

2012 Unit of Study Descriptions: Bachelor of Laws

1. Compulsory Units

LAWS2010 **Administrative Law**

6 Credit Points

Prof Mary Crock

Corequisite: LAWS2011 **Prerequisite:** LAWS1021 **Prohibition:** LAWS2002, LAWS5010 **Offered:** Semester 1
Classes: 2 x 2-hr seminars/week for 10 weeks **Assessment:** 2000wd research paper (35%) and 2hr open book final exam (65%)

Administrative Law is the study of the relationships of individuals and organisations with government. This unit examines the legal principles which apply to those relationships with the aim of developing an understanding of how government is held accountable. The unit builds on topics studied in Public Law, including the constitutional underpinnings of Administrative Law, the protection of human rights, judicial review and merits review, and open government. In the Administrative Law unit, the focus is on the grounds of judicial review and judicial remedies, the jurisdiction of the courts, and the public/private distinction. The unit encourages the development of critical perspectives on the grounds of judicial review, and their theoretical underpinnings, and on how the values of openness, rationality, fairness and participation are sought to be promoted through Administrative Law.

LAWS1014 **Civil and Criminal Procedure**

6 Credit Points

Assoc Prof David Hamer

Prerequisite: LAWS1006, LAWS1012 **Prohibition:** LAWS1001, LAWS1007, LAWS3002, LAWS3004, LAWS2006, LAWS5003 **Offered:** Semester 1 & Summer Main **Classes:** 1 x 2-hr lecture and 1 x 2-hr tutorial/week for 10 weeks
Assessment: 2000wd take-home exam on first half of course (40%) and tutorial participation (10%) and 2hr final exam on second half of course (50%)

This unit of study aims to introduce students to civil and criminal procedure. It is concerned with the procedures relating to civil dispute resolution and criminal justice which are separate to the substantive hearing. The unit will consider the features of an adversarial system of justice and its impact on process. Recent reforms to the adversarial system of litigation will be explored. The civil dispute resolution part of the unit will cover alternative dispute resolution, the procedures for commencing a civil action, case management, gathering evidence and the rules of privilege. Criminal process will be explored by reference to police powers, bail and sentencing. The course focuses on practical examples with consideration of the applicable legislation, ethics, and contextual and theoretical perspectives.

LAWS1015 **Contracts**

6 Credit Points

Dr Wayne Courtney

Prerequisite: LAWS1006 **Prohibition:** LAWS1002, LAWS2008, LAWS5002 **Offered:** Semester 1 & Summer Early
Classes: 2 x 2-hr lectures or tutorials/week **Assessment:** Class participation (10%) and take-home assignment (30%) and 2hr final exam (60%)

Contract law provides the legal background for transactions involving the supply of goods and services and is, arguably the most significant means by which the ownership of property is transferred from one person to another. It vitally affects all members of the community and a thorough knowledge of contract law is essential to all practising lawyers. In the context of the law curriculum as a whole, Contracts provides background which is assumed knowledge in many other units. The aims of the course are composite in nature. The course examines the rules that regulate the creation, terms, performance, breach and discharge of a contract. Remedies and factors that may vitiate a contract such as misrepresentation are dealt with in Torts and Contracts II. The central aim of the course is to provide an understanding of the basic principles of contract law and how those principles are applied in practice to solve problems. Students will develop the skills of rules based reasoning and case law analysis. A second aim is to provide students an opportunity to critically evaluate and make normative judgments about the operation of the law. Successful completion of this unit of study is a prerequisite to the elective unit Advanced Contracts.

LAWS2014 Corporations Law

6 Credit Points

Prof Jennifer Hill

Prohibition: LAWS2003, LAWS5014 **Offered:** Semester 2 **Classes:** 2 x 2hr seminars/week for 10 weeks
Assessment: Final exam (100%)

This unit of study considers the legal structure of the corporation as an organisational form for both public and proprietary companies. It is designed as an introduction to both the general law of corporations and the Australian regulatory context. The focus of this unit is on the nature of the corporation and its governance structure. The unit covers issues such as the implications of the company as a separate legal entity, power to bind the company, duties of directors, and shareholders rights and remedies. Students will be required to evaluate critically existing corporate law and reform proposals, with particular reference to legislative policy and underpinning theory.

LAWS1016 Criminal Law

6 Credit Points

Mr Graeme Coss

Prerequisite: LAWS1006, LAWS1014 **Prohibition:** LAWS1003, LAWS3001, LAWS2009, LAWS5004 **Offered:** Semester 2 **Classes:** 2 x 2-hr seminar/week for 10 weeks. **Assessment:** Class participation (10%) and research essay (30%) and 2hr open book exam (60%)

This unit of study is designed to introduce the general principles of criminal law in NSW, and to critically analyse these in their contemporary social and political context. In order to achieve this, the unit will consider a range of theoretical literature as well as critical commentary, and will focus on particular substantive legal topics in problem-centred contexts. Although the topic structure is necessarily selective, it is intended that students will gain a broad understanding of crime and justice issues, as well as of the applications of the criminal law. Students will encounter problem-based learning and will be encouraged to challenge a range of conventional wisdom concerning the operation of criminal justice. This unit of study is designed to assist students in developing: (1) A critical appreciation of certain key concepts which recur throughout the substantive criminal law. (2) knowledge of the legal rules in certain specified areas of criminal law and their application. (3) preliminary knowledge of how the criminal law operates in its broader societal context. (4) An understanding of how criminal liability is determined. The course has a critical focus and will draw on procedural, substantive, theoretical and empirical sources. The contradictions presented by the application of legal principle to complex social problems will be investigated.

LAWS2015 Equity

6 Credit Points

Mr Jamie Glistler

Prohibition: LAWS2004, LAWS5015 **Offered:** Semester 2 & Summer Late **Classes:** 2 x 2-hr seminars/week for 10 weeks **Assessment:** 1hr mid-term test (30%) and 2hr final exam (70%)

An appreciation of equitable principles and remedies is fundamental to understanding the legal system and the law of property, taxation and obligations. This unit of study explains the origins of the equitable jurisdiction and examines its role today. A substantial part of the unit is dedicated to study of the law of trusts, including remedial constructive trusts. Other topics include fiduciary obligations, breach of confidence, the doctrines of estoppel, undue influence and unconscionable dealing, and a study of the equitable remedies of the injunction, an account of profits and equitable compensation.

NB: Available to candidates proceeding under the new LLB resolutions.

LAWS2016 Evidence

6 Credit Points

Assoc Prof David Hamer

Prerequisite: LAWS1006 and LAWS1014 **Prohibition:** LAWS2006, LAWS5013 **Offered:** Semester 2 **Classes:** 2 x 2-hr seminars/week for 10 weeks **Assessment:** Mid-term test (30%) and final exam (70%)

This unit of study aims to teach students the laws of evidence. The focus of this unit is on the operation of the laws of evidence in civil and criminal trials. The unit considers the laws of evidence contained in statute and the common law. Students will appreciate the significant law reform in this area. The unit considers the rules for adducing evidence, then the rules of admissibility (relevance, hearsay, opinion, tendency and coincidence, credibility, character, privilege and the discretions to exclude evidence). Finally, there will be consideration of issues relating to proof. This unit will focus on the uniform Evidence Acts 1995 and develop students' skills in the area of statutory interpretation. Further, the unit aims to introduce students to the contexts within which lawyers might encounter evidential issues in the course of a trial. Consideration is also given to the ethical problems that may arise in the conduct of a trial. Students are encouraged to think critically about the doctrines that govern the laws of evidence.

LAWS2011 **Federal Constitutional Law**

6 Credit Points

Assoc Prof Peter Gerangelos

Prerequisite: LAWS1021 **Prohibition:** LAWS1004, LAWS3000, LAWS3003, LAWS5011 **Offered:** Semester 1
Classes: 2 x 2-hr lectures/week for 10 weeks **Assessment:** 2,500wd (or equivalent) problem-based assignment (30%) and final exam (70%)

The main objective of the course is to impart an understanding of the fundamentals of federal constitutional law through the study of key judicial decisions on powers and prohibitions in the Commonwealth Constitution. In a one session course it is neither feasible nor desirable to study all aspects of federal constitutional law. The course is designed to provide a general conceptual framework for solving problems about federal constitutional law by a detailed treatment of selected topics.

