Conditions of Enrolment
Despite any publication or announcement, the University may change or cancel arrangements for courses or units of study, including in respect of staffing, content or location. The University will use reasonable endeavours to update the timetable with respect to any cancellation or change. The University will not be liable to any student for any consequential loss suffered as a result of cancellation or change, including travel or other costs incurred. Please consult http://sydney.edu.au/law/cstudent/coursework/units.shtml for the latest information. For further information on individual units, please contact the lecturer (or coordinator) concerned.

JURS6036 Constitutional Theory
Level: 07  Credit Points: 6
Availability: S2CIAU BM-CC
Description: This unit will address the role that constitutionalism is expected to play in a democratic state, and will explore various constitutional theories. The main focus will be on theoretical attempts at reconciling commitments to constitutionalism with emphasis on democratic participation: Is it paradoxical that a state governed by majority rules withdraws certain areas from collective decision-making? Various theories of constitutionalism, of constitutional interpretation, and of constitutional judicial review will be explored. The unit will also discuss the question of constitutional charters of rights, different models of judicial review, separation of powers, direct democracy and the functions of constitutions in transitions to democratic systems. The unit will follow a seminar format with the emphasis on class discussion of unit materials. First two days will be focused on the instructor’s lectures while two remaining days on students’ presentations.
Coordinator: Prof Wojciech Sadurski
Classes: Aug 4, 5 & 18, 19 (9-5)
Assessment: Options: (i) class participation (20%), oral presentation (20%) and 4500wd essay (60%) or (ii) 2 x oral presentations (20% each) and 3000wd essay (40%)

JURS6034 Jurisprudence Research Project A
Level: 07  Credit Points: 6
Availability: S1C SU-CC; S2C SU-CC
Departmental Permission Sessions: S1C SU-CC; S2C SU-CC
Description: The goal of this compulsory (capstone) unit of study is to provide Master of Jurisprudence students 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.
Coordinator: Supervised by an appointed Sydney Law School academic member
Assessment: 15,000 to 20,000wd research project (100%)
Additional Info: 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.
Compulsory Co-requisites: JURS6035

JURS6035 Jurisprudence Research Project B
Level: 07  Credit Points: 6
Availability: S1C SU-CC; S2C SU-CC
Departmental Permission Sessions: S1C SU-CC; S2C SU-CC
Description: Please refer to JURS6034 Jurisprudence Research Project A.
Coordinator: Supervised by an appointed Sydney Law School academic member
Assessment: 15,000 to 20,000wd research project (100%)
Additional Info: 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.
Compulsory Co-requisites: JURS6035

LAW6001 Chinese Laws and Chinese Legal Systems
Level: 07  Credit Points: 12
Availability: S2CINO BM-SH
Departmental Permission Sessions: S2CINO BM-SH
Description: 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 and 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 and Law. There will also be a visit to a Chinese law firm.
Coordinator: Prof Vivienne Bath
Classes: Nov 27-Dec 15
Practical Work: field school in Shanghai, China
Assessment: 2hr exam to be completed in Shanghai (30%) and 8000wd essay (70%) due in February
Additional Info: This unit is not available to students who have completed a law degree in the People’s Republic of China. Master of Law and International Development students may undertake this unit as an elective or capstone unit conditional on (i) students must write an essay that focuses on a development topic and (ii) that topic being pre-approved by the Unit Coordinator. Pre-enrolment registration is required. For further information, please visit Sydney Law School website http://sydney.edu.au/law/
Prohibitions: LAWS6857 or LAWS3014 or LAWS3068 or LAWS5368
Assumed Knowledge: undergraduate law degree from a common or civil law jurisdiction or LAWS6252

LAW6011 Administrative Law
Level: 07  Credit Points: 6
Availability: S1CIMR BM-CC
Description: 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.

Coordinator: Prof Margaret Allars
Classes: Mar 17, 18 & Apr 21, 22 (9-5)
Assessment: 7500wd essay or 2 x 3750wd essays (100%)
Additional Info: Core unit for MALP students.
Prohibitions: LAWS2010; LAWS5010
Assumed Knowledge: undergraduate law degree or LAWS6252 (core unit for MALP and Environmental Law students)

LAWS6013 Advanced Employment Law
Level: 07 Credit Points: 6
Availability: S2CIAU BM-CC
Description: This unit of study is designed especially for candidates in the MLLR program. The unit examines the regulation of the individual employment relationship. The unit builds on the introduction to this topic in the foundation LAWS6071 Labour Law unit, by examining in closer detail the formation, construction and interpretation of employment contracts (including incorporation of policies and other documents, and exercise of contractual discretions); duties of employers and employees in contract; termination of employment contracts; and post-employment obligations (including restraints of trade). Students will examine decisions of courts and tribunals in detail.
Coordinator: Ms Kathryn Peterson
Classes: Intro Class: Jul 25 (6-8) then Aug 11, 12 & 25, 26 (9-5)
Assessment: Options: (i) class participation (20%) and 6000wd essay (80%) or (ii) class participation (20%) and 2 x 3000wd problem assignments (40% each) or (iii) class participation (20%) and 3000wd problem assignment (40%) and 3000wd essay (40%)
Assumed Knowledge: LAWS6252 or a law degree and LAWS6071

LAWS6030 Corporate Taxation
Level: 07 Credit Points: 6
Law School Group Only: S1CIMY BM-CR
Deloitte Group Only: S1CJIN BM-CC; S1CRA ND-CC
Description: 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 gains and stripping; and value shifting.
Coordinator: Prof Richard Vann
Classes: Sydney Law School based students only: S1CIMY May 24-26 & 29, 30 (9-3.30); Deloitte students only: S1CJIN May 24-26 & 29, 30 (9-3.30) (Sydney Group) and S1CRA (Regional Group)
Assessment: in-class test (30%) and 2hr exam or 7000wd essay (70%)
Assumed Knowledge: It is assumed that students undertaking this unit have an understanding of Australian income taxation law commensurate with that which would be obtained from completing undergraduate study in Australian taxation law or five years working with Australian tax law in a law or accounting practice, in an industry role or in the Australian Taxation Office. For students who do not have such knowledge or work experience, they first should undertake LAWS6825 Introduction to Australian Business Tax before enrolling in this unit.

LAWS6032 Crime Research and Policy
Level: 07 Credit Points: 6
Availability: S1C NE-CC
Description: 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.
Coordinator: Prof Judith Cashmore
Classes: 1x2-hr lecture/week
Assessment: class participation (10%), 2000wd research problem (30%) and 4000wd research proposal (60%)
Additional Info: Core unit for MCrim and GradDipCrim students and co-requisite for other criminology units.

LAWS6034 Criminal Liability
Level: 07 Credit Points: 6
Availability: S2C NE-CC
Description: 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 accessorius 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.
Coordinator: Mr Graeme Coss
Classes: 1x2-hr lecture/week
Assessment: 3000wd essay (50%) and 2hr open-book exam (50%)
Additional Info: Core unit for MCrim students. 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 studies in criminal law from a common law jurisdiction.

LAWS6037 International Import/Export Laws
Level: 07 Credit Points: 6
Availability: S1C NE-CC
Description: This unit is a comparative study of international import/export laws. It does not look in detail at Australian law. The material covered in the unit is based on the WTO multilateral agreements which the 159 WTO member countries have adopted and which bind them on the topics covered.
Coordinator: Prof Richard Vann
Classes: Sydney Law School based students only: S1CIMY May 24-26 & 29, 30 (9-3.30); Deloitte students only: S1CJIN May 24-26 & 29, 30 (9-3.30) (Sydney Group) and S1CRA (Regional Group)
Assessment: Dispute Settlement Understanding. The Kyoto Convention is then examined to determine the key elements of a modern customs statute.

2017 Sydney Law School Unit Descriptions
The unit also examines: Free Trade Agreements; anti-dumping duty; discriminatory taxes/laws on imports; markings and intellectual property rights on imported goods; importers’ remedies against customs decisions; customs valuation and tariffs; and, customs "post entry" audits.

Coordinator: Adj Prof Alan Bennett
Classes: 1x2-hr lecture/week
Assessment: class assignments (10%), mid-semester take-home exam (25%) and final semester take-home exam (65%)

**LAWS6044 Environmental Law and Policy**

**Level:** 07  **Credit Points:** 6

**Availability:** S1CIMR BM-CC

**Description:** 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.

Coordinator: Prof Rosemary Lyster (Coordinator), Dr Gerry Bates
Classes: Group A (S1CIMR): Mar 15-18 (9-5)
Assessment: 2000wd essay (25%) and assignment (75%)

**Additional Info:** Environmental Law students must complete LAWS6252 and this core unit prior to enrolling in other law elective units.

Prohibitions: LAWS3430 or LAWS5130

Assumed Knowledge: LAWS6252 or law degree from a common law jurisdiction

**LAWS6047 Law of the Sea**

**Level:** 07  **Credit Points:** 6

**Availability:** S2CIOC BM-CC

**Description:** 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 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.

Coordinator: Prof Tim Stephens
Classes: Oct 12, 13 & 18, 19 (9-5)
Assessment: 5000wd essay (60%) and take-home exam (40%)

**LAWS6048 Explaining Crime**

**Level:** 07  **Credit Points:** 6

**Availability:** S1C NE-CC

**Description:** 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.

Coordinator: Prof Cameron Stewart
Classes: 1x2-hr lecture/week
Assessment: take-home exam (30%), class presentation (10%) and 3500wd essay (60%)

**Additional Info:** Core unit for MCrim and GradDipCrim students and co-requisite for other criminology elective units.

**LAWS6052 Govt Regulation, Health Policy and Ethics**

**Level:** 07  **Credit Points:** 6

**Availability:** S2CIOC BM-CC

**Description:** This unit examines government regulation of health care 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; human tissue legislation; discipline of health professionals with a focus on the National Law; health care complaints tribunals; a right to health care; ethical theories in law and medicine; the ethics of human experimentation; and ethics committees.

Coordinator: Prof Cameron Stewart
Classes: Sep 28, 29 & Oct 12, 13 (9-5)
Assessment: class presentation (20%) and 7000wd essay (80%)

**Additional Info:** MHL students may select this unit as one of the three core units required in addition to LAWS6252 or LAWS6881.

**LAWS6054 Health Care and Professional Liability**

**Level:** 07  **Credit Points:** 6

**Availability:** S1CIMY BM-CC

**Description:** 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.

Coordinator: Prof Cameron Stewart
Classes: Apr 27, 28 & May 25, 26 (9-5)
Assessment: class presentation (20%) and assignment or 7000wd essay (80%)

**Additional Info:** Core unit for GradPubHL students. MHL students may select this unit as one of the three core units required in addition to LAWS6252 or LAWS6881.

**LAWS6059 International Business Law**

**Level:** 07  **Credit Points:** 6

**Availability:** S1CISE BM-CC

**Description:** 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.

Coordinator: Em Prof Gabriel Moens
Classes: Sep 8, 9 & 15, 16 (9-5)
Assessment: 3500wd essay (50%) and 1hr exam (50%) or 2hr exam (100%)
Textbook: Burnett and Bath, Law of International Business in Australasia (Federation press, 2009)

Additional Info: Core unit for MIntBus&L students. This unit is available as one of the core units for GradDiplntBusLaw students.

Prohibitions: LAWS3438, LAWS5138 International Commercial Transactions
Assumed Knowledge: Students who do not hold a law degree from a common or civil law jurisdiction must either have completed or be concurrently enrolled in LAWS6252 Legal Reasoning and the Common Law System before enrolling in this unit.

