



THE UNIVERSITY OF
SYDNEY

SYDNEY LAW SCHOOL

unit of study descriptions *2012*

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Revised: 22 May 2012

JURS6019 Freedom of Speech

Credit points: 6 **Teacher/Coordinator:** Prof Wojciech Sadurski **Session:** Semester 2 **Classes:** 1x2-hr lecture/week **Assessment:** class participation (20%) and class presentation (30%) and 5000wd essay (50%) **Campus:** Camperdown/Darlington **Delivery Mode:** Normal (lecture/lab/tutorial) Day **Note:** This unit replaced JURS6019 Freedom of Speech and Religion. Freedom of speech is among the most hotly discussed constitutional rights in a liberal democratic state. This unit of study will aim at clarifying some of the fundamental conceptual and normative foundations of both freedoms, always against the background of specific legal rules, cases and controversies in Australia and around the world. The part concerning freedom of speech will consider such issues as the fundamental justifications (rationales) for freedom of speech, the idea of 'content neutrality' and 'viewpoint neutrality' of speech restrictions, the distinction between speech and conduct, etc. It will also look, more specifically, at such controversial issues as restrictions on racial vilification, obscenity and defaming speech. The last part of the unit of study will focus on relationship between freedom of speech and freedom of religion. **Degrees:** S.J.D., M.Jur., LL.M., M.Glob.L., Grad.Dip.Jur., Grad.Dip.Law, Law PG Cross-Inst

JURS6034 Jurisprudence Research Project A

Credit points: 6 **Teacher/Coordinator:** Supervised by an appointed academic staff member **Sessions:** Semester 1, Semester 2 **Corequisites:** JURS6035 **Assessment:** 15,000 to 20,000wd research project (100%) **Campus:** Camperdown/Darlington **Delivery Mode:** Supervision **Note:** This unit is compulsory for MJur students. Closing date 30 September (Semester 1) and 30 April (Semester 2). Students must complete both JURS6034 and JURS6035 within one or two semesters. The goal of this compulsory (capstone) unit of study is to provide Master of Jurisprudence candidates with an opportunity to pursue advanced research in an area of their choosing, under the limited supervision of a Faculty member. Please refer to the Sydney Law School website for details on eligibility criteria and application material. **Degrees:** M.Jur.

JURS6035 Jurisprudence Research Project B

Credit points: 6 **Teacher/Coordinator:** Supervised by an appointed academic staff member **Sessions:** Semester 1, Semester 2 **Corequisites:** JURS6034 **Assessment:** 15,000 to 20,000wd research project (100%) **Campus:** Camperdown/Darlington **Delivery Mode:** Supervision **Note:** This unit is compulsory for MJur candidates. Closing date 30 September (Semester 1) and 30 April (Semester 2). Students must complete both JURS6034 and JURS6035 within one or two semesters. Please refer to JURS6034 Jurisprudence Research Project A. **Degrees:** M.Jur.

LAWS6001 Chinese Laws and Chinese Legal Systems

Credit points: 12 **Teacher/Coordinator:** Prof Vivienne Bath (Coordinator) **Session:** Int December **Classes:** Winter School in Shanghai, China, Nov-Dec **Prohibitions:** LAWS6857, LAWS3014 **Assumed knowledge:** LAWS6252 or law degree from a common or civil law jurisdiction **Practical/Field Work:** field school in China **Assessment:** 2hr exam to be completed in Shanghai (30%) and 8000wd essay (70%) due in February **Campus:** Shanghai **Delivery Mode:** Block Mode **Note:** This unit is not available to students who have completed a law degree in the People's Republic of China. Students must register their attendance before enrolling. To register, please visit the Shanghai Winter School website <http://sydney.edu.au/law/cstudent/shanghai/>. Registration enquiries law.caplus@sydney.edu.au Enrolment enquiries law.postgraduate@sydney.edu.au This unit will provide students with an overall picture of the modern Chinese legal system. It will develop a perception of its unique character by tracing its role through major social epochs and the role of law in a socialist market economy. It will examine the concept of law as a political function and the implementation of law, not so much through courts, as through administrative fiat and authority, making law essentially a function of politics and administration. The unit will illustrate these perceptions through the study of various legal regimes. Lecture topics may include: Chinese legal history; Chinese legal system; criminal law and procedure; constitutional law; civil law and procedure; legal profession; environmental law; contract law; property law; company law; intellectual property law; foreign joint ventures; arbitration and mediation; foreign trade law and taxation law. The coursework component of the unit is residential and is conducted on the campus of the East China University of Politics & Law in Shanghai, People's Republic of China. Lectures will be given in English in Shanghai by professors from the East China University of Politics & Law. There will also be a visit to a Chinese law firm. **Degrees:** M.Int.Bus. & Law, M.Int.Bus. & Law, S.J.D., M.I.L., LL.M., M.B.L., M.Glob.L., Grad.Dip.Law, Law PG Cross-Inst

LAWS6003 Reproduction and the Law

Credit points: 6 **Teacher/Coordinator:** Prof Belinda Bennett **Session:** Int August **Classes:** Aug 27-30 (9-5) **Assessment:** class presentation and paper (20%) and 8000wd essay (80%) **Campus:** Camperdown/Darlington **Delivery Mode:** Block Mode This unit considers legal issues relating to reproduction. Topics to be covered in the unit include: wrongful birth, prenatal injury, wrongful life, abortion, the rights of the foetus, reproductive technology (including legal regulation, eligibility for treatment, access to information, research using embryos, surrogacy), sterilisation and intellectual disability. The unit will aim to situate the legal issues within their broader social context, with reading materials interdisciplinary and comparative in nature. Student participation in class discussion will be expected. **Degrees:** S.J.D., M.H.L., LL.M., M.Glob.L., Grad.Dip.Law, Grad.Dip.H.L., Grad.Dip.Pub.H.L., Law PG Cross-Inst

LAWS6008 Takeovers and Reconstructions

Credit points: 6 **Teacher/Coordinator:** Dr R P Austin (Coordinator) **Session:** Semester 1 **Classes:** 1x2-hr lecture/week **Assumed knowledge:** presumption of law degree with corporate law knowledge **Assessment:**

2xclass assignments (20%) and 2hr open-book exam (80%) **Campus:** St James **Delivery Mode:** Normal (lecture/lab/tutorial) Day This unit will involve detailed study of the requirements of chapters 6A, 6B and 6C of the Corporations Act with respect to the acquisition of company shares and takeovers. It will also examine selected aspects of the law concerning corporate reconstruction where a change of control is involved (including schemes of arrangement, selective reductions of capital and other forms of compulsory acquisition of minority holdings). The unit is taught by lawyers with extensive experience in takeovers and reconstructions. **Degrees:** S.J.D., LL.M., M.B.L., M.Glob.L., Grad.Dip.Law, Grad.Dip.Corp.Law, Grad.Dip.Comm.Law, Law PG Cross-Inst

LAWS6011 Administrative Law

Credit points: 6 **Teacher/Coordinator:** Prof Margaret Allars **Session:** Int March **Classes:** Mar 16, 17 & Apr 20, 21 (9-5) **Assessment:** One 7500wd essay or two 3750wd essays (100%) **Campus:** Camperdown/Darlington **Delivery Mode:** Block Mode **Note:** compulsory for MALP students The aim of the unit is to develop a critical perspective upon the accountability of government decision-makers. The unit examines theoretical frameworks for analysis of a range of issues concerning accountability, with reference to relevant principles of administrative law. Part 1 of the unit examines the concept of administrative discretion, alternative theories of the rule of law, human rights, ethics and managerialism. Part 2 of the unit is concerned with the accountability of the executive branch of government. It includes analysis of separation of powers and the doctrine of ministerial responsibility, merits review tribunals, investigative tribunals and tribunal procedure. Part 3 of the unit examines theories of participatory democracy, with reference to relevant legal principles drawn from procedural fairness, rules of standing and consultation requirements in rule making. Part 4 examines theories of open government, with reference to statutory duties to give reasons for decisions and freedom of information legislation. Part 5 examines the proper scope of administrative law by discussion of the issue of its extension to government business enterprises which are corporatised, privatised or contracted out. **Degrees:** S.J.D., M.Env.Law, M.A.L.P., LL.M., M.Glob.L., Grad.Dip.Law, Grad.Dip.Env.Law, Law PG Cross-Inst, M.Envi.Sci.Law

LAWS6014 Advanced Financing Techniques

Credit points: 6 **Teacher/Coordinator:** Prof Jennifer Hill (Coordinator) **Session:** Semester 2 **Classes:** 1x2-hr lecture/week **Assumed knowledge:** LAWS6038 or LAWS6046 or law degree with good background in Australian corporate law **Assessment:** class presentations (2x20%) and 2hr exam (60%) **Campus:** St James **Delivery Mode:** Normal (lecture/lab/tutorial) Day This unit deals with commonly used commercial structures and techniques for large financings. The unit also examines the use of these structures and techniques in a range of commercial settings, such as takeovers and public/private infrastructures, and in the international context. It is an advanced unit, which assumes a good general knowledge of Australian corporate law and corporate finance. Particular topics covered include: loan syndication; domestic and off-shore capital markets; lending to a trust; takeover finance; derivatives; public/private infrastructure finance; project finance; listed property trusts; documentation in advanced financing transactions. The unit is taught by a team of legal experts with extensive experience in financing techniques. **Degrees:** S.J.D., LL.M., M.B.L., M.Glob.L., Grad.Dip.Law, Grad.Dip.Corp.Law, Grad.Dip.Com.Law, Law PG Cross-Inst

LAWS6022 Internatl & Comparative Labour Law

Credit points: 6 **Teacher/Coordinator:** Dr Kamala Sankaran **Session:** Int July **Classes:** Jul 6, 7 & 13, 14 (9-5) **Assessment:** 2500wd assignment (30%) and 6000wd essay (70%) **Campus:** Camperdown/Darlington **Delivery Mode:** Block Mode The objectives of this unit are: understand the concept of informality; the dichotomy of the formal and informal sectors and their overlaps, challenges confronting labour law in dealing with informal employment relationships; labour law in a rapidly developing India; the changes in the employment relationships in the formal sector; ensuring decent work and social justice in South Asia; role of ILO standards. Labour law governing formal employment relationships: role of the state - tripartism and adjudication; legislative and judicial response to India's economic development; increased use of contract labour and casual labour; labour law in the IT/business process outsourcing sectors and in EPZs; ILO standards and labour law governing the informal economy; social protection to vulnerable workers. **Degrees:** S.J.D., M.L.L.R, M.I.L., LL.M., M.Glob.L., Grad.Dip.Law, Grad.Dip.I.L., Law PG Cross-Inst

LAWS6030 Corporate Taxation

Credit points: 6 **Teacher/Coordinator:** Prof Richard Vann (S103) **Sessions:** Semester 1, Semester 1a, Int March **Classes:** Mar 21-23 & 26, 27 (9-3.30) - Law School (S103) and Taxation Training Program (S1 & S7) **Assessment:** classwork (30%) and 2hr exam or 7000wd essay (70%) **Campus:** Camperdown/Darlington **Delivery Mode:** Normal (lecture/lab/tutorial) Day, Block Mode The unit consists of a detailed examination of the tax rules applied to companies and shareholders in a domestic setting in Australia. The goals of the unit are to develop an understanding of the policies, detailed rules and current practical problems involved in the taxation of companies and shareholders and to explore why different solutions are used for these entities when compared to partnerships and trusts. Upon successful completion of this unit, a student should have an advanced understanding of the policies underlying Australia's corporate tax system, as well as a detailed knowledge of the technical detail involved in the rules for the taxation of companies and their shareholders in Australia. Topics to be covered include: the policy and problems of taxing companies and shareholders; taxation of company distributions and dealings with interests in companies, including liquidations and share repurchases; imputation, including dividends passing through partnerships and trusts and intercorporate dividends; debt equity classification; shareholder rules; dividend and capital streaming and stripping; and value shifting.

Degrees: S.J.D., M.Tax., LL.M., M.B.L., M.Glob.L., Grad.Dip.Law, Grad.Dip.Tax, Grad.Dip.Corp.Law., Law PG Cross-Inst

LAWS6032 Crime Research and Policy

Credit points: 6 **Teacher/Coordinator:** Ms Jenny Barga, Assoc Prof Judith Cashmore **Session:** Semester 1 **Classes:** 1x2-hr lecture/week **Assessment:** 2000wd research problem (30%) and 5000wd research proposal (70%) **Campus:** Camperdown/Darlington **Delivery Mode:** Normal (lecture/lab/tutorial) Day
Note: compulsory for MCrim and GradDipCrim students and co-requisite for other criminology units. The unit replaced LAWS6032 Crime Research and Policy 1.

This unit provides an examination of research methods in the context of criminology. The relationship between theory and methodology is explored. The production of knowledge about crime is critically assessed. Sources and forms of crime data are discussed and their significance is assessed. Research design, evaluation and analysis are also studied.

Degrees: S.J.D., LL.M., M.Crim., M.Glob.L., Grad.Dip.Law, Grad.Dip.Crim., Law PG Cross-Inst

LAWS6034 Criminal Liability

Credit points: 6 **Teacher/Coordinator:** Mr Graeme Coss **Session:** Semester 2 **Classes:** 1x2-hr lecture/week **Assessment:** 3000wd essay (50%) and 2hr open-book exam (50%) **Campus:** Camperdown/Darlington **Delivery Mode:** Normal (lecture/lab/tutorial) Day
Note: This unit is an introduction to aspects of criminal law for non-lawyers and is therefore not available to students who have completed a law degree or completed criminal law at a tertiary level. Compulsory for MCrim students In this unit, students will examine the ways in which criminal liability is established, and the central factors governing liability; analyse the general principles of criminal law, constituent elements of particular offences and the definition of a range of defences from historical, theoretical and practical context perspectives, with a special focus on male violence; and gain an appreciation of the tensions and perceived prejudices inherent in the criminal law and the criminal justice system. The unit will cover the following: phenomenon of criminal law; violence; capacity; proof; attempts and accessory liability; offences: sexual and non-sexual assault, murder and manslaughter; defences: provocation and self-defence, 'insanity' and substantial impairment, automatism, infanticide, intoxication, necessity and duress.

Degrees: M.Crim., M.Glob.L., Grad.Dip.Crim.

LAWS6035 Criminal Procedures

Credit points: 6 **Teacher/Coordinator:** Adj Prof Nicholas Cowdery **Session:** Int March **Classes:** Mar 9, 10 & 23, 24 (9-5) **Assessment:** take-home exam (60%) and 3000wd essay (40%) **Campus:** Camperdown/Darlington **Delivery Mode:** Block Mode
This unit aims to examine the processes of the criminal justice system through a consideration of its successive and main stages and of the roles of the principal participants in the system, particularly the police, suspects, accused persons, prosecutors, defence counsel, judges and experts. The focus of the unit will be the processes of criminal justice in New South Wales as well as the rest of Australia. The unit cover a range of topics, and these are likely to include: coronial proceedings; the interrogation of suspects and accused persons; search and seizure; the issue of arrest and custody; electronic surveillance; committal proceedings; the parties in a trial; the admissibility of confessions; the question of illegally and improperly obtained evidence; the jury; sentencing; and appeal proceedings.

Degrees: S.J.D., LL.M., M.Crim., M.Glob.L., Grad.Dip.Law, Grad.Dip.Crim., Law PG Cross-Inst

LAWS6037 International Import/Export Laws

Credit points: 6 **Teacher/Coordinator:** Adj Prof Alan Bennett **Session:** Semester 1 **Classes:** 1x2-hr lecture/week **Assessment:** class work (40%) and assignment (60%) **Campus:** St James **Delivery Mode:** Normal (lecture/lab/tutorial) Day
The unit is a comparative study of international customs law and administrations and is based on examining some of the practical difficulties associated with the implementation of new customs laws in various jurisdictions. The Kyoto convention, which sets out the minimum requirements of any new customs law, is examined in some detail focusing in particular on: customs control; customs declarations; administrative penalties; customs securities; transparency and customs rulings; risk management initiatives etc. The unit also examines the international customs harmonised tariff illustrating the structure, notes and in particular, the rules for interpretation of the tariff. The WTO customs valuation methodologies are also studied (from Article VII of the GATT) with particular emphasis given to the transaction value method of customs valuation. The treatment of management fees, royalties, commissions, production assist costs, research and development expenditure and other difficult areas are also reviewed. Article VI of the GATT, which makes provision for anti-dumping law, is also considered providing practical examples of how this law operates in various jurisdictions.

Degrees: M.Int.Bus. & Law, M.Int.Bus. & Law, S.J.D., M.Tax., M.Int.Tax., M.I.L., LL.M., M.B.L., M.Glob.L., Grad.Dip.Law, Grad.Dip.Tax, Grad.Dip.Corp.Law, Grad.Dip.Comm.Law, Grad.Dip.Int.Bus.L., Grad.Dip.I.L., Law PG Cross-Inst

LAWS6039 Discrimination in the Workplace

Credit points: 6 **Teacher/Coordinator:** Dr Belinda Smith **Session:** Int Sept **Classes:** Intro Class: Aug 21 (6-8) then Sep 6, 7 & 20, 21 (9-5) **Assessment:** class participation (depending on enrolments) (20%) and problem assignment (30%) and essay (50%) **Campus:** Camperdown/Darlington **Delivery Mode:** Block Mode
Note: MLLR students may enrol in this unit before completing LAWS6071 In this unit we examine the nature of discrimination in the workplace and the legal response to it in Australia. We start by considering the theoretical perspectives on equality that underpin our legislation and ideas about effective regulation. We then examine how anti-discrimination law is applied in respect of a number of different grounds of discrimination - such as sex, race, disability, and family responsibilities - reviewing recent cases and

current issues. We will also discuss enforcement mechanisms and processes under anti-discrimination legislation and what, if any, effect the legislation has had on workplace processes and culture.

Degrees: S.J.D., M.L.L.R., LL.M., M.Glob.L., Grad.Dip.Law., Law PG Cross-Inst

LAWS6043 Environmental Impact Assessment Law

Credit points: 6 **Teacher/Coordinator:** Ms Nicola Franklin **Session:** Int Sept **Classes:** Aug 27, 28 & Sep 3, 4 (9-5) **Assessment:** 4000wd essay (50%) and take-home exam (50%) **Campus:** Camperdown/Darlington **Delivery Mode:** Block Mode
This unit has three fundamental aims. The first is to provide a sound analysis of Environmental Impact Assessment (EIA) procedures in NSW and at the Commonwealth level. The second aim is to develop a critical understanding of EIA as a distinctive regulatory device by examining its historical, ethical and political dimensions as well as relevant aspects of legal theory. The third and ultimate aim is to combine these doctrinal and theoretical forms of knowledge so we can suggest possible improvements to the current practice of EIA in Australia.

Degrees: S.J.D., M.Env.Law, M.A.L.P., LL.M., M.Glob.L., Grad.Dip.Law, Grad.Dip.Env.Law., Law PG Cross-Inst, M.Envi.Sci.Law

LAWS6044 Environmental Law and Policy

Credit points: 6 **Teacher/Coordinator:** Adj Prof Gerry Bates (S103), Ms Susan Shearing (S108) **Sessions:** Int March, Int August **Classes:** S103: Mar 19, 20 & 26, 27 (9-5) and S108: Aug 9, 10 & 23, 24 (9-5) **Assumed knowledge:** LAWS6252 or law degree from a common law jurisdiction **Assessment:** 4000wd essays (2x50%) **Campus:** Camperdown/Darlington **Delivery Mode:** Block Mode
Note: Environmental Law students must complete LAWS6252 and this compulsory unit prior to enrolling in other law elective units The aim of the unit is to introduce students to overarching themes in environmental law and policy as a foundation to their more detailed studies for the Environmental Law Program. This is an overview unit addressing a number of environmental issues at various levels of analysis; such as policy making, implementation of policy and dispute resolution. The concept of ecologically sustainable development and its implications for environmental law and policy is a continuing theme. The unit is designed to develop multi-dimensional thinking about environmental issues and the strategies needed to address them. The unit provides a broad background of the political and economic issues in so far as they are related to the legal issues involved.

Degrees: S.J.D., M.Env.Law, M.A.L.P., LL.M., M.Glob.L., Grad.Dip.Law, Grad.Dip.Env.Law., Law PG Cross-Inst, M.Envi.Sci.Law

LAWS6046 Equity Financing

Credit points: 6 **Teacher/Coordinator:** Prof Jennifer Hill (Coordinator) **Session:** Semester 1 **Classes:** 1x2-hr lecture/week **Assumed knowledge:** presumption of law degree with corporate law knowledge **Assessment:** class presentations (2x20%), 2hr exam (60%) **Campus:** Camperdown/Darlington **Delivery Mode:** Normal (lecture/lab/tutorial) Day
This unit focuses on the corporate law aspects of equity fundraising. At a theoretical level, this unit is underpinned by the privileged position of equity within corporate law. However, the unit also has a strongly commercial approach. Particular topics covered include: accounting standards, profits and auditors' duties; dividends; incorporated joint ventures and strategic alliances; unincorporated joint ventures and strategic alliances; profits and dividends; capital restructuring - a comparative analysis of transactions affecting share capital; regulated financial transactions under chapter 2E of the Corporations Act; corporate reconstructions and schemes of arrangement; underwriting and the role of regulators; issues in comparative equity finance; private equity and venture capital. The unit is taught by a team of lawyers with extensive experience in financing. Note that application of the disclosure provisions to corporate fundraising is covered in the unit LAWS6100 Corporate Fundraising.

Degrees: S.J.D., LL.M., M.B.L., M.Glob.L., Grad.Dip.Law, Grad.Dip.Corp.Law, Grad.Dip.Comm.Law., Law PG Cross-Inst

LAWS6047 Law of the Sea

Credit points: 6 **Teacher/Coordinator:** Assoc Prof Tim Stephens **Session:** Int May **Classes:** May 17, 18 & 24, 25 (9-5) **Assessment:** 5000wd essay (60%) and take-home exam (40%) **Campus:** Camperdown/Darlington **Delivery Mode:** Block Mode
The oceans cover two-thirds of the world's surface, and are vital to international commerce, are a store of important living and non-living resources, and provide indispensable environmental services including stabilising the global climate system. This unit reviews the major areas of the law of the sea as it has developed over the centuries. The unit takes as its focus the 'constitution' of the oceans, the 1982 UN Convention on the Law of the Sea and also considers a range of other international conventions and agreements, and current state practice. Each of the major maritime zones is assessed, and there is also a detailed review of several sectoral issues, including the protection of the marine environment, fisheries, navigational rights and freedoms, and military uses of the oceans. Where appropriate, reference will be made throughout the unit to relevant Australian law and practice, and to other state practice in the Asia Pacific Region.

Degrees: S.J.D., M.Env.Law, M.I.L., LL.M., M.Glob.L., Grad.Dip.Law, Grad.Dip.Env.Law, Grad.Dip.I.L., Law PG Cross-Inst, M.Envi.Sci.Law

LAWS6048 Explaining Crime

Credit points: 6 **Teacher/Coordinator:** Dr Murray Lee **Session:** Semester 1 **Classes:** 1x2-hr lecture/week **Assessment:** take-home exam (40%) and 3500-4000wd essay (60%) **Campus:** Camperdown/Darlington **Delivery Mode:** Normal (lecture/lab/tutorial) Day
Note: compulsory for MCrim and GradDipCrim students and co-requisite for other criminology elective units This unit examines the relevance of theory to the process of explaining crime as a social phenomenon. It will selectively analyse the history of criminological thought. Special attention will be given to the cross-disciplinary nature of efforts to understand crime, criminality and their causes. A significant section of the unit will deal with contemporary approaches to criminological explanation including the influence of feminism

and postmodernism. Contemporary theorists such as Foucault, Garland and Braithwaite will also be considered. The unit will endeavour to make explicit the links between criminological theory and the development of public policy. *Degrees: S.J.D., LL.M., M.Crim., M.Glob.L., Grad.Dip.Law, Grad.Dip.Crim., Law PG Cross-Inst*

LAWS6052 Govt Regulation, Health Policy & Ethics

Credit points: 6 **Teacher/Coordinator:** Prof Cameron Stewart **Session:** Int Sept **Classes:** Aug 23, 24 & Sep 13, 14 (9-5) **Assessment:** 7500wd essay (100%) or 3750wd essays (2x50%) **Campus:** Camperdown/Darlington **Delivery Mode:** Block Mode

Note: MHL students may select this unit as one of the three compulsory units required in addition to LAWS6252 or LAWS6881.

This unit examines government regulation of health care, drugs, resource allocation, medical research and professional practice. With regard to each area of government decision-making, issues are analysed by reference to the interplay between social goals, human rights, legal rights and ethical considerations. Topics covered include the constitutional and statutory sources of government power with respect to health care: regulatory models and reform of public health legislation; therapeutic goods administration; health insurance; pharmaceutical benefits and the pharmacy industry; immunisation, notifiable diseases and public health emergencies; human tissue legislation; discipline of health professionals; health care complaints tribunals; a right to health care; ethical theories in law and medicine; the ethics of human experimentation; and ethics committees.

Degrees: S.J.D., M.H.L., M.A.L.P., LL.M., M.Glob.L., Grad.Dip.Law, Grad.Dip.H.L., Grad.Dip.Pub.H.L., Law PG Cross-Inst

LAWS6054 Health Care and Professional Liability

Credit points: 6 **Teacher/Coordinator:** Assoc Prof Kristin Savell, Prof Cameron Stewart **Session:** Int June **Classes:** Jun 1, 2 & 8, 9 (9.30-5) **Assessment:** class presentation (10%) and 2000wd class paper (30%) and 5000wd take-home exam (60%) **Campus:** Camperdown/Darlington **Delivery Mode:** Block Mode

Note: Compulsory for GradDipPubHL students. MHL students may select this unit as one of the three compulsory units required in addition to LAWS6252 or LAWS6881.

This unit will provide a foundation for further study in health law by examining laws that govern the liability of health professionals across a range of fields (eg criminal law, torts, contract, discrimination law) and mechanisms for the oversight and disciplining of health professionals. The unit will explore the role of law as a means to regulate/set limits on the conduct of health professionals and examine debates about the proper role of law in regulating the provision of health care. It will also critically evaluate law reform initiatives with respect to legal liability, complaints mechanisms and disciplinary action against health professionals where relevant. Topics to be covered may include: Legal and non-legal methods of regulating the practices of health professionals; the limits imposed on health professionals by the criminal law; the principles of negligence and their application to the liability of health professionals; contractual and fiduciary duties of health professionals; liability of hospitals; discrimination in health care; procedures for complaints against health professionals; disciplinary proceedings and the statutory reporting obligations of health professionals.

Degrees: S.J.D., M.H.L., LL.M., M.Glob.L., Grad.Dip.Law, Grad.Dip.H.L., Law PG Cross-Inst

LAWS6058 Information Rights in Health Care

Credit points: 6 **Teacher/Coordinator:** Prof Belinda Bennett **Session:** Int March **Classes:** Mar 16, 23 & May 11, 18 (9-5) **Prohibitions:** LAWS3452, LAWS5152 and students who have previously completed Medical Law in their undergraduate degree **Assessment:** class presentation and 1500wd paper (20%) and take-home exam (80%) **Campus:** Camperdown/Darlington **Delivery Mode:** Block Mode

Note: Compulsory for GradDipHL students. MHL students may select this unit as one of the three compulsory units required in addition to LAWS6252 or LAWS6881.

This unit deals with the rights to information in the modern health care system. The unit will focus on consent to treatment and will include discussion of: capacity, the duty of health professionals to disclose the risks of treatment, refusal of treatment and emergency health care. The unit will also examine duties of confidentiality in health care, ownership of and access to medical records, and information rights in medical research.

Degrees: S.J.D., M.H.L., LL.M., M.Glob.L., Grad.Dip.Law, Grad.Dip.H.L., Law PG Cross-Inst

LAWS6059 International Business Law

Credit points: 6 **Teacher/Coordinator:** Prof Peter Gillies **Session:** Int Sept **Classes:** Aug 31, Sep 1 & Sep 17, 18 (9-5) **Assumed knowledge:** LAWS6252 or law degree from a common or civil law jurisdiction **Assessment:** 3500wd assignment (50%) and 2hr 20min exam (50%) **Campus:** Camperdown/Darlington **Delivery Mode:** Block Mode *Note: Compulsory for MIntBus&L students.*

The objective of this unit is to provide students with an introduction to a number of areas of international business law and to provide an opportunity to study some of those areas in more detail. The unit begins with an overview of the scope of the law relating to international transactions. The core topics are international sale of goods, carriage of goods, international payments and financing of international sales and methods of doing business in foreign markets, including through agents and distributors and international licensing transactions. Other topics may vary from year to year and may include an introduction to international tax, elementary customs law and international dispute settlement.