The course also aims to:

- Provide analysis of the function of the High Court as the final arbiter of constitutionality.
- Develop an understanding of the techniques of judicial review as applied in Australia.
- Encourage discussion on the adequacy of the Constitution as Australia's basic instrument of government and on the scope for 'reform' by interpretation.

The topics covered in detail are: Trade and commerce, severance and reading down, inconsistency, external affairs, defence, corporations, freedom of interstate trade, general doctrines of characterisation and interpretation, grants, revenue powers, excise duties, and constitutional rights.

The course includes some material on the US Constitution to provide points of comparison and contrast.

LAWS1006 **Foundations of Law**

6 Credit Points

Mr Micah Burch

Prohibition: LAWS1000, LAWS5000 **Offered:** Semester 1 **Classes:** 1 x 1-hr lecture and 1 x 2-hr tutorial/week
Assessment: class participation (20%) and case analysis (30%) and essay (50%)

This unit of study provides a foundation core for the study of law. The aim is to provide a practical overview of the Australian legal system, an introduction to the skills of legal reasoning and analysis which are necessary to complete your law degree, and an opportunity for critical engagement in debate about the role of law in our lives. The course will introduce students to issues such as: (i) the development of judge made and statute law, with a particular focus on English and Australian legal history; (ii) the relationship between courts and parliament; (iii) the role and function of courts, tribunals and other forms of dispute resolution; (iv) understanding and interrogating principles of judicial reasoning and statutory interpretation; (v) the relationship between law, government and politics; (vi) what are rights in Australian law, where do they come from and where are they going; (vii) the development and relevance of international law. The course focus may be subject to change.

LAWS2012 **Intro to Property and Commercial Law**

6 Credit Points

Prof Cameron Stewart

Prohibition: LAWS2004, LAWS2007, LAWS5008 **Offered:** Semester 1 & Summer Early **Classes:** 1 x 2-hr lecture and 1 x 2-hr tutorial/week for 10 weeks **Assessment:** 1hr mid-term test (30%) and final exam (70%)

Property law and commercial law are two key sources of rights and obligations in modern western law. This subject provides an introduction to both areas of law, and shows the ways in which they are inter-related. The unit is designed to provide an opportunity to consider the role these areas of law play in Australian society, as well as giving a good grounding in legal principle.

Key topics covered will include: notions of "property"; an introduction to personal property; an introduction to real property including rights to fixtures and airspace; the different title systems relating to land in NSW (eg, Torrens; strata; Crown lands and including indigenous systems); the nature and classification of equitable interests in land and personalty; the principles governing assignment of rights to property at common law and in equity (including by sale and by compulsion - such as by bankruptcy), and an introduction to the principles for resolving competing claims to property

LAWS1013 **Legal Research I**

0 Credit Points

Mr Graeme Coss

Corequisite: LAWS1006 **Prohibition:** LAWS1008 **Offered:** Semester 1 & Semester 2 **Classes:** 6 x 1-hr seminars
Assessment: Satisfactory attendance, eLearning quizzes and in-class exam.

This is a compulsory unit taught on a pass/fail basis. The aim of the unit is to introduce you to finding and citing

primary and secondary legal materials and introduce you to legal research techniques. These are skills which are essential for a law student and which you will be required to apply in other units.

NB: Semester 1 classes are for Combined Law candidates in the faculties of Arts and Social Sciences, Engineering and Science. Semester 2 classes are for Combined Law candidates in the Business School.

LAWS1019 Legal Research II

0 Credit Points

Mr Graeme Coss

Prerequisite: LAWS1013 **Prohibition:** LAWS1008, LAWS1022 **Offered:** Semester 2 & Semester 1 **Classes:** 4 x 2-hr seminars **Assessment:** Satisfactory attendance and in-class exam

This is a compulsory unit taught on a pass/fail basis. It is a continuation of Legal Research I and covers advanced searching techniques and the use of Lexis.com, Westlaw and other complex commercial databases. The purpose of this unit is to further develop the skills you will need as a law student and to introduce you to the legal research skills you will need after graduation.

NB: Semester 1 classes are for Combined Law candidates in the faculties of Arts and Social Sciences, Engineering and Science. Semester 2 classes are for Combined Law candidates in the Business School.

LAWS1023 Public International Law

6 Credit Points

Assoc Prof Tim Stephens

Prerequisite: LAWS1006 **Prohibition:** LAWS1018, LAWS2005, LAWS5005 **Offered:** Semester 1 **Classes:** 1 x 2-hr lecture/week and 1 x 1-hr tutorial/week **Assessment:** 2,500wd optional, non-redeemable, problem assignment (30%) and 2hr 30min final exam (70%)

The compulsory unit of study is an introduction to the general problems, sources and techniques of public international law. The unit surveys the fundamental rules and principles public international law through an examination of the following topics (1) the nature, function and scope of public international law, (2) the sources of public international law, (3) the law of treaties including principles of treaty interpretation, (4) the relationship between public international law and municipal law, (5) the extent of civil and criminal state jurisdiction, (6) immunities from state jurisdiction including diplomatic privileges and immunities (7) state responsibility, including diplomatic protection, nationality of claims and exhaustion of local remedies, (8) regulation of the use of force in international relations, and (9) dispute settlement.

LAWS1021 Public Law

6 Credit Points

Prof Reg Graycar

Prerequisite: LAWS1006 **Prohibition:** LAWS2002, LAWS3003, LAWS1004, LAWS5007 **Offered:** Semester 2 & Summer Late **Classes:** 2 x 2-hr seminars/week for 10 weeks **Assessment:** 2,500wd assignment (35%) and 2hr exam (65%)

This unit is designed to introduce students to the principles and structures that underpin constitutional and administrative law in Australia. It is broader than either of these subjects because its focus is on generic issues of governance and accountability. The unit begins with a study of representative and responsible government under the Australian constitutional system. Also considered is the potential role of the judiciary in applying a bill or charter of rights to both the executive and the legislature. The unit then examines the nature of judicial power and the extent to which the separation of judicial power provides protections for individuals. The focus then moves to the executive: the composition of the executive, its powers and how the executive is made accountable through Parliament, judicial review, merits review and investigative tribunals, and open government.

LAWS2017 Real Property

6 Credit Points

Assoc Prof Fiona Burns

Prerequisite: LAWS2012 **Prohibition:** LAWS2007 **Offered:** Semester 2 **Classes:** 2 x 2hr seminars/week for 10 weeks **Assessment:** 50 min mid-term test (30%) and 100 min final exam (70%) Assessment is subject to change.

Land law (or the law of "real property") has always played an important role in the economic, social and political life of Australia. Australian real property law draws much of its principle from English real property law; but over the last 100 years in particular, Australian real property law has begun to develop its own unique character. This is particularly evident in two key aspects of modern Australian law: the Torrens system of land registration (which forms a large part of this unit of study) and the developing law of indigenous title to land (which is studied in Introduction to Property and Commercial Law, but which may surface occasionally in parts of this unit also).

This unit considers in particular the following topics: priorities between competing interests in land (building on material from the introductory unit, Introduction to Property and Commercial Law); the Torrens system of land registration; co-ownership of land (joint tenancies and tenancies in common); leases and licences; easements;

covenants; mortgages.

NB: Available to candidates proceeding under the new LLB resolutions.

LAWS2013 The Legal Profession

6 Credit Points

Dr Rita Shackel

Prohibition: LAWS1001, LAWS3002, LAWS3004, LAWS5009 **Offered:** Semester 1 **Classes:** 2 x 2hr seminars/week for 10 weeks **Assessment:** Interim assessment (40%) and take-home exam (60%) (subject to change)

The Legal Profession critically examines notions of legal professionalism and the regulation of legal services markets, legal practice and practitioners. Part 1 of The Legal Profession examines the nature of legal professionalism, the structure of the legal profession and the contours that shape legal services markets. Part 2 explores the regulation of the profession including historical challenges and diverse theoretical views and models of regulation are examined. The current regulatory regime in New South Wales is analysed in detail focusing on recent changes and the impact of a National Legal Profession. Part 3 explores specific forms of legal practice, highlights the major cultural and economic forces that challenge the parameters of legal professionalism and regulation of the profession. Alternative ways of organising legal practice and the legal services market are canvassed focusing in particular, on the impacts of modern technology and globalisation. Part 4 evaluates the lawyer-client relationship and suggests strategies to facilitate equality and effective communication in the delivery of legal services. Furthermore, it examines lawyers' duties to clients the Court and third parties, and the ways in which the rules and principles of confidentiality and conflicts of interest shape the advice and representation lawyers provide for clients. This unit of study demands active participation by students and ongoing critical reflection of the issues raised throughout the semester. A series of case studies is used to engage students and encourage critical and reflective thinking.