LAWS6060 International Commercial Arbitration
Level: 07 Credit Points: 6
Availability: S2C NE-CR
Description: This unit introduces students to the preferred method of resolving international commercial disputes. It aims primarily to: (a) outline key principles in the law of international commercial arbitration, and (b) 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 international commercial arbitration. In so doing the unit also briefly compares the burgeoning field of treaty-based investor-state arbitration (examined in more detail in LAWS6916 International Investment Law). This 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.
Coordinator: Prof Chester Brown, Adj Prof Max Bonnell
Classes: 1x2-hr lecture/week
Assessment: assignment (40%), 5000wd essay (60%)

Additional Info: This is available as one of the core units for GradDiplntBusLaw students

LAWS6061 International Environmental Law
Level: 07 Credit Points: 6
Availability: S1CIMY BM-CC
Description: This unit aims to provide an introduction to the framework, concepts, sources and techniques of international environmental law, and to provide an overview of international law responses to current and emerging environmental challenges. The history and framework of international environmental law will be examined before exploring a range of topical international environmental law issues, including atmospheric protection and climate change, hazardous substances and wastes, biodiversity and GMOs, the protection of marine living resources, the protection of freshwater resources and issues concerning trade. The unit will also survey the influence of international environmental law on domestic environmental law through case studies. Overarching themes will include the interdependence of environmental issues, the effects of scientific uncertainty on international environmental regulation, implementation of international environmental obligations between states at difference levels of economic development and the need for effectiveness in implementation and enforcement.
Coordinator: Prof Rosemary Lyster, Assoc Prof Ed Couzens
Classes: Apr 28, 29 & May 1, 2 (9-5)
Assessment: compulsory in-class practical assessment (40%) and assignment (60%)

Additional Info: Students seeking further study in international environmental law may undertake LAWS8922 Advanced International Environmental Law.

LAWS6063 World Trade Organization Law I
Level: 07 Credit Points: 6
Availability: S2CIAU BM-CC
Description: This unit is a comprehensive introduction to the law of the World Trade Organization (WTO) and to the context of economics and politics within which the law operates. It also offers some comparisons with regulation under bilateral and regional trade agreements. It can be taken as either a stand-alone introduction to WTO law or to acquire a solid basis for further study of WTO law. (Students may wish to continue on to take LAWS6249 World Trade Organization Law II which builds upon the knowledge gained in this unit and considers some additional topics of WTO law.) The introductory topic considers the functions of the WTO through the consideration of some basic economics of trade and of public choice. We review the history of the General Agreement on Tariffs and Trade (GATT) and the creation of the Agreement Establishing the WTO ending with a review of the institutions of the WTO and of the framework of rules applying under the GATT (and comparing with some bilateral and regional trade agreements). There follows a detailed study of the WTO dispute settlement system, under the WTO Understanding on Dispute Settlement, its concepts, procedures and enforcement. We study the framework of rules under the General Agreement on Trade in Services (GATS) and compare it with the negative list approach used under some bilateral and regional trade agreements; and the rules of the Agreement on Trade-Related Aspects of Intellectual Property (TRIPS), emphasizing patents, copyright and trademarks, and noting some TRIPS plus aspects of some bilateral and regional trade agreements. The unit analyses in more detail some of the fundamental rules of the GATT: rules on tariff bindings and customs duties, national treatment, non-tariff barriers, the MFN rule on non-discrimination and an introduction to the rules on subsidies. We conclude with a synopsis of WTO developments to the present day. This unit is assessed in two ways: an essay on the subject and function of the WTO system and its dispute settlement system; and an exam requiring students to apply the basic rules of the GATT, GATS and TRIPS to fact situations.
Coordinator: Dr Brett Williams
Classes: Aug 9, 10 & Sep 8, 9 (9-5.30)
Assessment: 3000 to 3500wd essay (40%) and take-home exam (60%)
Prohibitions: LAWS3439 and LAWS5139 International Economic Law
Assumed Knowledge: limited knowledge of law of treaties

LAWS6066 Discretion in Criminal Justice
Level: 07 Credit Points: 6
Availability: S2CIAU BM-CC
Description: 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.

Coordinator: Adj Prof Nicholas Cowdery
Classes: Aug 4, 5 & 18, 19 (9-5)
Assessment: take-home exam (60%) and essay (40%)

LAWS6068 Judicial Review—P'ciple, Pol and Procedure
Level: 07 Credit Points: 6
Availability: S2CJU BM-CC
Description: 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.
Coordinator: Prof Margaret Allars
Classes: Jul 21, 22 & Aug 18, 19 (9-5)
Assessment: 7500wd essay or 2x3750wd essays (100%)

LAWS6071 Labour Law
Level: 07 Credit Points: 6
Availability: S1CMR BM-CC
Description: 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 LLM 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.
Coordinator: Assoc Prof Shee McCrystal
Classes: Intro Class: Feb 28 (6-8) then Mar 17, 18, 31 & Apr 1 (9-5)
Assessment: assignment (20%) and 1.5hr in-semester exam (80%)
Additional Info: 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 re
Prohibitions: LAWS5516G
Assumed Knowledge: MLLR students must either have completed or be concurrently enrolled in LAWS6252 Legal Reasoning and the Common Law System as well as this unit prior to undertaking labour law elective units.

Availability: S1C NE-CC
Description: 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.
Coordinator: Em Prof Terry Carney
Classes: 1x2-hr lecture/week
Assessment: class participation (10%), 4000-6000wd essay (60%) and critical analysis of another student’s research strategy essay (30%)
Additional Info: Core unit for all Sydney Law School research degree students. The unit must be undertaken within the first year of candidature. Students will give a 20 minute presentation of the research strategy completed in this unit at their first annual progress review meeting (usually within the first year of candidature). It is not available to coursework or other students.

LAWS6091 Chinese International Taxation
Level: 07 Credit Points: 6
Availability: S2CIAU BM-CC
Description: 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.
Coordinator: Prof Jinyan Li
Classes: Aug 23-25 & 28, 29 (9-3.30)
Assessment: class participation (20%) and 6000wd essay (80%)
Assumed Knowledge: Available to students who have successfully completed an undergraduate/postgraduate unit of study in tax law.

LAWS6100 Corporate Fundraising
Level: 07 Credit Points: 6
Availability: S1C NE-CR
Departmental Permission Sessions: Deloitte Group Only:
Description: 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.
Coordinator: Dr R P Austin (Coordinator)
Assumed Knowledge: undergraduate law degree with corporate law background

**LAW6107 Tax Litigation**

**Level:** 07  
**Credit Points:** 6  
**Availability:** S1CIAP BM-CC  
**Description:** Thousands of tax disputes arise each year in Australia. This unit aims to equip students with the skills to assist in resolving those disputes, both disputes which go before a court or tribunal and those which are resolved earlier. The unit covers information gathering processes open to the Commissioner of Taxation and taxpayers, the assessment and objection process, review by the Administrative Appeals Tribunal, tax "appeals" directly to the Federal Court, appeals to the Federal Court, Full Court and High Court, state tax litigation in the NSW Supreme Court and NSW Civil and Administrative Tribunal, other non Part IVC proceedings (such as administrative and Constitutional challenges, tax debt recovery, promoter penalties, garnishee notices, hardship release and preference proceedings) and alternative dispute resolution. The general topics of legal professional privilege, the rules of evidence, preparing expert evidence and the difference between questions of law and questions of fact or mixed questions are explored as they relate to tax litigation. A guest lecture is usually given by a Federal Court Judge, an Administrative Appeals Tribunal member or both, and there is a skills lecture on written advocacy in tax disputes.

**Coordinator:** Ms Chloe Burnett  
**Classes:** Apr 5-7 & 10, 11 (9-3.30)  
**Assessment:** in-class test (30%) and 2hr exam (70%)  
**Assumed Knowledge:** It is assumed that students undertaking this unit have an understanding of Australian income taxation law commensurate with that which would be obtained from completing undergraduate study in Australian taxation law or five years working with Australian tax law in a law or accounting practice, in an industry role or in the Australian Taxation Office. For students who do not have such knowledge or work experience, they first should undertake LAWS6825 Introduction to Australian Business Tax before enrolling in this unit.

**LAW6109 UK International Taxation**

**Level:** 07  
**Credit Points:** 6  
**Availability:** S2CISE BM-CC  
**Description:** This unit covers the domestic provisions of UK direct tax 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 UK tax system and to develop a detailed understanding of the policies, developments and the case law in the UK in the international direct 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 company and personal taxation applicable to inbound and outbound transactions in the UK. The unit includes a study of: 1. Overview of the UK tax system; 2. Taxation of income investment in the UK; 3. Taxation of outbound investment in the UK; 4. Transfer pricing in the UK; 5. UK tax treaties including the Australia UK Tax Treaty; 6. EU tax law as it affects the UK.

**Coordinator:** Adj Prof Malcolm Gammie  
**Classes:** Sep 20-22 & 25, 26 (9-3.30)

**Assessment:** take-home exam or 7000wd essay (100%)

**LAW6118 Taxation of Partnerships and Trusts**

**Level:** 07  
**Credit Points:** 6  
**Availability:** S2CISE BM-CR  
**Description:** The objective of this unit is to examine the policy and practical issues that arise in Australia for the taxation of income derived through partnerships and trusts which are generally transparent for tax purposes. The focus of the course is twofold. First, it looks at the use of these vehicles by small business and in the case of trusts by high wealth individuals. Secondly it looks at the use of these (and other effectively tax-transparent) vehicles for collective investment. Given the recent focus by the government on rewriting the existing rules and developing new vehicles for collective investment, and the failure over many years to rewrite the rules for small business tax-transparent entities, the main emphasis of the unit will be on the recent and on-going developments in relation to collective investment. The goals of the unit are to develop a detailed understanding of the policies, technical rules and practical problems involved in the taxation of partnerships and trusts. 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 (partnerships and trusts contrasted with companies); classification of entities for tax purposes; taxation of partners and trust beneficiaries in a small business/high wealth context; taxation of collective investment vehicles mainly in the form of trusts and partnerships, including AMITs and MITs, public trading trusts, LPs, venture capital, foreign hybrids, listed investment companies and investment manager regime.

**Coordinator:** Prof Richard Vann  
**Classes:** Sep 6-8 & 11, 12 (9-3.30)  
**Assessment:** in-class assessment (30%) and 2hr exam (70%)  
**Assumed Knowledge:** It is assumed that students undertaking this unit have an understanding of Australian income taxation law commensurate with that which would be obtained from completing undergraduate study in Australian taxation law or five years working with Australian tax law in a law or accounting practice, in an industry role or in the Australian Taxation Office. For students who do not have such knowledge or work experience, they first should undertake LAWS6825 Introduction to Australian Business Tax before enrolling in this unit.

**LAW6123 Transfer Pricing in International Tax**

**Level:** 07  
**Credit Points:** 6  
**Availability:** S1CIMY BM-CC  
**Description:** The unit examines transfer pricing law and practice in Australia and globally. Transfer pricing continues to be rated by tax directors as the number one international tax issue they face. The release of the revised OECD Transfer Pricing Guidelines for Multinational Enterprises and Tax Administrations in 2010 and the ongoing projects, the rewrite of the Australian transfer pricing legislation, 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.

**Coordinator:** Ms Melissa Heath-Ogier  
**Classes:** May 17-19 & 22, 23 (9-3.30)  
**Assessment:** 3000wd assignment (30%) and 2hr exam (70%)  
**Assumed Knowledge:** It is assumed that students undertaking this unit have an understanding of Australian income taxation law commensurate with that which would be obtained from completing undergraduate study in Australian taxation law or five
years working with Australian tax law in a law or accounting practice, in an industry role or in the Australian Taxation Office. For students who do not have such knowledge or work experience, they first should undertake LAWS6825 Introduction to Australian Business Tax before enrolling in this unit.