Textbooks

Robin Burnett, Law of International Business Transactions (The Federation Press, 2004, 3rd ed)

Degrees: M.Int.Bus. & Law, M.Int.Bus. & Law, S.J.D., M.I.L., LL.M., M.B.L., M.Glob.L., Grad.Dip.Law, Grad.Dip.Corp.Law, Grad.Dip.Comm.Law, Grad.Dip.Int.Bus.L., Grad.Dip.I.L., Law PG Cross-Inst

LAWS6060 International Commercial Arbitration

Credit points: 6 **Teacher/Coordinator:** Prof Luke Nottage **Session:** Int April **Classes:** Apr 20, 21 & May 11, 12 (9-5) **Assessment:** take-home exam (40%) and 5000wd essay (60%) **Campus:** Camperdown/Darlington **Delivery Mode:** Block Mode

This unit introduces students to the preferred method of resolving international commercial disputes. It has two primary aims, being to outline key principles in the law of international commercial arbitration, and also to discuss a range of cutting-edge legal issues raised in international commercial arbitration, to nurture a sophisticated understanding of the historical development, and likely future path, of ICA systems in relation to other forms of dispute resolution in trans-border contexts. Related, secondary aims are to develop an ability to discuss or argue arbitration law issues with colleagues, and to gain familiarity with key reference materials, expertise in conducting independent research, and skills in effective legal writing in this field. The unit considers how international commercial arbitration relates to litigation and ADR, surveys some of the most important transnational and Australian "legislative" instruments, and introduces major trends. It goes on to consider in detail specific issues including the arbitration agreement; the constitution of the arbitral tribunal; applicable law issues, including consideration of the law governing the arbitration, the role of the seat, and the role of national courts; procedure in international arbitration; the jurisdiction of the arbitral tribunal; the role of arbitral institutions; the arbitral award and challenges to the award; and recognition and enforcement of the award.

Degrees: M.Int.Bus. & Law, M.Int.Bus. & Law, S.J.D., M.I.L., LL.M., M.B.L., M.Glob.L., Grad.Dip.Law, Grad.Dip.Corp.Law, Grad.Dip.Comm.Law, Grad.Dip.Int.Bus.L., Grad.Dip.I.L., Law PG Cross-Inst

LAWS6061 International Environmental Law

Credit points: 6 **Teacher/Coordinator:** Em Prof Ben Boer **Session:** Int April **Classes:** Apr 16, 17 & 23, 24 (9-5) **Assessment:** 2500wd problem-based assignment (30%) and 5500wd essay (70%) **Campus:** Camperdown/Darlington **Delivery Mode:** Block Mode

Note: Students seeking further study in international environmental law may undertake LAWS6922 Advanced International Environmental Law.

This unit aims to provide students with an overview of the development of international environmental law throughout the twentieth century. Attention will primarily be devoted to the international law and policy responses to global and regional environmental and resource management issues. Basic principles will be discussed prior to taking a sectoral approach in looking at the application of international environmental law in specific issue areas. The unit includes material on implementation of international environmental law in the Asia Pacific region. Relevant Australian laws and initiatives will be referred to from time to time. The focus is on law and policy that has been applied to deal with environmental problems in an international and transboundary context.

Degrees: S.J.D., M.Env.Law, M.I.L., LL.M., M.Glob.L., Grad.Dip.Law, Grad.Dip.Env.Law, Grad.Dip.I.L., Law PG Cross-Inst, M.Envi.Sci.Law

LAWS6062 International Law-the Use of Armed Force

Credit points: 6 **Teacher/Coordinator:** Assoc Prof Fleur Johns **Session:** Int August **Classes:** Aug 3, 4 & 10, 11 (9-5) **Prohibitions:** LAWS3483, LAWS5183 **Assessment:** 8000wd essay (100%) **Campus:** Camperdown/Darlington **Delivery Mode:** Block Mode

The objectives of this unit are: understand and gain a sound knowledge of the legal principles and rules governing the resort to armed force by States; be able to analyse a complex factual situation, recognise the issues arising, and determine the international legal rights and responsibilities of the parties involved; and gain awareness and understanding of current issues relating to the use of force and United Nations practice in matters affecting international peace and security. The legal principles and rules governing the resort to force by States; operation of the relevant provisions of the United Nations Charter dealing with the use of force, self-defence and collective security; relevant state practice in interpreting the United Nations Charter; the legal issues arising from the use of force against terrorism; the "Bush Doctrine" of pre-emptive self-defence and its legality under international law; legality of the use of force to assist rebels; the role of the United Nations in peace-building, peace-making, peace-keeping, and peace enforcement; and the legal issues arising from humanitarian intervention and the emerging principle of the responsibility to protect. This unit does not cover the law regulating the conduct of armed conflict (jus in bello), which is the subject of the separate unit LAWS6218 International Humanitarian Law.

Degrees: S.J.D., M.I.L., LL.M., M.Glob.L., Grad.Dip.Law, Grad.Dip.I.L., Law PG Cross-Inst

LAWS6065 Pollution and Contaminated Land

Credit points: 6 **Teacher/Coordinator:** Adj Prof Gerry Bates, Em Prof Zada Lipman **Session:** Int October **Classes:** Oct 19, 20 & 26, 27 (9-5) **Assessment:** class participation (10%) and 8000-9000wd assignment (90%) **Campus:** Camperdown/Darlington **Delivery Mode:** Block Mode

The aim of this unit is to examine the policy and legislative approaches to pollution control and the wide range of management tools employed to prevent harm and promote ecologically sustainable development. The unit will cover topics such as environmental management; economic instruments; criminal liability; corporate and director's liability; due diligence; waste management; hazardous substances; contaminated land and marine pollution.

Textbooks

R Lyster, Z Lipman, N Franklin, G Wiffen, L Pearson, 'Environmental and Planning Law in NSW', 3rd ed Fed Press 2012

Degrees: S.J.D., M.Env.Law, LL.M., M.Glob.L., Grad.Dip.Law, Grad.Dip.Env.Law, Law PG Cross-Inst

LAWS6066 Discretion in Criminal Justice

Credit points: 6 **Teacher/Coordinator:** Adj Prof Nicholas Cowdery **Session:** Int August **Classes:** Aug 10, 11 & 24, 25 (9-5) **Assessment:** take-home exam (60%) and essay (40%) **Campus:** Camperdown/Darlington **Delivery Mode:** Block Mode

This unit looks at the ways in which the exercise of discretionary judgment arises for consideration in the course of the criminal justice process and the ways in which that judgment should be exercised at each step. It deals with

each stage from the reporting or observation of crime, through investigation, arrest, charging, bail, plea, hearing, appeal, retrial and publicity. It describes how actors at each step (citizens, police, prosecutors and judges) confront decision making, the laws (legislation, common law) and rules (prosecution guidelines, memoranda and procedures) that apply and provides examples of the exercise of such discretions. It also looks at the place of public commentary (personal, the media and political) in the process. The unit explores nuances in the conduct of any criminal prosecution aside from the application of the letter of the law.

Degrees: S.J.D., LL.M., M.Crim., M.Glob.L., Grad.Dip.Law, Grad.Dip.Crim., Law PG Cross-Inst

LAWS6068 Judicial Review-Principle, Pol & Procedure

Credit points: 6 **Teacher/Coordinator:** Prof Margaret Allars **Session:** Int August **Classes:** Aug 17, 18 & Sep 21, 22 (9-5) **Assessment:** Either a 7500wd essay or two 3750wd essays (100%) **Campus:** Camperdown/Darlington **Delivery Mode:** Block Mode

This unit provides a specialised and thematic account of judicial review as one means for making the executive branch of government accountable. It aims to develop an understanding of trends reflected in principles relating to justiciability, standing to seek review, excess of power and abuse of power, and procedural fairness. A critical evaluation of the policy choices which account for development of common law principles is encouraged. The procedures and remedial powers available under statutes which reform the procedure for gaining judicial review are examined, with judicial and administrative procedure compared. A consistent theme is the development of a critical appreciation of the proper relationship between the judicial and executive branches of government.

Degrees: S.J.D., M.Env.Law, M.A.L.P., LL.M., M.Glob.L., Grad.Dip.Law, Grad.Dip.Env.Law, Law PG Cross-Inst, M.Env.Sci.Law

LAWS6071 Labour Law

Credit points: 6 **Teacher/Coordinator:** Dr Troy Sarina **Session:** Int March **Classes:** Intro Class: Mar 7 (6-8) then Mar 16, 17 & 30, 31 (9-5)

Prohibitions: WORK6116 **Assumed knowledge:** MLLR students must either have completed or be concurrently enrolled in LAWS6252 Legal Reasoning and the Common Law System (compulsory) as well as this unit before undertaking the labour law elective units **Assessment:** class participation (10%) and 3000wd essay (40%) and take-home exam (50%) **Campus:** Camperdown/Darlington **Delivery Mode:** Block Mode

Note: The unit is compulsory for students enrolled in the MLLR. However, the requirement to take this unit may be waived upon application to the Program Coordinator if the student can demonstrate proficiency in the unit objectives gained through completing a recent undergraduate law unit in labour law or work experience.

The purpose of this unit is to introduce students to the principles of labour law. It is designed specifically for MLLR students who do not have a law degree or for any students with a law degree who have not recently undertaken an undergraduate labour law course. The goal of the unit is to equip students with the fundamental principles of labour law that they will need to undertake more advanced labour law units within the MLLR and LL.M Degrees. It provides an introduction to the contract of employment and the relevant principles governing the employment relationship, including termination of employment. It then introduces students to the workplace relations framework including collective bargaining and industrial conflict; the modern role of awards and statutory regulation of wages and conditions.

Degrees: S.J.D., M.L.L.R, LL.M., M.Glob.L., Grad.Dip.Law, Law PG Cross-Inst

LAWS6077 Legal Research 1

Credit points: 6 **Teacher/Coordinator:** Prof Terry Carney **Session:** Semester 1 **Classes:** 1x2-hr lecture/week **Assessment:** class participation (10%) and 4000-6000wd essay (60%) and critical analysis of another student's research strategy essay (30%) **Campus:** Camperdown/Darlington **Delivery Mode:** Normal (lecture/lab/tutorial) Day

Note: compulsory for all research degree students. The unit must be undertaken within the first year of candidature. It is not available to coursework students

The primary goal of this unit is to develop skills in undertaking a significant piece of legal research at levels of sophistication suitable for examination (in case of thesis students), and/or publication. At the conclusion of the unit it is anticipated that members of the class will be able to conceptualise the issues to be researched; will be able to locate relevant legal and other materials (using both hard copy and electronic bibliographic aids); will be able to place and sustain an argument (a 'thesis'); and will be able to assess both the quality of that work and to judge the merits of other approaches to planning such research. It is expected that students will become familiar with using comparative materials (both within the federation and international), and will gain a working familiarity with relevant research techniques of other disciplines in the social sciences. The unit aims to encourage debate about the respective merits of different approaches, ethical issues, and the hallmarks of 'quality' research.

Degrees: Ph.D., S.J.D., LL.M., M.Crim.

LAWS6091 Chinese International Taxation

Credit points: 6 **Teacher/Coordinator:** Prof Jinyan Li **Session:** Int March **Classes:** Mar 14-16 & 19, 20 (9-3.30) **Assessment:** take-home exam (100%) **Campus:** Camperdown/Darlington **Delivery Mode:** Block Mode

The object of this unit is to provide an overview of the income tax system of China and a detailed analysis of the most important legislative and treaty rules of China in the area of international income tax, especially in dealings with Australia. Upon successful completion of the unit, students will have an advanced understanding of the policies underlying the Chinese rules for taxing international transactions as well as a detailed knowledge of the principles of income tax law applicable to inbound and outbound transactions. This unit includes a study of: overview of the Chinese income tax system; taxation of inbound investment into China; taxation of outbound investment from China; transfer pricing issues, and China's tax treaties.

Degrees: M.Int.Bus. & Law, M.Int.Bus. & Law, S.J.D., M.Tax., M.Int.Tax., M.I.L., LL.M., M.B.L., M.Glob.L., Grad.Dip.Law, Grad.Dip.Tax, Grad.Dip.Int.Bus.L., Grad.Dip.I.L., Law PG Cross-Inst

LAWS6096 Work Safety

Credit points: 6 **Teacher/Coordinator:** Em Prof Ron McCallum **Session:** Int May **Classes:** Intro Class: Apr 24 (6-8) then May 25, 26 & Jun 1, 2 (9-5) **Assumed knowledge:** LAWS6252 or a law degree from a common law jurisdiction (GradDipPubHL and MLLR students) and LAWS6071 (MLLR students) **Assessment:** class participation (25%) and 6000wd essay (75%) **Campus:** Camperdown/Darlington **Delivery Mode:** Block Mode

This unit of study is on occupational health and safety law. Its main focus has been upon the Occupational Health and Safety Act 2000 (NSW), its federal and state counterparts and the relevant case law. However, if the national model comes into force as planned on 1 January 2012, the unit will shift its focus to the model occupational health and safety statute which will be enacted into law by the State, Territory and Federal parliaments. An examination is also made of the history of safety regulation, the failure of the common law to reduce accidents, the Robens reforms, the employee and employer duties and safety management systems.

Degrees: S.J.D., M.L.L.R, LL.M., M.Glob.L., Grad.Dip.Law, Grad.Dip.Pub.H.L., Law PG Cross-Inst

LAWS6100 Corporate Fundraising

Credit points: 6 **Teacher/Coordinator:** Dr R P Austin (Coordinator) **Session:** Semester 2 **Classes:** 1x2-hr lecture/week **Assumed knowledge:** presumption of law degree with corporate law knowledge **Assessment:** 2xclass assignments (20%) and 2hr open-book exam (80%) **Campus:** St James **Delivery Mode:** Normal (lecture/lab/tutorial) Day

The unit will involve a detailed study of the disclosure provisions and other requirements of chapter 6D of the Corporations Act, with particular focus on their application to the offer of company shares for issue or sale. However, some attention will also be given to listed managed investment schemes regulated under the Financial Services Reform Act. Attention will be paid to additional relevant legal requirements, including the ASX Listing Rules, for initial public offerings and other fundraisings. The unit is taught by lawyers with extensive experience in the field of corporate fundraising.

Degrees: S.J.D., LL.M., M.B.L., M.Glob.L., Grad.Dip.Law, Grad.Dip.Corp.Law, Grad.Dip.Comm.Law, Law PG Cross-Inst

LAWS6105 Child Sexual Abuse: Diverse Perspectives

Credit points: 6 **Teacher/Coordinator:** Dr Rita Shackel, Assoc Prof Judith Cashmore **Session:** Semester 2 **Classes:** 1x2-hr lecture/week

Assessment: 6000wd essay (70%) and take-home exam (30%) **Campus:** Camperdown/Darlington **Delivery Mode:** Normal (lecture/lab/tutorial) Evening

This unit of study examines the socio-legal complexities of responding to child sexual abuse in society. The unit presents students with a theoretical and multidisciplinary framework for understanding and evaluating contemporary issues relevant to child sexual abuse. More specifically the unit of study will analyse the nature of child sexual abuse and the underlying dynamics of such victimisation. Students will critically evaluate different strategies and models directed at identification and prevention of child sexual abuse and critically analyse legal responses to child sexual victimisation.

Degrees: S.J.D., LL.M., M.Crim., M.Glob.L., Grad.Dip.Law, Grad.Dip.Crim., Law PG Cross-Inst

LAWS6107 Tax Litigation

Credit points: 6 **Teacher/Coordinator:** Ms Chloe Burnett **Session:** Semester 1 **Classes:** 1x2-hr lecture/week **Assessment:** 2500wd assignment (30%) and 2hr exam (70%) **Campus:** St James **Delivery Mode:** Normal (lecture/lab/tutorial) Day

The unit will examine the procedural and evidentiary aspects of the process of contesting assessments and collection procedures under Commonwealth taxation laws, as well as other proceedings involving the Commissioner of Taxation. Topics covered include information collection, challenging appeals, evidence, challenging Commissioner's discretions, and recovery of unpaid tax.

Degrees: S.J.D., M.Tax., LL.M., M.B.L., M.Glob.L., Grad.Dip.Law, Grad.Dip.Tax, Law PG Cross-Inst

LAWS6109 UK International Taxation

Credit points: 6 **Teacher/Coordinator:** Adj Prof Malcolm Gammie **Session:** Int May **Classes:** May 23-25 & 28, 29 (9-3.30) **Assessment:** take-home exam or essay (100%) **Campus:** Camperdown/Darlington **Delivery Mode:** Block Mode

This unit covers the domestic provisions of UK income tax and CGT law dealing with international transactions, as well as UK treaties and the impact of EU law on the UK tax system. The UK remains one of Australia's major trading partners. UK taxation thus has significant effects for inbound and outbound investment between Australia and the UK. This unit will be of interest to tax professionals who have dealings with the UK. The objective of the unit is to provide an overview of the income tax system of the UK and a detailed analysis of the most important legislative and treaty rules of the UK in the international income tax area, especially in dealings with Australia. Upon successful completion of the unit, participants will have an advanced understanding of the policies of the UK rules for taxing international transactions as well as a detailed knowledge of the principles of income tax law applicable to inbound and outbound transactions in the UK. The unit includes a study of: 1. Overview of the UK income tax system; 2. Taxation of inbound investment in the UK; 3. Taxation of outbound investment in the UK; 4. Transfer pricing in the UK; 5. UK tax treaties; 6. Australia UK Tax Treaty.

Degrees: M.Int.Bus. & Law, M.Int.Bus. & Law, S.J.D., M.Tax., M.Int.Tax., M.I.L., LL.M., M.B.L., M.Glob.L., Grad.Dip.Law, Grad.Dip.Tax, Grad.Dip.Int.Bus.L., Grad.Dip.I.L., Law PG Cross-Inst

LAWS6112 Law of Tax Administration

Credit points: 6 **Teacher/Coordinator:** Adj Assoc Prof Cynthia Coleman **Session:** Int October **Classes:** Oct 3-5 & 8, 9 (9-3.30) **Assessment:** 3000wd assignment (30%) and 2hr exam (70%) **Campus:** Camperdown/Darlington **Delivery Mode:** Block Mode

Tax Administration is a study of the theoretical and practical issues that arise in the administration of the Australian tax system, concentrating primarily on

the income tax. The unit of study is structured around the key design features of any system of tax administration, namely ascertainment of liability (particularly self assessment), dispute resolution, and collection and recovery of tax. Particular emphasis will be given to the reforms implemented as a result of the Government's Review of Self Assessment. Wherever relevant, the interaction of administration issues with the substantive provisions of the tax law will be considered. Students should gain an understanding of the foundational rules underlying the administration of the income tax laws and a detailed knowledge of the application of those laws to a variety of common dealings between taxpayers and the tax administration.

Degrees: S.J.D., M.Tax., M.A.L.P., M.Int.Tax., LL.M., M.B.L., M.Glob.L., Grad.Dip.Law, Grad.Dip.Tax., Law PG Cross-Inst

LAWS6118 Taxation of Partnerships and Trusts

Credit points: 6 **Teacher/Coordinator:** Prof Michael Dirkis, Adj Prof Karen Rooke **Session:** Int Sept **Classes:** Aug 29-31 & Sep 3, 4 (9-3.30)

Assessment: in-class assessment (30%) and 2hr exam (70%) **Campus:** Camperdown/Darlington **Delivery Mode:** Normal (lecture/lab/tutorial) Day
The objective of this unit is to examine the policy and practical issues that arise in Australia by virtue of the rules for the taxation of income derived through unincorporated entities. The focus is on partnerships, corporate limited partnerships, trusts, unit trusts, deceased estates, corporate unit trusts and public trading trusts. The goals of the unit are to develop a detailed understanding of the policies, technical rules and practical problems involved in the taxation of these arrangements. Upon successful completion of this unit, students should have an advanced understanding of the technical rules underlying the taxation of partnerships and trusts in a variety of forms and in a variety of commercial situations. The unit covers: problems of taxing entities; problems of taxing entities, partnerships and trusts contrasted with companies; classification of entities for tax purposes; taxation of partners; taxation of trusts other than unit trusts and their beneficiaries; taxation of unit trusts and their beneficiaries; taxation of limited partnerships.

Degrees: S.J.D., M.Tax., LL.M., M.B.L., M.Glob.L., Grad.Dip.Law, Grad.Dip.Tax., Law PG Cross-Inst

LAWS6119 The State and Global Governance

Credit points: 6 **Teacher/Coordinator:** Dr Euan MacDonald **Session:** Int August **Classes:** Aug 20, 22 & 27, 29 (9-5) **Assessment:** 1000-2000wd critique of a selected reading (25%), 250wd research essay abstract and one page reading list (10%) and 5000-6000wd research essay (65%) **Campus:** Camperdown/Darlington **Delivery Mode:** Block Mode

Note: This unit replaced LAWS6119 Theories of International Law.

This unit explores ways in which international affairs are governed on a global scale, the significance of international law in that governance, and the roles and capacities of states within global governance. In doing so, the unit introduces candidates to a range of historical and contemporary approaches to understanding the role of law in international affairs. Candidates will have an opportunity to consider these issues in relation to current events of global import. For these purposes, both an interest in international affairs and familiarity with the principles and institutions of public international law are desirable. The sorts of questions with which the unit is concerned may include the following: Does global governance comprise a system and, if so, what are its critical features? What is the role of states in this system? In what sense is this system lawful? Is global governance democratic? What is the role of violence in the contemporary global order? How does/should international law seek to address pressing transnational issues, such as poverty, environmental degradation, global health threats and human rights abuses?

Degrees: S.J.D., M.I.L., LL.M., M.Glob.L., Grad.Dip.Law, Grad.Dip.I.L., Law PG Cross-Inst

LAWS6123 Transfer Pricing in International Tax

Credit points: 6 **Teacher/Coordinator:** Ms Melissa Heath **Session:** Int Sept **Classes:** Sep 5-7 & 10, 11 (9-3.30) **Assessment:** 3000wd assignment (30%) and 2hr exam (70%) **Campus:** Camperdown/Darlington **Delivery Mode:** Block Mode

The unit examines transfer pricing law and practice in Australia in the area of international taxation. Transfer pricing continues to be rated by tax directors as the number one international tax issue they face. The release of the OECD Transfer Pricing Guidelines for Multinational Enterprises and Tax Administrations in 1995 and the ongoing updates, the rewrite of the US Regulations over the period 1988-1994, and the substantial transfer pricing rulings program of the Australian Taxation Office, have together significantly increased the international and Australian materials available on the law and practice in transfer pricing. Students will gain an understanding of the policy, and detailed application of transfer pricing rules within Australia and an understanding of the international framework.

Degrees: M.Int.Bus. & Law, M.Int.Bus. & Law, S.J.D., M.Tax., M.Int.Tax., M.I.L., LL.M., M.B.L., M.Glob.L., Grad.Dip.Law, Grad.Dip.Tax, Grad.Dip.Int.Bus.L., Grad.Dip.I.L., Law PG Cross-Inst

LAWS6125 Taxation of Corporate Finance

Credit points: 6 **Teacher/Coordinator:** Prof Graeme Cooper **Session:** Semester 1 **Classes:** 1x2-hr lecture/week **Assessment:** classwork (30%) and 2hr exam or 7000wd essay (70%) **Campus:** St James **Delivery Mode:** Normal (lecture/lab/tutorial) Day

The unit will analyse the current law on the tax treatment of the principal forms of raising corporate finance from sources both in Australia and offshore, in Australian and foreign currencies, and of hedging the various exposures that a taxpayer may have from its fund-raising and investments. The unit will consider the taxpayer's position both within and outside the TOFA regime. Common forms of innovative financial instruments will be examined, including debt, equity and hybrid instruments, forward and futures contracts, derivative instruments, and various asset-based forms of corporate financing. Selected non-resident withholding tax issues will be examined.

Degrees: S.J.D., M.Tax., LL.M., M.B.L., M.Glob.L., Grad.Dip.Law, Grad.Dip.Tax, Grad.Dip.Corp.Law., Law PG Cross-Inst

LAWS6128 Comparative International Taxation

Credit points: 6 **Teacher/Coordinator:** Prof Lee Burns **Session:** Int April **Classes:** Apr 18-20 & 23, 24 (9-3.30) **Assessment:** 7000wd essay or 2hr exam (100%) **Campus:** Camperdown/Darlington **Delivery Mode:** Block Mode

Comparative International Taxation is a detailed study of the basic principles of international taxation (residence, source, relief from international double taxation, anti-deferral rules, withholding tax, transfer pricing, thin capitalisation, and tax treaties). The unit is taught from a global perspective with the emphasis being on comparative analysis (focusing particularly on Anglo, US and continental European approaches, and also developed and developing country approaches). The unit examines the core issues in developing international tax rules and identifies different approaches countries have taken in dealing with these issues. As part of this study, recent trends in international tax rule development will be identified (particularly in the context of globalisation) and critiqued. Students should gain an understanding of the different approaches that countries have taken in the development of their international tax rules.

Degrees: M.Int.Bus. & Law, M.Int.Bus. & Law, S.J.D., M.Tax., M.Int.Tax., M.I.L., LL.M., M.B.L., M.Glob.L., Grad.Dip.Law, Grad.Dip.Tax, Grad.Dip.Int.Bus.L., Grad.Dip.I.L., Law PG Cross-Inst

LAWS6129 Tax of CFCs, FIFs and Transferor Trusts

Credit points: 6 **Teacher/Coordinator:** Prof Lee Burns **Session:** Int October **Classes:** Oct 17, 18, 19 & 22 (9-5) **Assessment:** 3000wd assignment (30%) and 2hr exam (70%) **Campus:** St James **Delivery Mode:** Normal (lecture/lab/tutorial) Day

Taxation of CFCs, FIFs and Transferor Trusts is a detailed study of Australia's anti-deferral rules. The unit examines the taxation of Australian residents with interests in foreign entities, particularly foreign companies, trusts and partnerships, and the application of the CFC and transferor trust regimes, the proposed new Foreign Accumulation Fund ("FAF") regime, and the recently repealed FIF and deemed present entitlement rules to those interests. The unit focuses particularly on the design differences between those rules, and their interactions and reconciliations. The unit will critically examine the policy underlying the rules and evaluate whether they effectively achieve their policy objectives, whether they are susceptible to tax planning and what their effects are on compliance, including compliance costs. There will be consideration of the ongoing reform of the rules. Students should gain a detailed understanding of the design and application of Australia's anti-deferral rules.

Degrees: S.J.D., M.Tax., M.Int.Tax., LL.M., M.B.L., M.Glob.L., Grad.Dip.Law, Grad.Dip.Tax., Law PG Cross-Inst

LAWS6130 Dispute Resolution in Australia

Credit points: 6 **Teacher/Coordinator:** Prof Tania Sourdin **Session:** Int October **Classes:** Oct 19, 20 & 26, 27 (9-5) **Assessment:** 3000wd essay (50%) and take-home exam (50%) **Campus:** Camperdown/Darlington **Delivery Mode:** Block Mode

Note: This is not a skills unit and students will not be trained as negotiators or mediators. This unit has a restricted class size.

The unit is designed to give students a broad understanding of the theory, policy and practice of ADR. It will enable students to understand various alternative dispute resolution processes, their advantages and limitations; understand the application of ADR in particular areas of practice; understand key theoretical debates about mediation; be able to advise others about ADR processes; be better participants in ADR processes; be better able to evaluate the possible applications of various dispute resolution methods. The use of ADR in employment and health care disputes will be considered.

Degrees: S.J.D., M.L.L.R., M.Env.Law, M.H.L., M.A.L.P., LL.M., M.Glob.L., Grad.Dip.Law, Grad.Dip.Env.Law, Grad.Dip.H.L., Law PG Cross-Inst, M.Envl.Sci.Law

LAWS6135 Law and Society in Indonesia

Credit points: 6 **Teacher/Coordinator:** Dr Simon Butt **Session:** Int August **Classes:** Aug 3, 4 & 10, 11 (9-5) **Assessment:** 7000-8000wd essay (100%) or class presentation and take-home exam (50%) and 3000wd essay (50%) **Campus:** Camperdown/Darlington **Delivery Mode:** Block Mode

This unit aims to introduce students to a wide variety of areas of Indonesian law, with a focus on topical issues. These include Indonesia's place within the civil law tradition, the judiciary, human rights, constitutional reform, Indonesia's legal pluralism and some aspects of commercial law, including intellectual property. By the end of the unit, students should have an understanding of: Indonesia's legal system and some of the reasons for its dysfunction, with a focus on the judicial system; Indonesia's legal pluralism, including some aspects of Islamic law - particularly family law; recent constitutional and institutional reform in Indonesia; aspects of doing business in Indonesia.