LAWS1012 Torts

6 Credit Points

Assoc Prof David Rolph

Prerequisite: LAWS1006 **Prohibition:** LAWS1005, LAWS1010, LAWS3001, LAWS5001 **Offered:** Semester 2 & Semester 1 **Classes:** 1 x 2-hr lecture and 1 x 1-hr tutorial/week **Assessment:** Assignment (30%) and tutorial participation (10%) and 2hr exam (60%)

This is a general introductory unit of study concerned with liability for civil wrongs. The unit seeks to examine and evaluate, through a critical and analytical study of primary and secondary materials, the function and scope of modern tort law and the rationale and utility of its governing principles. Particular topics on which the unit will focus include:

- (a) The relationship between torts and other branches of the common law including contract and criminal law;
- (b) The role of fault as the principal basis of liability in the modern law;
- (c) Historical development of trespass and the action on the case and the contemporary relevance of this development;
- (d) Trespass to the person (battery, assault, and false imprisonment);
- (e) Trespass to land and private nuisance;
- (f) The action on the case for intentional injury;
- (g) Defences to intentional torts;
- (h) Development and scope of the modern tort of negligence, including detailed consideration of duty of care and breach of duty and causation and remoteness of damage with particular reference to personal and psychiatric injury;
- (i) Compensation for personal injuries, including special and alternative compensation schemes;
- (j) Injuries to relational interests, including compensation to relatives of victims of fatal accidents;
- (k) Defences to negligence.

LAWS1017 Torts and Contracts II

6 Credit Points

Dr Wayne Courtney

Prerequisite: (LAWS1010 or LAWS1012) and LAWS1015 **Prohibition:** LAWS5006 **Offered:** Semester 2 **Classes:** 1 x 2-hr lecture and 1 x 1-hr tutorial/week **Assessment:** 2000wd assignment (30%) and tutorial participation (10%) and 2hr exam (60%).

The laws of tort and contract frequently overlap in practice and are increasingly regulated by statute. This unit aims to develop the integrated study of the law of obligations and remedies. It builds on the introduction to tort and contract law which students acquired in Torts and Contracts respectively. It will include the study of more advanced topics in both areas and consider the impact of related statutes. Core topics are:

- (a) Concurrent, proportionate and vicarious liability;
- (b) Liability (and remedies) for misrepresentation in tort and contract and for misleading conduct under statute (in particular, under s 18 of the Australian Consumer Law);
- (c) Liability for negligently inflicted economic loss in tort, including some comparative study;

(d) Damages for breach of contract; and

(e) Vitiating factors and other factors affecting contracts, including: unfair or unconscionable dealing; unfair terms in contracts; mistake; duress; and undue influence. This topic includes a study of equitable principles and statutory rights and remedies (such as those under the Australian Consumer Law).

Other topics will be studied to the extent class time allows. These topics may include: tort remedies for interference with goods; breach of statutory duty; public nuisance; and illegality in contract.

2. Elective Units

LAWS3400 **Advanced Commercial Law**

6 Credit Points

Dr Wayne Courtney

Prerequisite: (LAWS1015 or LAWS1002 or LAWS2008) and (LAWS2004 or LAWS2015) and (LAWS2012 or LAWS2003 or LAWS2014) **Prohibition:** LAWS3064, LAWS5100 **Offered:** Semester 2 **Classes:** 2 x 2-hr seminars/week for 10 weeks **Assessment:** 2hr exam (100%)

This unit of study offers students an opportunity to examine the key commercial doctrines and institutions in non-corporate commercial law. The unit will consider the regulation of commercial activity through general legal principles, legislation and case law, and will advance students' knowledge of not only commercial law but also statutory interpretation and case law analysis. This is a survey unit, offering a broad overview of commercial law. Topics may include commercial relationships (partnership; principal and agent; bailment); sale of goods; risk management (taking security; retention of title; insurance); and commercial remedies.

LAWS3403 **Advanced Corporate Law**

6 Credit Points

Assoc Prof Saul Fridman

Prerequisite: LAWS2003 or LAWS2014 **Prohibition:** LAWS3008, LAWS5103 **Offered:** Semester 1 & Summer Early **Classes:** 2 x 2-hr seminars/week for 10 weeks **Assessment:** Students can select from various options: 3000wd research paper (50%) or 6000wd research paper (100%) or take-home exam (either 50% or 100%)

This unit of study will deal with corporate insolvency as well as a number of contemporary issues concerning debt and equity finance in Australian public and proprietary companies. It will cover receivership, voluntary administration, liquidation, the raising of corporate finance and the positions of shareholders and creditors in the event of the company's insolvency.

LAWS3404 **Advanced Criminal Law**

6 Credit Points

Dr Arlie Loughnan

Prerequisite: LAWS1016 or LAWS1003 or LAWS2009 **Prohibition:** LAWS3445, LAWS5104 **Offered:** Semester 1 **Classes:** 2x2-hr seminars/week for 10 weeks **Assessment:** 1 x research paper proposal (20%) and 1 x research paper (60%) and class participation (20%)

This unit identifies current crime control case-studies which lend themselves to advanced historical and theoretical interrogation. In a way which explains why criminal law is such a popular if problematic mechanism of social engineering, the processes for determining criminal liability are revealed to be influenced by the shifting realities of law and order politics. The unit's content will range from broad considerations such as the determination of individual and collective liability, and the tensions between subjectivity and reasonableness, to more particular concerns with contemporary offence/defence construction. It will break away from a topic-driven approach to criminal law in favour of exploring liability and sanctioning in terms of specific contradictions and challenges. Discussion of relevant academic commentary will form part of the subject matter of the course. The advanced study of criminal law extends the foundational study of the criminal law in context and the processes of criminal justice in operation. A critical, cross-disciplinary approach to the operation of criminal law will enable some discussion of legal theory, legal and social history and criminology.

LAWS3408 **Advanced Public International Law**

6 Credit Points

Assoc Prof Chester Brown

Prerequisite: LAWS1018 or LAWS1023 or LAWS2005 **Prohibition:** LAWS3009, LAWS5108 **Offered:** Semester 1 **Classes:** 2 x 2-hr seminars/week for 10 weeks **Assessment:** 3,000wd essay (40%) and 2hr exam (60%)

This unit provides an opportunity for students who are familiar with the basic institutions and processes of public international law to deepen their understanding by studying in greater detail than is possible in the introductory unit several areas of conceptual importance and contemporary relevance. It follows that a prerequisite is the unit, International Law, or an equivalent unit undertaken at another institution.

The topics covered by this unit are: (1) the law of treaties; (2) the international law of the sea; (3) international environmental law; (4) international dispute resolution; and (5) the law of international organisations and the United Nations. Some of these topics (treaties, disputes, and organisations) frame the system of international law as a whole and are vital to understanding how that system functions (and, sometimes, dysfunctions). The other topics (law of the sea and environmental law) are specialised, substantive areas of law which are of particular importance to global governance of resources, particularly for a large, ecologically diverse and maritime State such as Australia, and in an era of climate change.

LAWS3409 Advanced Taxation Law

6 Credit Points

Mr Micah Burch

Prerequisite: LAWS3047 or LAWS3412 **Prohibition:** LAWS3013, LAWS5109 **Offered:** Semester 2 **Classes:** 2 x 2-hr seminars/week for 10 weeks **Assessment:** 2hr class test (30%) and 2hr exam (70%)

This unit of study further pursues the goals of Australian Income Tax and is to be regarded as an extension of that unit. In particular, the unit analyses the special difficulties of levying tax on business activities, different types of entity, complex transactions, and the operation of the income tax in an international environment. The taxes covered extend beyond the income tax to include stamp duties and goods and services tax. This unit of study will cover the following topics: (a) taxation of partnerships and trusts; (b) taxation of companies and shareholders under the imputation system; (c) taxation of international transactions; and (d) goods and services tax.