**LAWS6125 Taxation of Corporate Finance**

**Level:** 07  
**Credit Points:** 6  
**Availability:** S1C NE-CR  
**Description:** 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 of 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.  
**Coordinator:** Prof Paul O'Donnell  
**Classes:** 1x2-hr lecture/week  
**Assessment:** classwork (30%) and 2hr exam or 7000wd essay (70%)  
**Assumed Knowledge:** It is assumed that students undertaking this unit have an understanding of Australian income taxation law commensurate with that which would be obtained from completing undergraduate study in Australian taxation law or five years working with Australian tax law in a law or accounting practice, in an industry role or in the Australian Taxation Office. For students who do not have such knowledge or work experience, they first should undertake LAWS6825 Introduction to Australian Business Tax before enrolling in this unit.

**LAWS6127 Taxation and Regulation of Superannuation**

**Level:** 07  
**Credit Points:** 6  
**Availability:** S1C NE-CR  
**Description:** This unit offers a detailed examination of the regulatory and tax rules affecting the superannuation industry in Australia. The unit will analyse the statutory regulatory framework and the background rules of trust law, how they apply to different industry segments such as SMSFs, APRA regulated funds and constitutionally-protected funds, and how they affect issues such as fund structure and management, duties of trustees, benefit types, investment strategies, the resolution of disputes and so on. The unit will also consider in detail how the income tax, FBT and SGC regimes apply to amounts flowing into and out of the superannuation system (contributions, fund income and expenses, and benefits provided in various forms) for the various participants in the industry (employers, trustees, members, their dependents and estates, external providers). The unit will be taught through the analysis of a series of case studies discussed in detail in each seminar.  
**Coordinator:** Mr Shayne Carter  
**Classes:** 1x2-hr lecture/week  
**Assessment:** 3000wd assignment (30%) and 2hr exam (70%)  
**Prohibitions:** LAWS6213  
**Assumed Knowledge:** It is assumed that students undertaking this unit have an understanding of Australian income taxation law commensurate with that which would be obtained from completing undergraduate study in Australian taxation law or five years working with Australian tax law in a law or accounting practice, in an industry role or in the Australian Taxation Office. For students who do not have such knowledge or work experience, they first should undertake LAWS6825 Introduction to Australian Business Tax before enrolling in this unit.

**LAWS6128 Comparative International Taxation**

2017 Sydney Law School Unit Descriptions
LAWS6138 Internati Fin Transactions: Law and Prac
Level: 07  Credit Points: 6
Availability: S1CIJM BM-CC
Description: International financial markets are front page news. From GFC litigation to the sovereign debt crises, the hedge funds and rating agencies, there is no escape. This unit has a profoundly practical perspective, yet also addresses regulatory reform in an international context, and how it relates to the markets. Key pillars of the unit include lending, capital markets and the derivative markets. Within each pillar specific financial products are analysed, both from a legal and structuring perspective. We look at lending and how to negotiate a term sheet. Securitisation and covered bonds are topics of discussion in the capital market sphere. We will also look at the international reform of the derivatives market and its impact on documentation. Insight is given into credit derivatives. Investor litigation is also a prominent feature of the unit. Guest lecturers from the industry present to provide a broad perspective. Case studies and a negotiation session are included as well, making this a both challenging and exciting unit. No prior experience in the financial markets is required.
Coordinator: Mr Jan Job de Vries Robbé
Classes: Mar 16, 17 & 20, 21 (9-4)
Assessment: class participation (10%) and 8000wd essay (90%)

LAWS6147 Independent Research Project
Level: 07  Credit Points: 6
Availability: S2CIJL BM-CC
Departmental Permission Sessions: S1C SU-CC; S2C SU-CC
Description: 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.
Coordinator: Supervised by an appointed Sydney Law School academic member
Assessment: 8000 to 10,000wd research project (100%)
Additional Info: Closing date 30 September (Semester 1) and 30 April (Semester 2)

LAWS6153 Comparative Corporate Taxation
Level: 07  Credit Points: 6
Availability: S1CIAP BM-CC
Description: This unit provides an introduction to the mainly statutory law regulating bankrupt individuals and insolvent companies to be found in the Bankruptcy Act 1966 and Corporations Act 2001. It explores the objectives and key principles of insolvency law, the pari passu principle, the various forms of insolvent administration including informal workouts, bankruptcy, liquidation, receivership, voluntary administration, schemes of arrangement and associated procedures together with the avoidance of transactions in insolvency. The unit also considers the impact of insolvency on existing contractual and proprietary rights from the perspective of employees, unsecured creditors, shareholders, trustees of trusts and third parties generally. The unit also considers cross border insolvency and the Cross Border Insolvency Act 2008. The impact of the PPSA on insolvency is also analysed. The unit involves a significant component of statutory interpretation.
Coordinator: Prof John Stumbles
Classes: Jul 6, 7 & 13, 14 (9-5)
Assessment: assignment (50%), 4000wd essay (50%)
Additional Info: This unit replaced LAWS6159 Corporate Insolvency Law.
Prohibitions: CLAW6006 or LAWS3403 or LAWS3445 or LAWS5103
Assumed Knowledge: undergraduate law degree with good background in Australian corporate law

LAWS6161 International Human Rights
Level: 07  Credit Points: 6
Availability: S2CIJL BM-CC
Description: 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.

Coordinator: Ms Irene Baghoomians
Classes: Aug 11, 12 & 18, 19 (9-5)
Assessment: 2000wd assignment (30%) and 5000wd essay (70%) or 7000wd (100%)
Additional Info: Available to MLLR students who commenced after Jan 2015.
Prohibitions: GOVT6117

LAW6167 Energy and Climate Law
Level: 07 Credit Points: 6
Availability: S2CISE BM-CC
Description: This unit addresses one of the most pressing global environmental concerns - global climate change. The unit explains the science of climate change and undertakes a detailed assessment of the 1992 United Nations Framework Convention on Climate Change (UNFCCC), including the 2015 Paris Agreement. All aspects of the UNFCCC are discussed including emissions reduction, climate change adaptation and disaster risk reduction, and the issue of climate displaced persons. Given that the burning of fossil fuels to produce energy is the primary cause of climate change, the unit looks at energy consumption patterns around the world and in Australia. It also assesses the legislative and market-based tools to reduce emissions including carbon trading schemes and renewable energy schemes around the world and at the Federal and state government levels in Australia. Climate adaptation and disaster risk reduction provisions in Australia are compared and contrasted with those in the United States and the European Union.
Coordinator: Prof Rosemary Lyster
Classes: Sep 1, 2 & 8, 9 (9-5)
Assessment: class participation (20%) and 7000wd essay (80%)
Prohibitions: LAW6165, LAW6166

LAW6165 Biodiversity Law
Level: 07 Credit Points: 6
Availability: S1CIAP BM-CC
Description: Biological diversity is the variability among living organisms and the ecological complexes of which they are part, including diversity within species, between species and of ecosystems. Aside from whatever intrinsic value it may possess, biodiversity is crucial to support human life and welfare. Australia is fortunate to have some of the world's most complex and unique biodiversity - unfortunately, also to have one of the highest rates of extinction and loss of biodiversity. Despite a sophisticated system of environmental governance and a relatively high degree of environmental awareness, biodiversity continues to decline rapidly in Australia. This unit will consider the international legal regime related to the protection of biodiversity; how international instruments are incorporated into (or otherwise affect) Australia's regime; and the operation of Australia's regime at both national and state levels (the latter, particularly in NSW) - and will include consideration of various threats to biodiversity, different protection options (in situ and ex situ), and how biodiversity-related considerations affect and are affected by other Environmental Law fields.
Coordinator: Assoc Prof Ed Couzens
Classes: Apr 5-8 (9-5)
Practical Work: If possible, an appropriate practical component (along field trip lines) will be added to give further insight.
Assessment: class presentation and 2000wd essay (25%) and 6000wd (75%)

LAW6167 International Law II
Level: 07 Credit Points: 6
Availability: S1CIMY BM-CC; S2C NE-CC
Description: This unit of study consolidates and builds upon knowledge gained in LAWS6243 International Law I. The relationship between international law and domestic law is explored in depth, both in a comparative perspective and with reference to the impact of international law on Australian law and legal institutions. The unit also addresses specialist topics not covered, or only briefly covered, in LAWS6243 International Law I, which may include a more detailed examination of the limits of state jurisdiction, the role of the individual in international law, international human rights, and the right of states to respond to international wrongs. Other topics of current interest in public international law will also be examined, with students given an appreciation of the role and relevance of international law in major events in contemporary international affairs.
Coordinator: Dr Alison Pert
Classes: S1CIMY (Group A): May 5, 6 & 12, 13 (9-5); S2C (Group B): 1x2-hr lecture/week
Assessment: 5000wd essay (60%) and assignment (40%)
Additional Info: Compulsory core unit for MIL and GradDiplIntLaw students. This unit replaced LAWS6167 International Law and Australian Institutions.
Assumed Knowledge: LAWS6243

LAW6169 Capital Gains Tax
Level: 07 Credit Points: 6
Availability: S1CIMY BM-CC
Description: 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.
Coordinator: Prof Michael Dirkis
Classes: May 10-12 & 15, 16 (9-3.30)
Assessment: in-class assessment (30%) and 2hr exam (70%)
Assumed Knowledge: It is assumed that students undertaking this unit have an understanding of Australian income taxation law commensurate with that which would be obtained from completing undergraduate study in Australian taxation law or five years working with Australian tax law in a law or accounting practice, in an industry role or in the Australian Taxation Office. For students who do not have such knowledge or work experience, the specialist provisions of the CGT and the impact of the CGT on commercial and non-commercial transactions will be covered.
experience, they first should undertake LAWS6825 Introduction to
Australian Business Tax before enrolling in this unit.

LAW6171 US International Taxation
Level: 07 Credit Points: 6
Availability: S1CIMY BM-CC
Description: 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.
Coordinator: Prof Ethan Yale
Classes: May 10-12 & 15, 16 (9-3.30)
Assessment: in-class assessment (30%) and 2hr exam (70%)

LAW6177 Tax Treaties
Level: 07 Credit Points: 6
Availability: S1CJIN BM-CR
Description: 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 tax treaties; interpretation of tax treaties; and
selected articles of the OECD Model and Australian tax treaties.
Coordinator: Prof Richard Vann
Classes: Jun 5-9 (9-3.30)
Assessment: classwork (30%) and 2hr exam or 7000wd essay
(70%)
Assumed Knowledge: It is assumed that students undertaking this
unit have an understanding of Australian income taxation law
commensurate with that which would be obtained from
completing undergraduate study in Australian taxation law or five
years working with Australian tax law in a law or accounting
practice, in an industry role or in the Australian Taxation Office.
For students who do not have such knowledge or work
experience, they first should undertake LAWS6825 Introduction to
Australian Business Tax before enrolling in this unit.