Textbooks

Suggested background reading - Lindsey T (ed) Indonesia: Law and Society, 2nd edition, 2005. The Jakarta Post newspaper (available online at www.thejakartapost.com). The prescribed text book is Lindsey, T, Indonesia: Law and Society, 2nd edition, 2005.

Degrees: M.Int.Bus. & Law, S.J.D., M.Jur., M.I.L., LL.M., M.B.L., M.Glob.L., Grad.Dip.Jur., Grad.Dip.Law, Grad.Dip.Int.Bus.L., Grad.Dip.I.L., Law PG Cross-Inst

LAWS6138 Internatl Fin Transactions: Law & Prac

Credit points: 6 **Teacher/Coordinator:** Mr Jan Job de Vries Robbé **Session:** Int April **Classes:** Mar 26, 27 & 29, 30 (9-5) **Assessment:** class participation (10%) and 8000wd essay (90%) **Campus:** Camperdown/Darlington **Delivery Mode:** Block Mode

International financial markets are front page news. From GFC litigation to the Euro sovereign debt crisis, hedge funds and rating agencies, there is no escape. This unit has a profoundly practical perspective. Key pillars of the unit are the capital markets, the loan market and the derivative markets. Within each pillar specific financial products are analysed, such as securitisation, covered bonds and hybrids in the capital markets. Specific derivative and various lending products are also assessed, both from a legal and structuring perspective. Investor litigation is also a prominent feature of the unit. Guest lecturers from the industry present to provide a broad

perspective. Popular case studies and a negotiation session are included as well, making this a both challenging and exciting unit.
Degrees: S.J.D., M.I.L., LL.M., M.B.L., M.Glob.L., Grad.Dip.Law, Grad.Dip.Corp.Law, Grad.Dip.Comm.Law, Grad.Dip.Int.Bus.L., Grad.Dip.I.L., Law PG Cross-Inst

LAWS6140 Corp Soc Responsibility: Theory/PoI

Credit points: 6 **Teacher/Coordinator:** Assoc Prof Ian B Lee, University of Toronto **Session:** Int August **Classes:** Aug 9, 10 & 13, 14 (9-4)
Assessment: class participation (15%) and assignment (10%) and 6000wd essay (75%) **Campus:** Camperdown/Darlington **Delivery Mode:** Block Mode
This unit will examine a selection of theoretical and policy issues broadly related to the social responsibilities of corporations, including: conceptions of the corporation; the responsibility of corporate entities under the criminal law; corporate participation in the political process; corporate governance and democratic principles and corporate responsibility in respect of international human rights violations. The unit will adopt a comparative and interdisciplinary approach, drawing on material from jurisdictions including the U.S. and Canada, as well as on methodologies and insights from law and economics and other schools of thought.
Degrees: S.J.D., LL.M., M.B.L., M.Glob.L., Grad.Dip.Law, Grad.Dip.Corp.Law, Grad.Dip.Comm.Law, Law PG Cross-Inst

LAWS6147 Independent Research Project

Credit points: 6 **Teacher/Coordinator:** Supervised by an appointed academic staff member **Sessions:** Semester 1, Semester 2 **Assessment:** 8,000 to 10,000wd research project (100%) **Campus:** Camperdown/Darlington **Delivery Mode:** Supervision
Note: Closing date 30 September (Semester 1) and 30 April (Semester 2)
The goal of this unit of study is to provide students with an opportunity to pursue advanced research in an area of their choosing, under the limited supervision of a Faculty member. The unit is only available in special circumstances, and with the approval of the relevant Program Coordinator. Please refer to the Sydney Law School website for details on eligibility criteria and application material.
Degrees: S.J.D., M.L.L.R., M.Tax., M.Env.Law, M.H.L., M.A.L.P., M.Int.Tax., LL.M., M.B.L., M.Glob.L., Law PG Cross-Inst

LAWS6149 Legal Pluralism in Southeast Asia

Credit points: 12 **Teacher/Coordinator:** Dr Simon Butt, Dr Salim Farrar **Session:** Int July **Classes:** Intro Class: Jul 2 (9-11) then Jul 9-13 (Indonesia) & Jul 16-21 (Malaysia) **Practical/Field Work:** field school in Indonesia/Malaysia **Assessment:** Exams - one held in Indonesia and one held in Malaysia (2x20%) and 10,000wd essay (60%) **Campus:** Indonesia **Delivery Mode:** Block Mode
Note: This unit will be taught offshore with the cooperation of Gadjah Mada University (Yogyakarta, Indonesia) and International Islamic University (Kuala Lumpur, Malaysia). These institutions will provide guest lecturers. These institutions can be contacted through Dr Simon Butt and Dr Salim Farrar. Students must register their attendance before enrolling. For further information, please visit <http://sydney.edu.au/law/caplus> Registration enquiries law.caplus@sydney.edu.au Enrolment enquiries law.postgraduate@sydney.edu.au

This unit introduces students to the legal systems of Southeast Asia, focusing on Indonesia and Malaysia. The unit surveys a very wide range of topical legal issues from the region - from human rights and development, environmental law, to the practice of commercial law, including Islamic banking. The unit emphasises legal pluralism - that is, the operation of different bodies of law for particular groups in those countries, colonial, national, Islamic and customary law - and compares how countries in Southeast Asia have handled it.
Degrees: S.J.D., M.I.L., LL.M., M.B.L., M.Glob.L., Grad.Dip.Law, Grad.Dip.Int.Bus.L., Grad.Dip.I.L., Law PG Cross-Inst

LAWS6153 Comparative Corporate Taxation

Credit points: 6 **Teacher/Coordinator:** Dr Peter Harris **Session:** Int April **Classes:** Apr 2-5 (9-5) **Assessment:** classwork (30%) and exam or essay (70%) **Campus:** Camperdown/Darlington **Delivery Mode:** Block Mode
The goal of the unit is to provide a comparison of the corporate tax systems of a number of countries of economic and cultural significance to Australia. The goal has both practical and policy aspects. The unit will provide a basic introduction to the corporate tax systems of Australia's major trading partners which will assist students in assessing the likely outcomes of proposed corporate dealings both within the countries selected for comparison and between them. A comparative framework provides an opportunity for identifying the available options for taxing corporate income and assessing the appropriateness of those options or a combination thereof. This enables an assessment of the options selected by various countries, including incompatibility of options, and may identify areas of corporate taxation which may be the subject of appropriate reform. The unit will examine: theoretical framework and defining entities subject to corporation tax; taxation of corporate income where derived; taxation of corporate income where distributed; treatment of gains/losses on the disposal of shares; corporate formation, reorganisation and liquidation; and international taxation of corporate income.
Degrees: M.Int.Bus. & Law, M.Int.Bus. & Law, S.J.D., M.Tax., M.Int.Tax., M.I.L., LL.M., M.B.L., M.Glob.L., Grad.Dip.Law, Grad.Dip.Tax, Grad.Dip.Corp.Law, Grad.Dip.Int.Bus.L., Grad.Dip.I.L., Law PG Cross-Inst

LAWS6154 Sustainable Development Law in China

Credit points: 12 **Teacher/Coordinator:** Em Prof Ben Boer, Mr Stefan Gruber **Session:** Int July **Classes:** Intro Class: May 24 (6-8) then Jul 9-20 **Practical/Field Work:** field school in China **Assessment:** class participation (10%) and 15,000wd essay (90%) **Campus:** China **Delivery Mode:** Block Mode
Note: For further information, please visit <http://sydney.edu.au/law/accel/index.shtml> or contact law.accel@sydney.edu.au
This Unit of Study includes an intensive series of lectures and field trips in Wuhan, Hubei Province, People's Republic of China over a two week period. Prior to departure, students will be given introductory lectures at Sydney Law

School. The unit canvasses the legal and institutional framework of environmental law and policy in China, analyzing it Chinese environmental law and policy from jurisprudential and comparative law viewpoints. An introduction to Chinese law and the Chinese legal system is given, before embarking on a study of selected topics in Chinese environmental law. The unit is principally taught by Chinese academics at Wuhan University, with comparative lectures and commentary provided by the Australian academics. Field trips include visits to the Three Gorges Dam and Zhong Xiang, a World Heritage site including Imperial Tombs of the Ming and Qing Dynasties.
Degrees: S.J.D., M.Env.Law, M.I.L., LL.M., M.Glob.L., Grad.Dip.Law, Grad.Dip.Env.Law, Grad.Dip.I.L., Law PG Cross-Inst, M.Env.Sci.Law

LAWS6156 International Banking Law

Credit points: 6 **Teacher/Coordinator:** Prof Geoffrey P Miller, New York University **Session:** Int January **Classes:** Jan 5, 6 & 12, 13 (9-5) **Assessment:** class participation (10%) and take-home exam (90%) **Campus:** Camperdown/Darlington **Delivery Mode:** Block Mode
This unit is an intensive introduction to the law and economics of international banking. Topics will include: the nature of the banking firm, the role of banks in monetary policy, optimal regulatory structures, protection of depositors and the problem of moral hazard, bank runs and panics, control of bank-specific risk, capital adequacy standards, control of systematic risk, and the regulation of cross border banking transactions. The final module of the unit will consist of a detailed examination of the causes, development, and aftermath of the financial crisis of 2008.
Degrees: M.Int.Bus. & Law, S.J.D., M.I.L., LL.M., M.B.L., M.Glob.L., Grad.Dip.Law, Grad.Dip.Corp.Law, Grad.Dip.Comm.Law, Grad.Dip.Int.Bus.L., Grad.Dip.I.L., Law PG Cross-Inst

LAWS6159 Insolvency Law

Credit points: 6 **Teacher/Coordinator:** Assoc Prof Lee Aitken, University of Hong Kong **Session:** Int July **Classes:** Jul 6, 7 & 20, 21 (9-5) **Assumed knowledge:** law degree with good background in Australian corporate law **Assessment:** take-home exam (100%) **Campus:** Camperdown/Darlington **Delivery Mode:** Block Mode
Note: This unit replaced LAWS6159 Corporate Insolvency Law
This unit will examine the law, policy and practice of both personal and corporate insolvency, under the Bankruptcy Act 1966 and the Corporations Act 2001. Topics to be covered will include: The purposes of insolvency law, including debtor protection, access of creditors to the debtor's assets, investigation of the reasons for financial failure, The pari passu principle, and the position of secured creditors; collectivism, compulsion and maintenance of creditors' pre-insolvency rights; the nature of security and quasi-security interests; The processes of sequestration of individual estates, and the winding up of companies; other possible regimes in insolvency; the appointment of a receiver under a charge; the duties of the receiver and manager; section 420A of the Corporations Act; The operation of Part 5.3A of the Corporations Act and the appointment and powers of the administrator and the operation of the deed of company arrangement; Available property; the voidable transaction regime (including section 37A of the Conveyancing Act); Litigation funding and possible recoveries in insolvency; The liability of directors and other controllers in insolvency; The impact of the PPSA regime on insolvency; The duties of the liquidator, and the control of liquidators; Current reform proposals, and policy considerations; and The Cross-Border Insolvency Act 2008: the effect of the UNCITRAL model law; the operation of modified universality in transnational insolvency.
Degrees: S.J.D., LL.M., M.B.L., M.Glob.L., Grad.Dip.Law, Grad.Dip.Corp.Law, Grad.Dip.Comm.Law, Law PG Cross-Inst

LAWS6160 Copyright and Copyright Industries

Credit points: 6 **Teacher/Coordinator:** Assoc Prof Kimberlee Weatherall **Session:** Int Sept **Classes:** Sep 7, 8 & 14, 15 (9-5) **Assumed knowledge:** Undergraduate law degree. Completion of LAWS6873 Principles of Intellectual Property or undergraduate study in IP will be an advantage. Students who do not have a background in copyright or IP will be provided with additional preparatory reading. **Assessment:** class presentation (30%) and 7000wd essay (70%) **Campus:** Camperdown/Darlington **Delivery Mode:** Block Mode
Copyright content is a significant part of national economies, which have been shifting from manufacture of physical items to high value intangibles; copyright law is an important aspect of the regulatory environment for a range of copyright-based industries. This unit covers advanced aspects of copyright law relevant to the copyright industries, including advanced aspects of the rules relating to subsistence; ownership, licensing and assignment; exclusive economic rights; remedies for infringement; exceptions and limitations. There will be a particular focus on management of rights in copyright-intensive industries, collective management of copyright, and statutory licenses.
Degrees: S.J.D., LL.M., M.B.L., M.Glob.L., Grad.Dip.Law, Grad.Dip.Corp.Law, Grad.Dip.Comm.Law, Law PG Cross-Inst

LAWS6161 International Human Rights

Credit points: 6 **Teacher/Coordinator:** Assoc Prof Fleur Johns **Session:** Int October **Classes:** Oct 19, 20 & 26, 27 (9-5) **Prohibitions:** GOVT6117 **Assessment:** 2500wd assignment (30%) and 5000wd essay (70%) **Campus:** Camperdown/Darlington **Delivery Mode:** Block Mode
This unit introduces students to the principles and practice of international human rights law - a field of public international law and policy of ever-expanding dimensions. It will introduce students to some key concepts, debates, documents and institutions in this field, while encouraging critical examination of these from a variety of angles. In summary, this unit considers the question: what happens when we regard a situation or predicament as one involving a breach of international human rights law - what possibilities and problems does this entail? Addressing this question, students in this unit will examine: (a) forums where international human rights law is being produced (international tribunals, domestic courts, multilateral bodies - including United Nations organs - regional agencies, non-governmental organisations, academic institutions, and the media); (b) settings where international human rights law is being deployed (in Australia and elsewhere); and (c) particular identities/subjects that international human rights law aspires to shape, regulate or secure. By the end of this

unit, students should be able to formulate written and oral arguments by reference to key international human rights law instruments and principles; give strategic advice as to available avenues of recourse in international human rights law; and advance an informed critique of particular dimensions of international human rights law scholarship and practice, by reference to contemporary literature in this field.

Degrees: S.J.D., M.Jur., M.I.L., LL.M., M.Glob.L., Grad.Dip.Jur., Grad.Dip.Law, Grad.Dip.I.L., , Law PG Cross-Inst

LAWS6163 Energy and Climate Law

Credit points: 6 **Teacher/Coordinator:** Prof Rosemary Lyster **Session:** Int April **Classes:** Mar 30, 31 & Apr 2, 3 (9-5) **Prohibitions:** LAWS6863 **Assessment:** class participation (20%) and 7000wd essay (80%) **Campus:** Camperdown/Darlington **Delivery Mode:** Block Mode

Note: The unit replaced LAWS6163 International & Australian Climate Law (formerly Energy Law).

This unit adopts an inter-disciplinary and integrative approach to understanding the dynamics of one of the most pressing global environmental concerns ecologically sustainable energy use. Working loosely within the framework of the Climate Change Convention, the unit relies on the perspectives of scientists, lawyers and economists to develop an integrated approach to sustainable energy use. The unit identifies current patterns of energy use in Australia and examines Australia's response to the Climate Change Convention. It also analyses the strengths and weaknesses of various political, legal and economic mechanisms for influencing the choice of energy use. The initiatives of the Commonwealth and New South Wales governments, as well as local councils, to promote sustainable energy use and to combat global warming are scrutinised.

Degrees: S.J.D., M.Env.Law, M.I.L., LL.M., M.Glob.L., Grad.Dip.Law, Grad.Dip.Env.Law, Grad.Dip.I.L., , Law PG Cross-Inst, M.Env.Sci.Law

LAWS6167 International Law II

Credit points: 6 **Teacher/Coordinator:** Dr Alison Pert (S1), Assoc Prof Tim Stephens (S110) **Sessions:** Semester 1, Int October **Classes:** S1: 1x2-hr lecture/week and S110: Oct 4, 5 & 11, 12 (9-5) **Assessment:** 3000wd take-home exam (40%) and 4000wd essay (60%) **Campus:** Camperdown/Darlington **Delivery Mode:** Normal (lecture/lab/tutorial) Day, Block Mode

Note: Compulsory for ML and GradDiplntLaw students. This unit replaced LAWS6167 International Law and Australian Institutions.

This unit of study consolidates and builds upon knowledge gained in International Law I. Whereas International Law I considers the general problems of public international law, and its foundational principles, International Law II examines how international law is created, implemented and enforced by national legal systems and through international organisations. Initial attention is given to understanding different ways in which law's transboundary impacts can be understood by considering international, transnational, global and comparative perspectives on law-making. The relationship between international law and domestic law is explored in depth, both in a comparative perspective and with particular reference to the impact of international law on Australian law and legal institutions. The unit also considers the ways in which international organisations are established and function to develop and implement international norms, and assesses contemporary concerns relating to the development of global administrative law and anxieties surrounding the potential fragmentation of international law.

Degrees: S.J.D., M.Env.Law, M.I.L., LL.M., M.Glob.L., Grad.Dip.Law, Grad.Dip.Env.Law, Grad.Dip.I.L., , Law PG Cross-Inst, M.Env.Sci.Law

LAWS6169 Capital Gains Tax

Credit points: 6 **Teacher/Coordinator:** Prof Michael Dirkis **Session:** Int Sept **Classes:** Sep 12-14 & 17, 18 (9-3.30) **Assessment:** in-class assessment (30%) and 2hr exam (70%) **Campus:** Camperdown/Darlington **Delivery Mode:** Normal (lecture/lab/tutorial) Day
Most matters handled by legal and accounting professionals have Capital Gains Tax ("CGT") implications - ranging from a simple conveyance or will, to a real estate development or litigation settlement. CGT is a major issue for all taxpayers and their advisors because the pervasive reach of the CGT provisions means that even straightforward commercial and domestic transactions often give rise to complex CGT issues. This unit examines the basic structure and core concepts of the CGT, and the specialist provisions that apply in a range of commercial and non-commercial contexts, such as the formation and sale of a business, conveyancing and property development, commercial and family litigation, and the settlement and administration of trusts.

Degrees: S.J.D., M.Tax., LL.M., M.B.L., M.Glob.L., Grad.Dip.Law, Grad.Dip.Tax, Grad.Dip.Comm.Law, , Law PG Cross-Inst

LAWS6170 Comparative Income Taxation

Credit points: 6 **Teacher/Coordinator:** Prof Tim Edgar **Session:** Int August **Classes:** Aug 6-10 (9-3.30) **Assessment:** 8000wd essay (100%) **Campus:** Camperdown/Darlington **Delivery Mode:** Block Mode

Comparative Income Tax examines the key structural features of the income tax (tax unit, income, capital gains, fringe benefits, deductions, tax rates, tax accounting, tax expenditures and presumptive taxes). The unit will consider both the policy options in the design of the income tax and the legal implementation of those options. The unit will be primarily issues based, drawing on both developed and developing country examples. The comparative framework for analysis provides an opportunity for identifying the available options for taxing income and assessing the appropriateness of those options or a combination of them. As part of this more general analysis, the unit will identify cultural, constitutional and administrative issues that shape the design of income tax laws. The unit will not consider corporate tax as this is the subject of Comparative Corporate Taxation nor international tax as this is the subject of Comparative International Taxation. Students should gain an understanding of the key design features of the income tax and differences taken by countries in income tax law design.

Degrees: M.Int.Bus. & Law, M.Int.Bus. & Law, S.J.D., M.Tax., M.Int.Tax., M.I.L., LL.M., M.B.L., M.Glob.L., Grad.Dip.Law, Grad.Dip.Tax, Grad.Dip.Int.Bus.L., Grad.Dip.I.L., , Law PG Cross-Inst

LAWS6171 US International Taxation

Credit points: 6 **Teacher/Coordinator:** Mr Micah Burch **Session:** Semester 2 **Classes:** 1x2-hr lecture/week **Assessment:** 2hr exam (100%) **Campus:** St James **Delivery Mode:** Normal (lecture/lab/tutorial) Day
The object of this unit is to provide an overview of the income tax system of the US with a focus on the most important legislative and treaty rules of the US in the international income tax area, especially in dealings with Australia. The unit will examine both the policies behind the US taxation of international transactions as well as the rules and principles of income tax law applicable to inbound and outbound transactions in the US.

Degrees: M.Int.Bus. & Law, S.J.D., M.Tax., M.Int.Tax., M.I.L., LL.M., M.B.L., M.Glob.L., Grad.Dip.Law, Grad.Dip.Tax, Grad.Dip.Int.Bus.L., Grad.Dip.I.L., , Law PG Cross-Inst

LAWS6177 Tax Treaties

Credit points: 6 **Teacher/Coordinator:** Prof Richard Vann **Session:** Int May **Classes:** May 2-4 & 7, 8 (9-3.30) **Assessment:** classwork (30%) and 2hr exam or 7000wd essay (70%) **Campus:** Camperdown/Darlington **Delivery Mode:** Block Mode

This unit is designed to study the policy, detailed rules and practical application of Australia's international tax treaties against the background of the OECD Model Tax Convention on Income and on Capital. Upon successful completion of this unit a student should have an advanced understanding of the policies underlying the Australian tax treaty position in relation to the taxation of various kinds of income, as well as a detailed knowledge of the law applicable to interpretation of Australia's treaties. The unit includes a study of: principles of double tax treaties; interpretation of tax treaties; and selected articles of the OECD Model and Australian tax treaties.

Degrees: M.Int.Bus. & Law, M.Int.Bus. & Law, S.J.D., M.Tax., M.Int.Tax., M.I.L., LL.M., M.B.L., M.Glob.L., Grad.Dip.Law, Grad.Dip.Tax, Grad.Dip.Int.Bus.L., Grad.Dip.I.L., , Law PG Cross-Inst

LAWS6182 Independent Research Project A

Credit points: 6 **Teacher/Coordinator:** Supervised by an appointed academic staff member **Sessions:** Semester 1, Semester 2 **Corequisites:** LAWS6183 **Assessment:** 15,000 to 20,000wd research project (100%) **Campus:** Camperdown/Darlington **Delivery Mode:** Supervision
Note: Closing date 30 September (Semester 1) and 30 April (Semester 2). Students must complete both LAWS6182 and LAWS6183 within one or two semesters.

The goal of this unit of study is to provide students with an opportunity to pursue advanced research in an area of their choosing, under the limited supervision of a Faculty member. The unit is only available in special circumstances, and with the approval of the relevant Program Coordinator. Please refer to the Sydney Law School website for details on eligibility criteria and application material.

Degrees: S.J.D., M.L.L.R, M.Tax., M.Env.Law, M.H.L., M.A.L.P., M.Int.Tax., LL.M., M.B.L., M.Glob.L., , Law PG Cross-Inst

LAWS6183 Independent Research Project B

Credit points: 6 **Teacher/Coordinator:** Supervised by an appointed academic staff member **Sessions:** Semester 1, Semester 2 **Corequisites:** LAWS6182 **Assessment:** 15,000 to 20,000wd research project (100%) **Campus:** Camperdown/Darlington **Delivery Mode:** Supervision
Note: Closing date 30 September (Semester 1) and 30 April (Semester 2). Students must complete both LAWS6182 and LAWS6183 within one or two semesters.

Please refer to LAWS6182 Independent Research Project A.

Degrees: S.J.D., M.L.L.R, M.Tax., M.Env.Law, M.H.L., M.A.L.P., M.Int.Tax., LL.M., M.B.L., M.Glob.L., , Law PG Cross-Inst

LAWS6184 International Law Research Project A

Credit points: 6 **Teacher/Coordinator:** Supervised by an appointed academic staff member **Sessions:** Semester 1, Semester 2 **Corequisites:** LAWS6185 **Assessment:** 15,000 to 20,000wd research project (100%) **Campus:** Camperdown/Darlington **Delivery Mode:** Supervision
Note: Closing date 30 September (Semester 1) and 30 April (Semester 2). Students must complete both LAWS6184 and LAWS6185 within one or two semesters.

The goal of this unit of study is to provide Master of International Law candidates with an opportunity to pursue advanced research in an area of their choosing, under the limited supervision of a Faculty member. The unit is only available in special circumstances, and with the approval of the Program Coordinator. Please refer to the Sydney Law School website for details on eligibility criteria and application material.

Degrees: M.I.L.

LAWS6185 International Law Research Project B

Credit points: 6 **Teacher/Coordinator:** Supervised by an appointed academic staff member **Sessions:** Semester 1, Semester 2 **Corequisites:** LAWS6184 **Assessment:** 15,000 to 20,000wd research project (100%) **Campus:** Camperdown/Darlington **Delivery Mode:** Supervision
Note: Closing date 30 September (Semester 1) and 30 April (Semester 2). Students must complete both LAWS6184 and LAWS6185 within one or two semesters.

Please refer to LAWS6184 International Law Research Project A.

Degrees: M.I.L.

LAWS6187 Functional Analysis of Law & Soc Control

Credit points: 6 **Teacher/Coordinator:** Assoc Prof Alex Ziegert **Session:** Semester 1 **Classes:** 1x2-hr lecture/week **Assessment:** 7000wd research paper (100%) **Campus:** Camperdown/Darlington **Delivery Mode:** Normal (lecture/lab/tutorial) Day

Note: This unit replaced LAWS6187 Aspects of Law and Social Control.

This unit examines the largely diffuse concepts of social control and the functions of law and proposes a more specific approach to legal theory which incorporates the latest findings of socio-legal research on the social effects of law. As a result of this discussion, a more specific concept of social control and an explanatory assessment of the social effects of law, including its political use, are presented with their theoretical implications for legal and

political systems and applied, as examples, to historically and societally varied situations.
Degrees: S.J.D., M.Jur., LL.M., M.Glob.L., Grad.Dip.Jur., Grad.Dip.Law, , Law PG Cross-Inst

LAWS6188 Commercial Equity Litigation

Credit points: 6 **Teacher/Coordinator:** Assoc Prof Lee Aitken **Session:** Int February **Classes:** Feb 21, 22 & 28, 29 (9-5) **Assumed knowledge:** students should have a working knowledge of the law of property and equity and some familiarity with litigation would be useful but not essential **Assessment:** class participation (15%) and take-home exam (85%) **Campus:** Camperdown/Darlington **Delivery Mode:** Block Mode **Note:** This unit replaced LAWS6188 Commercial Equity.

