunate if the two schools lead to different standards (or availability of resources) between various courses or did not provide the breadth of legal education needed for good well-rounded lawyers. Any forced specialisation in the early years of a law student's university life could potentially raise concerns around the breadth of education or limit graduates' career pathways. The skills and knowledge law graduates need to thrive in their careers and respond to the justice needs of New Zealand extend beyond subject-matter specialisation.

We also draw attention to the difficulty in making clear distinctions between private and public law and which law subjects fit into each. Part of the role of a lawyer is to “look at problems from outside the narrow category into which it has been convenient to assign them...in the last half-century, the law of contract has been influenced by public law, human rights law has shed new light on the concept of property, and the law of securities and restitution have been transformed by a much wider resort to equitable principles than might have been thought appropriate a few decades ago.”<sup>8</sup>

The Law Society appreciates the stated desire in the proposal to foster interdisciplinary research and collaboration. Cross-faculty collaboration and relationships with the business community should be encouraged. However, we encourage the University to consider this more broadly. The Law School could, and should, provide a wide ambit of connections to New Zealand society. Law is a social, historical, and economic discipline. Connections with the social sciences, business, the corporate world and the legal profession should all be encouraged. Respectfully, we suggest that interdisciplinary collaboration should be available for law students irrespective of whether that discipline sits within another faculty. The University might want to consider whether there are other ways for this collaboration to occur other than merging or joining of faculties.

## Governance of the Faculty

The roles and responsibilities of staff is a matter for the university. However, we do ask the University to be mindful of the importance of the role that a Law School Dean holds and to ensure there is no impact to the independence of the role-holder.

The Deans of New Zealand Law Schools are ex-officio members of the New Zealand Council of Legal Education. The Council has the statutory responsibility for determining the core curriculum for the LLB degree and moderation of those courses.

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<sup>8</sup> Rt Hon Sian Elias, “Teaching Law Today”, Address Given at the Australasian Law Teachers' Association (ALTA) Conference 2016, quoting Lord Sumption “Family law at a distance” (paper presented to “At a Glance” Conference 2016, London, 8 June 2016)

Additionally, the legal academy is a vital voice in upholding the rule of law in New Zealand. Universities “accept a role as critic and conscience of society”<sup>9</sup> and the Law Society acknowledges the valuable contributions made by the Deans of New Zealand law schools when important constitutional and public law issues arise. Recent examples have included comment on the inclusion of an entrenchment provision in ordinary legislation, and the role of tikanga Māori in New Zealand law. We would be concerned if the proposal meant the watering down of the mana of the role and a diminishing of a strong independent legal voice both within and outside of the University.

### Conclusion

We acknowledge the difficult decisions the University must make in these challenging times. However, we hope these comments have been helpful.

If you wish to discuss this further or have any questions, please feel free to contact Bronwyn Jones ([bronwyn.jones@lawsociety.org.nz](mailto:bronwyn.jones@lawsociety.org.nz)).

Nāku noa, nā



David Campbell  
**Vice President Auckland**

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<sup>9</sup> Education and Training Act 2020, s 268(2)(d)(E)