LAW6182 Independent Research Project A
Level: 07 Credit Points: 6
Availability: S1C SU-CC; S2C SU-CC
Departmental Permission Sessions: S1C SU-CC; S2C SU-CC
Description: 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 Program
Coordinator. Please refer to the Sydney Law School website for
details on eligibility criteria and application material.
Coordinator: Supervised by an appointed Sydney Law School
academic member
Assessment: 15,000 to 20,000wd research project (100%)
Additional Info: Closing date 30 September (Semester 1) and 30
April (Semester 2). Students must complete both LAWS6184 and
LAWS6183 within one or two semesters.
Compulsory Co-requisites: LAWS6182

LAW6184 International Law Research Project A
Level: 07 Credit Points: 6
Availability: S1C SU-CC; S2C SU-CC
Departmental Permission Sessions: S1C SU-CC; S2C SU-CC
Description: The goal of this unit of study is to provide Master of
International Law 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 Program
Coordinator. Please refer to the Sydney Law School website for
details on eligibility criteria and application material.
Coordinator: Supervised by an appointed Sydney Law School
academic member
Assessment: 15,000 to 20,000wd research project (100%)
Additional Info: Closing date 30 September (Semester 1) and 30
April (Semester 2). Students must complete both LAWS6184 and
LAWS6185 within one or two semesters.
Compulsory Co-requisites: LAWS6185

LAW6185 International Law Research Project B
Level: 07 Credit Points: 6
Availability: S1C SU-CC; S2C SU-CC
Departmental Permission Sessions: S1C SU-CC; S2C SU-CC
Deloitte Group Only:
Description: Please refer to LAWS6184 International Law
Research Project A.
Coordinator: Supervised by an appointed Sydney Law School
academic member
Assessment: 15,000 to 20,000wd research project (100%)
Additional Info: Closing date 30 September (Semester 1) and 30
April (Semester 2). Students must complete both LAWS6184 and
LAWS6185 within one or two semesters.
Compulsory Co-requisites: LAWS6184

LAW6187 Functional Analysis of Law and Soc Control
Level: 07 Credit Points: 6
Availability: S1C NE-CC
Description: 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.
Coordinator: Assoc Prof Alex Ziegert
Classes: 1x2-hr lecture/week
Assessment: 1000wd research note (30%) and 7000wd essay
(70%)

LAW6191 Water Law and Climate Change
Level: 07 Credit Points: 6
Availability: S2CIOC BM-CC
Description: This unit of study recognises the threat of climate
cchange to global water resources including Australia. The question
is asked whether regulation or market-based measures, such as
trading schemes, are best placed to deal with such a scarce resource. In the Australia context, the unit details arrangements at the Federal and State government levels to reform the sector - going back to 1994 - particularly in the Murray Darling Basin, within the context of broader economic reform and the National Competition Policy framework. The most recent legislative instrument to manage the Basin is the cross-jurisdictional Basin Plan which has had a difficult history. Attempts to manage the Basin are compared with management of another cross-jurisdictional water system - the Mekong River Basin. In the urban context, the unit addresses the corporatisation of water utilities and competition in the water service market including the possible implications of free trade agreements. This unit provides a fascinating case study of how science, economics, law and politics all come together in a clash of values and expectations to determine the best way to manage a scarce resource.

Coordinator: Prof Rosemary Lyster
Classes: Oct 20, 21 & 27, 28 (9-5)
Assessment: class participation (20%) and 7000wd essay (80%)

LAW6209 Australian International Taxation
Level: 07 Credit Points: 6
Availability: S1C NE-CR
Description: 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, 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 focuses on the international tax rules in Australia’s domestic law. Although the role of double tax treaties is introduced, double tax treaties are 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.
Coordinator: Prof Michael Dirkis
Classes: 1x2-hr lecture/week (first class commences Mar 1)
Assessment: in-class assessment (30%) and 2hr exam (70%)
Assumed Knowledge: It is assumed that students undertaking this unit have an understanding of Australian income taxation law commensurate with that which would be obtained from completing undergraduate study in Australian taxation law or five years working with Australian tax law in a law or accounting practice, in an industry role or in the Australian Taxation Office. For students who do not have such knowledge or work experience, they first should undertake LAWS6225 Introduction to Australian Business Tax before enrolling in this unit.

LAW6214 Goods and Services Tax Principles A
Level: 07 Credit Points: 6
Availability: S1C IMR BM-CC
Description: 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.
Coordinator: Prof Rebecca Millar
Classes: Mar 22-24 & 27, 28 (9-4)
Assessment: class work/test (35%) and 2hr exam (65%). A research essay may be undertaken in lieu of the exam with the permission of the Unit Coordinator.
### LAWS6218 International Humanitarian Law

**Level:** 07  
**Credit Points:** 6  
**Availability:** S1CIFE BM-CC  
**Description:** How to limit and regulate violence in times of war or armed conflict is one of the most pressing challenges for international law. This unit introduces you to the principles and practices of international humanitarian law ('IHL'), also known as the laws of war or the law of armed conflict, including treaty law and customary international humanitarian law. This unit explores: the origins, purposes, sources and critiques of IHL; its scope of application (spatial, temporal and personal); the different types and thresholds of conflict (including international, non-international and “transnational” conflicts); the status and treatment of combatants and non-combatants and other categories (such as spies, “unlawful combatants” and “terrorists”); the permissible means and methods of warfare (including the principles of distinction and proportionality, and prohibitions and restrictions on certain weapons such as chemical, biological and nuclear weapons); the difference in rules governing international armed conflicts (IACs) and those governing non-international armed conflicts (NIACs); the relationship between international human rights law and IHL; and the relationship between the international terrorism suppression regime and IHL.  
**Coordinator:** Dr Kimberly Trapp  
**Classes:** Mar 17, 18 & 31, Apr 1 (9-5)  
**Assessment:** class participation (20%) and 8000wd essay (80%)  
**Prohibitions:** LAWS53483 or LAWS55183

### LAWS6222 Corporate Governance

**Level:** 07  
**Credit Points:** 6  
**Availability:** S1CIFE BM-CC  
**Description:** 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.  
**Coordinator:** Prof Jennifer Hill  
**Classes:** Feb 20, 21 & 27, 28 (9-4)  
**Assessment:** general class participation and specialised seminar discussion (20%), class quiz (written) to be held on Day 4 (20%) and essay or take-home exam (60%)

### LAWS6233 Criminology Research Project A

**Level:** 07  
**Credit Points:** 6  
**Availability:** S1C SU-CC; S2C SU-CC  
**Departmental Permission Sessions:** S1C SU-CC; S2C SU-CC  
**Description:** The goal of this unit of study is to provide Master of Criminology 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 Program Coordinator. Please refer to the Sydney Law School website for details on eligibility criteria and application material.  
**Coordinator:** Supervised by an appointed Sydney Law School academic member  
**Assessment:** 15,000 to 20,000wd research project (100%)  
**Additional Info:** Closing date 30 September (Semester 1) and 30 April (Semester 2). Students must complete both LAWS6233 and LAWS6234 within one or two semesters.  
**Compulsory Co-requisites:** LAWS6234

### LAWS6234 Criminology Research Project B

**Level:** 07  
**Credit Points:** 6  
**Availability:** S1C SU-CC; S2C SU-CC  
**Departmental Permission Sessions:** S1C SU-CC; S2C SU-CC  
**Description:** Please refer to LAWS6233 Criminology Research Project A  
**Coordinator:** Supervised by an appointed Sydney Law School academic member  
**Assessment:** 15,000 to 20,000wd research project (100%)  
**Additional Info:** Closing date 30 September (Semester 1) and 30 April (Semester 2). Students must complete both LAWS6233 and LAWS6234 within one or two semesters.  
**Compulsory Co-requisites:** LAWS6233

### LAWS6243 International Law I

**Level:** 07  
**Credit Points:** 6  
**Availability:** S1CIMR BM-CC; S2C NE-CC  
**Description:** 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.  
**Coordinator:** Dr Alison Pert  
**Classes:** S1CIMR (Group A): Mar 24, 25 & Apr 7, 8 (9-5); S2C (Group B): 1x2-hr lecture/week  
**Assessment:** 5000wd essay (60%) and take-home exam (40%)  
**Additional Info:** This unit replaced LAWS6243 Public International Law. This unit is compulsory for MIL and GradDipIntLaw students who have not completed any previous study in international law and must be taken during the first semester of candidature. This unit is not av  
**Prohibitions:** LAWS1023, LAWS55005

### LAWS6244 Taxation of Corporate Groups

**Level:** 07  
**Credit Points:** 6  
**Availability:** S2CIOCM CR-CC  
**Description:** The object of this unit is to examine the policy and practical issues that arise in the tax 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.  
**Coordinator:** Prof Richard Vann  
**Classes:** Oct 11-13 & 16, 17 (9-3.30)  
**Assessment:** classwork (30%) and 2hr exam or 7000wd essay (70%)  
**Assumed Knowledge:** It is assumed that students undertaking this unit have an understanding of Australian income taxation law commensurate with that which would be obtained from completing undergraduate study in Australian taxation law or five years working with Australian tax law in a law or accounting practice, in an industry role or in the Australian Taxation Office. For students who do not have such knowledge or work experience, they first should undertake LAWS6825 Introduction to Australian Business Tax before enrolling in this unit.

### LAWS6252 Legal Reasoning and the Common Law System

**Level:** 07  
**Credit Points:** 6  
**Availability:** S1CIAP BM-CC; S1CIMR BM-CC; S2CIAU BM-CC; S2CISE BM-CC  
**Description:** 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
LAW6264 Compliance: Financial Services Industry

Level: 07 Credit Points: 6
Availability: S2CSE BM-CC

Description: 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.

Coordinator: Prof Patricia Apps

Classes: Aug 31, Sep 1 & 7, 8 (10-5)
Assessment: 1000wd essay (10%), class presentation (10%), 5000-7000wd essay (80%)

Additional Info: Core unit for MALP students.

Prohibitions: LAW6262 or LAW6042 or LAW6113 or LAW6984

LAW6265 Public Policy

Level: 07 Credit Points: 6
Availability: S2CISE BM-CC

Description: 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.

Coordinator: Prof Patricia Apps

Classes: Aug 31, Sep 1 & 7, 8 (10-5)
Assessment: 1000wd essay (10%), class presentation (10%), 5000-7000wd essay (80%)

Additional Info: Core unit for MALP students.

Prohibitions: LAW6262 or LAW6042 or LAW6113 or LAW6984

LAW6266 Compliance: Financial Services Industry

Level: 07 Credit Points: 6
Availability: S2C NE-CR

Description: 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.

Coordinator: Adj Prof Kevin Lewis

Classes: 1x2-hr lecture/week
Assessment: assignment (40%) and 2hr exam (60%)

LAW6304 International Family Law

Level: 07 Credit Points: 6
Availability: S1CIAP BM-CC

Description: Family law disputes quite frequently involve parties who are citizens of, or have a right of abode in, other countries. It is common also for parties to have assets located in other countries. These international family law cases give rise to numerous difficult issues and require specialist legal advice. In which jurisdiction should a client file and what urgency is there to secure the jurisdiction of choice? How will Australian courts deal with forum disputes? To what extent are foreign court orders enforceable in Australia and will Australian orders be enforced in an overseas’ jurisdiction? What steps need to be taken to prevent, as far as possible, the movement of assets overseas or, indeed, children overseas? How does the Hague Convention on Child Abduction work and is it effective? What about international enforcement of child support? This unit of study will examine these and other questions with an emphasis on the law in practice.

Coordinator: Prof Patrick Parkinson AM, Prof Peter Rose QC

Classes: Mar 3, 4, 31 & Apr 1 (9-5)
Assessment: 4000wd essay (50%) and take-home exam (50%)

Assumed Knowledge: Available to students who hold a law degree or knowledge of private international law

LAW6305 Workplace Investigations

Level: 07 Credit Points: 6
Availability: S1CIAP BM-CC

Departmental Permission Sessions: S1CIAP BM-CC

Description: Lawyers and HR/IR practitioners are increasingly required to deal with complaints of sexual harassment, bullying and discrimination, and address suspected misconduct such as Code of Conduct breaches, fraud/theft, and safety and other breaches. In order to take, and if necessary defend, disciplinary and other action, a proper factual and legal foundation must be established, through a workplace investigation. We also specifically consider how concepts of ‘procedural fairness’ and ‘natural justice’ impact a workplace investigation. The unit explores the various stages of a workplace investigation, including: (1) establishing the scope of the investigation and particularizing the alleged complaint or misconduct; (2) conducting interviews and gathering other information; (3) managing participants, including stand down/suspension; (4) evaluating information and making findings applying the relevant standard of proof and legal test(s); and (5) implementing investigation findings.