Topics to be covered include: The nature of equitable relief (including the history of equity), and the scope of equitable intervention in commercial dealings; the distinction between the exclusive, concurrent and auxiliary jurisdictions in equity; equitable set-off and the common injunction as a case study; The maxims of equity and their effect on the grant of equitable relief = "unclean hands", "delay", "the requirement to do equity", "substance not form", "waiver and election"; time conditions in equity; Equity and security enforcement - the equitable charge; charging clauses; caveats and caveatable interests; mortgages and mortgage enforcement; the equity of redemption and foreclosure; the rule in *Harvey v McWatters* and *Inglis v CBA* and "payment in"; tacking and the rule in *Hopkinson v Rolt*; the receiver in equity; equitable execution; ne exeat colonia and injunctions - insolvency remedies in relation to absconding debtors; equity and the "theft principle" in transnational fraud; Equity and confidence - *Prince Jefri Bolkiah*; legal practice and conflict of interest; restraining the departing employee from misuse of confidential information; Equity and trust litigation - the *Beddoes* order; trustee summons for directions; rights of indemnity and exoneration; removing the trustee and the role of the protector in discretionary trusts; Equity and property dealings - part performance in equity; sections 54A and 23C of the Conveyancing Act; the relief against forfeiture of a lease and an option - sections 129 and 133E Conveyancing Act; operating and finance leases; section 66G and other applications in relation to co-ownership; Litigating in equity; hearings before the Duty Judge, and the Expedition Judge - jurisdiction and discretion - the Commercial List - and the Commercial List summons; preparation of evidence and affidavits; Remedies in equity - injunctions (including mandatory injunctions); specific performance, declarations; Anton Piller relief; Banker's Trust v Shapira; Mareva relief (preservation orders); the undertaking as to damages; equitable remedies in administrative law and federal jurisdiction; cognate relief under other legislation; and Choice of law in equitable disputes.
Degrees: S.J.D., LL.M., M.B.L., M.Glob.L., Grad.Dip.Law, Grad.Dip.Corp.Law, Grad.Dip.Comm.Law, , Law PG Cross-Inst

LAWS6191 Water Law

Credit points: 6 **Teacher/Coordinator:** Prof Rosemary Lyster **Session:** Int Oct **Classes:** Sep 28, 29 & Oct 5, 6 (9-5) **Assessment:** class participation (20%) and 7000wd essay (80%) **Campus:** Camperdown/Darlington **Delivery Mode:** Block Mode
This unit examines the ecologically sustainable management of water resources incorporating legal, scientific and economic perspectives. The legal analysis incorporates the following: international principles of water law; Commonwealth and state responsibilities for water management; the Water Management Act 2000 (NSW); the legal and constitutional implications of the reallocation of rights to use water; the implications of allocation and use for Indigenous people; the regulation of water pollution; and the corporatisation and privatisation of water utilities. Case studies from a number of jurisdictions are used to explore these themes. Economic perspectives include the impact of National Competition Policy on water law while the principles of sustainable water management are discussed within a scientific paradigm.
Degrees: S.J.D., M.Env.Law, M.A.L.P., LL.M., M.Glob.L., Grad.Dip.Law, Grad.Dip.Env.Law, , Law PG Cross-Inst, M.Env.Sci.Law

LAWS6197 Policing Australian Society

Credit points: 6 **Teacher/Coordinator:** Prof Mark Findlay **Session:** Int May **Classes:** May 18, 19 & 25, 26 (9-5) **Assessment:** class presentation (20%) and in-class test (10%) and essay (30%) and exam (40%) **Campus:** Camperdown/Darlington **Delivery Mode:** Block Mode
This unit traces the development of civil policing in Australia. Policy is viewed both within and beyond the state. Certain unique features of contemporary police practice are highlighted and critical consideration is given to the community framework within which the police now operate. Current issues in policy are discussed and debated in a context of justice and the inextricable connection with policing. The principle themes of the unit are: concepts of policing; the history and contemporary philosophy of policing and current issues in the institutions and processes of policing in Australia. The topics around which the seminars are constructed juxtapose crucial features of police work such as discretion, accountability, culture and authority against contemporary challenges such as malpractice, professionalism, community policing and police powers.
Degrees: S.J.D., LL.M., M.Crim., M.Glob.L., Grad.Dip.Law, Grad.Dip.Crim., , Law PG Cross-Inst

LAWS6207 The Legal System of the European Union

Credit points: 6 **Teacher/Coordinator:** Prof Wojciech Sadurski (Coordinator), Dr Euan MacDonald, Assoc Prof Adam Czarnota (UNSW) **Session:** Int July **Classes:** Jul 2-6 (9-5), Monash Centre Prato, Italy. Please visit the Sydney Law School in Europe website <http://sydney.edu.au/law/fstudent/coursework/LLM/index.shtml> **Prohibitions:** LAWS6819 **Assessment:** class work/participation (30%), 6000wd essay (70%) **Campus:** Italy **Delivery Mode:** Block Mode **Note:** This unit has a restricted class size.
The unit is designed to give students a comprehensive introduction to the constitutional theory and history, institutional structure and basic elements of the legal system of the unique polity which is the European Union (EU). The objective is to describe crucial principles and doctrines of EU law. Particular attention will be paid to the history and theory of European

integration, constitutional processes, composition, powers and functions of the main legislative or executive organs and the judicial organs of the EU. The unit will then focus on the most important aspects of the legal system: supremacy and direct effect of EU law, general principles of law including fundamental rights, Union citizenship, the role of Union and national courts in enforcing and applying Union law.
Degrees: M.Int.Bus. & Law, M.Int.Bus. & Law, S.J.D., M.Jur., M.I.L., LL.M., M.B.L., M.Glob.L., Grad.Dip.Jur., Grad.Dip.Law, Grad.Dip.Int.Bus.L., Grad.Dip.I.L., , Law PG Cross-Inst

LAWS6209 Australian International Taxation

Credit points: 6 **Teacher/Coordinator:** Prof Michael Dirkis **Session:** Semester 1 **Classes:** 1x2-hr lecture/week **Assessment:** 3000wd assignment (30%) and 2hr exam (70%) **Campus:** St James **Delivery Mode:** Normal (lecture/lab/tutorial) Day **Note:** The first class will commence on Thursday 1 March
Australian International Taxation is a detailed study of the fundamental principles of Australia's international taxation regime as it applies to cross-border business and investment transactions. The unit focuses on corporate residence, source, non-resident withholding tax, relief from international double taxation, CFCs, transferor trusts, proposed new Foreign Accumulation Fund ("FAF") regime and repealed FIF rules, transfer pricing and thin capitalisation. The unit will examine both the issues of international tax rule design and policy, and the relevant provisions in the legislation, cases and rulings. The unit deals only with international tax rules in Australia's domestic law with double tax treaties covered in the companion unit Tax Treaties. Students should gain an understanding of the policies underlying Australia's rules for taxing international transactions, as well as a detailed knowledge of the foundation principles of law applicable to the taxation of inbound and outbound transactions.
Degrees: M.Int.Bus. & Law, M.Int.Bus. & Law, S.J.D., M.Tax., M.Int.Tax., M.I.L., LL.M., M.B.L., M.Glob.L., Grad.Dip.Law, Grad.Dip.Tax, Grad.Dip.Int.Bus.L., Grad.Dip.I.L., , Law PG Cross-Inst

LAWS6214 Goods and Services Tax Principles A

Credit points: 6 **Teacher/Coordinator:** Assoc Prof Rebecca Millar **Session:** Int May **Classes:** May 9-11 & 14, 15 (8.30-4) **Assumed knowledge:** A basic understanding of taxation law **Assessment:** class work/test (35%) and 2hr closed book exam (65%). A research essay may be undertaken in lieu of the exam with the permission of the Unit Coordinator. **Campus:** Camperdown/Darlington **Delivery Mode:** Normal (lecture/lab/tutorial) Day
This unit introduces the key concepts that underpin the Australian GST, the policies underlying the tax, and the way those policies are (or are not) reflected in the design of the GST law. The aim is to give participants a working knowledge of the operation of the GST law and an awareness of the practical problems encountered in practice, informed by an understanding of the way in which the law is intended to operate. The unit will commence with an examination of the basic design features of value added taxes in general and of Australia's GST in particular. It will then examine the core elements of the GST law, including: the taxpayer (entities, enterprise, and the obligation to register for GST), the liability for tax on supplies made for consideration; the value of taxable supplies and the amount of GST payable on supplies; the entitlement to input tax credits and the range of subsequent adjustments that may be required; attributing GST and input tax credits to tax periods; adjustments for adjustment events; basic principles of GST-free and input taxed supplies (including an introduction to real property transactions and intermediation services, primarily focussing on financial supplies); basic cross-border issues, including the treatment of imports and exports.
Degrees: S.J.D., M.Tax., LL.M., M.B.L., M.Glob.L., Grad.Dip.Law, Grad.Dip.Tax, , Law PG Cross-Inst

LAWS6218 International Humanitarian Law

Credit points: 6 **Teacher/Coordinator:** Dr Yuval Shany **Session:** Int April **Classes:** Mar 30, 31 & Apr 3, 4 (9-5) **Prohibitions:** LAWS3483, LAWS5183 **Assessment:** 5000wd essay (60%) and 3000wd take-home exam (40%) or 8000wd essay (100%) **Campus:** Camperdown/Darlington **Delivery Mode:** Block Mode
How to limit and regulate violence in times of war is one of the most pressing challenges for international law. This unit explores the origins and purposes of humanitarian law; its scope of application (spatial, temporal and personal); the different types and thresholds of armed conflict (including international and non-international conflicts); the permissible means and methods of warfare (including the principles of distinction and proportionality, and specific weapons such as chemical, biological and nuclear weapons, cluster munitions, and landmines); the status and treatment of combatants and non-combatants and other categories (such as spies, mercenaries, "unlawful combatants" and "terrorists"); the protection of cultural property and the environment; the relationship between human rights law and humanitarian law; and the implementation, supervision and enforcement of humanitarian law (including the prosecution of war crimes, the role of Protecting Powers and the International Committee of the Red Cross, and national military law).
Degrees: S.J.D., M.I.L., LL.M., M.Glob.L., Grad.Dip.Law, Grad.Dip.I.L., , Law PG Cross-Inst

LAWS6219 International Criminal Law

Credit points: 6 **Teacher/Coordinator:** Ms Helen Brady **Session:** Int July **Classes:** Jul 12, 13 & 19, 20 (4-7) & Jul 14, 21 (10-5) **Prohibitions:** LAWS6896 **Assessment:** 2x1500wd essays (50%) due on Monday 23 July and take-home exam on hypothetical and practical question solving (50%) scheduled for Saturday 28 July **Campus:** Camperdown/Darlington **Delivery Mode:** Block Mode
In the past twenty years international criminal justice has had a resurgence as a key way to address war crimes, crimes against humanity and genocide. Since the early 1990's the International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) have prosecuted a number of high level perpetrators of international crimes. These courts paved the way for the multilateral treaty establishing the permanent International Criminal Court in 1998. More recently, hybrid or internationalised criminal courts like the Special Court for Sierra Leone, the

Extraordinary Chambers in the Courts of Cambodia and the Special Tribunal for Lebanon have dealt with crimes of international concern. This unit will examine how these institutions use the rule of law to help stop the cycle of impunity for perpetrators of mass atrocities. Using cases before the international courts and tribunals, the course will examine both substantive and procedural international criminal law. The elements of genocide, war crimes, crimes against humanity (including crimes of sexual and gender violence) and terrorism, modes of liability and defences will be covered, as will international criminal procedures from the investigation through to the pre-trial, trial, sentencing and appeal stages. Students will gain an overall understanding of international criminal law, as well as exposure to some of the interesting issues confronting the international criminal courts and tribunals today.

Degrees: S.J.D., M.I.L., LL.M., M.Glob.L., Grad.Dip.Law, Grad.Dip.I.L., Law PG Cross-Inst

LAWS6222 Corporate Governance

Credit points: 6 **Teacher/Coordinator:** Prof Jennifer Hill **Session:** Int April **Classes:** Apr 19, 20 & 26, 27 (9-4) **Assessment:** general class participation (10%), short pre-class assignment on "Choose your own Corporate Scandal" and specialised class participation (10%), class quiz (written) to be held on Day 4 (20%) and essay or exam (60%) **Campus:** Camperdown/Darlington **Delivery Mode:** Block Mode This unit will explore a range of recent trends and issues in corporate governance including: the link between corporate scandals and corporate law reform; the board and independent directors; principles-based versus rules-based regulation; shareholder empowerment and institutional investor activism; takeovers and the regulation of executive pay. The unit will examine these issues from a comparative law perspective, analysing fundamental differences in corporate governance structure and techniques in a range of jurisdictions, including the US, UK, Germany, China and Australia. **Degrees:** M.Int.Bus. & Law, M.Int.Bus. & Law, S.J.D., M.I.L., LL.M., M.B.L., M.Glob.L., Grad.Dip.Law, Grad.Dip.Corp.Law, Grad.Dip.Comm.Law, Grad.Dip.Int.Bus.L., Grad.Dip.I.L., Law PG Cross-Inst

LAWS6227 Consumer Contracts and Product Defects

Credit points: 6 **Teacher/Coordinator:** Prof Luke Nottage **Session:** Int October **Classes:** Oct 5, 6 & 12, 13 (9-5) **Prohibitions:** LAWS6024, LAWS6025 **Assessment:** 4000wd essay (40%) and take-home exam (60%) **Campus:** Camperdown/Darlington **Delivery Mode:** Block Mode **Note:** This unit replaced LAWS6227 Consumer Protection Law: Liability of Suppliers to Consumers.

This unit examines some recent developments granting special legal protection to consumers. The unit is concerned with aspects of the liability of suppliers of goods and services to consumers, sometimes called 'post-sale' consumer protection. An assessment will be made of the effectiveness of recent legislation in this field, and there will be considerable comparative analysis referring especially to relevant European Community directives, related developments in the Asia-Pacific (eg Japan), and some trends in the US. The topics to be covered are: Introduction (the 'consumer' concept and some policy factors leading to consumer protection developments); Outline of terms implied in contracts for the supply of goods and services to consumers; Judicial and legislative control of exclusion clauses; Unconscionable and unfair contracts (control under the general law and by statute); The liability of manufacturers for defective products under: the general law; statutory liability of manufacturers to consumers (particularly under Trade Practices Act 1974 (Cth), Part V Division 2A); strict products liability (Trade Practices Act Part VA, with special reference to the similar EC directives on products liability); Product safety regulation (especially Trade Practices Act, Part V Division 1A and recent reform debates, with reference to the EC directives on general product safety); Consumer access to redress, especially class actions.

Textbooks

Recommended texts (a) Jocelyn Kellam and Luke Nottage, Australian Sales and Fair Trading Reporter (Sydney, CCH, looseleaf significantly updated in 2007), (b) Jocelyn Kellam (ed) Product Liability in the Asia-Pacific (3rd ed, Federation Press). Cases and materials will be issued.

Degrees: S.J.D., M.I.L., LL.M., M.B.L., M.Glob.L., Grad.Dip.Law, Grad.Dip.Comm.Law, Grad.Dip.Int.Bus.L., Grad.Dip.I.L., Law PG Cross-Inst

LAWS6233 Criminology Research Project A

Credit points: 6 **Teacher/Coordinator:** Supervised by an appointed academic staff member **Sessions:** Semester 1, Semester 2 **Corequisites:** LAWS6234 **Assessment:** 15,000 to 20,000wd research project (100%) **Campus:** Camperdown/Darlington **Delivery Mode:** Supervision **Note:** Closing date 30 September (Semester 1) and 30 April (Semester 2). Students must complete both LAWS6233 and LAWS6234 within one or two semesters.

The goal of this unit of study is to provide Master of Criminology candidates with an opportunity to pursue advanced research in an area of their choosing, under the limited supervision of a Faculty member. The unit is only available in special circumstances, and with the approval of the Program Coordinator. Please refer to the Sydney Law School website for details on eligibility criteria and application material. **Degrees:** M.Crim.

LAWS6234 Criminology Research Project B

Credit points: 6 **Teacher/Coordinator:** Supervised by an appointed academic staff member **Sessions:** Semester 1, Semester 2 **Corequisites:** LAWS6233 **Assessment:** 15,000 to 20,000wd research project (100%) **Campus:** Camperdown/Darlington **Delivery Mode:** Supervision **Note:** Closing date 30 September (Semester 1) and 30 April (Semester 2). Students must complete both LAWS6233 and LAWS6234 within one or two semesters.

Please refer to LAWS6233 Criminology Research Project A **Degrees:** M.Crim.

LAWS6243 International Law I

Credit points: 6 **Teacher/Coordinator:** Assoc Prof Fleur Johns (S105), Assoc Prof Tim Stephens (S2) **Sessions:** Semester 2, Int May **Classes:** S105: May 4, 5 & 11, 12 and S2: 1x2-hr lecture/week **Prohibitions:**

LAWS5005 or equivalent **Assessment:** 4000wd essay (50%) and take-home exam (50%) **Campus:** Camperdown/Darlington **Delivery Mode:** Normal (lecture/lab/tutorial) Day, Block Mode

Note: This unit is compulsory for ML and GradDipIntLaw students who have not completed any previous study in international law and must be taken in the first semester of candidature. This unit replaced LAWS6243 Public International Law.

This unit provides an introduction to public international law. Its purpose is to ensure that students have a thorough understanding of the core principles and problems of, and contemporary issues in, international law. The unit covers the following topics: nature and scope of public international law, sources of public international law, international legal personality, the law of treaties, how title to territory is acquired, state jurisdiction in international law, immunity from jurisdiction, state responsibility for international wrongs, dispute settlement, and the legality of the use of force.

Degrees: M.Int.Bus. & Law, M.Int.Bus. & Law, S.J.D., M.I.L., LL.M., M.B.L., M.Glob.L., Grad.Dip.Law, Grad.Dip.Int.Bus.L., Grad.Dip.I.L., Law PG Cross-Inst

LAWS6244 Taxation of Corporate Groups

Credit points: 6 **Teacher/Coordinator:** Prof Richard Vann **Session:** Semester 2 **Classes:** 1x2-hr lecture/week **Assessment:** classwork (30%) and 2hr exam or 7000wd essay (70%) **Campus:** St James **Delivery Mode:** Normal (lecture/lab/tutorial) Day

The object of this unit is to examine the policy and practical issues that arise in the consolidation regime in Australia. The unit covers: policy and history of grouping and consolidation; entry into consolidation; effects of consolidation; exit from consolidation; losses and bad debts in consolidation; and international rules in consolidation including MEC groups.

Degrees: S.J.D., M.Tax., LL.M., M.B.L., M.Glob.L., Grad.Dip.Law, Grad.Dip.Tax., Law PG Cross-Inst

LAWS6245 Policing Bodies: Crime, Sex & Reproducti

Credit points: 6 **Teacher/Coordinator:** Assoc Prof Kristin Savell **Session:** Int April **Classes:** Apr 13, 14 & 27, 28 (9-5) **Assessment:** class presentation (10%) and take-home exam or 5000wd essay (60%) and 1500wd write-up of class presentation (30%) **Campus:** Camperdown/Darlington **Delivery Mode:** Block Mode

This unit explores intersections between the criminal law, health law and medical practice in the regulation of the body. The unit will begin with a critical examination of legal constructions of the individual and branch out to consider specific situations in which the body is subjected to regulation or control in the fields of sexual desire, body modification and reproduction. The unit will consider sex reassignment, sado-masochistic sexual practices and HIV transmission, genital alterations, limb amputation and anorexia; abortion, sex selection and prenatal genetic diagnosis; drug use and consent to medical treatment during pregnancy; enforced sterilisation. Each case study will provide a concrete context in which to consider the connections between: characterisations of autonomy and bodily integrity; understandings of risk and responsibility; and the legal regulation of certain bodies (eg gay/lesbian, transgendered, fetal, maternal, conjoined, disabled). The intersections between race, gender, disability and sexuality will be considered. Throughout the unit, students will reflect on the extent to which 'medical' and 'criminal' responses are collaborative. This unit will equip students to think critically about the interplay between technologies of the body and the law, and to map possible future directions for criminal law, health law and public policy.

Degrees: S.J.D., M.H.L., LL.M., M.Crim., M.Glob.L., Grad.Dip.Law, Grad.Dip.Crim., Grad.Dip.H.L., Grad.Dip.Pub.H.L., Law PG Cross-Inst

LAWS6247 Securities and Markets Regulation

Credit points: 6 **Teacher/Coordinator:** Adj Prof Justice Ashley Black **Session:** Int January **Classes:** Jan 16-20 & 23 (2-6) **Assumed knowledge:** law degree with good background in Australian corporate law **Assessment:** 7000wd essay (100%) **Campus:** Camperdown/Darlington **Delivery Mode:** Block Mode

Note: This unit replaced LAWS6247 Australian Financial Services Regulation.

This unit examines the structure and regulation of markets for financial products, with particular emphasis on corporate securities, following the introduction of the Financial Services Reform Act. The study is primarily a legal analysis, but also explores some financial theory relevant to legal response to market operation. Particular topics covered include: structures, institutions and participants in Australian financial products markets and current developments in such markets; co-regulation of financial products markets, including the role and powers of the Australian Securities and Investments Commission and Australian Stock Exchange; the licensing of financial services professionals; the conduct of securities business, including the legal structure of stock exchange transactions and the incidents of the broker-client relationship; abusive trading on financial products markets, including market manipulation and insider trading.

Degrees: S.J.D., LL.M., M.B.L., M.Glob.L., Grad.Dip.Law, Grad.Dip.Corp.Law, Grad.Dip.Comm.Law, Law PG Cross-Inst

LAWS6252 Legal Reasoning & the Common Law System

Credit points: 6 **Teacher/Coordinator:** Mr Michael Skinner **Sessions:** Int March, Int April, Int August, Int Sept **Classes:** S103 (Group A): Mar 6-9 (9-5), S104 (Group B): Mar 23, 24 & Apr 13, 14 (9-5), S108 (Group C): Jul 31 & Aug 1-3, S109 (Group D): Sep 7, 8 & 21, 22 (9-5) **Prohibitions:** LAWS6881 **Assessment:** in-class test (25%) and take-home exam (75%) **Campus:** Camperdown/Darlington **Delivery Mode:** Block Mode

Note: International students who are required to enrol in this unit must undertake classes during the first week of their study. Health Law and Public Health students should enrol in LAWS6881 Introduction to Law for Health Professionals in lieu of LAWS6252, if available.

This is a compulsory unit for all postgraduate students who do not hold a law degree or equivalent from a common law jurisdiction entering the: Master of Administrative Law and Policy; Master of Business Law; Master of Environmental Law; Master of Environmental Science and Law; Master of Global Law; Master of Health Law; Master of International Business and Law; Master of Labour Law and Relations as well as Graduate Diplomas offered in these programs. The unit has been designed to equip students with the

necessary legal skills and legal knowledge to competently apply themselves in their chosen area of law. Instruction will cover the legislative process; the judiciary and specialist tribunals; precedent; court hierarchies; legal reasoning; constitutional law; administrative law; contracts; and torts. Some elements of the unit will be tailored in accordance with the requirements of the particular specialist programs.

Degrees: M.Int.Bus. & Law, M.Int.Bus. & Law, M.L.L.R, M.Env.Law, M.H.L., M.A.L.P., M.I.L., M.B.L., M.Glob.L., Grad.Dip.Env.Law, Grad.Dip.I.L., Grad.Dip.H.L., Grad.Dip.P.H.L., M.P.H., Grad.Dip.P.H., Grad.Dip.Int.P.H., M.Envi.Sci.Law

LAWS6257 Public Policy

Credit points: 6 **Teacher/Coordinator:** Prof Patricia Apps **Session:** Int Sept **Classes:** Sep 24, 25 & Oct 11, 12 (10-5) **Prohibitions:** LAWS6139, LAWS6042, LAWS6113 **Assessment:** problem-based assignment and class presentation of a case study (10%) and 5000wd essay (90%) **Campus:** Camperdown/Darlington **Delivery Mode:** Block Mode

Note: Compulsory for MALP students.

The aim of the unit is to provide an understanding of the role of government policy within the analytical framework of welfare economics. Questions of central interest include: What are the conditions that justify government intervention? How can policies be designed to support basic principles of social justice? What kinds of reforms promote economic efficiency? Applications will range from taxation and social security to environmental regulation and protection, and will cover the following specific topics: The structure of the Australian tax-benefit system; Uncertainty and social insurance; Unemployment, health and retirement income insurance; Externalities, environmental taxes and tradeable permits; Monopoly and environmental regulation; Utility pricing and access problems; Cost benefit analysis, intergenerational equity and growth. The unit will provide an overview of the main empirical methodologies used in evaluating policy reforms in these areas. Students may select to specialise in one or more of the policy areas.

Degrees: S.J.D., M.Tax., M.Env.Law, M.A.L.P., M.Int.Tax., LL.M., M.B.L., M.Glob.L., Grad.Dip.Law, Grad.Dip.Env.Law, Grad.Dip.Tax., Law PG Cross-Inst, M.Envi.Sci.Law

LAWS6264 Compliance: Financial Services Industry

Credit points: 6 **Teacher/Coordinator:** Adj Prof Kevin Lewis **Session:** Semester 2 **Classes:** 1x2-hr lecture/week **Assumed knowledge:** A good general grasp of legal and equitable principles, including the common law, and a basic knowledge of undergraduate law units. The unit is open not only to students in the LL.M program, but also to lawyers, regulatory staff or compliance professionals. It is not necessary that the latter hold a law degree in order to participate in the unit, but they should understand that the unit is being taught as part of a law program at postgraduate level. They may find it preferable therefore to audit the unit on a non-assessed basis, rather than participate on an assessed basis. **Assessment:** assignment (40%) and 2hr exam (60%) **Campus:** St James **Delivery Mode:** Normal (lecture/lab/tutorial) Day

The unit will examine in detail the legal and regulatory requirements relevant to the financial services industry, and how the risk of breaching those requirements can be managed by compliance systems. It will focus not only on legal theory but also on the practical day to day business issues involved with compliance. The unit is divided into two parts: (a) Core compliance issues: licensing of financial service providers; compliance systems; insider trading and Chinese walls; market conduct rules; shareholding restrictions; trade practices; anti-money laundering, counter-terrorism financing and other measures to combat crime; retail customer obligations; marketing financial products; client money rules; privacy; fiduciary duties and conflicts of interest; confidentiality; phone taping; and investigating compliance breaches (including reporting obligations and HR issues); and (b) Specialist compliance issues relevant to: managed investments; deposit products, non cash payment facilities; credit facilities, stockbroking; derivatives; warrants; foreign exchange; futures broking; financial planning; margin lending; insurance and insurance broking; superannuation and retirement savings accounts.

Degrees: S.J.D., LL.M., M.B.L., M.Glob.L., Grad.Dip.Law, Grad.Dip.Corp.Law, Grad.Dip.Comm.Law., Law PG Cross-Inst

LAWS6271 Microfinance: Law and Policy

Credit points: 6 **Teacher/Coordinator:** Ms Jennifer Chien **Session:** Int Oct **Classes:** Oct 11-13 & 15 (9-5) **Assessment:** class presentation (20%) and 5000wd essay (80%) **Campus:** Camperdown/Darlington **Delivery Mode:** Block Mode

The unit is concerned with the role of microfinance in achieving financial inclusion for the world's poor. The unit critically analyses the legal and policy issues relevant to efforts to alleviate poverty through the provision of formal financial services, in the form of microfinance, to the poor. Microfinance will be examined from the perspectives of Governments, international financial organisations, financial institutions, borrowers and country case studies. We will debate and assess appropriate policy responses to the fundamental legal issues that exist in this context.

Degrees: M.Int.Bus. & Law, S.J.D., M.I.L., LL.M., M.B.L., M.Glob.L., Grad.Dip.Law, Grad.Dip.Corp.Law, Grad.Dip.Comm.Law, Grad.Dip.Int.Bus.L., Grad.Dip.I.L., Law PG Cross-Inst

LAWS6800 International Financial Organisations

Credit points: 6 **Teacher/Coordinator:** Adj Prof Ros Grady (Unit Coordinator), Mr William Holder, Mr Bruce Purdue **Session:** Int Oct **Classes:** Oct 18-20 & 22 (9-5) **Assessment:** 7000wd essay (100%) **Campus:** Camperdown/Darlington **Delivery Mode:** Block Mode

The unit examines the legal architecture of the international financial system through the prism of the key international financial organisations, the International Monetary Fund and World Bank, and the key regional financial organisation, the Asian Development Bank. The unit will outline the law and policy underlying the operations of international financial organisations and explore the legal and policy issues that arise when these organisations deal with global, regional and national financial crises.

Degrees: M.Int.Bus. & Law, S.J.D., M.I.L., LL.M., M.B.L., M.Glob.L., Grad.Dip.Law, Grad.Dip.Comm.Law, Grad.Dip.Int.Bus.L., Grad.Dip.I.L., Law PG Cross-Inst

LAWS6804 Olympic Sports Arbitration

Credit points: 6 **Teacher/Coordinator:** Assoc Prof Saul Fridman, Prof Richard McLaren **Session:** Int May **Classes:** Apr 26-28 & 30 (9-5) **Prohibitions:** LAWS6930 **Assessment:** class participation (50%) and 5000wd essay or take-home exam (50%) **Campus:** Camperdown/Darlington **Delivery Mode:** Block Mode

This Unit will examine the use of Arbitration and the Court of Arbitration for Sport by the Olympic Movement. This will involve looking at the nature of arbitration as a method of dispute resolution as well as more specifically that form of arbitration established by the Court of Arbitration for Sport. Of particular focus will be the use of ad hoc panels during Summer and Winter Olympic Games. The Unit will be taught by one of the more experienced Olympic Arbitrators in the world. It will be taught in a seminar style.