LAWS3411 Anti-Discrimination Law

6 Credit Points

Dr Belinda Smith

Prohibition: LAWS3012, LAWS5112 **Offered:** Semester 2 **Classes:** 2x2-hr seminars/week for 10 weeks **Assessment:** Class participation (10%) and online short answer exam (25%) and 2hr exam (65%)

The objective of this unit is to enable students to examine and develop answers to the following questions: (i) What is discrimination and what harm does it cause? (ii) How has the law been used in Australia to address discrimination? (iii) What type of conduct does anti-discrimination law prohibit? Specifically, which traits are protected, in what contexts and with what exceptions? (iv) What remedies can be sought for unlawful discrimination and how are these enforced? (v) What are the limits and future directions of anti-discrimination law? The law as it operates will be examined, focussing on examples of particular grounds of discrimination (such as sex, race, disability, age, or family responsibilities), but considerable attention is also paid to regulatory alternatives to explore how the law could be developed.

LAWS3412 Australian Income Tax

6 Credit Points

Mr Micah Burch

Prohibition: LAWS3047, LAWS5112 **Offered:** Semester 1 **Classes:** 2 x 2hr seminars/week for 10 weeks **Assessment:** 2hr mid-semester quiz (30%) and 2hr final exam (70%)

This unit provides an introduction to the Australian federal income tax system (including capital gains tax and fringe benefits tax). It introduces both the operation of the tax laws and the underlying principles which those laws seek to implement, as well as the important issues in tax policy, thereby allowing students to make a critical examination of the Australian tax system. Topics covered include the concept of income, capital gains tax, income from property, compensation receipts, periodic receipts, income from services and fringe benefits tax, business income, allowable deductions and the capital/revenue distinction, private outgoings and dual purpose expenditure, basic tax accounting principles, and legislative responses to tax avoidance. The unit also introduces the key concepts used to evaluate tax policy, including welfare economics, thereby providing students with a basic understanding of why taxation is of such fundamental concern in modern democratic societies. This unit serves as an introduction to the Australian income tax system and is a prerequisite for Advanced Taxation Law.

LAWS3413 Banking and Financial Instruments

6 Credit Points

Prof Roger Magnusson

Prerequisite: LAWS1015 or LAWS1002, LAWS2004 or LAWS2015, LAWS2007 or LAWS2017 **Prohibition:** LAWS3101, LAWS5113 **Offered:** Semester 1 **Classes:** 2 x 2-hr seminars/week for 10 weeks **Assessment:** Three options: 1) 2,500wd assignment (50%) (earlier submission date) and 1hr exam (50%); 2) 2,500wd assignment (50%) later submission date and 1hr exam (50%); 3) 3,500wd essay (50%) and 1hr exam (50%).

This unit aims to provide students with:

- * An overview of the legal regulation and supervision of banks and other Authorised Deposit-taking Institutions (ADIs);
- * An understanding of the legal basis of the relationship between banks, ADIs and their customers, and an overview of the more common rights and duties which adhere to the banker/customer relationship;
- * An introduction to cheques and bills of exchange;
- * An introduction to basic principles of secured debt, with a focus on guarantees and charges.

LAWS3414 Bioethics and the Law

6 Credit Points

Prof Belinda Bennett

Prohibition: LAWS5114 **Offered:** Semester 2 **Classes:** 2 x 2-hr seminars/week for 10 weeks **Assessment:** Class participation (10%) and 2,500wd assignment (40%) and 2hr exam (50%)

This unit of study analyses the theoretical bases for the rights, duties and concepts that form the foundations of health law. The unit provides students with an opportunity to engage in theoretical analysis of core principles and concepts that underpin contemporary concepts in bioethics and health law. Readings will be both interdisciplinary and international in nature.

LAWS3068 Chinese Laws and Chinese Legal Systems

6 Credit Points

Assoc Prof Vivienne Bath

Prohibition: LAWS3014, LAWS5368 **Offered:** Summer L3 **Classes:** Intensive mode (3 weeks). Teaching takes place in November/December in Shanghai as part of the Shanghai Winter School. **Assessment:** 2hr exam to be completed in Shanghai (100%)

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 fiats 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; administrative law; contract law; property law; company law; intellectual property law; foreign joint ventures; arbitration and mediation; foreign trade law and taxation law.

LAWS3416 Commercial Dispute Resolution

6 Credit Points

Mr Paul Scanlon

Prohibition: LAWS3006, LAWS3022, LAWS5116 **Offered:** Semester 2 **Classes:** 1 x 4-hr seminar/week for 10 weeks **Assessment:** 1 x 3,500wd research essay (45%) and assessable workshops (3x15%) and class participation (10%).

This course is aimed at giving specific dispute resolution skills to graduates who see themselves as practising actively in the business world, handling matters involving contract, finance and property. The workshops derive their substance from actual mediations and disputes. They involve some of the most frequently pleaded heads of law in commercial litigation, such as misleading and deceptive conduct, misrepresentation, and unconscionable conduct. For meaningful involvement in these workshops it will be necessary for students to become familiar, through the required readings, with the substantive law in these areas.

The starting point for this subject is the theory of ADR in its various forms. When these are understood in the early stages of the course, it is then seen as beneficial to re-create realistically the dynamics of commercial disputes, involving as they do a complex mixture of substantive law, adversarial parties, unclear facts and hidden agendas. This is an opportunity for graduates to become aware of and embark on acquiring some practical skills needed to handle these situations.

The teaching methodology is highly interactive and all class members are required to participate and contribute.

NB: Enrolment in this unit of study is by special application and priority is given to final year students.

LAWS3417 Commercial Land Law

6 Credit Points

Assoc Prof Fiona Burns

Prerequisite: LAWS2007 or LAWS2017 or LAWS5012 **Prohibition:** LAWS5117 **Offered:** Semester 1 **Classes:** 2 x 2-hr seminars/week for 10 weeks **Assessment:** Class presentation (20%) and 1800wd research essay (30%) and exam (50%). NB Assessment subject to change and dependent on enrolment numbers.

This unit aims to explore in greater depth some important aspects of the law of real property which the compulsory Real Property unit does not cover. The topics which will be covered will be: leases (including covenants of leases, assignments of leases, remedies of landlords, relief against forfeiture and subleases); possessory title; mortgages (with special attention on the rights and remedies of the mortgagor and mortgagee; reverse mortgages); options and strata and community titles.

LAWS3491 Comparative Constitutional Law

6 Credit Points

Prof Helen Irving

Prerequisite: LAWS2011 or LAWS5011 or LAWS1004 or LAWS3000 or LAWS3003 **Prohibition:** LAWS3418, LAWS5118, LAWS5191 **Offered:** Semester 1 **Classes:** 2.x 2-hr seminars/week for 10 weeks **Assessment:** Class participation (15%) and 2000wd optional assignment (25%) and take-home exam (60% or 85%)

This unit will explore the differences and similarities in constitutional law in Australia and other jurisdictions, with a focus on legal and cultural histories, differences in legal institutions, and the shaping of constitutional doctrines. Topics will include some or all of: federalism, rights and freedoms, the constitutional regulation of property, the role and powers of the constitutional court, and judicial protection of minorities. In 2012, the unit will compare Australia,

the United States, Canada and South Africa.

At least six weeks of this course will be taught in a video-conference classroom, simultaneously, and in real time, at both Sydney and the Pennsylvania State University Law School in the United States. The University of British Columbia may also participate. The course thus provides an opportunity to learn comparative constitutional law and engage in trans-national discussion, drawing on expertise in the participating country in situ. Classes will be combination of Australian-style lectures and U.S. style 'Socratic' interaction.

LAWS3419 **Competition Law**

6 Credit Points

Dr Brett Williams

Prohibition: LAWS3016, LAWS5119 **Offered:** Semester 2 **Classes:** 2 x 2-hr seminars/week for 10 weeks
Assessment: class presentation and 2000wd essay (33.3%) and 2hr exam (66.7%)

This unit of study examines competition law and policy in Australia. The central part of the course deals with Part IV of the Competition and Consumer Act 2010 (Cth). The framework for analysis will include a critical examination of the fundamental purposes of competition law policy. Some references will be made to the restrictive trade practices provisions of comparative jurisdictions.

Topics include: (a) common law antecedents of competition law and history of competition law legislation; (b) National Competition Policy and legislation; (c) application of the Competition and Consumer Act 2010 (Cth); (d) elementary economic theory of monopoly and the goals of competition policy; (e) fundamental concepts of competition, market definition, market power and public benefit; (f) mergers and acquisitions; (g) horizontal arrangements including cartel conduct, primary boycotts, and arrangements which substantially lessen competition; (h) vertical arrangements including exclusive dealing and third line forcing; (i) misuse of substantial market power; (j) notifications and authorizations; and (k) overview of remedies and enforcement. Additional topics may include resale price maintenance or access to essential facilities.