Coordinator: Ms Jane Seymour

Classes: Intro Class (by Webinar): Apr 11 (6-8) then Apr 28, 29 & May 12, 13 (9-5)
Assessment: class participation (15%), class presentation (15%) and assignment (70%)

Assumed Knowledge: LAW6262 or law degree and LAW6071

Additional Info: This unit has a restricted class size. Please note enrolment priority will be given to continuing students who are (i) currently enrolled in a full award course at Sydney Law School and (ii) completing their final semester of studies.
Pre-enrolment registration is required. For exam unless they have attended all classes (except in the case of classes is compulsory. Students will not be eligible to submit their LAWS6316 Theories of the Judiciary http://sydney.edu.au/law/ further information, please visit Sydney Law School website concept of “rights” in legal theory, and the principles determining the main theories of legal interpretation; the special role of the law, the notions of obligation, authority, and legitimacy of law; philosophy of law. The unit will discuss, in particular, the concept of legal coercion. 

Coordinator: Dr Michael Sevel Classes: Aug 11, 12 & 25, 26 (9-5) Assessment: class presentation (20%) and 7500wd essay (80%)

LAW6321 Fiduciary Duties and Conflicts of Interest Level: 07 Credit Points: 6 Availability: S1CIJA BM-CC Description: The unit will be taught by Justice Ashley Black (Supreme Court of New South Wales), Mr Imtiaz Ahmed (Barrister) and Mr Alexander Morris (King and Wood Mallesons). The unit will involve both a conceptual analysis of fiduciary duties and associated remedies and a focus on the treatment of conflicts of interest in key areas of commercial activity and professional practice including partnerships and joint ventures, directors’ duties, legal and auditing practice and the financial services industry. Main topics include: The scope of fiduciary duties in Australian and UK law; Fiduciary duties and conflicts of interest in partnerships, joint ventures and other commercial relationships; Conflicts of interest affecting lawyers and auditors; Management of conflicts of interest in the financial services industry; and Remedies for breach of fiduciary duty.

Coordinator: Adj Prof Justice Ashley Black Classes: Jan 16-20 & 23 (2-6) Assessment: class participation including optional short presentation (10%), 7000wd essay (90%) Textbook: Recommended references (purchase not required): PD Finn, Fiduciary Obligations, Law Book Company, 1997; J Glover, Equity, Restitution and Fraud, LexisNexis Butterworths, 2004; M Conaglen, Fiduciary Loyalty, Oxford, 2010. Assumed Knowledge: Undergraduate knowledge of equitable principles or company law would be desirable

LAW6327 Crime and Media Level: 07 Credit Points: 6 Availability: S1CIAP BM-CC Description: This unit critically explores the complex cultural, social and popular intersections between media and crime in the broadest sense. Topics covered include news reporting of crime; media constructions of offenders and offences; moral panic and labeling; media and policing; ‘reality’ crime shows; surveillance and social control, crime, television and film, crime and social media.

Coordinator: Prof Murray Lee Classes: Apr 7, 8 & 21, 22 (9-5) Assessment: 3500-4000wd essay (40%) and 5000wd media analysis project (60%)

LAW6328 Contract Management Level: 07 Credit Points: 6 Availability: S2CIAU BM-CC Description: This unit builds on the foundational unit LAW6991 Fundamentals of Contract Law. It provides students with a detailed treatment of aspects of contract construction; the nature and effect of particular types of contractual terms; equitable and common law remedies; statutory measures having an impact on
contracts and contract law (eg statutory unconscionability; misleading or deceptive conduct). Content and learning in this unit is scaffolded onto that of Fundamentals of Contract Law which is a pre-requisite for this unit.

Coordinator: Ms Anne McNaughton  
Classes: Aug 4, 5 & 18, 19 (9-5)  
Assessment: 2000wd assignment (40%), 4000wd assignment (60%)  

Assumed Knowledge: undergraduate law degree or LAWS6991

LAWS6330 Fundamentals of Regulation  
Level: 07  
Credit Points: 6  
Availability: S2CISE BM-CC  
Description: This unit examines regulatory theory and practice within the context of the regulatory state. Growing privatization and corporatization has heightened demand for public regulation of private activities, but also for regulation of the state itself. At the same time, consumers, governments, and society place pressure on the private sector to address the social and environmental consequences of its actions through various forms of self-regulation. These trends have produced increasingly complex regulatory systems, and regulation is now a dominant aspect of the legal landscape, at both national and international levels. This unit acts as an introduction to key theories, concepts, and debates within the field of regulatory studies, as well as to the main tools and instruments of regulation. Focusing on social regulation, it uses practical examples to analyze the implementation and enforcement of regulatory regimes in various areas, including public health, workplace health and safety, and environmental protection. It explores corporate responses to regulation, as well as the roles, practices, and accountability of regulatory agencies, and of other actors involved in the administration, monitoring, and enforcement of regulation. The unit will be of interest to lawyers and other professionals engaged in regulatory compliance and enforcement, as well as to students with an interest in regulatory theory and practice more broadly. This unit will provide a gateway for further study in more specialized areas of regulation.  
Coordinator: Dr Belinda Reeve  
Classes: Intro Class: Aug 28 (6-8) then Aug 31 & Sep 1 & Oct 5, 6 (9-5)  
Assessment: class presentation (20%), short response question (20%), problem question (40%), 5000wd essay (60%) or 7000wd essay (80%). Students can choose a combination of the assessment tasks. The combination chosen must add up to 100% of the final mark.  
Additional Info: Available to MLLR students who commenced after Jan 2015.

LAWS6334 Gender Inequality and Development  
Level: 07  
Credit Points: 6  
Availability: S1CIAIP BM-CC  
Description: The unit is set up around a series of major policy questions central to the gender equality agenda, and linked to the post 2015 international development debates. Following an overview session about global and regional patterns, the unit will tackle a series of major policy challenges in turn, concluding with an examination of major global proposals. The unit will go beyond gender inequality in the labour market to explore patterns of violence and political participation, and the role of quotas, including on corporate boards, among others. Links to legal reform and human rights will be explored. Students will be asked to work on a specific policy challenge, applying and developing the findings discussed in class and in the readings. The unit is designed to facilitate student questioning, engagement and participation. No specific textbook is prescribed. There will normally be 2 to 3 required readings for each day, a paper and/or book chapters and additional readings for greater depth.  
Coordinator: Dr Jeni Klugman  
Classes: Apr 18, 24, 26 and May 1 (9-5)  
Assessment: class participation (10%), presentation (40%), 5000wd essay (50%)

LAWS6335 Neurolaw: Brain Mind Law and Ethics  
Level: 07  
Credit Points: 6  
Availability: S2CISE BM-CC  
Description: This unit explores the intersection between brain sciences and law. We examine the implications of new neuroscience research for key legal principles, as well as ethical questions concerning the need for special regulation of brain and mind research. Students will critically analyse the potential and limits of the use of neuroscience evidence in the courtroom on questions of criminal responsibility and civil liability. In the criminal context, we explore the question, what does it mean to claim that “my brain made me do it”? And in relation to civil suits, we consider the use of neuroscience evidence as proof of “invisible injuries” such as pain and psychiatric harm. Students will consider the potential for neuroscience research to contribute to the definition of legal capacity, and efforts to support legal decision making for people with mental impairments. The ethical implications of brain sciences research will also be critically analysed as part of a broader consideration of whether special regulation is warranted.  
Coordinator: Dr Sascha Callaghan  
Classes: Online and compulsory face-to-face workshops Aug 24, 25 (9-5)  
Assessment: online participation (10%), 1700wd case analysis (30%), 4000wd essay (60%)  
Additional Info: This unit is offered in online mode, with a compulsory face-to-face workshop conducted over 2 days. Students are required to digest materials posted in the Learning Management System each week, including traditional academic literature and multi-media resources, and to complete weekly online tasks (including quizzes and discussion questions).

LAWS6338 The Nature of the Common Law  
Level: 07  
Credit Points: 6  
Availability: S2CUL BM-CC  
Description: The common law is an essential part of the Australian legal system, as well as many others around the world. This unit of study examines the nature of the common law from the point of view of jurisprudence. We will begin with a survey of the classic Common Law Theories developed in England during the seventeenth century; from there, a variety of problems surrounding the common law which these theories made salient, and which still puzzle us today, will be examined. Topics include: the nature and authority of precedent, the distinctiveness of legal reasoning, the nature and questions surrounding the validity of customary law, the relation between the common law and the ideal of the rule of law, among others.  
Coordinator: Dr Michael Sevel  
Classes: Jul 14, 15 & 28, 29 (9-5)  
Assessment: assignment (20%) and 7000wd essay (80%) or 8000wd essay (100%)

LAWS6343 International Law and Technology  
Level: 07  
Credit Points: 6  
Availability: S2CIAU BM-CC  
Description: Advances in technology pose new challenges for international governance. In an increasingly inter-connected world, new technology raises legal issues relating to its use, distribution and control. This unit will focus on the response of the international community to technological progress across the different specialised regimes in international law. The unit will
commence with an overview of the framework of international law and international courts and the challenges relating to the regulation of new technology. This unit will then consider the intersection of technology and key specialised regimes in international law, focusing on Trade, Environment, Law of the Sea, Health, Crime, Use of Armed Force and Intellectual Property Rights. The unit will be taught using case studies, allowing students to discuss and analyse specific examples of new technology and international regulation.

**Coordinator:** Dr Rebecca Connolly

**Classes:** Aug 18, 19 and 25, 26 (9-5)

**Assessment:** class participation (10%), class presentation (20%) and 7000wd essay (70%)

**LAWS6344 Work, Care and Gender**

**Level:** 07  
**Credit Points:** 6

**Availability:** S1CIFE BM-CC

**Description:** In this unit we examine laws that regulate work-family balance, looking at employer duties to provide ‘family-friendly’ working conditions and employee rights to have caring responsibilities accommodated in the workplace. We look at gender norms about work and care and how law reflects, reinforces and sometimes challenges these. The focus is on workplace laws - Fair Work Act 2009 (Cth), anti-discrimination legislation (in respect of discrimination on the basis of sex and caring responsibilities), and the Workplace Gender Equality Act 2012 (Cth). We will, however, also touch on a range of other laws that regulate work and care, including laws governing paid parental leave, social security, and tax laws (including child care subsidies and family assistance). Comparisons will be made with alternative legal regimes for work and care in other countries, such as the United States, United Kingdom, New Zealand and Sweden.

**Coordinator:** Assoc Prof Belinda Smith

**Classes:** Intro Class: 7 Feb (6-8) then Feb 24, 25 & Mar 24, 25 (9-5)

**Assessment:** Options: (i) class participation (10%), 1000wd assignment (25%) and 6000wd assignment (65%) or (ii) class participation (10%), 1000wd assignment (25%), class presentation (10%) and 6000wd assignment (55%)

**Assumed Knowledge:** LAWS6252 or a law degree

**LAWS6345 Principles of Financial Regulation**

**Level:** 07  
**Credit Points:** 6

**Availability:** S1CIAP BM-CC

**Description:** The financial crisis of 2007-9 revealed serious failings in the regulation of financial institutions and markets. This prompted a fundamental reconsideration of the design of financial regulation, which governs a financial system that has become ever more complex and interconnected, and which evolves at an ever-accelerating pace. This course presents a holistic overview of the key principles underpinning financial regulation. It draws on economic theory to explain the way in which the financial system functions, and then to analyse the goals of financial regulation. This analytic framework is then applied to a series of substantive topics in financial regulation, spanning the traditionally separate fields of banking, markets, and consumer finance. The unit also considers the operation of the new tools of ‘macro-prudential policy’ and the international coordination of financial regulation in the global financial system. While the substantive topics are considered in terms of EU and US rules, the analytic tools developed are of more general application. Topics covered in this unit: The financial system; Goals and challenges of financial regulation; Consumer finance; Market regulation; Bank capital and liquidity regulation; Bank governance and resolution; Shadow banking and Macro-prudential and international coordination. Students who complete this unit successfully will have an overview of the economic principles underpinning financial regulation, to be able to understand and critically evaluate the principal substantive aspects of financial regulation in the US and EU, as well as their international coordination.