Degrees: S.J.D., M.I.L., LL.M., M.B.L., M.Glob.L., Grad.Dip.Law, Grad.Dip.Comm.Law, Grad.Dip.Int.Bus.L., Grad.Dip.I.L., Law PG Cross-Inst

LAWS6808 Sports Law

Credit points: 6 **Teacher/Coordinator:** Assoc Prof Saul Fridman **Session:** Int Sept **Classes:** Sep 10, 11 & 20, 21 (9-5) **Prohibitions:** LAWS6248 **Assessment:** 10,000wd essay (100%) or class presentation (100%) or moot court exercise (100%) **Campus:** Camperdown/Darlington **Delivery Mode:** Block Mode

Sporting activity cuts across a number of disparate areas of law. Increasing professionalisation, the enormous growth in the Olympic Movement and the commercialisation of sport have all contributed to the development of Sport as a business, as well as a pastime. As a result there has been increasing intersection of the law with sporting activity. In this unit we will examine the following: the economics of sports leagues; the structure of sporting organisations; international and national governance of sport; the impact of administrative law on the working of disciplinary tribunals; industrial law and the treatment of the athlete as employee; labour market controls and the impact of competition law; player agents; the law and policy relating to doping of athletes; the impact of intellectual property laws on sponsorship and promotion of sporting events. While the unit will be international in its focus, particular attention will be paid to recent events that have taken place in Australia including: the breach by the Canterbury Bulldogs of salary cap rules in the 2002 NRL season; the battle for control of Rugby League between the ARL/NSWRL and News Limited; recent challenges to positive drug tests by Australian athletes. The unit will be taught intensively and will involve instruction provided by leading members of the legal and sporting community.

Textbooks

Materials supplied by lecturer: Buti and Fridman, Sports, Drugs and the Law, 2001 Scribblers Press; Mudgeeraba and Buti, Thorpe, Davies, Johnson and Fridman, Sports Law, 2009 OUP.

Degrees: S.J.D., LL.M., M.B.L., M.Glob.L., Grad.Dip.Law, Grad.Dip.Comm.Law., Law PG Cross-Inst

LAWS6809 Breach of Contract

Credit points: 6 **Teacher/Coordinator:** Prof John Carter, Prof Elisabeth Peden **Session:** Semester 2 **Classes:** 1x2-hr lecture/week **Assumed knowledge:** undergraduate law degree **Assessment:** compulsory essay (25%) and 2hr exam or essay (75%) **Campus:** St James **Delivery Mode:** Normal (lecture/lab/tutorial) Day

Every breach of contract gives rise to a right to claim damages, but not every breach confers a right of termination. The first part of this unit analyses the concept of breach of contract - the concept of standard of duty and the law's requirements for proof of breach. The balance of the unit is concerned with the circumstances in which breach of contract does confer a right of termination. From a remedial perspective this means that the unit is primarily about self-help - enforcement of a right (termination) rather than a remedy (damages). The unit includes a detailed consideration of express provisions for termination ("termination clauses"), their drafting, exercise and consequences.

Degrees: S.J.D., LL.M., M.B.L., M.Glob.L., Grad.Dip.Law, Grad.Dip.Comm.Law., Law PG Cross-Inst

LAWS6810 Fundamentals of Corporate Law

Credit points: 6 **Teacher/Coordinator:** Assoc Prof Saul Fridman **Session:** Int March **Classes:** Mar 19, 20 & 26, 27 (9-5) **Prohibitions:** LAWS2003, LAWS2014, LAWS5014, CLAW2001, CLAW2201, CLAW6002 or equivalent unit **Assessment:** take-home exam (100%) **Campus:** Camperdown/Darlington **Delivery Mode:** Block Mode

Note: This unit replaced LAWS6810 Introductory Corporate Law.

This unit is designed for those wishing to pursue postgraduate study involving aspects of corporate law, but who lack the required previous exposure to the subject. As our postgraduate units in corporate law (other than this one) are all specialised and taught at an advanced level, those wishing to enrol in such units but who have not studied corporate law in a Law School environment should undertake this unit. This unit will focus on the fundamental principles of law applying to public and proprietary companies. The unit will start with a brief history of the development of the corporate form and the evolution of Australian corporate law, before moving on to examine the nature of corporate personality, the incorporation process, corporate constitution, governance rules, duties of directors and remedies for shareholders.

Textbooks

Hanrahan, Stapledon & Ramsay, Commercial Applications of Company Law *Degrees: S.J.D., LL.M., M.B.L., M.Glob.L., Grad.Dip.Law, Grad.Dip.Corp.Law, Grad.Dip.Comm.Law., Law PG Cross-Inst*

LAWS6814 Comparative Value Added Tax

Credit points: 6 **Teacher/Coordinator:** Prof Alan Schenk **Session:** Int June **Classes:** May 30, 31 & Jun 1, 4, 5 (9-3.30) **Assessment:** class work/test (35%) and 2hr exam (65%) **Campus:** Camperdown/Darlington **Delivery Mode:** Normal (lecture/lab/tutorial) Day

This unit provides an introduction to the design and operation of consumption type value-added taxes (known commonly as either VAT or GST). The unit will consider the major foundational principles of VAT and the different ways in which they can be given effect in different jurisdictions, taking examples from the VAT Directive of the European Union, the GST laws of New Zealand, Australia, Singapore, and a range of African and other jurisdictions and/or model VATs. Participants familiar with Australian GST will gain an understanding of the policies underlying VAT/GST and of the options for VAT treatment that have been adopted in other jurisdictions. International participants will find that the generic and comparative discussion of VAT/GST principles will be readily transferable to the operation of VAT in their country of residence. Topics covered include: different methods for taxing consumption; the history, spread and prevalence of credit-invoice systems of VAT; different models of VAT/GST; the relationship between VAT and other tax bases; the use of multiple rates; registration, invoices, assessment and collection; notions of taxable person, taxable activity, taxable supplies, and the taxable amount; the treatment of government and charities; exemption with credit (zero-rating/GST-free) and exemption without credit (input taxation); the aim of fiscal neutrality and the importance of the input tax credit/deduction; international issues and the avoidance of double or non-taxation; hard-to-tax commodities (financial services, insurance, gambling, real property); and problems with VAT evasion.

Degrees: S.J.D., M.Int.Bus. & Law, M.Int.Bus. & Law, S.J.D., M.Tax., M.Int.Tax., M.I.L., LL.M., M.B.L., M.Glob.L., Grad.Dip.Law, Grad.Dip.Tax, Grad.Dip.Int.Bus.L., Grad.Dip.I.L., Law PG Cross-Inst

LAWS6821 Mediation - Skills and Theory

Credit points: 6 **Teacher/Coordinator:** Mr Paul Scanlan (Coordinator), Prof Tania Sourdin **Session:** Int November **Classes:** Nov 9, 10 & 16, 17 (9-5) **Prohibitions:** LAWS6935 **Assessment:** class participation (30%) and reflective journal (formative assessment) and 5000wd essay (70%) **Campus:** Camperdown/Darlington **Delivery Mode:** Block Mode

Note: Students enrolling in this unit need to commit themselves to attending all classes. The skills learning takes place in class and skills are built incrementally from the beginning to the end of the unit. Students cannot catch up on elements they have missed by doing reading outside class - they must participate in all scheduled sessions. If students have a problem with attendance, they should postpone enrolling or transfer to another unit by the relevant census date. This unit has a restricted class size.

This unit will teach you the fundamental skills and theory of mediation. The skills component of the unit will be extensive and is the reason for the limited enrolment. However, mediation is not simply a procedural template that can be learned and applied to every dispute with benefit. It raises interesting and complex issues of theory and ethics, which will be integrated with the skills components of the unit. Issues of culture, power, mediator neutrality and ethical dilemmas for the mediator will be considered.

Textbooks

Laurence Boule Mediation Skills and Techniques Butterworths, Australia, 2001

Degrees: S.J.D., M.L.L.R, M.H.L., LL.M., M.Glob.L., Grad.Dip.Law, Grad.Dip.H.L., Law PG Cross-Inst

LAWS6825 Introduction to Australian Business Tax

Credit points: 6 **Teacher/Coordinator:** Prof Graeme Cooper **Sessions:** Semester 1a, Semester 1b, Semester 2a, Semester 2b, Int March, Int August **Classes:** S103: Mar 5-9 (9-3.30) and S108: Jul 30, 31 & Aug 1-3 (9-3.30) and S7, 8, 9, 10: Taxation Training Program **Assessment:** class work/test (30%) and 2hr exam (70%) **Campus:** Camperdown/Darlington **Delivery Mode:** Normal (lecture/lab/tutorial) Day, Block Mode

This unit introduces the basic elements of Australia's income tax (including fringe benefits tax and capital gains tax), with an emphasis on their impact on businesses, whether conducted directly or via a partnership, trust or company. The unit covers the following topics: the main elements of the tax system; assessability of business revenue; treatment of business expenses; timing rules for revenue and expense recognition; trading forms (companies, partnerships, trusts), capital raising and costs of servicing invested capital; cross-border issues; anti-avoidance rules. The unit is aimed at participants who have not undertaken a recent and thorough undergraduate unit (or postgraduate equivalent) in Australian income tax. Participants are expected to be primarily drawn from two groups: (a) foreign students who have studied their own domestic tax system and now wish to acquire a detailed knowledge of the operation of the Australian tax system; and (b) Australian graduates in law, commerce, accounting, or other disciplines, who have not previously studied income tax. This unit is suitable as both an entry-level precursor to the more specialised units offered in the Tax Program and as a unit for practitioners and others who do not seek to be tax specialists but want to improve their general understanding of the tax ramifications of commercial operations.

Degrees: S.J.D., M.Tax., M.Int.Tax., LL.M., M.B.L., M.Glob.L., Grad.Dip.Law, Grad.Dip.Tax., Law PG Cross-Inst

LAWS6828 Goods and Services Tax Principles B

Credit points: 6 **Teacher/Coordinator:** Mr Andrew Sommer **Session:** Semester 2 **Classes:** 1x2-hr lecture/week **Assumed knowledge:** LAWS6214 GST Principles A. With permission of the Tax Program Coordinator, students with a good working knowledge of GST or VAT from previous study or practical experience may be permitted to enrol. **Assessment:** class work/test (35%) and 2hr closed book exam (65%). A research essay may be undertaken in lieu of the exam subject to permission from the Unit Coordinator. **Campus:** St James **Delivery Mode:** Normal (lecture/lab/tutorial) Day

The object of this unit is to broaden participants' existing knowledge of the Australian Goods and Services Tax, gained from studying LAWS6214 Goods and Services Tax Principles A or from extensive experience in practice. The unit will examine the interpretation, operation, and administration of aspects of GST that are complex in theory and/or in practical application. A detailed analysis of the law will take into account the policy objectives of the law and will be illustrated by reference to a range of commercial transactions, focussing on problems encountered in practice. The following aspects of Australian GST are covered: entity and enterprise issues (the treatment of

partnerships, trusts, and non-profit bodies; the special rules relating to GST groups, GST branches, and approved joint ventures; supplies of going concerns); the decreasing adjustment model for the taxation of insurance (Division 78); financial supplies (defining the boundaries of the input taxation; reduced credit acquisitions; related issues); GST and real property (taxable, input taxed, and GST-free supplies of real property; input taxed sales of residential premises and the exception for new residential premises; the margin scheme; supplies in return for development rights; real property and going concerns; input taxed residential rent, taxable commercial accommodation, and the treatment of long term occupation of commercial residential premises). Coverage in any year may vary to take account of current issues, amendments to the law, and any relevant government consultations. Other issues that may be covered include: incapacitated entities; pre-incorporation expenses and amalgamations: CTP insurance (Division 79) and settlement sharing arrangements (Division 80); current topical issues and/or recent case law.

Degrees: S.J.D., M.Tax., LL.M., M.B.L., M.Glob.L., Grad.Dip.Law, Grad.Dip.Tax., Law PG Cross-Inst

LAWS6837 Aspects of Law and Justice

Credit points: 6 **Teacher/Coordinator:** Adj Prof Christopher Birch **Session:** Semester 2 **Classes:** 1x2-hr lecture/week **Prohibitions:** JURS6022, JURS6023 **Assessment:** 7500wd essay (100%) or class presentation (30%) and 5000wd essay (70%) **Campus:** St James **Delivery Mode:** Normal (lecture/lab/tutorial) Day

The philosophical analysis of substantive legal doctrine has become a central area of study in contemporary analytical jurisprudence. Recent work in this area will be examined with a particular focus on whether the reasoning behind some current developments in the law is best understood as the application of principles of justice, particularly distributive or corrective justice, a theory of rights, or rather, as guided by concepts of economic efficiency. The analysis will consider several areas of the civil law including tort, contract and property.

Textbooks

Background reading: Wolff, Jonathon an Introduction to Political Philosophy, 2nd Revised Edition Oxford UP, Oxford, 2006 and Campbell; Tom; Justice 2nd Edition, McMillan Press London, 2000

Degrees: S.J.D., M.Jur., LL.M., M.Glob.L., Grad.Dip.Jur., Grad.Dip.Law, Law PG Cross-Inst

LAWS6838 Competition Law

Credit points: 6 **Teacher/Coordinator:** Adj Prof Christopher Hodgekiss **Session:** Semester 1 **Classes:** 1x2-hr lecture/week **Assumed knowledge:** undergraduate law degree or have completed LAWS6252 Legal Reasoning and the Common Law System before enrolling in this unit **Assessment:** 2900-3100wd essay (33.33%) and 2hr 15min open book exam (66.67%) **Campus:** St James **Delivery Mode:** Normal (lecture/lab/tutorial) Day

The content of this unit of study will be the following topics: Economic Theory of Competition Law; the Concepts of competition, market definition, market power, substantial lessening of competition and public benefit; Section 4D Exclusionary Provisions; Part IV: Cartels - Civil and Criminal Prohibitions; Section 45 Contracts, Arrangements and Understandings; Section 46 Misuse of Market Power; Section 47 Exclusive Dealing; Section 48 Resale Price Maintenance; Section 50 Mergers; Part IIIA Access to Services; Part VI Remedies and Enforcement; Part VII Authorisations and Notifications. The intended outcomes for students who successfully complete this unit are that they will have a firm grasp of the operation of the competition law provisions of the Competition and Consumer Act 2010.

Textbooks

Corones, Stephen G: Competition Law in Australia (fifth ed 2010, LBC, Thomson Reuters); Miller, Russell V Australian Competition and Consumer Law Annotated (thirty-third ed, 2011, LBC, Thomson Reuters); Clarke, Philip, Corones, Stephen and Clarke Julie: Competition law and policy : cases and materials (3rd ed) OUP 2011

Degrees: S.J.D., LL.M., M.B.L., M.Glob.L., Grad.Dip.Law, Grad.Dip.Corp.Law, Grad.Dip.Comm.Law, Law PG Cross-Inst

LAWS6839 Critical Issues in Public Health Law

Credit points: 6 **Teacher/Coordinator:** Prof Roger Magnusson **Session:** Int March **Classes:** Intro Class: Mar 12 (6-8) then Mar 15, 16 & Apr 20 (9-4.30) & Apr 19 (11-4.30) **Assessment:** compulsory classwork (20%) and 3500wd essay (40%) and take-home exam (40%) or 3500wd essays (2x40%) or 6000wd essay (80%) **Campus:** Camperdown/Darlington **Delivery Mode:** Block Mode

Note: Compulsory for GradDipPubHL students. MHL students may select this unit as one of the three compulsory units required in addition to LAWS6252 or LAWS6881.

How does law contribute to public health? This unit explores the role of law as a tool for protecting the public's health, responding to public health risks and implementing strategies designed to promote public health. It provides a foundation for further study in public health law, by clarifying the sources of public health law, the strategies that law can adopt, and debates about the proper role of law in protecting public health. The unit also provides a review of law's role within a number of critical areas, including: acute public health threats (focus on SARS, and bioterrorism); sexual health and STIs; and tobacco control. The unit also provides illustrations of the legal environment of public health practice and policy-making (through a case study on iatrogenic transmission of blood-borne viruses, and look-backs). Throughout the unit, students will be trained to identify legal issues, to apply the law to policy tasks and public health issues, and to critically evaluate the success of the strategies law adopts to protect and promote public health. Students will also explore the tension between the public interest in protecting health, and competing public and private interests. Students wishing to extend their knowledge of public health law may enrol in the companion unit, LAWS6848 Law and Healthy Lifestyles. These units comprise a core program in public health law.

Textbooks

Lawrence O. Gostin, Public Health Law: Power, Duty, Restraint, 2nd ed, University of California Press, 2008 [US focus]:

<http://www.ucpress.edu/books/pages/11023.php> and Christopher Reynolds, Public Health Law and Regulation, Federation Press, 2004 [Australia focus]

Degrees: S.J.D., M.H.L., LL.M., M.Glob.L., Grad.Dip.Law, Grad.Dip.H.L., Grad.Dip.Pub.H.L., Law PG Cross-Inst

LAWS6840 Tax of Business and Investment Income A

Credit points: 6 **Teacher/Coordinator:** Prof Michael Dirkis **Sessions:** Semester 1, Semester 1a, Int May **Classes:** May 16-18 & 21, 22 (9-3.30) - Law School (S105) and Taxation Training Program (S1 & S7) **Assessment:** in-class assessment (30%) and 2hr exam (70%) **Campus:** Camperdown/Darlington **Delivery Mode:** Normal (lecture/lab/tutorial) Day This unit, along with LAWS6841 Taxation of Business and Investment Income B, is designed to provide an advanced study of the tax treatment of various important business transactions. It provides a detailed examination of the income tax and capital gains treatment of selected complex commercial transactions and their impact on the tax base. The goal of the unit is to develop an understanding of the policies, detailed rules and current practical problems involved in this area of taxation, through the analysis of a number of specific problems discussed in each seminar. Because of continual change to the taxation system, recent legislative amendments and judicial decisions will be examined in detail where applicable. The unit will cover the following topics: Core income and expense rules and operational concepts underlying the income tax system; Treatment of realised business income and the differentiation of gains liable only to CGT; Treatment of business expenses and the differentiation of expenses recoverable under depreciation, CGT regimes or not at all; Issues in the treatment of trading stock; Issues in the tax treatment of the costs (and revenues) associated with business equipment. This unit can be taken alone or in conjunction with LAWS6841 Taxation of Business and Investment Income B.

Degrees: S.J.D., M.Tax., LL.M., M.B.L., M.Glob.L., Grad.Dip.Law, Grad.Dip.Tax., Law PG Cross-Inst

LAWS6841 Tax of Business and Investment Income B

Credit points: 6 **Teacher/Coordinator:** Ms Celeste Black (S2), Prof Lee Burns (S9, S108) **Sessions:** Semester 2, Semester 2a, Int August **Classes:** 1x2-hr lecture/week - Law School and Taxation Training Program (S9 & S108) **Assessment:** class work (30%) and 2hr exam (70%) **Campus:** St James **Delivery Mode:** Normal (lecture/lab/tutorial) Day, Block Mode This unit, along with LAWS6840 Tax of Business and Investment Income A, is designed to provide an advanced study of the income and capital gains tax treatment of various complex commercial transactions. The goal of this unit is to develop an understanding of the policies, detailed rules and current practical problems involved in this area of taxation, through the analysis of a number of specific problems that will be discussed in the seminars. Because of continual change to the taxation system, recent legislative amendments and judicial decisions will be examined in detail where applicable. This unit will cover the following topics: issues in business financing, including asset leasing; tax issues related to the use and development of land and buildings; the treatment of 'black hole' expenses; tax accounting for income, expenses and profits; and specific and general anti-avoidance rules. This unit can be taken alone or in conjunction with LAWS6840 Tax of Business and Investment Income A.

Degrees: S.J.D., M.Tax., LL.M., M.B.L., M.Glob.L., Grad.Dip.Law, Grad.Dip.Tax., Law PG Cross-Inst

LAWS6844 US Corporate Law

Credit points: 6 **Teacher/Coordinator:** Prof Jennifer Hill **Session:** Int June **Classes:** Jun 7, 8 & Jul 23, 24 (9-4) **Assessment:** class participation (10%) and quiz (20%) and essay or exam (70%) **Campus:** Camperdown/Darlington **Delivery Mode:** Block Mode

The objectives of this unit are: understand the history, structure and operation of US corporate law and corporate governance; to examine the common law, statutory provisions; and to explore the tension between state and federal law, including recent regulatory developments under the Sarbanes-Oxley Act 2002 and the Dodd-Frank Act 2010. Specific issues discussed in the course include the "race to the bottom" vs "race to the top" hypotheses; the US approach to veil-piercing; the governance role of shareholders under US law; directors' duties, including the duty of care and the duty of loyalty; the operation of the business judgment rule; derivative litigation; the law relating to closely held corporations; judicial review of tender offer defences.

Degrees: M.Int.Bus. & Law, M.Int.Bus. & Law, S.J.D., M.I.L., LL.M., M.B.L., M.Glob.L., Grad.Dip.Law, Grad.Dip.Corp.Law, Grad.Dip.Comm.Law, Grad.Dip.Int.Bus.L., Grad.Dip.I.L., Law PG Cross-Inst

LAWS6846 Human Rights and the Global Economy

Credit points: 6 **Teacher/Coordinator:** Prof David Kinley **Session:** Int August **Classes:** Aug 17, 18 & 24, 25 (9-5) **Prohibitions:** LAWS5134 or equivalent **Assessment:** 8000wd essay (100%) **Campus:** Camperdown/Darlington **Delivery Mode:** Block Mode

The questions of whether and how the global economy and human rights interrelate and interact have excited much recent controversy on the streets, in the courts and legislatures, in corporate board rooms and in the corridors of the UN and the international trade and financial organizations. It is a controversy that will almost certainly intensify over the next few years. The debate is controversial because it is important, and it is important because it involves two great globalizing forces namely, the promotion of free market ideology through trade liberalization and the protection of human rights through the universalization of the norms that underpin human dignity. On the face of it the two projects do sit easily together. Are they, in fact, implacably opposed to each other? Where or how do they overlap and what are the consequences or opportunities presented thereby? What role can the law play in regulating their interaction whether it be domestic or international law, 'hard' or 'soft' law. And what or who are the real actors behind the economic and human rights power blocs on the global stage? This unit seeks both to frame these questions and to address them by reference to the most recent discussion, thinking and action in the area.

Degrees: S.J.D., M.I.L., LL.M., M.B.L., M.Glob.L., Grad.Dip.Law, Grad.Dip.Corp.Law, Grad.Dip.I.L., Law PG Cross-Inst

LAWS6848 Law and Healthy Lifestyles

Credit points: 6 **Teacher/Coordinator:** Prof Roger Magnusson **Session:** Int August **Classes:** Intro Class: Aug 6 (6-8) then Aug 16, 17 & Sep 13, 14

(9-4.30) **Assessment:** short response question (20%) and 6000wd essay (80%) or short response question (20%) and 3000-3500wd essay (40%) and take-home exam question (40%) or short response question (20%) and 2 x3000-3500wd essays (80%) **Campus:** Camperdown/Darlington **Delivery Mode:** Block Mode

Note: Compulsory for GradDipPubHL students. This unit replaced LAWS6848 New Directions in Public Health Law and Policy.

Can law make us healthy? If so, how does it do this, and to what extent should we let it? Behavioural risk factors including tobacco use, poor diet, obesity, the harmful use of alcohol, and a sedentary lifestyle are the leading, specific causes of death and disability in Australia, the United States, and other countries. Achieving improvements in these lifestyle risk factors across the population could significantly boost healthy life expectancy and reduce premature mortality from heart disease and stroke, cancer, diabetes, and tobacco-related diseases. Law and regulation are important tools for improving the public's health, especially through the contribution they make to healthy environments which facilitate and support healthy lifestyles. The aim of this unit is to equip students to think powerfully about law's role in supporting healthier lifestyles, and to participate effectively in debates about appropriate, workable, legal and regulatory interventions. Against the background of growing international interest in non-communicable diseases (NCDs), and through a comparative approach which draws on legal responses to NCDs in both Australia and the United States, this unit will explore the tension between personal responsibility and freedom, and the broader public interest in a healthy and productive population. Key topics include: Frameworks for thinking about law and lifestyle-related risk factors; Chronic disease prevention and global health governance; Personal responsibility for health, and the role of public health regulation; Future challenges for tobacco control; Regulating alcohol; Obesity, public health nutrition, and active living. Throughout the unit, students will be encouraged to critically evaluate the success of the strategies law adopts to protect and promote public health, to explore new strategies that law might adopt, and to reflect on the tension between the public interest in protecting health, and competing interests.

Textbooks

Useful references include: Christopher Reynolds, *Public and Environmental Health Law*, Federation Press, 2011 [Australia focus] and Lawrence O. Gostin, *Public Health Law: Power, Duty, Restraint*, University of California Press, 2nd ed, 2008 [US focus]

Degrees: S.J.D., M.H.L., LL.M., M.Glob.L., Grad.Dip.Law, Grad.Dip.H.L., Grad.Dip.Pub.H.L., Law PG Cross-Inst

LAWS6851 Construction Law

Credit points: 6 **Teacher/Coordinator:** Adj Prof Michael P Furmston **Session:** Int May **Classes:** May 8-11 (9.30-4.30) **Assumed knowledge:** undergraduate law degree **Assessment:** 10,000wd essay (100%) **Campus:** Camperdown/Darlington **Delivery Mode:** Block Mode

Construction law may be defined as the application of basic principles of Contract and Tort to the processes of building and civil engineering. Particular features include: widespread use of long and complex standard forms; multiparty transactions; and difficult allocations of risk. The unit considers the interaction between standard form and general principle, with particular reference to difficulties such as: liquidated damages, termination; and privity of contract. The unit has a comparative element.

Degrees: S.J.D., LL.M., M.B.L., M.Glob.L., Grad.Dip.Law, Grad.Dip.Comm.Law, Law PG Cross-Inst

LAWS6852 Doing Business in China

Credit points: 6 **Teacher/Coordinator:** Prof Vivienne Bath **Session:** Int August **Classes:** Aug 17, 18 & 24, 25 (9-5) **Assumed knowledge:** LAWS6252 or law degree from a common or civil law jurisdiction

Assessment: 3500wd essay (50%) and take-home exam (50%) or take-home exam (100%) **Campus:** Camperdown/Darlington **Delivery Mode:** Block Mode

This unit aims to provide an introduction to the legal and practical aspects of doing business in China. The unit will commence with an overview of the Chinese legal, political and economic system and will then move on to an examination of the system of commercial regulation in China, including contracts, land use, regulation of private and state-owned businesses and Chinese companies and securities laws. The unit will focus on Chinese contract law and the foreign investment regime and the related structuring and regulatory issues related to foreign participation in the Chinese market. Areas covered will discuss the principal issues relating to the establishment of a corporate or other presence in China and the related negotiation process, including taxation and foreign exchange controls. The unit will conclude with an examination of methods of resolution of disputes arising under contracts entered into in China. More specialized topics which may be covered include intellectual property, labour law and regulation of financial institutions.

Degrees: M.Int.Bus. & Law, M.Int.Bus. & Law, S.J.D., M.I.L., LL.M., M.B.L., M.Glob.L., Grad.Dip.Law, Grad.Dip.Corp.Law, Grad.Dip.Int.Bus.L., Grad.Dip.I.L., Law PG Cross-Inst

LAWS6860 Intellectual Property: Trade Marks

Credit points: 6 **Teacher/Coordinator:** TBA **Session:** Int November **Classes:** Nov 19, 20 & 22, 23 (9-5) **Assessment:** 1hr in-class test (40%) and 4000wd essay (60%) **Campus:** Camperdown/Darlington **Delivery Mode:** Block Mode

Note: This unit replaced LAWS6860 Intellectual Property: Issues in Marketing Rights.

After an overview of the basic law of registered trademarks and passing-off, this unit will examine theoretical and practical issues in the area, with reference made to the continuing presence of unfair competition reasoning. Issues will include: the concept of 'sign' (including shapes) and 'property' in contemporary trade mark law, trade mark licensing, parallel imports and counterfeiting, character merchandising and the appropriation of the celebrity persona, and the continuing tension between the law and the right of freedom of expression.

Textbooks

Burrell, Robert and Handler, Michael Australian Trade Mark Law (2010) Oxford University Press

Degrees: S.J.D., LL.M., M.B.L., M.Glob.L., Grad.Dip.Law, Grad.Dip.Corp.Law, Grad.Dip.Comm.Law, Law PG Cross-Inst

LAW56868 International Sales

Credit points: 6 **Teacher/Coordinator:** Prof Michael Bridge **Session:** Int March **Classes:** Mar 23, 24 & 30, 31 (9-5.30) **Assumed knowledge:** undergraduate law degree **Assessment:** take-home exam or 10,000wd assessment (100%) **Campus:** Camperdown/Darlington **Delivery Mode:** Normal (lecture/lab/tutorial) Day
This unit deals with the private law aspects of international sale contracts containing a marine element and well-known shipping terms, such as CIF and FOB. Performance and remedies issues are addressed at length. The relationship between sale and related contracts, such as carriage and charterparty contracts, is explored and there is also a substantial treatment of the contracts arising out of the use of letters of credit. Contracts involving commodities (such as wheat and oil) come in for special treatment. Property and risk issues are also addressed. Although the greater part of the course is dedicated to common law authorities, a part of the course deals with the United Nations Convention on the International Sale of Goods 1980, to draw out its principal features and to compare it with the common law. The purpose of the unit is to provide: an awareness of issues arising in a contract for the international sale of goods; a working knowledge of the law relating to contracts for international sale of goods; an understanding of the letter of credit payment system; a sense of how integrated contracts work together; and an understanding of the relationship between national law and uniform and harmonised law.