LAWS3424 **Corporate and Securities Regulation**

6 Credit Points

Freehills and Corrs Chambers Westgarth staff

Prerequisite: LAWS2003 or LAWS2014 **Prohibition:** LAWS3108, LAWS5124 **Offered:** Semester 2 **Classes:** 2 x 2-hr seminars/week for 10 weeks at Phillip St building **Assessment:** Class participation and problem questions (10%) and 3hr exam (90%)

Explore the world of a mergers and acquisitions lawyer! This unit covers the major areas of public securities regulation - takeovers, schemes of arrangement, corporate fundraising, continuous disclosure and insider trading, from a technical, practical and tactical viewpoint. This course is run by leading M&A partners from Corrs Chambers Westgarth and Freehills, who use real-life war stories to illustrate legal principle, but also the practical and commercial application of them in our current market. The course has been designed with future corporate graduates and junior investment bankers in mind. It is a great addition to the resume and head start for any students interested in, or wishing to practise in, corporate law and mergers and acquisitions.

LAWS3426 **Criminology**

6 Credit Points

Dr Murray Lee (semester 1)

Prohibition: LAWS3020, LAWS5126 **Offered:** Semester 1 & Semester 2 **Classes:** 2 x 2-hr seminars/week for 10 weeks **Assessment:** 2,250-3,000wd research essay (50%) and take-home exam (40%) and class presentation (10%)

This unit of study aims to introduce students to the theoretical issues associated with the definition and explanation of crime, criminality and crime control. Rationales for punishment are examined along with sentencing, and other possible responses to criminal behaviour are explored. The unit considers the impact of criminal justice policy and practice on particular groups which may include juveniles, women, Indigenous people, ethnic minorities and victims of crime. The regulation of particular types of offences such as hate crime are considered. Other topical issues are covered as they arise in contemporary criminological debate. Students are expected to take part in visits to a gaol and/or a juvenile detention centre.

LAWS3427 **Death and Inheritance Law**

6 Credit Points

Assoc Prof Fiona Burns

Prohibition: LAWS3056, LAWS5127 **Offered:** Semester 1 **Classes:** 2 x 2-hr seminars/week for 10 weeks
Assessment: Class presentation (20%) and 1800wd research essay (30%) and exam (50%). NB Subject to change and dependent on enrolment numbers.

The unit covers the law that governs the transmission of property rights from one holder to other persons on the death of the holder. The unit begins with an overview of succession law in Australia; looking at testamentary freedom

in its historical context; the development of powers of testation, and the reception of English law in NSW. The unit then considers the modern family relationships for succession; the boundaries of the law of succession (dealing with such matters as nominations, donations mortis causa and contracts involving wills); the legal fact of death; intestate succession, the law of wills, family provision legislation and some aspects of the administration of deceased estates.

LAWS3478 Development, Law and Human Rights

6 Credit Points

Prof Ben Saul, Ms Irene Baghoomians (Nepal); Dr Livingston Armytage (Sydney)

Prohibition: LAWS5178 **Offered:** Summer L4 & Semester 2a **Classes:** Summer school: held as a field school in Nepal (15 Jan-2 Feb 2012) Semester 2: 1 x 6-hr seminar/week for 6 weeks (weeks 1-6) **Assessment:** 2hr exam (40%) and 4000wd research essay (60%)

This unit exposes students to the role and limits of law and justice in addressing acute problems of socio-economic development and human rights in developing countries. The themes explored from year to year may include:

- * Different ideas about 'development' and the role of law, legal processes and institutions, legal reform, justice, and the rule of law in development;
- * The relationships between development and human rights, including socio-economic rights;
- * The role in development of international organisations (eg, United Nations), donor agencies (eg, World Bank, Asian Development Bank, AusAID), and local institutions;
- * Conflict, justice, peace and development;
- * Issues concerning gender, children, indigenous peoples, minorities, and refugees;
- * The role of law in environmental and resource disputes over development;
- * Critical evaluation of development and legal reform initiatives.

NB: Enrolment to the field school is by application in August 2011.

LAWS3430 Environmental Law

6 Credit Points

Dr Andrew Edgar, Ms Susan Shearing

Corequisite: LAWS2002 or LAWS2010 **Prohibition:** LAWS3024, LAWS5130 **Offered:** Semester 1 **Classes:** 2 x 2-hr seminars/week for 10 weeks **Assessment:** In-class test (50%) and take-home exam (50%)

This unit of study introduces students to the legal and institutional implications of adopting the precepts of ecologically sustainable development, particularly for governments and corporations. The unit begins with a discussion of environmental ethics and sustainable development, followed by an exploration of its ramifications for policy and decision-making, legal structures and processes, and federal relations. Various fields of regulation (including climate change, heritage, biodiversity, land-use and pollution) provide the context in which to develop the issues.

LAWS3474 Equity and Financial Risk Allocation

6 Credit Points

Prof John Stumbles

Prerequisite: LAWS2004 or LAWS2015 **Prohibition:** LAWS5174 **Offered:** Semester 1 **Classes:** 2 x 2-hr seminars/week for 10 weeks **Assessment:** 3000wd problem questions (30%) and 2hr exam (70%)

The objective of this unit is to introduce the role of equity as a potential mechanism for allocating risk in commercial transactions. The unit introduces equitable doctrines, such as the doctrines of contribution, subrogation, marshalling and set-off, and explores how these doctrines assist in determining how parties in a commercial transaction should bear the financial risk. It also compares and contrasts the equitable principles with analogous common law rules and State legislative provisions (where relevant).

LAWS3431 External Placement Program

6 Credit Points

Mr Graeme Coss

Prohibition: LAWS3025, LAWS5131 **Offered:** Semester 1 **Classes:** 8/9 x 2-hr seminars/semester **Assessment:** class presentation and performance (30%) and site performance (30%) and 3000wd essay (40%).

In this unit of study students are afforded the opportunity to work the equivalent of one day per week during the semester in a 'public interest' placement site. In addition, students attend fortnightly seminars which are designed to promote discussion and reflection on a range of issues that may arise during the course of the placement as well as seminar presentations on matters relevant to public interest externships. The unit has a public interest focus which is reflected in the selection of placement sites.

At the end of the unit students should have:

- * acquired a better sense of the professional and personal responsibilities associated with the practice of law;
- * developed an appreciation that the law is a people profession;
- * observed and participated in a high level of problem solving flowing from real case files (where appropriate);
- * been introduced to the basic inter-personal skills involved in the practice of law;
- * interacted with legal professionals in a flexible learning environment;

* been introduced to aspects of the practice of law such as legal writing, advocacy and time management; and
* developed the character and habits of a reflective practitioner.

NB: Enrolment in this unit is by special application. Enrolment is restricted to students in their final year of study.

LAWS3432 Family Law

6 Credit Points

Prof Patrick Parkinson (semester 1), Adj Prof Jennifer Boland (semester 2)

Prohibition: LAWS3026, LAWS5132 **Offered:** Semester 1 & Semester 2 **Classes:** 2 x 2-hr seminars/week for 10 weeks **Assessment:** 3,000wd assignment (40%) and 2hr exam (60%)

Family Law deals with the core provisions of the Family Law Act 1975 governing parenting of children and the property of married couples and persons in a de facto relationship. This course is essential for those interested in Family Law. It is a pre-requisite for Advanced Family Law.

Family Law will focus on the following topics: constitutional and jurisdictional issues; marriage, divorce and de facto relationships, the resolution of disputes relating to children under the Family Law Act 1975, property division under the Family Law Act; child support and maintenance.

LAWS3030 Independent Research Project

4 Credit Points

Prohibition: LAWS3031, LAWS3115, LAWS3260, LAWS5315, LAWS5330, LAWS5331, LAWS5360 **Offered:** Semester 1, Semester 2 & Summer Main **Assessment:** 5000wd research paper (100%)

The goal of this unit of study is to provide students with an opportunity to pursue independent research in an area of their choosing. The project must involve a new piece of research. Material which has been submitted for assessment in any other unit of study may not form part of the project. Before enrolling in this unit of study, the student must formulate in writing the topic of the research project and a statement of methodology. The topic of the research project and the methodology must be approved in writing by a member of the teaching staff who agrees to act as supervisor and to be responsible for assessment of the research project. This approval will not be given if the topic of the research project falls within the scope of another unit of study being offered in the same semester. Students must have a WAM of 70% or higher to be eligible to enrol in this unit.