**Coordinator:** Prof John Armour

**Classes:** Apr 6, 7 and 10, 11 (9-5)

**Assessment:** class participation (10%) and take-home exam (90%)

**LAWS6348 Criminal Law and Markets**

**Level:** 07  
**Credit Points:** 6

**Availability:** S1CIMR BM-CC

**Description:** This unit will be an investigation of the relationship between the criminal law and the market and will seek to investigate the question of how criminal law has understood and regulated markets in the modern period. It will have three main components. The first would be to look at the rise of a new type of market crime in the period since the mid-1980s. This development began with scandals into ‘insider dealing’ or ‘insider trading’ and more recently has seen the development of general crimes of ‘market abuse’ or conduct which undermines the integrity of markets. We will look at the reasons behind this recent resort to criminal law. The second theme will be to set this in historical context. The development of the modern criminal law is usually understood in terms of the withdrawal of criminal law from market regulation as, in the early years of the nineteenth century, crimes such as forestalling and regrating were abolished on the grounds that markets were self-regulating and that the criminal law should not intervene in market mechanisms. This will look at the re-emergence of forms of financial crime in the mid-nineteenth century in response to scandals around speculation on the railway boom and banking, and then at the development of certain ‘economic crimes’ related to revenue and the state in the twentieth century. The third part will then look at theoretical dimensions of the question, looking more generally at how the relationship between markets and civil order has been conceived in modernity.

**Coordinator:** Prof Lindsay Farmer

**Classes:** Mar 23, 24 & 30, 31 (9-5)

**Assessment:** class participation (10%), class presentation (20%) and 6000wd essay (70%)

**LAWS6349 Muslim Minorities and the Law**

**Level:** 07  
**Credit Points:** 6

**Availability:** S2CISE BM-CC

**Description:** This unit seeks to explore, illustrate and evaluate the interconnections, tensions and conflicts in Muslims’ applications of Islamic Law in Common Law states with a view to forming appropriate policies at national level for accommodation while addressing issues of communal identity, security and social exclusion. It examines these broad issues in four countries: Australia, Canada, the UK and the United States, and explores them in the context of family affairs, crime and business. This unit should appeal to government officers, policy makers, community workers, NGOs, criminal justice officers and students interested in contemporary applications of Islamic law and Islamic studies.

**Coordinator:** Assoc Prof Salim Farrar

**Assessment:** class participation (10%), assignment (30%) and take-home exam (60%)


**LAWS6350 Criminal Law: History and Theory**

**Level:** 07  
**Credit Points:** 6

**Availability:** S2CIOC BM-CC

**Description:** This unit critically examines the development of the modern criminal law and process (broadly, since eighteenth century). In terms of process, topics to be considered may include the development of the adversarial trial system, the decline of
capital punishment, the formalization of rules of evidence and proof, the growth of the summary jurisdiction, and the appearance of 'hybrid' civil/criminal procedural forms. In terms of criminal law, topics may include non-fatal offences against the person, sexual offences, possession and 'endangerment' offences. The discussion of these topics is set in the context of legal scholarly discourse (criminal law theory) and the unit provides opportunity for reflection on the contemporary challenges of coordination and legitimation facing the criminal law. This unit adopts an explicitly critical socio-historical approach to the study of law. Discussion of relevant legal theoretical scholarship forms a core part of the subject matter of the unit.

Coordinator: Assoc Prof Arlie Loughnan
Classes: Oct 6, 7 and 20, 21 (9-5)
Assessment: class participation (10%), class presentation (20%) and 6000wd essay (70%)
Assumed Knowledge: LAWS6034 Criminal Liability; undergraduate criminal law or by permission of Unit Coordinator.

LAWS6352 Mergers and Acquisitions in Asia
Level: 07 Credit Points: 6
Availability: 1CJIN BM-CC
Description: The unit will begin with an evaluation of the business rationale for Mergers and Acquisitions (MA) and a discussion of the various types of transactions and related terminology. After a brief discussion of the evolution of the regulation of MA in the Western context, it will delve into various forms of MA in leading Asian jurisdictions, and the manner in which they are regulated. The unit will involve a strong comparative element that compares MA in Asia with that in other jurisdictions, as well as specific factors among various Asian jurisdictions. While it will engage an analysis of the legal systems in several Asian jurisdictions, greater emphasis will be placed on policy as well as practice. Transaction structures analyzed include business and asset sales and amalgamations, with a significant focus on the regulation of takeovers. While corporate and securities law issues form the thrust, incidental reference will be made to accounting, tax and competition law considerations. Finally, the transactional perspective will consider various structuring matters, planning aspects, transaction costs and impact on various stakeholders.
Coordinator: Assoc Prof Umakanth Varottil
Classes: Jun 1, 2 and 8, 9 (9-4)
Assessment: class participation (10%), class presentation (10%) and assignment (80%)

LAWS6353 Business Crime
Level: 07 Credit Points: 6
Availability: 2CIDE BM-CC
Description: This unit covers the law and effective enforcement policy governing crimes committed by large multinational corporations. The central policy issue discussed is how to use corporate and individual liability to deter criminal wrongdoing by employees of publicly-held firms. The substantive statutes covered include corporate criminal liability and enforcement practice in the United States (including deferred and non-prosecution agreements), US corporate sentencing practice, mail and wire fraud (including honest services fraud (the statute used against FIFA)); insider trading, Foreign Corrupt Practices Act, Travel Act, money laundering, and judicial review of deferred and non-prosecution agreements.
Coordinator: Prof Jennifer Arlen
Classes: Nov 27, 28, 30 & Dec 1 (9-4)
Assessment: class participation (10%), take-home exam (60%) and 3000wd essay (30%)

LAWS6354 Environ Planning and Impact Assessment Law
Level: 07 Credit Points: 6
Availability: 2CISE BM-CC
Description: This unit has three aims. The first is to provide a sound analysis of Environmental Impact Assessment (EIA) procedures and environmental planning laws in NSW and at the Commonwealth level. The second aim is to develop a critical understanding of EIA and environmental planning laws by examining their 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 current laws and legal practices.
Coordinator: Prof Andrew Edgar, Mr Jeff Smith
Classes: Sep 15, 16 and 22, 23 (9-5)
Assessment: class presentation and 1000wd essay (25%) and 6000wd essay (75%)
Prohibitions: LAWS6043; LAWS6045; LAWS3430; LAWS130
Assumed Knowledge: Students who do not hold a law degree must have completed LAWS6252 Legal Reasoning and the Common Law System before enrolling in this unit and LAWS6044 Environmental Law and Policy (MEL only)

LAWS6809 Breach of Contract
Level: 07 Credit Points: 6
Availability: 1C NE-CR
Description: 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.
Coordinator: Prof Elisabeth Peden
Classes: 1x2-hr lecture/week
Assessment: compulsory essay (25%) and 2hr exam or essay (75%)
Assumed Knowledge: undergraduate law degree

LAWS6816 Labour Law in the Global Economy
Level: 07 Credit Points: 6
Availability: 2CJUL BM-CC
Description: The aim of this unit of study is to understand the impact of the global economy on the world of work and the nature of the regulatory challenges it presents. The unit will examine various regulatory models applicable to work in the global economy, and their strengths and weaknesses. The unit will also include a particular examination of emerging issues in workplace privacy. Students will be expected to identify and attain an advanced understanding of the challenges facing the regulation of the work in the global economy with a particular focus on: the sharing economy; new forms of 'employment', (eg internships and zero hours contracts); migrant workers; home working; precarious employment; and independent contracting. The 'dividing line' between work and an employee's private activities will also be explored, with particular reference to: electronic monitoring; drug and alcohol testing; dress requirements; and out of work conduct.
Coordinator: Emer Prof Ron McCallum, The Hon Justice Iain Ross
Classes: Intro Class: Jul 4 (6-8) then Jul 21, 22 & Aug 18, 19 (9-5)
Assessment: class participation and class presentation (30%) and 6000wd essay (70%)
Additional Info: This unit replaced LAWS6816 Labour Law in the New Economy
Assumed Knowledge: LAWS6252 or a law degree and LAWS6071

LAWS6821 Mediation - Skills and Theory
Level: 07  Credit Points: 6
Availability: S2CIDE BM-CC
Departmental Permission Sessions: S2CIDE BM-CC
Description: This unit will teach you the fundamental skills and theory of mediation. The skills component of the unit is extensive and is the reason for the limited enrolment. The unit is designed to enable interested students to progress to accreditation as mediators (additional external study with coaching and assessment will be required) and the content of the unit is designed to meet the content requirements of the National Mediator Accreditation System. In particular the content of the subject is designed to explore the competency areas required for accreditation and the knowledge, skills and ethical understanding competency framework set out in the National Mediator Accreditation System. This unit 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.
Coordinator: Prof Tania Sourdin, Mr Garth Brown
Classes: Dec 1, 2 & 8, 9 (9-5)
Assessment: class and role play participation evidenced by reflective journal (formative assessment) (30%) and 5000wd essay (70%) Textbook: Tania Sourdin, Alternative Dispute Resolution (5th ed) 2016 Thomson Reuters
Additional Info: 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 withdraw well in advance of the first class so their place can be offered to the next student. Please note enrolment priority will be given to continuing students who are (i) currently enrolled in a full award course at Sydney Law School and (ii) completing their final semester of studies. Waiting lists will be made available for the late applicants.
Prohibitions: LAWS6935

LAW6825 Introduction to Australian Business Tax
Level: 07  Credit Points: 6
Availability: S1CIMR BM-CC; S2CIAU BM-CR
PwC Group Only: S1CRA BM-CC
Description: 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 business, whether conducted directly or via a partnership, trust or company. The unit covers the following topics: the main structural features 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 intended for participants who have not undertaken a recent and thorough undergraduate unit (or postgraduate equivalent) in Australian income tax. Participants are primarily 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.
Coordinator: S1CIMR (Group A): Assoc Prof Celeste Black and S2CIAU (Group B): Prof Graeme Cooper
Classes: S1CIMR (Group A): Mar 15, 17 & 20, 21 (9-5); S2CIAU (Group B): Aug 9-11 & 14, 15 (9-3.30)
Assessment: class work/test (30%) and 2hr exam (70%)

LAW6836 Precedent, Interpretation and Probability
Level: 07  Credit Points: 6
Availability: S2C NE-CR
Description: The unit will examine a number of contemporary debates regarding the nature of legal reasoning. The unit will examine the status of the modern doctrine of precedent and the current state of the Hart/Dworkin/Fish debate in regard to the nature of precedent reasoning. The unit will examine contemporary semantic theory and philosophy of language, and the contribution those fields can make to a proper understanding of the interpretation of legal texts. The unit will also examine the relationship between legal reasoning and moral reasoning and the new legal positivism of writers such as Goldsworthy and Shapiro. In a final segment, the unit will examine legal reasoning in regard to matters of fact, and the current debate as to whether legal fact finding can be modelled using Bayes’ theorem and probability theory.
Coordinator: Adj Prof Christopher Birch
Classes: 1x2-hr lecture/week
Assessment: structured class presentation (20%) and 7000wd essay (80%)
Prohibitions: JURS6028 or JURS6029

LAW6838 Competition Law
Level: 07  Credit Points: 6
Availability: S1C NE-CR
Description: 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.
Coordinator: Adj Prof Christopher Hodgekiss
Classes: 1x2-hr lecture/week
Assessment: 2900-3100wd essay (33.33%) and 2hr 30min open book exam (66.67%)
Textbook: 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: Co
Assumed Knowledge: undergraduate law degree or LAWS6252

LAW6840 Tax of Business and Investment Income A
Level: 07  Credit Points: 6
Law School Group Only: S1CIAP BM-CC
Deloitte Group Only: S1CRA ND-CC; S1C ND-CR
Description: 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 capital gains; treatment of business expenses and the differentiation of expenses recoverable under depreciation, CGT 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 and intangibles. This unit can be taken alone or in conjunction with LAWS6841 Taxation of Business and Investment Income B.