Degrees: S.J.D., M.I.L., LL.M., M.B.L., M.Glob.L., Grad.Dip.Law, Grad.Dip.Comm.Law, Grad.Dip.Int.Bus.L., Grad.Dip.I.L., Law PG Cross-Inst

LAW56869 Class Actions and Complex Litigation

Credit points: 6 **Teacher/Coordinator:** Prof Peter Cashman **Session:** Int May **Classes:** May 11, 18 & 25 (9-5) **Assessment:** in-depth study of a current or recently completed class action (50%) and assignment (50%) **Campus:** Camperdown/Darlington **Delivery Mode:** Block Mode
This unit examines the substantive law, legal theories and procedural devices for the litigation and resolution of larger scale, complex civil litigation. This encompasses representative actions, class actions and the use of other mechanisms for the aggregation and resolution of mass claims, including under bankruptcy law. There is particular focus on Part IVA of the Federal Court Act (Cth) and representative action procedures available in Australia under rules of court and statutory provisions in various areas (including human rights, insurance law, privacy, corporations law and shareholders rights). The unit also covers comparative material on group litigation procedures and class actions under the laws of other countries, including England and Wales, Canada, the United States and Indonesia. The substantive law focus is on the use of class actions in the following areas: (1) product liability, with particular reference to pharmaceuticals and therapeutic devices; (2) shareholder litigation; (3) environmental law and mass torts; (4) anti-competitive conduct and price-fixing and (5) human rights. The unit also examines problems of proof of causation in complex civil litigation and the use of statistical and epidemiological evidence.

Degrees: S.J.D., M.Env.Law, M.H.L., LL.M., M.Glob.L., Grad.Dip.Law, Grad.Dip.Env.Law, Grad.Dip.Comm.Law, Grad.Dip.H.L., Law PG Cross-Inst

LAW56872 Contract Negotiation

Credit points: 6 **Teacher/Coordinator:** Adj Prof David Yates **Session:** Int April **Classes:** Mar 26-30 (9.30-4.30) **Assumed knowledge:** completed contract law in an undergraduate law degree **Assessment:** simulated negotiation in teams - in class (30%) and 2hr exam (70%) **Campus:** Camperdown/Darlington **Delivery Mode:** Block Mode
Note: This unit has a restricted class size.

This unit will examine the legal principles that provide the overarching framework within which contract negotiations take place. It will concentrate particularly on requirements of certainty and good faith and the issues that can arise in re-negotiating terms in long-term contractual relationships. It will also address some of the techniques of negotiations. Topics covered will include: standard form contracts and negotiated contracts; "agreements to agree" and the requirements of certainty; "long-term" contractual relationships and the use of hardship and intervener clauses; "good faith" negotiations and negotiation techniques. The unit will also involve a simulated contractual negotiation in which the class will be split into teams of 3 to 5 (depending upon class size) for a "team against team" negotiation.

Textbooks

Required reading: Contract Law in Australia, J.W. Carter, E.Peden and G.J.Tolhurst, 5th edition, LexisNexis/Butterworths, 2007. Getting to Yes, Roger Fisher and William Ury, revised edition with Bruce Patton, Random House, 1991 and Houghton Mifflin Books, 1994. Recommended reading: Cases and Materials on Contract Law in Australia, J.W. Carter, E.Peden and G.J.Tolhurst, 5th edition, LexisNexis/Butterworths 2007. Treitel's The Law of Contract, 12th edition by Edwin Peel, Sweet & Maxwell, 2007. The Heart and Mind of the Negotiator, Leigh Thompson, 3rd edition, Pearson Prentice Hall, 2009.

Degrees: S.J.D., LL.M., M.B.L., M.Glob.L., Grad.Dip.Law, Grad.Dip.Comm.Law, Law PG Cross-Inst

LAW56873 Principles of Intellectual Property

Credit points: 6 **Teacher/Coordinator:** Mr Fady Aoun **Session:** Int July **Classes:** July 13, 14 & 27, 28 (9-5) **Prohibitions:** LAWS3480, LAWS3479, LAWS5180, LAWS5179, LAWS6854 and students who have previously completed an equivalent undergraduate or postgraduate unit in intellectual property **Assessment:** 1hr in-class tests (2x20%) and 4000wd essay (60%) **Campus:** Camperdown/Darlington **Delivery Mode:** Block Mode

Note: This unit replaced LAWS6873 Intellectual Property: Principles and Context (formerly LAWS6854 Introduction to Intellectual Property).

This introductory unit is designed for students who have not previously undertaken any formal study of Intellectual Property. The unit will cover the fundamentals of law and theory in the main areas of contemporary intellectual Property: copyright, patents and trademarks.

Textbooks

Stewart, A, Griffith, P, Bannister, J Intellectual Property In Australia (4th ed, 2010) LexisNexis

Degrees: S.J.D., LL.M., M.B.L., M.Glob.L., Grad.Dip.Law, Grad.Dip.Corp.Law, Grad.Dip.Comm.Law, Law PG Cross-Inst

LAW56877 Mental Illness: Law and Policy

Credit points: 6 **Teacher/Coordinator:** Adj Prof Duncan Chappell **Session:** Int Sept **Classes:** Aug 31, Sep 1 & Sep 7, 8 (9-5) **Assessment:** 3000wd assignment (40%) and 4500wd essay (60%) **Campus:** Camperdown/Darlington **Delivery Mode:** Block Mode
This unit deals with the law relating to mental health issues in Australia including human rights principles. Background material on the nature and incidence of mental illness, psychiatric and medical issues, as well as criminological and public policy literature will be considered where relevant. The unit covers substantive issues from civil treatment, welfare law, and criminal law. Topics covered will include: the social context of mental illness and the current and historical approaches to treatment of the mentally ill; contemporary State, Territorial and Federal involvement in mental health policy and legislation; the present framework of NSW mental health law and related welfare law including the Mental Health Act, Guardianship Act, Protected Estates Act and Mental Health (Criminal Procedure) Act; the process of scheduling persons with a mental illness; review mechanisms including the roles of the medical superintendent, magistrates, the mental health review tribunal and the Supreme Court; longer term detention of the mentally ill; community treatment and community counselling orders; protected estates and guardianship orders; electroconvulsive therapy; consent to surgery and special medical treatment; the defence of not guilty on the grounds of mental illness, the review of forensic patients and the exercise of the executive discretion; the issue of unfitness to be tried; the involuntary treatment of prisoners in the correctional system; and proposals and options for reform.

Degrees: S.J.D., M.H.L., LL.M., M.Crim., M.Glob.L., Grad.Dip.Law, Grad.Dip.Crim., Grad.Dip.H.L., Grad.Dip.Pub.H.L., Law PG Cross-Inst

LAW56879 Japanese Law

Credit points: 6 **Teacher/Coordinator:** Prof Luke Nottage (Coordinator) **Session:** Int February **Classes:** Intro Class: Jan 30 (5-7) then Feb 6-10 **Practical/Field Work:** Kyoto, Japan **Assessment:** 1000wd reflective notes (2x10%) and 7000wd essay (80%) **Campus:** Kyoto/Tokyo **Delivery Mode:** Block Mode

Note: For further information, please visit <http://sydney.edu.au/law/caplus/> or contact law.caplus@sydney.edu.au

This unit provides an introduction to Japanese law in global context, focusing on its interaction with civil justice, criminal justice, business, politics, gender, and the legal professions. It is taught intensively in Kyoto at Ritsumeikan University Law School (Kyoto Seminar: www.kyoto-seminar.jp), leading into the more specialist "Tokyo Seminar" in Japanese Law and the Economy taught (LAWS6901, recommended but not a co-requisite for this unit). Lecturers include academics from Ritsumeikan and other leading Japanese universities, as well as from Australia (especially from The University of Sydney, UNSW and ANU), with guest lectures by prominent practitioners and a field study to a local bar association and the courts [tbc]. Students will also interact with participants from Japanese, Australian and other universities or institutions taking this unit, supported by the Australian Network for Japanese Law (sydney.edu.au/law/anjel).

Degrees: M.Int.Bus. & Law, M.Int.Bus. & Law, S.J.D., M.Jur., M.I.L., LL.M., M.B.L., M.Glob.L., Grad.Dip.Jur., Grad.Dip.Law, Grad.Dip.Corp.Law, Grad.Dip.Comm.Law, Grad.Dip.Int.Bus.L., Grad.Dip.I.L., Law PG Cross-Inst

LAW56881 Intro to Law for Health Professionals

Credit points: 6 **Teacher/Coordinator:** Prof Cameron Stewart **Session:** Int March **Classes:** Mar 6-9 (9-5) **Prohibitions:** LAWS6252 **Assessment:** compulsory attendance at workshops (10%) and 2000wd assignment (40%) and 3000wd take-home exam (50%) **Campus:** Camperdown/Darlington **Delivery Mode:** Block Mode

Note: Students may enrol in this unit or LAWS6252, but not both. Students are encouraged to enrol in this unit where possible. This unit replaced LAWS6881 Health Law for Health Professionals.

This unit is designed for postgraduate students who do not have a legal background and who are enrolling in the Health Law Program. The unit will provide students with an introduction to law and legal skills with an emphasis on issues of particular relevance to the field of health law. The unit commences with an overview of the development of the common law and provides an examination of the development of case law and its relationship with legislation. The unit will also examine the rules and principles for interpreting statutes and consider the structure of courts and tribunals in Australia. In addition to addressing these foundational elements of the legal system, the unit will consider specific fields of law that have special relevance health law. These may include constitutional law, tort law, criminal law and administrative law. A major component of the unit comprises workshops that deal with the analysis of cases, the interpretation of legislation, essay writing skills and approaches to legal problem solving. The unit is taught once a year and is a substitute for LAWS6252.

Textbooks

Cook, Creyke, Geddes and Hollway Laying Down the Law (2005)
Degrees: M.H.L., Grad.Dip.H.L., Grad.Dip.Pub.H.L.

LAW56884 International Commercial Litigation

Credit points: 6 **Teacher/Coordinator:** Mr Justin Hogan Doran **Session:** Semester 2b **Classes:** Sep 20, 21 & 24, 25 (9-5). Please visit the Sydney Law School in Europe website <http://sydney.edu.au/law/fstudent/coursework/LLM/index.shtml> **Prohibitions:** LAWS6824 **Assumed knowledge:** undergraduate law degree and basic understanding of private international law from any legal system **Assessment:** 8000wd essay (100%) **Campus:** Germany **Delivery Mode:** Block Mode

The unit examines, from a comparative perspective, questions of domestic court jurisdiction, commercial choice of law issues and recognition and enforcement of judgments against assets, across the main world legal systems. This will include European continental states, the UK and Commonwealth (Australia, Canada etc) and the USA. Particular attention will also be given to internet jurisdiction, worldwide freezing orders, and international commercial arbitration. Candidates will develop a sound

understanding of the core principles of private international law in these systems, tactical and strategic concerns in international litigation, and the ability to advise clients on exposure risks for businesses with assets in multiple jurisdictions. The unit is thus aimed equally at those practicing or intending to practice in domestic and international litigation, advisers to multi-national corporations, and candidates interested in comparative law and private international law.

Degrees: S.J.D., M.I.L., LL.M., M.B.L., M.Glob.L., Grad.Dip.Law, Grad.Dip.Corp.Law, Grad.Dip.Comm.Law, Grad.Dip.Int.Bus.L., Grad.Dip.I.L., Law PG Cross-Inst

LAWS6887 The Judicial Power of the Commonwealth

Credit points: 6 **Credit Points Teacher/Coordinator:** Mr Darrell Barnett, Mr Peter Kulevski **Session:** Int September **Classes:** Aug 31, Sep 1 & Oct 5, **6 Assumed knowledge:** It is assumed that students have a good working knowledge of the Australian judicial system and Australian federal constitutional law. Only students with a law degree from an Australian institution, or who have a law degree from a common law jurisdiction and have studied Australian federal constitutional law will be permitted into the unit **Assessment:** 2000wd assignment (20%) and 6000wd take-home exam (80%) **Campus:** Camperdown/Darlington **Delivery Mode:** Block Mode **Note:** *The unit replaced LAWS6887 Federal Jurisdiction*

As the High Court has continually emphasised, Australian legal practitioners are required to have a proper appreciation of the issues involved in the exercise of the judicial power of the Commonwealth by the federal and state courts in which they practice. Those issues can significantly affect the course and outcome of proceedings. This unit will provide practitioners and those interested in the area with a thorough understanding of the principles involved and the practical issues and difficulties which arise. Particular topics covered will include the nature of judicial power, the doctrine of separation of powers and associated constitutional implications, the scope of the original jurisdiction of the High Court, the conferral of federal jurisdiction on federal courts, the investment of state courts with federal jurisdiction, particular issues associated with the operation of the Judiciary Act, rights to appeal to the High Court and the exercise by territory courts of federal jurisdiction. Students will also learn how to identify the appropriate body of procedural and substantive law that is applied in the Federal Court and other courts exercising federal jurisdiction.

Textbooks

Zines, Cowen and Zines' *Federal Jurisdiction in Australia*, (3rd ed, Federation Press, 2002)

LAWS6888 Risk, Fear and Insecurity

Credit points: 6 **Teacher/Coordinator:** Dr Murray Lee **Session:** Int August **Classes:** Jul 20, 21 & Aug 17, 18 (9-5) **Assessment:** topic summary (compulsory but not assessed) and 3000wd essay (40%) and 4000wd policy assessment assignment (60%) **Campus:** Camperdown/Darlington **Delivery Mode:** Normal (lecture/lab/tutorial) Day

This unit considers the significance of anxiety, 'fear of crime', risk and insecurity in the late modern world. It uses sophisticated analytical tools to discuss both the supposed growth in 'fear of crime' and the emergence of an array of technologies aimed at the reduction of crime risks. It also critically examines just what 'fear of crime' might actually be and how newspapers, security products, and insurance can be sold to us using the hook of our own anxieties. It also examines the anxieties related to terrorism and threats to national security and sovereignty.

Textbooks

Lee, M (2007) *Inventing Fear of Crime*, Willan, Devon

Degrees: S.J.D., LL.M., M.Crim., M.Glob.L., Grad.Dip.Law, Grad.Dip.Crim., Law PG Cross-Inst

LAWS6893 Environmental Criminology: Space & Place

Credit points: 6 **Teacher/Coordinator:** Dr Murray Lee, Mr Garner Clancey **Session:** Int March **Classes:** Mar 16, 17 & 30, 31 (9-5) **Assessment:** 4000wd essay (50%) and research project (50%) **Campus:** Camperdown/Darlington **Delivery Mode:** Block Mode

Note: *This unit replaced LAWS6893 Environmental Criminology.*

The unit examines traditions of criminological theorising, research and public intervention that focus on the socio-spatial context(s) and determinants of crime and its governance. It explores the principal sources of data collection, the methodologies and theoretical underpinnings concerned with the spatial and social ecological dispersion of crime and deviance and its techniques of management and control. It also explores the relationship of public safety and crime prevention to public policy/interventions in areas such as urban and regional planning, housing, local government and community services.

Degrees: S.J.D., M.Env.Law, LL.M., M.Crim., M.Glob.L., Grad.Dip.Law, Grad.Dip.Env.Law, Grad.Dip.Crim., Law PG Cross-Inst

LAWS6894 International Human Rights Advocacy

Credit points: 6 **Teacher/Coordinator:** Ms Irene Baghoomians **Session:** Int Sept **Classes:** Sep 7, 8 & 21, 22 (9-5) **Assessment:** 3500wd essay (50%) and advocacy exercise (50%) **Campus:** Camperdown/Darlington **Delivery Mode:** Block Mode

The unit aimed at students who would like to pursue academic and/or other careers as human right advocates both in the domestic private and government sectors as well as in the international arena. This postgraduate unit builds on the students' knowledge of public international law and in particular international human rights law by focusing on and analysing the multifaceted and diverse jurisprudence developed by a range of organisations including the United Nation's Treaty Bodies, International Tribunals and Non-Governmental Organisations. Theoretically, international human rights are indivisible, inalienable and universal. However, human rights of some individuals and groups are routinely abused, downgraded, or watered down by States, corporations or other individuals. This unit of study primarily considers how human rights lawyers, advocates and scholars, in response to such abuses, formulate and present arguments before international and domestic for a and analysis the ever-expanding human rights law jurisprudence developed as a result of such advocacy and/or litigation. To this end, students will deepen their theoretical knowledge of the fundamental norms of international human rights law and its requisite machinery. As an ancillary learning objective, students also endeavour to

integrate the above knowledge with the practicalities of human rights advocacy and its relationship to: democracy and the political arena: the exercise and dynamics of power; rights and citizenship; and citizen education and action. Students should gain detailed insights into: identification of issues and their prioritisation; contextual analysis; setting of goals, various advocacy strategies, publicity avenues as well as program evaluation/feedback and fundraising. The unit will focus on and critique a number of legal advocacy strategies and techniques in domestic and international fora. This unit of study will include scholarly readings, case studies, guest speakers, simulations and on-line discussion forums. Students will be expected to complete a paper in an area covered in the unit.

Degrees: S.J.D., M.I.L., LL.M., M.Glob.L., Grad.Dip.Law, Grad.Dip.I.L., Law PG Cross-Inst

LAWS6899 Environmentally Sustainable Business

Credit points: 6 **Teacher/Coordinator:** Ms Susan Shearing **Session:** Int November **Classes:** Nov 1, 2 & 8, 9 (9-5) **Prohibitions:** LAWS6082 **Assessment:** Either class participation (10%) and 7000wd essay (90%) or 2000wd assignment (30%) and 5000wd essay (60%) **Campus:** Camperdown/Darlington **Delivery Mode:** Block Mode

Note: *This unit replaced LAWS6082 Pollution Law and LAWS6899 Corporate Environmental Responsibility.*

The aim of this unit is to provide a framework for understanding contemporary approaches to the environmental regulation of corporations and relevant implications for corporate managers. The unit examines the evolution of corporate environmental regulation from 'command and control' to the adoption of a diverse range of instruments including market-based strategies (price-based and rights-based), information strategies (such as emissions inventories and corporate reporting), environmental auditing, environment management systems (including ISO14001). A number of areas fundamental to corporate environmental strategy (including risk management, financing issues, contracting/procurement) are considered in the context of specific environmental topics, including climate change, biodiversity and natural resource exploitation. An important theme of the unit is the role of corporate social responsibility in driving changes in corporate attitudes towards the environment that promote the corporate benefits of managers going beyond compliance with the letter of environmental laws.

Degrees: S.J.D., M.Env.Law, LL.M., M.Glob.L., Grad.Dip.Law, Grad.Dip.Env.Law, Grad.Dip.Pub.H.L., Law PG Cross-Inst, M.Envi.Sci.Law

LAWS6900 Comparative Admiralty and Maritime Law

Credit points: 6 **Teacher/Coordinator:** Adj Prof James Allsop, Ms Drew James **Session:** Semester 2 **Classes:** 1x2-hr lecture/week **Assumed knowledge:** undergraduate law degree is preferable but knowledge gained from work in shipping or related fields will be sufficient **Assessment:** 3500wd essay (35%) and 2.5hr exam (65%) **Campus:** St James **Delivery Mode:** Normal (lecture/lab/tutorial) Day

The unit is designed to complement the separate (though non-requisite) unit, LAWS6849 Commercial Maritime Law, which is focused upon the commercial use of the ship, carriage by sea and the shipping industry. This unit, LAWS6900 Comparative Admiralty and Maritime Law, is designed to provide a thorough foundation of comparative knowledge of Admiralty practice in the major trading jurisdictions, of marine insurance in all its forms and dispute resolution and conflict of laws in relation to maritime disputes. Though Commercial Maritime Law is not a pre-requisite, the two units (which will be taught in alternative years) together provide a comprehensive foundation in commercial maritime law and practice.

Textbooks

Davies, M and Dickey, A, *Shipping Law* (3rd Ed)

Degrees: M.Int.Bus. & Law, S.J.D., M.I.L., LL.M., M.B.L., M.Glob.L., Grad.Dip.Law, Grad.Dip.Comm.Law, Grad.Dip.Int.Bus.L., Grad.Dip.I.L., Law PG Cross-Inst

LAWS6906 Taxation of Financial Products

Credit points: 6 **Teacher/Coordinator:** Prof Tim Edgar **Session:** Int August **Classes:** Aug 13-17 (9-3.30) **Assessment:** take-home exam or 8000wd essay (100%) **Campus:** Camperdown/Darlington **Delivery Mode:** Block Mode

This unit of study examines the tax treatment of a range of current financial instruments, from the perspective of both the investor and issuer. The focus of the unit is on retail products currently offered in the domestic market to households and superannuation funds, and includes an introduction to the taxation issues from financial engineering. The instruments will change each year but will include a variety of: debt-based products such as loan products with offset accounts and re-draw facilities, index-linked bonds, margin loans, capital protected borrowings and reverse mortgages; equity-based assets such as deferred purchase agreements and instalment warrants; market-based investments such as contracts for difference and exchange-traded futures; and insurance products such as purchased annuities and various forms of life assurance.

Degrees: M.Int.Bus. & Law, M.Int.Bus. & Law, S.J.D., M.Tax., M.Int.Tax., LL.M., M.B.L., M.Glob.L., Grad.Dip.Law, Grad.Dip.Tax, Grad.Dip.Int.Bus.L., Law PG Cross-Inst

LAWS6907 Comparative Law of Evidence

Credit points: 6 **Teacher/Coordinator:** Prof Ian Dennis **Session:** Int March **Classes:** Mar 14-16 & 19, 20 (9.30-4.30) **Assumed knowledge:** common law legal method **Assessment:** 8000wd essay (100%) **Campus:** Camperdown/Darlington **Delivery Mode:** Block Mode

The aim of the unit is to present a thematic and comparative study of central principles of the law of evidence and of their underlying theory. The main focus will be on evidence in criminal cases, and the comparators will be Australia, England and the USA. Major concerns of the unit are to identify the aims of the law of evidence, to analyse and evaluate the significance of constitutional and human rights in the development of the law of criminal evidence, and to discuss the respective roles of rules and discretion in decisions on the admissibility of evidence.

Degrees: S.J.D., M.Jur., LL.M., M.Glob.L., Grad.Dip.Jur., Grad.Dip.Law, Law PG Cross-Inst

LAWS6912 Fundamentals of the Law of Trusts

Credit points: 6 **Teacher/Coordinator:** Mr Jamie Glistler **Session:** Int August **Classes:** Aug 23, 24 & 27, 28 (9-4.30) **Prohibitions:** students who have previously completed LAWS2015, LAWS3474 or an undergraduate/postgraduate unit in equity or the law of trusts **Assessment:** class participation (10%) and 2hr open-book exam (90%) **Campus:** Camperdown/Darlington **Delivery Mode:** Block Mode
Note: This unit replaced LAWS6912 The Law of Trusts.

This unit will provide a comprehensive introduction to, and review of, the modern law of trusts. It is designed for students who have not studied equity and/or trusts before. The unit will begin with an introduction to the equity jurisdiction, including fiduciary duties, and will proceed to consider the creation, constitution, validity and variation of both private and public trusts, the rights and duties of trustees, trustee and third-party liability for breaches of trust, and remedies. We will also study a range of specific issues involving commercial trusts, unit trusts, retention of title and Quistclose trusts, and constructive trusts.

Degrees: S.J.D., LL.M., M.B.L., M.Glob.L., Grad.Dip.Law, Grad.Dip.Corp.Law, Grad.Dip.Comm.Law, Law PG Cross-Inst

LAWS6915 Current Issues in Defamation Law

Credit points: 6 **Teacher/Coordinator:** Assoc Prof David Rolph **Session:** Int August **Classes:** Aug 3, 4 & 10, 11 (9-5) **Assumed knowledge:** undergraduate law degree **Assessment:** class participation (20%) and 7000wd essay (80%) **Campus:** Camperdown/Darlington **Delivery Mode:** Normal (lecture/lab/tutorial) Day

This unit of study seeks to analyse in detail a number of areas in defamation law that have been the subject of current judicial, academic and policy debate and controversy. The topics covered in this unit include an analysis of the concepts of reputation and freedom of expression in Australian defamation law; the role of juries in Australian defamation trials; defamation and the impact of the internet and other technologies; the Polly Peck defence in Australian defamation law; damages and interlocutory injunctions as remedies for defamation; and the effectiveness of, and the scope for further, defamation law reform. It is expected that students who enrol in this unit of study will have studied defamation law at an introductory level as part of their undergraduate or postgraduate degrees or have had practical experience in the area.

Degrees: S.J.D., LL.M., M.B.L., M.Glob.L., Grad.Dip.Law, Grad.Dip.Comm.Law, Law PG Cross-Inst

LAWS6916 International Investment Law

Credit points: 6 **Teacher/Coordinator:** Assoc Prof Chester Brown, Dr Katherine Miles **Session:** Int May **Classes:** Apr 27, 28 & May 4, 5 (9-5) **Assessment:** 5000wd essay (50%) and assignment (50%) **Campus:** Camperdown/Darlington **Delivery Mode:** Block Mode

This unit introduces students to the international regulation of foreign investment. It examines core principles of international investment law, regional and bilateral investment treaties, the settlement of investment disputes, and the international economic and political context in which the law has developed. The unit considers the origins and evolution of international investment law through to the recent formation of the current international legal framework for foreign investment through bilateral and regional investment treaties. It examines the substantive principles contained within investment treaties and recent arbitral awards, and considers controversial issues surrounding investor-state arbitration. It examines the procedural framework for investment arbitration under the auspices of the International Center for the Settlement of Investment Disputes (ICSID) and the UNCITRAL Rules. This unit also considers the increased focus on investor responsibility in relation to environmental protection, human rights, development issues, and labour standards. As such, it examines the collapse of the negotiations for the Multilateral Agreement on Investment, corporate social and environmental responsibility, calls for an international regulatory framework to govern the conduct of multinational corporations, and new proposals for an International Agreement on Investment for Sustainable Development.

Degrees: M.Int.Bus. & Law, M.Int.Bus. & Law, S.J.D., M.I.L., LL.M., M.B.L., M.Glob.L., Grad.Dip.Law, Grad.Dip.Comm.Law, Grad.Dip.Int.Bus.L., Grad.Dip.I.L., Law PG Cross-Inst

LAWS6919 Problems in Contract Formation

Credit points: 6 **Teacher/Coordinator:** Adj Prof Michael Furmston **Session:** Int May **Classes:** May 14-17 (9.30-4.30) **Assumed knowledge:** undergraduate law degree **Assessment:** 10,000wd essay (100%) **Campus:** Camperdown/Darlington **Delivery Mode:** Block Mode

Issues surrounding contract formation are the most litigated contract law matters. This unit, after some introductory classes on contract formation, will concentrate on some of the more problematic aspects of contract formation. Topics covered will include letters of intent, letters of comfort, conditional contract, tender, electronic contracts, good faith in contract negotiation, the battle of the forms and pre-contractual liability.

Degrees: S.J.D., LL.M., M.B.L., M.Glob.L., Grad.Dip.Law, Grad.Dip.Comm.Law, Law PG Cross-Inst

LAWS6921 Comparative Climate Law

Credit points: 6 **Teacher/Coordinator:** Prof Rosemary Lyster, Prof Leonardo Massai **Session:** Int June **Classes:** Jun 19-22 (9-5). Please visit the Sydney Law School in Europe website
<http://sydney.edu.au/law/fstudent/coursework/LLM/index.shtml>

Assessment: class participation (20%) and 8000wd essay (80%) **Campus:** Italy **Delivery Mode:** Normal (lecture/lab/tutorial) Day

This unit will analyse the different ways in which three jurisdictions, the European Union, the United States and Australia, have responded to the phenomenon of global climate change. Their responses will be situated within the international legal framework for climate change, the United Nations Framework Convention on Climate Change, the Kyoto Protocol and the post-2012 international negotiations. The latest climate change science and economic modelling on climate change will be discussed to provide a context for understanding the legal responses. Consideration will be given to topics such as emissions trading, renewable energy, carbon capture and storage and energy efficiency. This unit will be co-taught by Assoc Prof Rosemary

Lyster and Prof Kurt Deketelaere. Prof Deketelaere is the Director of the Institute for Environmental and Energy Law at the Leuven University and is the European Union's leading energy and climate lawyer.