NB: Enrolment in this unit of study is at the discretion of the Faculty and is only available to students affected by the transitional arrangements of the LLB. Enrolment is by special application and is restricted to students in their final year of study.

LAWS3115 Independent Research Project

2 Credit Points

Prohibition: LAWS3031, LAWS3030, LAWS3260, LAWS5315, LAWS5330, LAWS5331, LAWS5360 **Offered:** Semester 1, Semester 2 & Summer Main **Assessment:** 2,500wd research paper (100%)

The goal of this unit of study is to provide students with an opportunity to pursue independent research in an area of their choosing. The project must involve a new piece of research. Material which has been submitted for assessment in any other unit of study may not form part of the project. Before enrolling in this unit of study, the student must formulate in writing the topic of the research project and a statement of methodology. The topic of the research project and the methodology must be approved in writing by a member of the teaching staff who agrees to act as supervisor and to be responsible for assessment of the research project. This approval will not be given if the topic of the research project falls within the scope of another unit of study being offered in the same semester. Students must have a WAM of 70% or higher to be eligible to enrol in this unit.

NB: Enrolment in this unit of study is at the discretion of the Faculty, and is only available to students affected by the transitional arrangement of the LLB resolutions. Enrolment is by special applications and is restricted to students in their final year of study.

LAWS3260 Independent Research Project

6 Credit Points

Prohibition: LAWS3030, LAWS3031, LAWS3115, LAWS5315, LAWS5330, LAWS5331, LAWS5360 **Offered:** Semester 1, Semester 2 & Summer Main **Assessment:** 7,500wd research paper (100%)

The goal of this unit of study is to provide students with an opportunity to pursue independent research in an area of their choosing. The project must involve a new piece of research. Material which has been submitted for assessment in any other unit of study may not form part of the project. Before enrolling in this unit of study, the student must formulate in writing the topic of the research project and a statement of methodology. The topic of the research project and the methodology must be approved in writing by a member of the teaching staff who agrees to act as supervisor and to be responsible for assessment of the research project. This approval will not be given if the topic of the research project falls within the scope of another unit of study being offered in the same semester. Students must have a WAM of 70% or higher to be eligible to enrol in this unit.

NB: Enrolment in this unit of study is by special application and is restricted to students in their final year of study.

LAWS3435 **Indigenous People and the Law**

6 Credit Points

Ms Tanya Mitchell

Prohibition: LAWS3005, LAWS5135 **Offered:** Semester 2 **Classes:** 2 x 2-hr seminars/week for 10 weeks **Assessment:** Class participation and presentation (10%) and 4000wd essay (50%) and take-home exam (40%).

This course explores the relationship between Indigenous people and the colonial legal system in Australia. We begin with an overview of Indigenous Customary Law and social structures. Students will see how this different way of seeing the world, and being in the world, impacts upon interactions with the legal system. We will examine the differing perspectives on history to see how they have shaped ever-changing laws and government policies. We will investigate perplexing issues such as: the plethora of definitions of Aboriginality that have been imposed upon Aboriginal people and attempts by Aboriginal people to construct their own identity; the disproportionate incarceration rate of Indigenous Australians; the legal mechanisms used to execute The Intervention; the utility of International Law, Human Rights Law and International bodies to Indigenous people; the meaning of self-determination; and the management of the relationship between Indigenous Australians and their land. Students will be exposed to comparisons with other countries facing similar issues in the common law world and beyond. Opinions on the issues covered in the course are many and varied so students will be encouraged to explore each topic through discussion and lively debate.

LAWS3445 **Insolvency Law**

6 Credit Points

Prof John Stumbles

Prerequisite: LAWS2003 or LAWS2014 **Prohibition:** LAWS3403, LAWS5103, LAWS5145 **Offered:** Semester 1 **Classes:** 2 x 2-hr seminars/week for 10 weeks **Assessment:** 3000wd problem questions (30%) and 2hr exam (70%)

The unit provides an introduction to the law regulating insolvent individuals and companies. It explores the objectives and key principles of insolvency law, the pari passu principle, the various forms of insolvent administration including bankruptcy, liquidation and voluntary administration and associated procedures together with the avoidance of transactions in insolvency. The unit also considers the impact of insolvency on employees, unsecured creditors, shareholders and trustee's of trusts.

LAWS3437 **International Commercial Arbitration**

6 Credit Points

Adjunct Prof Rashda Rana

Prerequisite: LAWS1015 or LAWS1002 or LAWS2008 **Prohibition:** LAWS3092, LAWS5137 **Offered:** Semester 2 **Classes:** 2 x 2-hr seminars/week for 10 weeks **Assessment:** 2,000-2,500wd mid-term assignment (40%) and 2hr exam (60%)

This unit of study aims to introduce students to the fundamentals of international commercial arbitration. The course covers the entire process of international arbitration: the significance of international commercial arbitration in international dispute resolution; the importance of a well drafted arbitration agreement; all procedural and conceptual aspects and legal issues arising during cross border arbitrations; arbitral awards and the enforcement of arbitral awards around the world through the New York Convention 1958.

The unit will also cover the role and significance of specialised forms of international arbitrations and organisations involved in administering international arbitrations, such as maritime arbitrations, World Trade Organisation (Trade Law/Free Trade Agreement disputes), International Chamber of Commerce (large institution involved in administering international commercial arbitrations), Investor-State arbitrations (Bilateral Investment Treaties), sports arbitrations and Mediation in an international setting.

LAWS3438 **International Commercial Transactions**

6 Credit Points

Prof Luke Nottage

Prerequisite: LAWS1015 or LAWS1002 or LAWS2008 **Prohibition:** LAWS3072, LAWS5138 **Offered:** Semester 2 **Classes:** 2 x 2-hr seminars/week for 10 weeks **Assessment:** 3000wd research essay (50%) and final exam (50%)

The objective of this unit is to provide students with an introduction to a number of areas of international and cross-border business law and business transactions and to provide students with a basis which will allow them to study some of those areas in more detail.

The course will begin 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 international protection of intellectual property, dispute resolution in international business disputes, and the availability and use of available business structures and methods such as direct foreign investment. As part of the discussion of intellectual property and technology protection and use of available business structures, students will look at the structure and drafting of international commercial agreements, and participate in a skills exercise.

The course is focused on the law as it affects individual business entities rather than on the relationships between States. It therefore will not cover the World Trade Organization treaties in any detail, although it will deal with the way that certain treaties have an impact on domestic law in relevant areas, including international sale of goods, carriage of goods and international dispute settlement.

LAWS3436 International/Comparative Jurisprudence

6 Credit Points

Assoc Prof Alex Ziegert

Prohibition: JURIS3006, LAWS5136 **Offered:** Semester 1 & Summer Late **Classes:** 2 x 2-hr seminars/week for 10 weeks **Assessment:** 1,000-2,000wd research plan (40%) and 3,750-5,000wd research paper (60%)

This unit of study will introduce the student to a basic understanding of the variability of law as a function of the variability of the social context in which it operates. By applying comparativist theory and empirical methodology from different perspectives, the unit will prepare the ground for an appreciation of the operation of society's law in the complex historical setting of different cultural systems, nation states, multicultural societies and on the international level.

NB: Satisfies the Jurisprudence/Part 2 requirement of the LLB

LAWS3439 International Economic Law

6 Credit Points

Dr Brett Williams

Prerequisite: LAWS2005 or LAWS1018 **Prohibition:** LAWS3090, LAWS5139 **Offered:** Semester 2 **Classes:** 2 x 2-hr seminars/week for 10 weeks **Assessment:** 2,500wd essay (33.3%) and 2.5hr exam (66.6%)

This course is an introduction to the law of the World Trade Organization and may also cover an introduction to Bilateral Trade Agreements and Bilateral Investment Treaties.

The largest part of the course deals with the law of the World Trade Organization. The course opens by considering the functions of the WTO utilizing some very basic economics of trade, public choice and game theory. We review the history of the General Agreement on Tariffs and Trade ('GATT'), regulating trade in goods, and the creation of the WTO ending with a review of the institutions of the WTO and of the framework of rules applying under the GATT. 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 the relationship between regulation of trade in goods and regulation of trade in services; and the Agreement on Trade-Related Aspects of Intellectual Property ('TRIPS'), emphasizing patents, copyright and trademarks. 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, an introduction to the rules on subsidies, and the GATT article XX exceptions for restrictions for health and environmental reasons. The rest of the course is selected from three areas:

- Bilateral Investment Treaties;
- Bilateral Trade Treaties; and

- selected further topics of World Trade Organization law drawn from four areas: the GATT escape clauses providing for Safeguard measures, Anti-dumping Duties and Countervailing Duties; further consideration of the MFN rule by considering the exception for free trade areas and customs unions; further consideration of the GATS by considering at least one specific service sector, and further consideration of the TRIPS by considering the extent of some exceptions.