Coordinator: Prof Michael Diriks (Law School Group) and Assoc Prof Black (Deloitte Group)

Classes: Sydney Law School based students only: Session S1CIAP Mar 29-31 & Apr 3, 4 (9-3.30); Deloitte students only: S1C (Sydney Group) and S1CRA (Regional Group)

Assessment: class work (30%) and 2hr exam (70%)

Assumed Knowledge: It is assumed that students undertaking this unit have an understanding of Australian income taxation law commensurate with that which would be obtained from completing undergraduate study in Australian taxation law or five years working with Australian tax law in a law or accounting practice, in an industry role or in the Australian Taxation Office. For students who do not have such knowledge or work experience, they first should undertake LAWS6825 Introduction to Australian Business Tax before enrolling in this unit.

LAWS6841 Tax of Business and Investment Income B
Level: 07
Credit Points: 6
Law School Group Only: S2C NE-CR
Deloitte Group Only: S2CRA ND-CC; S2CIAU ND-CR
Description: 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.

Coordinator: Prof Michael Diriks
Classes: Sydney Law School based students only: Session S2C 1x2-hr lecture/week (first class starts Jul 26); Deloitte students only: S2CIAU (Sydney Group) and S2CRA (Regional Group)
Assessment: class work (30%) and 2hr exam (70%)
Assumed Knowledge: It is assumed that students undertaking this unit have an understanding of Australian income taxation law commensurate with that which would be obtained from completing undergraduate study in Australian taxation law or five years working with Australian tax law in a law or accounting practice, in an industry role or in the Australian Taxation Office. For students who do not have such knowledge or work experience, they first should undertake LAWS6825 Introduction to Australian Business Tax before enrolling in this unit.

LAWS6844 US Corporate Law
Level: 07
Credit Points: 6
Availability: S1CIAP BM-CC
Description: 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.

Coordinator: Prof Jennifer Hill
Classes: Apr 20, 21 & 27, 28 (9-4)
Assessment: class participation (10%) and quiz (20%) and essay or take-home exam (70%)

LAWS6846 Human Rights and the Global Economy
Level: 07
Credit Points: 6
Availability: S2CISE BM-CC
Description: 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 globalization 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.

Coordinator: Prof David Kinley
Classes: Aug 25, 26 & Sep 8, 9 (9-5)
Assessment: class participation (20%), 5000wd essay (80%)
Additional Info: Master of Law and International Development students may undertake this unit as an elective or capstone unit
Prohibitions: LAWS5178 or LAWS3478

LAWS6856 Anti-Terrorism Law
Level: 07
Credit Points: 6
Availability: S1CIAP BM-CC
Description: This unit aims to introduce you to the diverse range of anti-terrorism laws and policies which have developed at the international, regional and domestic levels, and which proliferated after the terrorist attacks of 11 September 2001. Laws will be evaluated in the light of their profound and complex political, ideological and ethical implications for political order, legal systems, human rights, and international relations. In essence, the study of terrorism (and the law’s response to it) is the study of the timeless philosophical question of when political violence is justified, against whom, and for what purposes - whether it is ‘freedom fighters’, or ‘State terrorism’, that is at issue.

Coordinator: Prof Ben Saul
LAW65862 Hate Crime
Level: 07  Credit Points: 6  Availability: S1CIMR BM-CC  
Description: Hate crime has emerged as a global problem in the last few decades. Yet the concept itself is controversial. This unit aims to trace the development of the socio-legal concept of hate crime, causal explanations for hate crime and the different ways in which it is regulated. The unit will examine some of the major forms of hate crime, including racist, ethno-religious and homophobic violence, with a focus on contemporary debates, such as: is violence against women a form of hate crime; should paedophiles be a protected category; should hate crimes attract higher punishment than other crimes? The unit will critically assess the international geography of hate crime law, making comparisons between Australia, the UK and the US. The unit will seek to provoke debate about how we should define and combat the problem of hate crime.
Coordinator: Prof Gail Mason  
Classes: Mar 17, 18 & 31, Apr 1 (9-5)  
Assessment: assignment (30%) and essay 5000wd (70%)

LAW65865 International Dispute Resolution
Level: 07  Credit Points: 6  Availability: S2CIAU BM-CC  
Description: This unit of study aims to provide an in-depth analysis of international dispute resolution as a technique for resolving public international law disputes. The United Nations Charter provisions for the peaceful settlement of international disputes will be taken as creating the basic framework for the review of dispute resolution techniques. These include negotiation, good offices, mediation, conciliation, arbitration, and adjudication. Particular attention will be given to in-depth analysis of certain disputes and the legal and political techniques used in their resolution. These disputes may include the Tehran Hostages case, the Nuclear Tests case, the East Timor case, and dispute over the status of Kosovo.
Coordinator: Prof Chester Brown  
Classes: Aug 17, 18 & 24, 25 (9-5)  
Assessment: take-home exam (30%) and 6000wd essay (70%)

LAW65877 Mental Illness: Law and Policy
Level: 07  Credit Points: 6  Availability: S2CISE BM-CC  
Description: 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 its public policy 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, magistrate, 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.
Coordinator: Adj Prof Duncan Chappell  
Classes: Aug 21, 22 & 28, 29 (9-5)  
Assessment: 3000wd assignment (40%) and 4500wd essay (60%)

LAW65879 Japanese Law
Level: 07  Credit Points: 6  Availability: S1CIPE BM-KT  
Departmental Permission Sessions: S1CIPE BM-KT  
Description: This unit provides an introduction to Japanese law in global context, focusing on its interaction with civil justice, criminal justice, business, politics, consumers, gender, the legal professions and pop culture. It is taught intensively at Ritsumeikan University campuses in Kyoto and Tokyo (http://www.ritsumei.ac.jp/japanese-law/kyoto-seminar/).
Coordinator: Prof Luke Nottage  
Classes: Intro Class: Jan 30 (5-7) in Sydney then Feb 6-10 Kyoto and/or Feb 13, 14 in Tokyo (select 4 days)  
Practical Work: Kyoto (and, with pre-approval, Tokyo), Japan  
Assessment: 1000wd reflective notes (2x10%), 6500wd essay (80%)

Additional Info: Pre-enrolment registration is required. For further information, please visit Sydney Law School website http://sydney.edu.au/law/

LAW65889 Death Law
Level: 07  Credit Points: 6  Availability: S1CIAP BM-KT  
Description: Western attitudes toward death have undergone a remarkable transformation in the last century. For many, death now takes place in the hospital or the hospice following the decision of a doctor to cease providing treatment. As the management of death has passed from the family to health care professionals, it now makes sense to regard the moment and circumstances of death as largely medical phenomena. Moreover, as ‘autonomy’ has taken a dominant place amongst ethical values, it also makes sense to describe and measure death in terms of its ‘acceptability’ both to the dying person and his or her survivors. In tandem with these changes, technological innovations have transformed the dead or dying body into a potential source of valuable (and recyclable) biological material. These developments have thrown up new and urgent challenges for legal understandings about the timing of, and criminal responsibility for, causing, death both within and outside medical settings. These developments have also disturbed conventional understandings of the corpse as sacred. Topics to be covered may include: death in contemporary Australia, the legal definition of life and death, medical futility and the concept of ‘lives not worth living’, euthanasia (with and without request), physician-assisted suicide, refuse and withholding life-prolonging treatment in adults and children, the Shipman/Patel scandals, ownership of the corpse and body parts, dead donor organ transplantation, organ sale and theft, posthumous reproduction, ‘mercy’ killing outside medical death.
The unit will focus on the tax issues arising on the takeover or re-organisation of a corporation. Unique and complex tax issues arise for the corporation, its existing shareholders and, in the case of a takeover, its acquirer. These issues will influence the method of effecting the transaction, the method of financing it and indirectly the price paid. For takeovers, the unit will examine the impact of a takeover on the various tax attributes of the target company, the computation of its income in the year of change, the recovery of its losses and the limits on losses available to shareholders because of the anti-duplication rules. We also consider how the tax system might influence the method of financing the takeover. The unit will also examine the impact for shareholders and the corporation of undertaking the merger of two or more corporations. The unit will also examine the impact for shareholders, intermediaries and the corporation of the de-merger of a corporation from a group of corporations. For reconstructions, the unit will examine the impact for shareholders and the corporation of selected transactions: conversion into corporate form, change of corporate form and the re-capitalisation of a corporation.

Coordinator: Prof Graeme Cooper
Classes: Oct 4-6 & 9, 10 (9-3.30)
Assessment: 3000wd assignment (30%) and 2hr exam (70%)
Compulsory Co-requisites: LAWS6030
Assumed Knowledge: It is assumed that students undertaking this unit have an understanding of Australian income taxation law commensurate with that which would be obtained from completing undergraduate study in Australian taxation law or five years working with Australian tax law in a law or accounting practice, in an industry role or in the Australian Taxation Office. For students who do not have such knowledge or work experience, they first should undertake LAWS6825 Introduction to Australian Business Tax before enrolling in this unit.

LAWS6903 Interpreting Commercial Contracts
Level: 07  Credit Points: 6
Availability: S1CIFE BM-CC
Description: Commercial lawyers spend much of their time reading and writing contracts. Understanding how the courts interpret contracts is therefore a key part of the job of any commercial lawyer. In practice, much of contract law is about the interpretation of the promises which the parties have made to each other rather than about particular rules of law. Over the last twenty years, the common law has seen an explosion in the number of cases on contractual interpretation, and a corresponding increase in its academic discussion. This unit will critically discuss those developments, with a view to trying to establish the principles by which the courts do - and should - interpret contracts. In doing so, it will discuss the developments in Australia, England and New Zealand. The unit will be structured around ten principles which, it is suggested, can help to explain the way in which the courts interpret contracts and the continuing divergences of view about the approach to interpretation. The following issues will be discussed: What is the guiding principle of contractual interpretation? To what extent do the courts look to the objective intention of the parties? Is subjective intention of any relevance? What materials are available when interpreting a contract? What is meant by reading the contract as a whole? Contracts must be read in the light of their background facts, but what does this mean in practice? What do words mean? Do words have ordinary meanings? When are words ambiguous? To what extent is the court entitled to disregard the words used by the parties if it thinks that they cannot have intended them? When can words be implicated into a contract? When can the court change the words in a contract? When are rectification and estoppel by convention available?
The unit will conclude with a discussion of the way in which contracts should be drafted. How should the principles of contractual interpretation affect drafting? Is it possible to contract out of the principles? Is it desirable to do so?
Coordinator: Prof Elisabeth Peden, Prof Richard Calnan
Classes: Feb 16, 17 & 20, 21 (9-5)
Assessment: 1500wd essay (20%) and 6000wd essay (80%)
Assumed Knowledge: undergraduate law degree
LAW6928 Law, Justice and Development
Level: 07  Credit Points: 6  Availability: S1CIAP BM-CC
Description: This unit provides a critical overview to law and justice reform in international development. It analyses the global reform experience over the past half-century. It interrogates the nature and justification(s) of reform ‘theory’, studies the empirical evidence of various approaches, and examines the conceptual/practical challenges of evaluating development endeavour, using case studies from the Asia/Pacific region. Students enrolling in this unit will develop an evidence-based understanding of the use of law and justice reform in broader development strategies.
Coordinator: Adj Prof Livingston Armytage
Classes: Apr 12, 13 & 19, 20 (9-5)
Assessment: class participation (20%), 2x3000wd essays (2x40%)
Additional Info: This unit is compulsory for MLawIntDev students.
Prohibitions: LAWS3478, LAWS5178