Degrees: S.J.D., M.Env.Law, M.I.L., LL.M., M.Glob.L., Grad.Dip.Law, Grad.Dip.Env.Law, Grad.Dip.I.L., Law PG Cross-Inst

LAWS6924 World Trade Organization-Dispute Resolution

Credit points: 6 **Teacher/Coordinator:** Prof Gillian Triggs, Adj Prof Alan Bennett **Session:** Int October **Classes:** Oct 12, 13 & 22, 23 (9-5) **Assumed knowledge:** limited knowledge of law of treaties **Assessment:** take-home exam or essay (100%) **Campus:** Camperdown/Darlington **Delivery Mode:** Block Mode

Note: This unit replaced LAWS6924 Dispute Settlement in the World Trade Organization.

The aims of this unit are to gain an understanding of the: fundamental principles of WTO law, including 'favoured nation', tariff bindings and customs duties, subsidies and non-tariff barriers to trade; dispute resolution system and the findings of the panels and Appellate Body; evolving jurisprudence of the WTO on Article XX and environmental and health measures, labour law and human rights. The unit will include study of the: WTO Agreement and the Sanitary and Phyto-sanitary Agreements.

Agreements on Trade in Services, Technical Barriers to Trade, Trade Related Investment Measures, Anti-Dumping and TRIPS; special and differential treatment for developing country Members; role of WTO within the international legal system and implementation of national law; and enforcement of WTO decisions.

Textbooks

General References: M.Matsushita, Schoenbaum and Mavroides, *The WTO: Law, Practice and Policy*, OUP (2nd ed 2005); J. Jackson, *The World Trading System*, (2nd ed. 2002); G. Triggs, *International Law: Contemporary Principles and Practices 2006*, Chapter 12 'World Trade Organisation'; Waincymer, *WTO Litigation:Procedural Aspects of Formal Dispute Settlement*, (2002) Cameron and May; Peter van den Bossche, *The Law and Policy of the WTO: Texts, Cases and Materials*, CUP (2nd ed 2006); Tambelin and Bastin: 'Australia and the WTO Decision Enforcement', 81 ALJ 802; and Jackson, Davey and Sykes, *Legal Problems of International Economic Relations*, (4th ed).

Degrees: M.Int.Bus. & Law, M.Int.Bus. & Law, S.J.D., M.I.L., LL.M., M.B.L., M.Glob.L., Grad.Dip.Law, Grad.Dip.Corp.Law, Grad.Dip.Comm.Law, Grad.Dip.Int.Bus.L., Grad.Dip.I.L., Law PG Cross-Inst

LAWS6926 The Business of Tax Administration

Credit points: 6 **Teacher/Coordinator:** Mr Carson McNeill **Session:** Int May **Classes:** May 16-18, 21 & 22 (9-3.30) **Assessment:** take-home exam (100%) **Campus:** Camperdown/Darlington **Delivery Mode:** Block Mode

In response to Government demand for greater revenues and administrative effectiveness, tax administrators have adopted a business-like approach to the way they manage and lead their administrations. Within an environment of increasing complexity, the need to improve the level of voluntary compliance and to detect and deter taxpayer non compliance whilst reducing administrative overhead and the cost to business when complying with the tax laws has required new thinking by tax administrators as to how to deliver the outcomes sought by their key stakeholders. This unit explores the changing nature of tax administration as it responds to these demands.

Topics covered include: the use of revenue authorities; strategies and models used to improve voluntary compliance; administrative policy and legislative developments; the application of the self assessment concept; the managing of risks to compliance; the measuring of revenue assessment and collection performance; process re-engineering; and the developing of new capabilities and the managing of change.

Degrees: S.J.D., M.Tax., M.A.L.P., M.Int.Tax., LL.M., M.B.L., M.Glob.L., Grad.Dip.Law, Grad.Dip.Tax, Law PG Cross-Inst

LAWS6929 Legal Systems of the Pacific

6 Credit Points

Justice G D Woods, Mr John Ridgway

Offered: Int October **Classes:** Sep 28, 29, & Oct 5, 6 (9-5) **Assessment:** class presentation (20%) and take-home exam (80%)

This unit is a conspectus of contemporary law and legal problems in selected countries of the Pacific, including Fiji, the Solomon Islands, Samoa, Tonga and Vanuatu. These legal systems will be dealt with in the light of the history, demography, economy, political structures and cultures of the various jurisdictions. The unit will include some input from a number of Australian lawyers who have practised in these countries and who can illuminate written descriptions of the law by insights gained from their own direct experiences.

LAWS6932 Law and Investment in Asia

Credit points: 6 **Teacher/Coordinator:** Dr Salim Farrar (Coordinator), Assoc Prof Leon Wolff, Mr Paul Davis **Session:** Int May **Classes:** May 25, 26 & Jun 1, 2 (9-5) **Assessment:** 2000-2500wd take-home exam (30%) and 6000wd essay (70%) **Campus:** Camperdown/Darlington **Delivery Mode:** Block Mode

The aim of this unit is to provide students with a broad overview of the key legal issues commonly faced when investing and doing business in Asia. This unit covers areas of commercial law across Asia with primary emphasis on Japan, Indonesia, Malaysia, China and possibly India, including case studies. It covers foreign investment regulation; laws related to foreign investment; contract and/or competition law; labour law; corporate governance; intellectual property; Islamic law and finance (where relevant); corruption; WTO and FTA compliance; dispute resolution; and key issues in modern comparative law which may assist students in their study of 'foreign' legal systems.

Degrees: M.Int.Bus. & Law, M.Int.Bus. & Law, S.J.D., M.I.L., LL.M., M.B.L., M.Glob.L., Grad.Dip.Law, Grad.Dip.Corp.Law, Grad.Dip.Comm.Law, Grad.Dip.Int.Bus.L., Grad.Dip.I.L., Law PG Cross-Inst

LAWS6933 Global Oil and Gas Contracts and Issues

Credit points: 6 **Teacher/Coordinator:** Visiting Prof Owen Anderson, Visiting Prof John Lowe **Session:** Int May **Classes:** Apr 30- May 3 (9-5) &

May 4 (9-2) **Assessment:** take-home exam (100%) **Campus:** Camperdown/Darlington **Delivery Mode:** Block Mode
Note: This unit replaced LAWS6933 International Petroleum Transactions. International Law students may enrol in either LAWS6990 Principles of Oil and Gas Law or LAWS6933 Global Oil and Gas Contracts and Issues, but not both.

The unit is a review of the world's minerals-development regimes and the contracts that international investors use to implement them. The unit begins by reviewing the fiscal arrangements that nations use to obtain exploration and development, including licenses, production sharing contracts, joint ventures, and service contracts. It then focuses on the contracts that international investors use to share risks and rewards, including confidentiality agreements, study and bidding agreements, operating agreements, farm out agreements, lifting agreements and gas sales contracts. Other issues that may be covered include joint development agreements, taxation issues, corruption and indemnification.
Degrees: M.Int.Bus. & Law, M.Int.Bus. & Law, S.J.D., M.I.L., LL.M., M.B.L., M.Glob.L., Grad.Dip.Law, Grad.Dip.Corp.Law, Grad.Dip.Comm.Law, Grad.Dip.Int.Bus.L., Grad.Dip.I.L., Law PG Cross-Inst

LAWS6936 Carbon Trading, Derivatives and Taxation

Credit points: 6 **Teacher/Coordinator:** Ms Celeste Black (Coordinator), Prof Rosemary Lyster, Assoc Prof Tim Stephens, Mr Scott Farrell, Ms Ilona Millar **Session:** Int Sept **Classes:** Sep 5, 6 & 13, 14 (9-5) **Assessment:** take-home exam (100%) **Campus:** Camperdown/Darlington **Delivery Mode:** Block Mode

This unit of study is designed to appeal to students across a broad range of postgraduate programs and expands on existing offerings in the area of Climate Law. The unit will cover four discrete topics on each day of the four day intensive: International Climate Law (UN Framework Convention on Climate Change, Kyoto Protocol, post-2012 negotiations) and domestic Climate Law (measures effecting a price on carbon and other relevant environmental markets); understanding how to trade carbon and other certificates on a variety of environmental markets; understanding the relevant carbon and other derivative markets; and understanding the taxation implications of participating in carbon and other environmental markets. The unit assumes a basic knowledge of environmental law. The unit brings together experts within the Sydney Law School, including environmental and taxation lawyers, and experts in carbon trading and derivative markets in private practice.

Degrees: M.Int.Bus. & Law, M.Int.Bus. & Law, S.J.D., M.Tax., M.Env.Law, M.Int.Tax., M.I.L., LL.M., M.B.L., M.Glob.L., Grad.Dip.Law, Grad.Dip.Env.Law, Grad.Dip.Tax, Grad.Dip.Int.Bus.L., Grad.Dip.I.L., Law PG Cross-Inst, M.Env.Sci.Law

LAWS6937 Employment Law Advocacy

Credit points: 6 **Teacher/Coordinator:** Ms Elizabeth Raper, Mr David Chin **Session:** Int April **Classes:** Intro Class: Mar 13 (6-8) then Apr 20, 21 & May 4, 5 (9-5) **Assumed knowledge:** undergraduate law degree or LAWS6013 Advanced Employment Law with permission of the Program Coordinator **Assessment:** class participation (20%) and short tests (20%) and 2x2500wd problem assignments (60%) **Campus:** Camperdown/Darlington **Delivery Mode:** Block Mode

This unit of study is designed especially for students in the Master of Laws (LLM) and Master of Labour Law and Relations (MLLR) degree programs who have completed an LLB degree. It examines key aspects of employment law principles and practice and their application in employment litigation. The unit builds on the fundamental principles of contract, trade practices and equity examined in the course of the LLB degree, and addresses the pleading of causes of action and the choice of appropriate forums. Further, it will consider the differing evidentiary burdens in employment litigation and contemporary law concerning dispute resolution, settlements and deeds of release.

Degrees: S.J.D., M.L.L.R., LL.M., M.B.L., M.Glob.L., Grad.Dip.Law, Law PG Cross-Inst

LAWS6946 Tax Treaties Special Issues

Credit points: 6 **Teacher/Coordinator:** Prof Richard Vann, Ms Joanna Wheeler (S106) and Prof Richard Vann (S110) **Sessions:** Int June, Int October **Classes:** S106: Jun 15, 18 & 20, 22 (10-5.30). Please visit the Sydney Law School in Europe website

<http://sydney.edu.au/law/fstudent/coursework/LLM/index.shtml> and S110 (Law School): Oct 10-12 & 15, 16 (9-3.30) **Assessment:** classwork (30%) and 2hr exam or 7000wd essay (70%) **Campus:** United Kingdom, Camperdown/Darlington **Delivery Mode:** Normal (lecture/lab/tutorial) Day

This unit of study considers a number of specialised topics in the area of tax treaties, largely reflecting the work of the OECD on tax treaties currently and in the last decade. Topics covered include: OECD policy development processes, the new Article 7; business restructures, high value services, expatriates, superannuation and pensions, entities (companies, partnerships, trusts and collective investment vehicles), triangular cases, conflicts of qualification, non-discrimination, dispute resolution and international administrative cooperation.

Degrees: M.Int.Bus. & Law, M.Int.Bus. & Law, S.J.D., M.Tax., M.Int.Tax., M.I.L., LL.M., M.B.L., M.Glob.L., Grad.Dip.Law, Grad.Dip.Tax, Grad.Dip.Int.Bus.L., Grad.Dip.I.L., Law PG Cross-Inst

LAWS6948 Private International Law

Credit points: 6 **Teacher/Coordinator:** Prof Andrew Dickinson **Session:** Int March **Classes:** Mar 12, 13 & 15, 16 (9-5) **Prohibitions:** LAWS3015, LAWS3457 or equivalent unit **Assessment:** in-class assessment (20%) and 7000wd essay (80%) **Campus:** Camperdown/Darlington **Delivery Mode:** Block Mode

Private international law (or conflict of laws) is the part of local or municipal law which is concerned with legal questions which have a transborder or transnational dimension i.e. a relevant connection with a foreign legal system. This unit of study is a general course intended to provide a comprehensive survey of the problems, methods and techniques of private international law. Topics covered include the function and purpose of private international law; personal jurisdiction and the enforcement of foreign judgments; choice of law, with particular reference to tort, contract and property; limits to the application of foreign law, with particular reference to

the distinction between substance and procedure, proof of foreign law, public policy and other exclusionary doctrines; and the problem of renvoi (which may arise where a foreign legal system's private international law refers a legal question back to the law of the forum or, exceptionally, the law of a third country).

Degrees: M.Int.Bus. & Law, M.Int.Bus. & Law, S.J.D., M.I.L., LL.M., M.B.L., M.Glob.L., Grad.Dip.Law, Grad.Dip.Comm.Law, Grad.Dip.Int.Bus.L., Grad.Dip.I.L., Law PG Cross-Inst

LAWS6950 Plain English in Legal Writing

Credit points: 6 **Teacher/Coordinator:** Em Prof Peter Butt **Session:** Semester 1b **Classes:** Apr 30, May 1 & May 3, 4 (9-5). Please visit the Sydney Law School in Europe website

<http://sydney.edu.au/law/fstudent/coursework/LLM/index.shtml> **Assumed knowledge:** undergraduate law degree, completed legal studies as part of a business or commerce degree or LAWS6252 **Assessment:** class participation, including drafting assignments (20%) and 4000wd assignment (40%) and 4000wd substantial drafting exercise (40%) **Campus:** United Kingdom **Delivery Mode:** Block Mode
This unit looks at the role of plain English in legal writing, with particular emphasis on contract drafting, property documents, statutes, and advice-writing. It examines the reasons for the 'traditional' style of legal writing, the research into the advantages and disadvantages of plain English, and the techniques for writing law in plain English. Topics include the assumptions behind using plain English in law, the problems with terms of art and judicially-defined words and phrases, the causes of ambiguities in legal documents, and aspects of document design.

Degrees: S.J.D., LL.M., M.B.L., M.Glob.L., Grad.Dip.Law, Grad.Dip.Comm.Law, Law PG Cross-Inst

LAWS6953 Law of Asset Protection

Credit points: 6 **Teacher/Coordinator:** Dr David Chaikin **Session:** Int Sept **Classes:** Sep 13, 14 & 20, 21 (8.30-4.30) **Assessment:** 8000wd essay (100%) **Campus:** Camperdown/Darlington **Delivery Mode:** Block Mode
Asset protection is concerned with the preservation and transmission of property of individuals, families or corporations. It has the broad purpose of minimising legal, business and political risks, by safeguarding assets from seizure, loss and diminution in value. It is concerned with the protection of assets from potential creditors, government expropriation, excessive taxation and catastrophic loss. It is a vital component of tax advice, wealth management and financial planning. This unit examines the legal aspects of asset protection, from both Australian and international perspectives. It provides a sound understanding of the legal techniques and principles of asset protection. The complex interaction between company law, the law of trusts and property, tax and estate planning laws, bankruptcy and insolvency laws is analysed. The unit focuses on the laws of a select number of offshore jurisdictions, as well as international trust law. It examines the legal impediments and ethics of asset protection. Anti-money laundering rules and the civil and criminal liabilities of trustees and professional advisers are also covered.

Degrees: S.J.D., M.Tax., M.Int.Tax., LL.M., M.B.L., M.Glob.L., Grad.Dip.Law, Grad.Dip.Tax, Grad.Dip.Comm.Law, Grad.Dip.Int.Bus.L., Law PG Cross-Inst

LAWS6954 Financial Risk Allocation in Equity

Credit points: 6 **Teacher/Coordinator:** Prof Sheelagh McCracken

Session: Int Sept **Classes:** Sep 13, 14 & Oct 4, 5 (9-5) **Assumed knowledge:** undergraduate law degree **Assessment:** 3000wd assignment (30%) and 2hr open-book exam (70%) **Campus:** Camperdown/Darlington **Delivery Mode:** Normal (lecture/lab/tutorial) Day

The objective of this unit is to analyse the role of equity in allocating risk in common business and financing transactions. The unit explores the scope of the equitable doctrines of contribution, subrogation, marshalling and set-off, and examines the interplay of those doctrines with common law and statute. It assesses their impact in the modern commercial context on a range of persons, including creditors and sureties as well as financiers and insurers. The manner in which the doctrines may affect directors and trustees is also considered.

Degrees: S.J.D., LL.M., M.B.L., M.Glob.L., Grad.Dip.Law, Grad.Dip.Corp.Law, Grad.Dip.Comm.Law, Grad.Dip.Int.Bus.L., Law PG Cross-Inst

LAWS6955 Fundamentals of Finance Law

Credit points: 6 **Teacher/Coordinator:** Prof Sheelagh McCracken

Sessions: Int April, Int August **Classes:** S104: Intro Class: Mar 21 (6-8) then Apr 3, 4 & 17, 18 (9-5) and S108: Intro Class: Aug 9 (6-8) then Aug 30, 31 & Sep 6, 7 (9-5) **Assumed knowledge:** This unit assumes no previous knowledge and is available to non-lawyers and to lawyers who have not previously studied or practised in the area **Assessment:** 3000wd assignment (30%) and 2hr open-book exam (70%) **Campus:** Camperdown/Darlington **Delivery Mode:** Block Mode

Note: This unit replaced LAWS6955 Key Legal Concepts in Finance Law. This unit's objectives are to identify and analyse key legal concepts that impact on the operation of financial markets. The content includes an introductory examination of how contractual and other relationships underlie financial transactions; how financial assets (including financial instruments) are created, traded and used as security; how corporate and trust structures are used by market participants as financing vehicles; and how financial transactions may be challenged in an insolvency.

Degrees: M.Int.Bus. & Law, M.Int.Bus. & Law, S.J.D., LL.M., M.B.L., M.Glob.L., Grad.Dip.Law, Grad.Dip.Corp.Law, Grad.Dip.Comm.Law, Grad.Dip.Int.Bus.L., Law PG Cross-Inst

LAWS6956 Personal Property Securities

Credit points: 6 **Teacher/Coordinator:** Prof Sheelagh McCracken, Prof John Stumbles **Session:** Int March **Classes:** Intro Class: Mar 1 (6-8) then Mar 8, 9 & 15, 16 (9-4) **Assessment:** 3000wd assignment (30%) and take-home exam (70%) **Campus:** Camperdown/Darlington **Delivery Mode:** Block Mode

This unit analyses the proposed Personal Property Securities legislation, drawing attention to how it will change the existing law regulating the rights of the secured creditors. The unit focuses on the concepts of attachment, perfection and security. It examines the nature of security interests

regulated by the legislation, together with the registration, priority and enforcement regimes. Consideration is also given to the conflict of law rules contained in the legislation. In discussing the Australian position, the unit will compare similar legislation in Canada and New Zealand.

Degrees: S.J.D., LL.M., M.B.L., M.Glob.L., Grad.Dip.Law, Grad.Dip.Corp.Law, Grad.Dip.Comm.Law, Law PG Cross-Inst

LAWS6957 Shareholders' Remedies

Credit points: 6 **Teacher/Coordinator:** Adj Prof Elizabeth Boros **Session:** Int January **Classes:** Jan 23-25 & 27 (9-5) **Assumed knowledge:** presumption of law degree with corporate law knowledge **Assessment:** class participation (10%) and 7500wd essay (90%) **Campus:** Camperdown/Darlington **Delivery Mode:** Block Mode

The unit objectives are: Examine the common problems experienced by members of various types of company; Understand strategies for preventing or remedying those problems without recourse to litigation; Understand the litigious remedies available to combat those problems; and Explore likely trends for future development of the law. The unit examines shareholders' remedies, exploring both litigious and non-litigious remedies. Litigious remedies include: class actions and recent developments in derivative litigation, as well as oppression, winding up, alteration of the constitution, dilution of equity stakes and compulsory acquisition of minority shareholdings. Non-litigious remedies include: the role of advance planning, drafting issues in relation to shareholders' agreements and constitutional provisions, and the scope for activism by institutional and retail shareholders in listed public companies.

Degrees: S.J.D., LL.M., M.B.L., M.Glob.L., Grad.Dip.Law, Grad.Dip.Corp.Law, Grad.Dip.Comm.Law, Law PG Cross-Inst

LAWS6958 International Contract Law

Credit points: 6 **Teacher/Coordinator:** Adj Prof Donald Robertson **Session:** Int Sept **Classes:** Sep 7, 10 & Oct 19, 26 (9-5) **Assumed knowledge:** undergraduate law degree **Assessments:** class participation including short issues paper, preparedness to discuss issues and class attendance (30%) and 6000wd essay (70%) **Campus:** Camperdown/Darlington **Delivery Mode:** Block Mode

Note: This unit replaced LAWS6958 Comparative Commercial Contracts. There are fundamental principles of contract law governing international commerce. These principles constitute international contract law - an autonomous body of the law governing obligations, rather than national contract law on an international scale. This unit examines the resurgence of the concept of a new *lex mercatoria* as it is used in international commerce. Using the Unidroit *Principles of International Commercial Contracts*, now in its third edition, as a fundamental statement of the principles of international contract law, we examine the structures and principles of international contract law as they apply in international contract practice and how they differ from national contract laws.

Other statements of general contract or sales principles are considered and compared with the Unidroit *Principles*. These statements include the UN Convention on Contracts for the International Sale of Goods (CISG), the European Principles of Contract Law (PECL), the EC Draft Common Frame of Reference (DCFR), the US Restatement of Law (Second) Contracts, the US Uniform Commercial Code (UCC) and the Trans-Lex Principles of Transnational Law.

Unity and harmony of transnational contract law proceeds within an institutional framework. That institutional framework includes the rules of private international law. We also examine the legal institutions relevant to sources of private international law as applied to international commercial contracts. We consider the recognition internationally of a principle of party autonomy and the boundaries to the ability of parties to choose private systems of law to govern contractual relationships.

Degrees: M.Int.Bus. & Law, S.J.D., M.I.L., LL.M., M.B.L., M.Glob.L., Grad.Dip.Law, Grad.Dip.Comm.Law, Grad.Dip.Int.Bus.L., Grad.Dip.I.L., Law PG Cross-Inst

LAWS6960 Children and Family Law

Credit points: 6 **Teacher/Coordinator:** Prof Patrick Parkinson **Session:** Int May **Classes:** May 11, 12 & 25, 26 (9-5) **Assumed knowledge:** Available to law graduates and students without a law degree who have some experience working in a family law-related area **Assessment:** 4000wd essay (50%) and take-home exam (50%) **Campus:** Camperdown/Darlington **Delivery Mode:** Normal (lecture/lab/tutorial) Day

This unit of study will examine issues regarding parenting after separation and other aspects of children's wellbeing that arise in family law disputes. It will incorporate both legal and social science perspectives, drawing upon the latest research. Topics include shared parenting, parental relocation, child sexual abuse, family violence, interim parenting orders, children's participation in family law decision-making, parenting disputes in high-conflict families, and consent to medical treatment.

Degrees: S.J.D., LL.M., M.Glob.L., Grad.Dip.Law, Law PG Cross-Inst

LAWS6962 Regulation of Fin Products and Services

Credit points: 6 **Teacher/Coordinator:** Assoc Prof Joanna Bird **Session:** Int October **Classes:** Oct 19, 20 & 26, 27 (9.30-5) **Assessment:** short in-class test (20%) and 7000wd essay (80%) **Campus:** Camperdown/Darlington **Delivery Mode:** Block Mode

Note: This unit replaced LAWS6962 Retail Financial Services and Products. This unit examines the way in which financial services and products provided to retail clients are regulated in Australia. The unit will provide students with an overview of the regulatory structure, the financial services licensing regime, disclosure requirements (such as financial services guides, product disclosure statements and ongoing product disclosure), and general consumer protection regulation applicable to financial services and products. Students will also consider the policy underlying retail financial services regulation in Australia. Throughout the unit, students will explore current public policy and legal issues in the regulation of retail financial services and products, such as, the efficacy of disclosure as a consumer protection mechanism, what should be treated as financial advice, and how best to deal with conflicts of interest.

Degrees: S.J.D., LL.M., M.B.L., M.Glob.L., Grad.Dip.Law, Grad.Dip.Corp.Law, Grad.Dip.Comm.Law, Law PG Cross-Inst

LAWS6963 Regulation and Regulators

Credit points: 6 **Teacher/Coordinator:** Assoc Prof Joanna Bird **Session:** Int May **Classes:** May 4, 5 & 11, 12 (9.30-5) **Assessment:** class participation or presentation (20%) and 7000wd essay (80%) **Campus:** Camperdown/Darlington **Delivery Mode:** Normal (lecture/lab/tutorial) Day *Note: This unit replaced LAWS6963 Regulation: Theory and Practice.*

This unit examines regulatory theory and practice. It is divided into 4 sections: Introduction - what regulation is and why it is created; Regulation - how we regulate, that is, what instruments and techniques are used to regulate economic and social activity in Australia; Regulators - what they should do, what they actually do and how they are held accountable; and International Dimension - how global activity is regulated. Students will explore a number of current key regulatory debates such as current debates about over-regulation, principles-based regulation, enforcement policy and the role of international regulation after the Global Financial Crisis. The objectives of this unit of study are to provide students with an understanding of: regulatory theories; different regulatory instruments and techniques, such as disclosure regulation and licensing, and their merits; complexities of regulatory practice, and the challenges of ensuring regulatory accountability; the challenges of regulation in an increasingly global world.

Degrees: S.J.D., M.L.L.R, M.A.L.P., LL.M., M.B.L., M.Glob.L., Grad.Dip.Law, Grad.Dip.Corp.Law, Grad.Dip.Comm.Law, Law PG Cross-Inst

LAWS6964 Global Energy and Resources Law

Credit points: 6 **Teacher/Coordinator:** Prof Gillian Triggs, Ms Penny Crossley **Session:** Int Sept **Classes:** Sep 14, 15 & 21, 22 (9-5) **Assessment:** 8000wd essay (100%) **Campus:** Camperdown/Darlington **Delivery Mode:** Block Mode

The unit will provide perspectives on global energy security, international access to energy resources and the resolution of cross-jurisdictional energy access disputes. In addition, it will deal with more conventional aspects of Energy and Resources Law such as: land Law including Native Title; energy resources and approvals; dealings and registrations; environmental Protection Law; and financial aspects such as project finance, energy trading and taxation. The reform of the energy market in Australia and its implications for competition Law, third Party access and trade practices, as well as the interface between energy resources and global climate change, will be canvassed. The unit will be taught by a team of experts including members of Sydney Law School, such as Professor Gillian Triggs and Ms Penny Crossley, and members of the profession. Each year, on the evening before the commencement of class the annual 'Kevin McCann Global Energy and Resources Law Lecture' will be delivered, to which all students will be invited.

Degrees: S.J.D., M.Env.Law, M.I.L., LL.M., M.Glob.L., Grad.Dip.Law, Grad.Dip.Env.Law, Grad.Dip.I.L., Law PG Cross-Inst

LAWS6965 Tax Avoidance and Anti-Avoidance

Credit points: 6 **Teacher/Coordinator:** Prof Graeme Cooper **Session:** Int May **Classes:** Apr 26, 27 & Apr 30, May 1 (9-5) **Assessment:** 2500wd class assignment (30%) and 2hr exam or 7000wd essay (70%) **Campus:** Camperdown/Darlington **Delivery Mode:** Block Mode

This unit examines the pervasive phenomenon of tax avoidance, and the design (and effectiveness) of common judicial and legislative responses to it. The unit starts by deconstructing typical examples of avoidance to elicit the common design features of avoidance practices. We will also examine the inter-relationship between the process of statutory interpretation and the opportunities for avoidance. A particular focus of the unit will be on the scope and operation of Australia's general anti-avoidance rule (Part IVA), but the unit will also consider the various judicial anti-avoidance doctrines and some of the specific anti-avoidance rules found in Australia's tax legislation. The unit will also consider the kinds of approaches to tax avoidance and the anti-avoidance regimes employed in other countries. Finally, the unit will examine some of the procedural regimes used to curb the offering of tax avoidance products to taxpayers.