NB: For students going on to do a University of Sydney LLM, students who have done this course may enrol in LAWS6249 World Trade Organization II without having to complete the normal pre-requisite unit, LAWS6063 World Trade Organization Law I

LAWS3434 International Human Rights Law

6 Credit Points

Prof David Kinley

Prerequisite: LAWS2005 or LAWS1018 **Prohibition:** LAWS3034, LAWS5134 **Offered:** Semester 2 **Classes:** 2 x 2-hr seminars/week for 10 weeks **Assessment:** 4000w essay (60%) and take-home exam (40%)

This unit of study introduces students to the principles and practice of international human rights law - a species of international law and policy and a field 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 these questions, we will look at: (a) particular fora 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) particular 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.

LAWS3489 **International Moot**

6 Credit Points

Prerequisite: LAWS1018 or LAWS1023. Other pre-requisites may apply to individual moots. **Prohibition:** LAWS3093, LAWS3035, LAWS5189 **Offered:** Semester 1 & Int December **Classes:** There are no formal classes scheduled for this unit. **Assessment:** Course participation, general participation and preparation as required (15%), research and writing of memorials (35%), preparation and participation in mooting rounds and competitions (50%)

This unit of study will involve participation in one of three international moots. One moot will be the Jessup Moot. The other two moots will be selected by the Mooting Co-ordinator each year and may include competitions such as the Vis International Commercial Arbitration Moot, the Jean-Pictet International Humanitarian Law Moot, Tokyo Negotiation and Arbitration Moot and the European Law Students' Association WTO Moot. There will be a competitive selection process for enrolment in this course. For all moots students will work as a team preparing written memorials and oral argument on a set problem as required by each moot.

NB: Enrolment in this unit of study will be by special application, and will be based on competitive selection in accordance with the rules of the individual competition.

LAWS3443 **Interpretation**

6 Credit Points

Ms Patricia Lane

Prerequisite: (LAWS1002 or LAWS2008 or LAWS1015) and (LAWS2002 or LAWS1021) **Prohibition:** LAWS5143 **Offered:** Semester 2 **Classes:** 2 x 2-hr seminars/week for 10 weeks **Assessment:** 2,500-3,000wd research essay (40%) and 1000wd drafting exercise (20%), and take home exam OR optional additional research essay (40%)

This course covers the legal framework within which instruments are interpreted. While mainly relating to statutory interpretation, the unit will also cover aspects of the law of interpretation of contracts and other instruments, such as treaties.

The primary objective in interpretation of instruments is to give meaning to the words of the instrument for the purpose of applying a legal standard. As observed by the former Chief Justice of the High Court, the question is not what the legislature or the parties subjectively intended, but the meaning of the words they used, which must be ascertained in construing the effect of the instrument (Gleeson CJ, *Wilson v Anderson* (2002) 213 CLR 401 at [8]). The course will focus on the primary elements of interpretive practice: text, context, and purpose, in a variety of contexts.

A variety of interpretive principles are used to ascertain the meaning of the words used in an instrument. The course will cover:

- * Approaches to interpretation, with emphasis on the function of interpretation in private law and public law;
- * Aspects of the interpretation of private instruments - contracts, testamentary dispositions, collective agreements.
- * Principles of statutory interpretation, including:
 - * the conventions of grammatical interpretation of statutes, including the approach to the use of technical words, the need to read the instrument as a whole, and approaches to ambiguity and inconsistency of language,
 - * specific common law principles of interpretation.
- * the use of extrinsic aids to interpretation,
- * the role and function of interpretation acts.
- * Aspects of interpretation of international of national and international instruments - Constitutions and treaties.

It is envisaged that at least part of the course content will be taught by eminent guest lecturers from within and outside the Faculty.

LAWS3441 **Introduction to Islamic Law**

6 Credit Points

Dr Salim Farrar

Prohibition: LAWS5141 **Offered:** Semester 1 **Classes:** 2 x 2-hr seminar/week for 10 weeks **Assessment:** class test (10%) and class presentation (10%) and class participation (10%) and 4000-5000wd research essay (70%).

This seminar program is an introductory course in Islamic Law. It will focus on Shari'ah (the classical laws as derived from the religious sources), and will seek to explain its relationship to the contemporary laws of Muslim states and to the cultural practices of Muslim communities living in Australia and other predominantly non-Muslim states.

The course aims to provide a basic understanding of the sources of Islamic Law, their interpretation, and of the 'Schools of Law' which predominate in the Muslim World. The case studies, in particular, aim to engage students to assess critically past and present understandings in the contexts of modernity, post-modernity, 'human rights', and social change.

LAWS3481 Investment and Financial Services Law

6 Credit Points

Assoc Prof Joanna Bird

Prerequisite: LAWS2003 or LAWS2014 **Prohibition:** LAWS5181 **Offered:** Semester 2 **Classes:** 2 x 2-hr seminars/week for 10 weeks **Assessment:** 3000wd essay (30%) and 2hr exam (70%)

This unit examines the Australian law relating to the regulation of investments and financial services. The unit will provide candidates with an understanding of the Australian financial services regulatory structure, the financial services licensing regime, the regulation of financial advice, the disclosure requirements for financial products and services, and the general consumer protection regulation applicable to investments and financial services. The focus of the unit will be on the many current public policy and legal issues raised by this area of law. Candidates will explore issues such as how best to protect consumers in a complex market such as the financial services market, the efficacy of disclosure as a consumer protection mechanism, the purposes of licensing, and how to deal with the conflicts of interest in the financial services industry. The unit will also focus on the practice, techniques and theory of modern regulation, using the investment and financial services regulatory regime as an example of a typical regulatory regime.

LAWS3480 IP: Copyright and Designs

6 Credit Points

Assoc Prof Kim Weatherall (sem 1), Mr Fady Aoun (sem 2)

Prohibition: LAWS3033, LAWS3423, LAWS5180 **Offered:** Semester 1 & Semester 2 **Classes:** 2 x 2-hr seminars/week for 10 weeks **Assessment:** Two options: (1) 5,000wd research essay (50%) and 1.5hr exam (50%); or (2) 2.5 hr examination (100%).

This unit covers copyright and designs law, both recognised branches of intellectual property law. Their existence is often justified on the presumption that they encourage the exercise of inventive, creative and entrepreneurial skill and labour. The protection these areas of law provides is said to enable commercial exploitation of the resulting works or designs. This unit focuses on the requirements for the copyright and design protection and investigates the bases upon which infringement action can be brought. Particular emphasis will be placed on the expanding scope of copyright and the implications of the internet, as well as provisions in the Copyright Act intended to address the apparent overlap between copyright and design protection. Although the unit of study will emphasise legal doctrine and be taught from the perspective of a relatively depoliticised formalism, it is also recognised that the deployment and the regulation of intellectual property inevitably have substantial cultural, technological and economic consequences, which in turn inform and shape the development of legal doctrine. So, for example, *Gone With The Wind*, as a literary work still under copyright, is both an asset with a monetary value and the focus of a civil rights activism which demands the right to imitate the work for social and political criticism and parody. There will, accordingly, be some attention paid in this unit to the cultural, technological and economic consequences of intellectual property laws, to the significance of access to the public domain and to the effects of international trade pressure in the area.