LAW6932 Law and Investment in Asia
Level: 07  Credit Points: 6  Availability: S1CIMR BM-CC
Description: 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, including Japan, China, Southeast Asia (especially Indonesia, Malaysia, Thailand, Myanmar) and India. It focuses especially on international treaties increasingly impacting on foreign trade and investment regulation in the region; aspects of corporate governance, contract and/or competition law; corporate social responsibility, anti-corruption law and consumer protection; dispute resolution (especially international commercial and investor-state arbitration); and key issues in modern comparative law which may assist students in their study of foreign legal systems. The unit also involves case studies and occasional guest lecturers.
Coordinator: Prof Luke Nottage
Classes: Mar 17, 18 & 31, Apr 1 (9-5)
Assessment: assignment (30%), 6000wd essay (70%)

LAW6940 Theories of Law
Level: 07  Credit Points: 6  Availability: S1CJU BM-CC
Description: This unit seeks to facilitate critical reflection on prominent responses of theorists to a single question: what is law? Among the notions to which their answers refer (and on which the unit focuses) are the following: power, norms, rules, principles, convention, morality, adjudication and interpretation.
Coordinator: Dr Kevin Walton
Classes: Jun 2, 3 & 9, 10 (9-5)
Assessment: class participation (20%) and 8000wd essay (80%)
Prohibitions: LAWS5169 or LAWS3469

LAW6944 Market Manipulation and Insider Trading
Level: 07  Credit Points: 6  Availability: S2CIJC BM-CC
Description: This unit aims to introduce students to key concepts at the heart of capital market regulation focusing on practices that threaten the integrity of global securities markets. The unit focuses on recent developments (including high profile prosecutions for market abuse) in Australia and the United States while selecting other jurisdictions (most notably China, India, South Africa, Brazil, Europe and Hong Kong) that are relevant to the different subjects considered. The topics addressed will include: market manipulation, insider trading, non-disclosure and fraud-on-the-market, market value, regulation of hedge funds and developments in emerging markets.
Coordinator: Dr Greg O'Mahoney
Classes: Oct 5, 6 & 12, 13 (9-4)
Assessment: class participation (20%), presentation (20%) and 5000wd essay (60%)

LAW6945 Doing Business in Emerging Markets
Level: 07  Credit Points: 6  Availability: S2CISE BM-CC
Description: The unit examines common commercial, tax and regulatory issues that arise from doing business in emerging market economies. Topics to be examined include: the special challenges of investing in emerging market economies; organisational forms commonly used in emerging market economics; financing options; host state regulatory regimes and limits on the activities of foreign investors; dispute resolution systems, and sovereign risk issues; tax issues in developing countries; home state regulatory issues, including domestic anti-corruption measures, money laundering and human rights regimes. The unit has a special focus on issues associated with investing into and doing business with former Soviet Union countries, and the famous Yukos case will be considered.
Coordinator: Prof Paul Stephan
Classes: Aug 30, 31, Sep 1 & 4, 5 (9-3.30)
Assessment: class participation (30%) and assignment (70%)

LAW6946 Tax Treaties Special Issues
Level: 07  Credit Points: 6  Availability: S2C NE-CR
Description: This unit of study considers a number of specialised topics in the area of tax treaties, largely reflecting the work of the OECD and United Nations on tax treaties currently and in the last decade, particularly the OECD/G20 project on Base Erosion and Profit Shifting (BEPS). Topics covered include a selection of: OECD and UN policy development processes, permanent establishment, high value services and the digital economy, transfer pricing, harmful tax practices, treaty abuse, non-discrimination, entities and tax treaties (especially partnerships and collective investment vehicles), transparency and assistance in collection, dispute resolution, BEPS multilateral instrument. The goal of this unit is to provide in depth analysis of the policy and practical issues in recent tax treaty developments. Upon completion of this unit, students will have a detailed understanding of the current driving forces and issues in the development of tax treaties and other international tax standards.
Coordinator: Prof Richard Vann
Classes: 1x2-hr lecture/week
Assessment: 3000wd essay (30%) and 2hr exam or 7000wd essay (70%)
Assumed Knowledge: It is assumed that students undertaking this unit have an understanding of Australian income taxation law commensurate with that which would be obtained from completing undergraduate study in Australian taxation law or five years working with Australian tax law in a law or accounting practice, in an industry role or in the Australian Taxation Office. For students who do not have such knowledge or work experience, they first should undertake LAWS6825 Introduction to Australian Business Tax before enrolling in this unit.

LAW6947 Advanced Obligations and Remedies
Level: 07  Credit Points: 6  Availability: S2CJUL BM-UK
Departmental Permission Sessions: S2CJUL BM-UK
**Description:** This unit will explore a number of contentious issues arising in the law of civil obligations and remedies. It will revise and build on the fundamentals in the areas of torts, contracts and equity and place particular emphasis on the interaction of these three fields of the law. Particular topics and problems will involve issues of: causation and scope of liability; controlling liability by contract; tort duties to third parties to contracts; assessing loss; duties of good faith; fiduciary duties and conflicts. The unit will also include a number of guest lectures, to be announced.

**Coordinator:** Prof Barbara McDonald, Prof Elisabeth Peden

**Classes:** Jul 17-21 (9-5)

**Assessment:**
- Options: (i) case note (20%) and 6000wd essay (80%) or (ii) 8000bd essay (100%)

**Assumed Knowledge:**
- Available to law graduates only

**Additional Info:** Pre-enrolment registration is required. For further information, please visit Sydney Law School website

http://sydney.edu.au/law/

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**LAWS6953 Law of Asset Protection**

**Level:** 07  
**Credit Points:** 6  
**Availability:** S2CIAU BM-CC

**Description:** 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.

**Coordinator:** Dr David Chaikin

**Classes:** Aug 17, 18 & 24, 25 (8.30-4.30)

**Assessment:**
- in-class assessment (30%) and 6000 to 7000wd essay (70%)

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**LAWS6955 Fundamentals of Finance Law**

**Level:** 07  
**Credit Points:** 6  
**Availability:** S2CISE BM-CC

**Description:** 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.

**Coordinator:** Prof Sheelagh McCracken

**Classes:** Aug 25, 26 & Sep 22, 23 (9-5)

**Assessment:**
- assignment (30%) and take-home exam (70%)

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**LAWS6956 Personal Property Securities**

**Level:** 07  
**Credit Points:** 6  
**Availability:** S1CIMR BM-CC

**Description:** This unit analyses the Personal Property Securities legislation, drawing attention to how it has changed the pre-existing law regulating the rights of secured creditors. The unit focuses on the concepts of security, attachment and perfection. It examines the nature of security interests regulated by the legislation, together with the registration, priority and enforcement regimes. In discussing the Australian position, the unit compares similar legislation in Canada and New Zealand.

**Coordinator:** Prof Sheelagh McCracken

**Classes:** Mar 3, 4 & 10, 11 (9-5)

**Assessment:**
- assignment (30%) and take-home exam (70%)
LAWS6977 Law of International Institutions
Level: 07  Credit Points: 6
Availability: S1CIFE BM-CC
Deloitte Group Only:
Description: 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 resource rents…
Prohibitions: GOVT6116
Assumed Knowledge: LAWS6243 International Law I or equivalent unit in public international law

LAWS6984 Economics of Tax Policy
Level: 07  Credit Points: 6
Availability: S2CISE BM-CC
Description: 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 pollution...
Coordinator: Prof Patricia Apps
Classes: Sep 25, 26 & Oct 3, 4 (10-5)
Assessment: class participation and presentation (10%) and 5000-6000wd essay (90%)
Prohibitions: LAWS6257

LAWS6986 Criminal Justice Internship
Level: 07  Credit Points: 6
Availability: S1CIAP BM-CC
Departmental Permission Sessions: S1CIAP BM-CC
Description: 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.
Coordinator: Dr Garner Clancey
Classes: Mar 11 & May 27
Practical Work: practical field work at a variety of criminal justice organisations for one day a week for the semester
Assessment: 2500wd reflective journal (30%), 2500wd organisational analysis (30%) and organisational task (40%)
Additional Info: This unit is offered to students enrolled in the MCrim and GradDipCrim only. Interested applicants must submit an Expression of Interest (maximum two typed pages) clearly outlining reasons for applying, details of previous internships undertaken (where applicable), perceived benefits of completing the internship, preferred placement agency/agencies and steps that the applicant will undertake to organise a placement. Those applicants demonstrating the greatest interest in and perceived benefit from the Internship will be accepted. The Expression of Interest must be submitted to Dr Garner Clancey garner.clancey@sydney.edu.au by 20 Nov 2016. Successful applicants will then work with Dr Clancey to arrange placement at preferred host organisations. Please note that placement may be subject to permanent Australian residency in a number of organisations.

LAWS6991 Fundamentals of Contract Law
Level: 07  Credit Points: 6
Availability: S1CIIMY BM-CC
Description: 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.
Coordinator: Ms Anne McNaughton
Classes: May 19, 20 & Jun 2, 3 (9-5)
Assessment: 2000wd assignment (40%), 4000wd assignment (60%)
Additional Info: This unit is only available to non-law graduates who have not undertaken any previous study of contract law. Available to MLR and students who commenced after Jan 2015.
Prohibitions: LAWS1002 or LAWS1015 or LAWS2008 or LAWS5502
Compulsory Co-requisites: LAWS6252

LAWS6997 Cross-Border Deals
Level: 07  Credit Points: 6
Australian and other non-US lawyers in: identifying potential guest lecture/panel discussion. The purpose of the unit is to assist The unit will be taught by a series of seminars, with an occasional possible corruption, vendor due diligence and directors' duties). worldwide applicability (such as due diligence to determine far as they relate to M&A, as well as certain subjects that have regulatory requirements of these jurisdictions, particularly in so other overseas jurisdictions in which there have been recent activity. We will also examine practical consequences of the regulatory requirements of these jurisdictions, particularly in so far as they relate to M&A, as well as certain subjects that have worldwide applicability (such as due diligence to determine possible corruption, vendor due diligence and directors' duties). The unit will be taught by a series of seminars, with an occasional guest lecture/panel discussion. The purpose of the unit is to assist Australian and other non-US lawyers in: identifying potential cross-border issues; and being creative in solving the challenges that arise in international securities transactions. The lecturer writes the Dealpolitik column for The Wall Street Journal and was for over 30 years a merger and acquisition and securities lawyer in the US (resident for several years in Australia).

Coordinator: Mr Ronald C Barusch

Classes: Oct 20, 21 & 27, 28 (9-4)

Assessment: class participation (15%), short assignment (30%) and assignment (55%)

Assumed Knowledge: Available to law graduates only. 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.

LAW7001 Legal Research 2

Level: 07 Credit Points: 6

Availability: S2C NC-CC

Description: 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 and presentation; current problems I; and overview and review.

Coordinator: Em Prof Terry Carney

Classes: 1x2-hr lecture/week

Assessment: class participation (30%) and preparation of an approved foundation chapter (70%)

Additional Info: Core unit for PhD and SJD students enrolled with Sydney Law School. This unit should be completed within Year 3 (full-time students) and Year 4 or 5 (part-time students) of candidature. This unit is not available to coursework or other students.

Prerequisites: LAWS6077

Compulsory Co-requisites: LAWS7001

2017 Sydney Law School Unit Descriptions