Degrees: M.Int.Bus. & Law, M.Int.Bus. & Law, S.J.D., M.Tax., M.Int.Tax., LL.M., M.B.L., M.Glob.L., Grad.Dip.Law, Grad.Dip.Tax, Grad.Dip.Int.Bus.L., Law PG Cross-Inst

LAWS6969 Principles of Patent Law

Credit points: 6 **Teacher/Coordinator:** Mr John Lee **Session:** Semester 2 **Classes:** 1x2-hr lecture/week **Prohibitions:** students who have previously completed LAWS3423 or undergraduate/postgraduate unit in patent law **Assumed knowledge:** undergraduate law degree **Assessment:** problem-based assignment (30%) and take-home exam (70%) **Campus:** St James **Delivery Mode:** Normal (lecture/lab/tutorial) Evening

Patents are intended to encourage and reward innovation and they provide a powerful commercial monopoly that many businesses have successfully leveraged. Australian courts have built up a significant body of case law relating to patent disputes. This unit of study will provide students with an overview of patent law and its place in commerce today. It will include an overview of the origins of patent law, the patent application process, the legal criteria for obtaining a valid patent, the principles that govern patent infringement and remedies and the law relating to commercialisation of patents.

Degrees: S.J.D., LL.M., M.B.L., M.Glob.L., Grad.Dip.Law, Grad.Dip.Comm.Law, Law PG Cross-Inst

LAWS6970 Forensic Psychology

Credit points: 6 **Teacher/Coordinator:** Dr Helen Paterson **Session:** Semester 1 **Classes:** 1x2-hr lecture/week **Assessment:** class participation (10%) and 3500-4000wd essay (40%) and 2hr exam (50%) **Campus:** Camperdown/Darlington **Delivery Mode:** Normal (lecture/lab/tutorial) Evening

Forensic psychology is the application of psychological knowledge and theories to all aspects of the criminal and civil justice systems. It is currently one of the fastest developing and most popular aspects of psychology. In this unit we will draw upon psychological evidence to explain and understand some of the people and processes involved in the legal system. Through a series of interactive seminars we will discuss topics such as lie detection,

profiling, interviewing, jury deliberation, eyewitness memory, criminal offenders, victims of crime, and police officers.
Degrees: S.J.D., LL.M., M.Crim., M.Glob.L., Grad.Dip.Law, Grad.Dip.Crim., , Law PG Cross-Inst

LAWS6973 Development, Law and Human Rights

Credit points: 6 **Teacher/Coordinator:** Prof Ben Saul, Ms Irene Baghoomians **Session:** Int January **Classes:** Jan 15-Feb 2 **Practical/Field Work:** field school in Nepal **Assessment:** 2hr exam in Nepal (40%) and 4000wd essay (60%) **Campus:** Nepal **Delivery Mode:** Block Mode
Note: This unit (LAWS6973) is worth 6cp. Students are not permitted to convert to LAWS6974 (12cp) after enrolment. For further information, please visit the Himalayan Field School website
<http://sydney.edu.au/law/scil/fieldschool/> *Registration enquiries*
law.nepal@sydney.edu.au *Enrolment enquiries*
law.postgraduate@sydney.edu.au

This unit exposes students to the role and limits of law in addressing acute problems of socio-economic development and human rights in developing countries, through an interactive field school conducted over two weeks in Nepal, one of the world's poorest countries. The themes to be explored are likely to include: The transition from armed conflict to peace in the aftermath of a Maoist insurgency and the end of the monarchy in Nepal (including issues of transitional criminal justice, the drafting of a new constitution, and building a new legal and political system in light of Nepalese legal traditions and foreign legal influences); The protection of socio-economic rights (including rights to food, water, housing, and livelihoods), minority rights (of "tribals", and "dalits" in the caste system), and the "right to development" under constitutional and international law; The interaction between local disputes over natural resources, human displacement caused by development projects, environmental protection and climate change in the context of fragile Himalayan ecologies; The legal protection of refugees (Tibetan or Bhutanese) in camp or mass influx situations, in the context of the limited resources of a developing country and the causes of, and solutions to, human displacement; and The experience of women in development and human rights processes. The issues will be drawn together by reflection upon the influence of, and resistance to, human rights and international law in developmental processes.

Degrees: S.J.D., M.I.L., LL.M., M.Glob.L., Grad.Dip.Law, Grad.Dip.I.L., , Law PG Cross-Inst

LAWS6974 Development, Law and Human Rights

Credit points: 12 **Teacher/Coordinator:** Prof Ben Saul, Ms Irene Baghoomians **Session:** Int January **Classes:** Jan 15-Feb 2 **Practical/Field Work:** field school in Nepal **Assessment:** 2hr exam in Nepal (30%) and 8000wd essay (70%) **Campus:** Nepal **Delivery Mode:** Block Mode
Note: This unit (LAWS6974) is worth 12cp. Students are not permitted to convert to LAWS6973 (6cp) after enrolment. For further information, please visit the Himalayan Field School website
<http://sydney.edu.au/law/scil/fieldschool/> *Registration enquiries*
law.nepal@sydney.edu.au *Enrolment enquiries*
law.postgraduate@sydney.edu.au

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Degrees: S.J.D., M.I.L., LL.M., M.Glob.L., Grad.Dip.Law, Grad.Dip.I.L., , Law PG Cross-Inst

LAWS6976 The Causation Element

Credit points: 6 **Teacher/Coordinator:** Assoc Prof David Hamer **Session:** Int April **Classes:** Apr 20, 21 & May 4, 5 (9-5) **Assessment:** 4500wd essay (50%) and 1500wd take-home exam (50%) **Campus:** Camperdown/Darlington **Delivery Mode:** Block Mode
The focus in this unit is on causation as an element in civil claims and criminal offences - the plaintiff must prove the defendant's breach caused the plaintiff's damage; the prosecution must prove that the defendant's act/omission caused the victim's death. We will examine competing definitions and conceptualizations of causation - over determination and the limits of the but/for notion; the extent to which it is possible to separate factual and legal causation: common sense versus conceptual analysis. We will also consider special proof rules that are being developed to address the difficulties causation presents - loss of chance, material contribution, presumed causation (following proof of breach).

Degrees: S.J.D., M.Jur., LL.M., M.Glob.L., Grad.Dip.Jur., Grad.Dip.Law, , Law PG Cross-Inst

LAWS6977 Law of International Institutions

Credit points: 6 **Teacher/Coordinator:** Prof Dr August Reinisch **Session:** Int February **Classes:** Feb 15, 16 & 20, 21 (9-5) **Prohibitions:** GOVT6116 **Assumed knowledge:** LAWS6243 International Law I or equivalent unit in public international law **Assessment:** class participation (20%) and 8000wd essay or 2hr exam (80%) **Campus:** Camperdown/Darlington **Delivery Mode:** Block Mode

This unit will examine the principal legal issues concerning organizations composed of states. These include the legal status and powers of organizations, membership and participation, norm-creation, dispute settlement, enforcement of decisions, peace and security activities, and finally the organizations' privileges and immunities as well as their legal status and powers under national law. At the same time, the unit will also address such real world problems as the creation of international criminal courts, the "succession" of Russia to the USSR's seat on the UN Security Council, the response to the break-up of Yugoslavia, targeted sanctions and the possibility of judicial review of acts of the UN Security Council, the success of WTO dispute settlement, NATO action against Serbia in 1999, the military intervention in Afghanistan and Iraq in the aftermath of 9/11, etc. Primary consideration will be given to the development of the United Nations. Other universal as well as regional organizations will also be dealt with. This unit aims at helping students to understand the common legal problems faced by international institutions.

Textbooks

Jan Klabbbers, An Introduction to International Institutional Law. Cambridge (CUP, 2nd ed., 2009) Paperback (ISBN-13: 9780521736169), £32.00
Degrees: M.Int.Bus. & Law, M.Int.Bus. & Law, S.J.D., M.I.L., LL.M., M.B.L., M.Glob.L., Grad.Dip.Law, Grad.Dip.Int.Bus.L., Grad.Dip.I.L., , Law PG Cross-Inst

LAWS6979 Finance Issues on Relationship Breakdown

Credit points: 6 **Teacher/Coordinator:** The Hon Stephen O'Ryan QC, Prof Tom Oldham **Session:** Int August **Classes:** Aug 3, 4 & 10, 11 (9-5) **Assumed knowledge:** undergraduate law degree **Assessment:** 3000wd essay (40%) and 2hr exam (60%) **Campus:** Camperdown/Darlington **Delivery Mode:** Block Mode

This unit will examine various aspects of the law concerning the division of property and spousal maintenance when couples separate, and compare Australian and American approaches. It will be co-taught by the Hon Stephen O'Ryan QC, a former member of the Appeal Division of the Family Court of Australia, and Prof Tom Oldham of the University of Houston, one of America's leading experts on family property law. Topics will include how the two jurisdictions deal with property owned prior to marriage, inheritances, property acquired after separation, business assets, adjustments for future needs, legal costs, pension entitlements, spousal maintenance, and the property rights of people in de facto relationships. The aim of the unit is to offer a deeper understanding of the principles that ought to be applied in making financial adjustments when relationships break down and to examine reform options for Australian law.

Degrees: S.J.D., LL.M., M.Glob.L., Grad.Dip.Law, , Law PG Cross-Inst

LAWS6980 Personal Property Securities in the US

Credit points: 6 **Teacher/Coordinator:** Prof Charles W Mooney **Session:** Int August **Classes:** Aug 20, 21 & 23, 24 (9-5) **Assessment:** take-home exam (100%) **Campus:** St James **Delivery Mode:** Block Mode
The unit will provide an overview of the Article 9 of the UCC, which deals with security interests in personal property. Matters addressed include the creation of an enforceable security interest, protection of a security interest as against third-party claims to collateral ("perfection"), and priority rules as between a security interest and (i) another security interest, (ii) a judicial lien creditor, (iii) a trustee in bankruptcy, and (iv) buyers of the collateral. It also will address the enforcement of security interests following default. The unit also will introduce basic practices and principles involved in the extension of secured credit. It also will consider the problems of relating the UCC to underlying legal principles of general applicability and to other statutes, such as the Bankruptcy Code.

Degrees: S.J.D., M.I.L., LL.M., M.B.L., M.Glob.L., Grad.Dip.Law, Grad.Dip.Corp.Law, Grad.Dip.Comm.Law, Grad.Dip.Int.Bus.L., Grad.Dip.I.L., , Law PG Cross-Inst

LAWS6981 Family Law, ADR and Tech in Negotiation

Credit points: 6 **Teacher/Coordinator:** Justice Jim Williams **Session:** Int April **Classes:** Mar 26, 27 & Apr 2, 3 (9-5) **Assumed knowledge:** LAWS3432 Family Law or equivalent relevant professional experience in Family Law **Assessment:** class participation/presentation (20%) and 7500wd essay (80%) **Campus:** Camperdown/Darlington **Delivery Mode:** Block Mode

The objective of this unit is to explore Negotiation in Family Law and the ways Family Law shapes and impacts traditional representative negotiation. We will examine a series of topics and issues that will include types of negotiation (including distributive and integrative techniques and their relation to a range of family law issues including child custody and access, support and property issues); issues that impact on negotiation in Family Law (including barriers to agreement, relationships, power, emotion, identity, culture and gender); and the role that children's issues have on negotiation (best interests standards, voice of the child and the role of the child in negotiation). Negotiation will be discussed as an essential part of both advocacy and representative negotiation and considered in the context of different dispute resolution processes or models found in Family Law (including pre-trial strategy, negotiation to seek settlement, mediation, collaborative law, parenting coordination, judicial settlement conferences, unbundled representation and dealing with the self-represented client).

Degrees: S.J.D., LL.M., M.Glob.L., Grad.Dip.Law, , Law PG Cross-Inst

LAWS6984 Economics of Tax Policy

Credit points: 6 **Teacher/Coordinator:** Prof Patricia Apps **Session:** Int October **Classes:** Oct 18, 19 & 25, 26 (10-5) **Assessment:** assignment and class presentation (20%) and 5000wd essay (80%) **Campus:** Camperdown/Darlington **Delivery Mode:** Block Mode

The objective of the unit is to provide an understanding of the modern economics approach to the analysis of tax policy. The unit defines the role of taxation within the framework of welfare economics and examines the social and economic effects of reforms drawing on available empirical evidence. Particular attention is given to the evaluation of current policies and proposed reforms in terms of distributional outcomes and efficiency costs due to disincentive effects on labour supply, saving and investment. Topics covered include: taxation of labour income, consumption and capital income,

family income taxation, alternative approaches to the taxation of emission, and the taxation of resource rents.
Degrees: S.J.D., M.Tax., M.Int.Tax., LL.M., M.B.L., M.Glob.L., Grad.Dip.Law, Grad.Dip.Tax, Grad.Dip.Int.Bus.L., Law PG Cross-Inst

LAWS6985 Indigenous Peoples and Criminal Justice

Credit points: 6 **Teacher/Coordinator:** Prof Chris Cunneen **Session:** Int Sept **Classes:** Sep 19-22 (9-5) **Assessment:** class participation/presentation (20%) and 7000wd essay (80%) **Campus:** Camperdown/Darlington **Delivery Mode:** Block Mode

This unit will focus on how the criminal law and its institutions are inextricably connected to the process of colonisation. The place of contemporary criminal justice in NSW and other States will be reviewed against the background of colonisation and introduced law. There will also be some comparison with other settler states including the US and Canada and New Zealand. Emphasis will be placed on the importance of understanding history in order to provide a context for viewing the current relationship between indigenous Australians and non-indigenous Australians involved in the criminal justice process (including police, lawyers and the judiciary). Students will analyse reasons for the over-representation of indigenous Australians in all stages of the criminal justice process. Specific areas for consideration include juvenile justice, policing and police discretion, alternative court process such as the circle sentencing, and issues around Aboriginal customary law and the extent to which it is, or should be taken into consideration.

Degrees: S.J.D., LL.M., M.Crim., M.Glob.L., Grad.Dip.Law, Grad.Dip.Crim., Law PG Cross-Inst

LAWS6986 Criminal Justice Internship

Credit points: 6 **Teacher/Coordinator:** Mr Garner Clancey **Session:** Int August **Classes:** Jul 28, Sep 1, 29 & Oct 27 (9-5) **Prerequisites:** LAWS6048 **Work:** practical field work at a variety of criminal justice organisations for one day a week for the semester **Assessment:** 2500wd reflective journal (30%) and 2500wd organisational analysis (30%) and organisational task (40%) **Campus:** Camperdown/Darlington **Delivery Mode:** Block Mode

Note: Interested applicants must submit an Expression of Interest (maximum two typed pages) clearly outlining reasons for applying, details of previous internships undertaken (where applicable), and perceived benefits of completing the internship. Those applicants demonstrating the greatest interest in and perceived benefit from the Internship will be accepted. The Expression of Interest must be submitted to Mr Garner Clancey garner.clancey@sydney.edu.au or garner@hn.ozemail.com.au by Friday 27 April 2012. Successful applicants will be formally notified of the outcome of the Expression of Interest and enrolment procedures explained no later than 11 May 2012. Successful applicants will then work with Mr Clancey to arrange placement at preferred host organisations. This unit has a restricted class size.

The Criminal Justice Internship provides an opportunity to experience the working environment of criminal justice agencies. Experience gained through placement with a relevant agency will be complemented by attendance at four intensive seminars. These seminars will provide opportunities to reflect on the role of the host agency, the policy context within which the host agency operates, the ethical challenges associated with the work of the agency and the specific skills and knowledge gained through the Internship. The Internship will be especially beneficial to those students with limited work experience or those pursuing or contemplating a career change.

Degrees: M.Crim., Grad.Dip.Crim.

LAWS6987 Fundamentals of Commercial Law

Credit points: 6 **Teacher/Coordinator:** Prof Sheelagh McCracken **Session:** Semester 1 **Classes:** 1x2-hr lecture/week **Prohibitions:** LAWS3400 **Assumed knowledge:** This unit assumes no previous knowledge and is available to non-lawyers and to lawyers who have not previously studied or practised in the area **Assessment:** 3000wd assignment (30%) and 2hr open book exam (70%) **Campus:** St James **Delivery Mode:** Normal (lecture/lab/tutorial) Evening

Note: This unit replaced LAWS6987 Introduction to Commercial Law.

This introductory unit provides an overview of commercial law, focusing on the broad but fundamental concept of commercial dealings. Areas for analysis include sources and function of commercial law; the legal basis of dealings in contract and property law; dealings by principals and agents; dealings in tangible goods through leasing and sale; dealings in intangibles such as receivables through assignment; sources and methods of financing dealings; protecting dealings through insurance; regulating dealings through statute and common law restraints; and discharging dealings through a range of common payment methods and instruments.

Degrees: M.Int.Bus. & Law, M.Int.Bus. & Law, S.J.D., LL.M., M.B.L., M.Glob.L., Grad.Dip.Law, Grad.Dip.Corp.Law, Grad.Dip.Comm.Law, Grad.Dip.Int.Bus.L., Law PG Cross-Inst

LAWS6988 Clash of Systems: Indigenous People & Law

Credit points: 6 **Teacher/Coordinator:** Ms Tanya Mitchell **Session:** Semester 1 **Classes:** 1x2-hr lecture/week **Assessment:** 1000wd critical review essay (20%) and 7500wd essay (80%) **Campus:** Camperdown/Darlington **Delivery Mode:** Normal (lecture/lab/tutorial) Day

Explore complexities in accommodating the coexistence of Indigenous and non-indigenous legal and social systems. Compare and contrast Australian approaches to these dilemmas with those taken in other common law jurisdictions. Topics covered will include a selection of the following: an overview of Indigenous customary law and social systems; the impact of differing interpretations of history; constructions of Aboriginal identity; Indigenous people and the criminal justice system; differing concepts of land and property rights including an examination of the construction of Native Title; intellectual property and cultural heritage; sustainability and the environment; examination of imposed systems of governance using the Intervention as a case study; the impact of International Law, globalization and human rights; and comparative perspectives on self-determination.

Degrees: S.J.D., M.Jur., LL.M., M.Glob.L., Grad.Dip.Jur., Grad.Dip.Law, Law PG Cross-Inst

LAWS6990 Principles of Oil and Gas Law

Credit points: 6 **Teacher/Coordinator:** Prof Terence Daintith **Session:** Int March **Classes:** Mar 12, 13 & 15, 16 (9-5) **Assessment:** 7500wd essay (75%) and take-home exam (25%) **Campus:** Camperdown/Darlington **Delivery Mode:** Block Mode

Note: International Law students may enrol in either LAWS6990 Principles of Oil and Gas Law or LAWS6933 Global Oil and Gas Contracts and Issues, but not both.

The unit offers an introduction to the basic legal concepts relating to oil and gas exploration and production and an understanding of the characteristics of the key legal devices through which this activity is organised across the world. It will survey how both states and companies develop the legal tools to respond to key issues and policy concerns. It is designed both for lawyers who wish to begin to develop a specialised competence in the field of oil and gas law, and for non-lawyers active in or in connection with the industry, who need an appreciation of the legal context in which its activities are carried on. On completion of the unit, participants should be able to: explain the specific legal problems posed by the physical characteristics of oil and gas; identify different approaches to the resolution of those problems, their strengths and weaknesses; analyse the specific issues presented by offshore oil and gas resources; compare the approaches of different states to the exploitation of their oil and gas resources, and the different legal vehicles used to support and control the involvement of private capital is involved in this task; identify the problems that may arise at each stage of the exploration, production and disposition of oil and gas, and to analyse their legal solutions; describe the methods by which the state obtains a financial return from oil and gas operations; outline the legal approach to any special environmental and occupational safety problems posed by oil and gas operations; and consider how legal regimes for oil and gas exploration and production may be evaluated in terms of political and legal risk.

Degrees: M.Int.Bus. & Law, S.J.D., M.Env.Law, M.I.L., LL.M., M.B.L., M.Glob.L., Grad.Dip.Law, Grad.Dip.Env.Law, Grad.Dip.Comm.Law, Grad.Dip.Int.Bus.L., Grad.Dip.I.L., Law PG Cross-Inst, M.Envi.Sci.Law

LAWS6991 Fundamentals of Contract Law

Credit points: 6 **Teacher/Coordinator:** Ms Susan Shearing **Session:** Semester 1 **Classes:** 1x2-hr lecture/week **Corequisites:** LAWS6252 **Prohibitions:** LAWS1002, LAWS1015, LAWS2008, LAWS5002 **Assessment:** 3hr exam (100%) **Campus:** St James **Delivery Mode:** Normal (lecture/lab/tutorial) Evening

Note: This unit is only available to non-law graduates who have not undertaken any previous study of contract law. This unit replaced LAWS6991 Introduction to Contract Law.

Learn how contracts operate as risk management tools by examining the legal principles arising in the formation, construction and discharge of contracts. This unit will provide students with an understanding of remedies available for breach of contract and factors that may vitiate a contract. The unit prepares students for a range of units** across postgraduate programs in commercial law, corporate, securities and finance law and international business law where a basic understanding of contractual law principles is valuable. Unit content includes: contract as a risk management device; formation of contracts: agreement, consideration, intention to create legal relations, certainty, privity, formalities; construction principles: contractual parties, contractual terms (express and implied), classifying terms, principles of interpretation; estoppel; vitiating factors: misrepresentation, misleading and deceptive conduct, unconscionable conduct, mistake, duress; discharge: performance, breach, termination and frustration; remedies: key statutory and common law remedies. ** excluding the following advanced contract law units available to law graduates only: LAWS6809 Breach of Contract, LAWS6872 Contract Negotiation, LAWS6851 Construction Law, LAWS6915 Current Issues in Defamation Law, LAWS6954 Financial Risk Allocation in Equity, LAWS6903 Interpreting Commercial Contracts, LAWS6969 Principles of Patent Law, LAWS6919 Problems in Contract Formation and units as listed in the Faculty Handbook.

Degrees: M.Int.Bus. & Law, M.Int.Bus. & Law, M.B.L., M.Glob.L., Grad.Dip.Corp.Law, Grad.Dip.Int.Bus.L.

LAWS6997 Cross-Border Deals - A US Perspective

Credit points: 6 **Teacher/Coordinator:** Mr Ronald C Barusch **Session:** Int April **Classes:** Intro Class: Mar 28 (6-8) then Apr 13, 14 & 27, 28 (9-5) **Assumed knowledge:** Students undertaking this unit must have a good working knowledge of the Australian Corporations Act and the rules and practices applicable to securities offerings and takeovers or the equivalent in their home jurisdiction **Assessment:** class participation (15%), quiz (15%), 3000wd essay (30%) and take-home exam (40%) **Campus:** Camperdown/Darlington **Delivery Mode:** Block Mode

This unit is for law graduates who have, or intend to have, a practice that exposes them to cross-border financings and acquisitions involving the U.S. The unit highlights the distinctive concepts and practices of U.S. securities and corporate laws in cross-border transactions and focuses on resolving the challenges U.S. issues can pose to transactions originating in Australia (and other countries). The unit begins with a brief examination of the bifurcation of regulatory responsibility between the states, which regulate corporations including directors' fiduciary duties, and the Federal government, which regulates corporate disclosure, securities offerings and tender offer mechanics. The unit will then turn to the process of offering securities in the U.S. under the Securities Act of 1933, and, following that, how U.S. law can affect non-U.S. offerings. The issues addressed will include: offer structure, disclosure requirements, due diligence defences and practices, use of forecasts and differential disclosure. The final section will explore the regulation of takeovers in the U.S. under the Securities Exchange Act of 1934, as well as significant U.S. M&A concepts and practices, including mergers, break up fees, poison pills, and proxy fights. We will use these tools to review the issues that arise in structuring cross-border acquisitions in compliance with U.S. and Australian law, including the "all holders rule", proration of tender offers, permitted tender offer conditions and timing and disclosure issues. The purpose of the Unit is to assist Australian and other non-U.S. lawyers in (a) identifying potential U.S. issues on non-U.S. deals and (b) being creative in solving the challenges that arise in international securities transactions.

Degrees: S.J.D., M.I.L., LL.M., M.B.L., M.Glob.L., Grad.Dip.Law, Grad.Dip.Corp.Law, Grad.Dip.Comm.Law, Grad.Dip.Int.Bus.L., Grad.Dip.I.L., Law PG Cross-Inst

LAWS6998 Regulating Global Crisis

Credit points: 6 **Teacher/Coordinator:** Prof Mark Findlay **Session:** Int May **Classes:** May 4, 5 & 11, 12 (9-5) **Assessment:** presentation (15%), group-work problem solving (15%), take-home exam (30%) and essay (40%) **Campus:** Camperdown/Darlington **Delivery Mode:** Block Mode Regulation is an essential purpose and a critical challenge for law in the modern age. Global crisis is the context in which regulation is being reconsidered in a supra-national setting. Notions of regulation are embedded within the traditional disciplines of substantive law. That said, new approaches to regulation are constantly emerging outside the limitations of these disciplines. As we have seen with reactions to the recent Libyan conflict, in contemporary global governance, international criminal justice is emerging as a significant regulatory force. This unit will address the role of law, and in particular its enforcement, control and punishment functions, in local and global regulatory regimes and examines law's place in the development of pluralistic and contemporary regulatory policy. Students will be introduced to the foundations of regulatory theory and how these can be adapted to problem solving requiring law's authority and impact. The unit will chart the interaction between law and policy in both public and private sector regulatory regimes. The 'real-life' or applied scope of the unit will centre on identified regulatory demands and crises that anticipate a legal dimension in their resolution. The student will be exposed to cutting-edge regulatory thinking and will be skilled to confront the demands of regional and international regulatory practice.

Degrees: S.J.D., M.I.L., LL.M., M.Crim., M.Glob.L., Grad.Dip.Law, Grad.Dip.Crim., Grad.Dip.I.L., Law PG Cross-Inst

LAWS6999 Registered Associations

Credit points: 6 **Teacher/Coordinator:** Mr Ingmar Taylor **Session:** Int August **Classes:** Aug 10, 11 & 24, 25 (9-5) **Assumed knowledge:** LAWS6252 or a law degree from a common law jurisdiction and LAWS6071 **Assessment:** class participation (20%) and take-home exam (80%) **Campus:** Camperdown/Darlington **Delivery Mode:** Block Mode This unit will examine the law governing trade unions and employer organisations in Australian industrial relations. Under the Fair Work Act 2009 (Cth) awards no longer have parties and individual employees can be bargaining agents - what role does the legislation contemplate for industrial associations? With assistance from senior practitioners as guest speakers, this unit will examine the history of trade union law, why and how employer and employee organisations are registered, what powers they have and the rules by which they must operate.

Degrees: S.J.D., M.L.L.R, LL.M., M.Glob.L., Grad.Dip.Law, Law PG Cross-Inst

LAWS7001 Legal Research 2

Credit points: 6 **Teacher/Coordinator:** Prof Terry Carney **Session:** Semester 2 **Classes:** 1x2-hr lecture/week **Prerequisites:** LAWS6077 **Assessment:** class participation (30%) and preparation of an approved foundation chapter (70%) **Campus:** Camperdown/Darlington **Delivery Mode:** Normal (lecture/lab/tutorial) Day

Note: compulsory for PhD and SJD students

The unit will cover the following topics: higher degree research - students, supervisors and the faculty; refining your thesis - lessons from the strategy; developing/locating your thesis - lessons from the strategy; comparative law techniques; using international law materials; using historical materials/methods; conceptualising and researching the law in action: narratives, interviews, case-studies and other 'selective' forms of analysis; quantitative research methods - common pitfalls; quantitative research methods - forms of presentation and analysis; current problems in research & presentation; current problems II; and overview and review.

Degrees: Ph.D., S.J.D.

LAWS7002 Legal Research 3

Credit points: 6 **Teacher/Coordinator:** Dr Arlie Loughnan **Session:** Int August **Classes:** Students are required to attend an initial meeting as scheduled on the timetable. Two other sessions (including one day presentation given by students) will be decided at this meeting. **Prerequisites:** LAWS6077 and LAWS7001 **Assessment:** Seminar presentation on an aspect of the student's thesis; a written outline of goals for the unit and written reflection on achievements during the unit and reading, commenting on and providing written feedback on a chapter of the thesis of another class member. The unit will be assessed on a pass/fail basis. **Campus:** Camperdown/Darlington **Delivery Mode:** Block Mode

Note: compulsory for PhD and SJD students

This unit provides students who are nearing the end of the process of writing their thesis with the support and resources to assist them to complete in a timely manner. It provides opportunities for participants to refine and improve their writing by exposing central ideas from their theses to constructive criticism by colleagues; to develop the skills of presentation of scholarly work in an academic setting; to provide access to a group of people who are all engaged in completing theses and who can provide informed support. The unit can be tailored to the needs of individual students.

Degrees: Ph.D., S.J.D.