LAWS3479 IP: Trademarks and Patents

6 Credit Points

Assoc Prof Kim Weatherall (sem 1), Assoc Prof Patricia Loughlan (sem 2)

Prohibition: LAWS3472, LAWS3033, LAWS3423, LAWS5179 **Offered:** Semester 1 & Semester 2 **Classes:** 2 x 2-hr seminars/week for 10 weeks **Assessment:** Sem 1: two options: (1) 3,000wd assignment (30%) and 1.5 hr exam (70%); or (2) 2.5 hr examination (100%). Sem 2: 1hr in-class test (30%) and 2hr exam (70%)

This unit will focus on legal rights concerning the marketing of products, specifically, trade mark law, and legal rights concerning invention, specifically, patent law. Most aspects of the law of registered trade marks, (including some references to passing-off and unfair competition) will be covered in the unit, as will the effect of these areas of law on new marketing practices on the Internet. Some specific topics which will be covered in depth are: the differences between registered trade marks, passing-off and unfair competition; character merchandising and the protection of the celebrity persona; the nature of signs and the special problem of shape trade marks; counterfeiting and parallel imports; the badge of origin, private property and cultural resource functions of registered trade marks. In patent law, there will be a particular focus on medical method patents, in light of their recent development and controversial nature. Although the unit of study will emphasise legal doctrine and be taught from the perspective of a relatively depoliticised formalism, it is also recognised that the deployment and the regulation of intellectual property inevitably have substantial cultural and economic consequences, which in turn inform and shape the development of legal doctrine. So, for example, pharmaceutical patents are both valuable assets to their owners, who accordingly demand extensive legal protection for those assets, and also the target of vigorous criticism in the developing world for the patents' potentially detrimental effect on public health in relation to, inter alia, HIV. There will, accordingly, be some attention paid in this unit to the cultural and economic consequences of intellectual property laws, to the significance of access to the public domain and to the effects of international trade pressure in the area.

LAWS3444 Japanese Law

6 Credit Points

Prof Luke Nottage (coordinator). Kyoto/Tokyo course taught by ANJEL co-directors, Japanese professors, and other Japanese practitioners.

Prohibition: LAWS3076, LAWS5144 **Offered:** Int February **Classes:** Summer Intensive in Kyoto and Tokyo 6-10 and 13-14 (optionally also 15-16) February 2012. intro class 30 January in Sydney Includes field trips such as study tour to Osaka. **Assessment:** Two 750wd reflective notes (20%) and 4500wd research essay (80%)

This unit aims to develop the general skills of comparative lawyers, to effectively and critically assess contemporary developments in the legal system of the largest economy in our region. The unit is taught intensively in Japan after an introductory class in Sydney. The first week in Kyoto provides an introduction to how law operates generally in Japanese society. After an overview of comparative law techniques, Japanese legal history and its contemporary legal system, classes explore civil and criminal justice, politics and constitutionalism, government and law, gender and law, lawyers and the courts in Japan as well as consumers and law. The first two days of the second week in Tokyo examines business law topics in socio-economic context in more detail, after an introduction to the Japanese economy and international trade policy. Topics include dispute resolution, investment and finance law, labour law and corporate governance. Students do not need to take the classes over 15-16 February but are encouraged to do so, and if there is sufficient demand an optional tour of the Supreme Court of Japan will be arranged for 17 February.

NB: Applications for the offshore intensive unit open on 12 September 2011 and close on 7 October: see <http://sydney.edu.au/law/caplus>. For further details of the course see www.kyoto-seminar.jp.

LAWS3446 Labour Law

6 Credit Points

Prof Joellen Riley

Prohibition: LAWS3023, LAWS5146 **Offered:** Semester 2 **Classes:** 2 x 2hr seminars/week for 10 weeks **Assessment:** Optional take-home assignment (40%) and open book exam (60% or 100%)

This unit of study examines the legal regulation of work relationships in Australia in the 21st century. The course is designed to equip students with a broad understanding of the legal rules, principles and institutions which form Australia's system of workplace relations and to place that system in its global context.

The course concentrates primarily on the employment relationship (distinct from other types of commercial arrangements under which work is performed) and will examine the way in which that relationship is regulated by private contract law and statute.

The course offers both a theoretical and practical focus. Students are invited to reflect on the role of legal regulation of work relationships, and to critically assess the effectiveness of Australia's laws.

By completing this unit of study, student should acquire:

- A general understanding of the system of workplace relations in Australia, and the way that system has developed in recent years.
- Knowledge and understanding of the legal responsibilities of employers and employees at the workplace.
- A working knowledge of the framework and operation of the Fair Work Act 2009 (Cth).

LAWS3447 Law and Economics

6 Credit Points

Prof Patricia Apps

Prohibition: LAWS3036, LAWS5147 **Offered:** Semester 2 **Classes:** 2 x 2-hr seminars/week for 10 weeks **Assessment:** 1000wd essay (15%) and 1000wd essay (15%) and class participation (10%) and 2hr exam (60%)

The aim of the unit of study is to provide an understanding of the economic analysis of law and to clarify fundamental differences between legal argument and the analysis of public policy. The unit defines the role of government within the framework of welfare economics and examines the social and economic effects of legal regimes within that framework. Particular attention is given to the concept of a competitive market, to the available empirical evidence on market failure, and to the need for government intervention in response to market failure and its negative consequences for social justice. Topics covered include: theoretical concepts of social justice, social insurance; monopoly and environmental regulation; economics of property and contract law; labour law and bargaining power; tort rights and remedies; asymmetric information, adverse selection and moral hazard with applications to medical malpractice; agency, corporate governance and bankruptcy; family law; taxation; and the measurement of inequality.

NB: This unit satisfies the Jurisprudence/Part 2 requirement of the LLB.

LAWS3490 Law and Society in Indonesia

6 Credit Points

Dr Simon Butt

Prohibition: LAWS5190 **Offered:** Semester 2 **Classes:** 2 x 2-hr seminars/week for 10 weeks **Assessment:** Take-home exam (30%) and 4000wd research essay (70%)

This unit introduces students to the Indonesian legal system. After providing background on Indonesian history, economics, politics, religions and cultures, the course examines aspects of the colonial legal system introduced by the Dutch and the Japanese before Indonesia's independence in 1945. We examine the legal systems that emerged during the 50 years of authoritarian rule of presidents Soekarno and Soeharto, focusing on human rights violations, subversion cases, subordination of the judiciary and the role of the military. We then consider the legal and constitutional reforms of the post-Soeharto period, which have made Indonesia the most democratic and decentralised country in Southeast Asia. The course concludes with several case studies, including the position of Islamic and customary law in Indonesia, the legal ramifications of decentralisation, human rights and the Constitutional Court, corruption, and doing business in Indonesia.

LAWS3044 Law International Exchange Electives

24 Credit Points

Offered: Semester 1 & Semester 2

For students studying overseas on an official university exchange program.

NB: Available to outbound exchange students only.

LAWS3442 Mabo, Constitutions, Ideas of Property

6 Credit Points

Ms Patricia Lane

Prerequisite: LAWS2007 or LAWS2017 or LAWS5012 **Prohibition:** LAWS5142, LAWS3010 **Offered:** Semester 1

Classes: 2 x 2-hr seminars/week for 10 weeks **Assessment:** 3,000wd research essay (40%) and take home exam (60%)

This unit deals with the practical application of theories in property law in the context of the recognition and enforcement of different property and regulatory systems in land law. It considers the idea of recognition of property rights by the common law and statute in the law of native title developed after *Mabo v Queensland (No 2)*, and the interaction between indigenous and settler land tenure systems. From there, the unit moves to consideration of the protection of property rights in land in the context of the Australian Constitution, and the Universal Declaration on Human Rights. The unit will also examine the tension between ideas of "ownership" and regulation of land use in environmental management regimes, exploring the boundaries between "acquisition", "prohibition" and "regulation" in relation to rights in land. The theoretical framework of Professor Kevin Gray is used as a basis for discussion of these issues, and to facilitate the articulation of the economic and social forces that underlie the modern law of property.

LAWS3428 Media Law: Defamation and Privacy

6 Credit Points

Assoc Prof David Rolph

Prohibition: LAWS3059, LAWS5128 **Offered:** Semester 1 & Summer Early **Classes:** 2 x 2-hr seminars/week for 10 weeks **Assessment:** Four options: 1) assignment (30%) and 2 hr exam (70%); 2) essay (40%) and 2 hr exam (60%); 3) assignment (30%) and essay (40%) and 1hr exam (30%); or 4) 3 hr exam (100%).

This unit of study analyses two areas of law which have a significant impact on the daily practice of journalism. Both of these areas of law relate to the personal interests of private plaintiffs and the legal recourse such plaintiffs may have against media outlets. The tort of defamation, which protects a plaintiff's reputation, is a well-established cause of action which notoriously has a "chilling" effect on what the media publishes. By contrast, direct legal protection of privacy against invasions by the media is a rapidly developing area of law in Australia, the United Kingdom, New Zealand and the European Union. This unit of study provides a detailed examination of the principles of defamation law relating to liability, defences and remedies. It also examines how different common law legal systems are developing direct legal protection for individuals' privacy against intrusive media coverage. This unit of study provides a thorough doctrinal analysis of defamation, privacy and breach of confidence, as well as placing these areas of law in their broader historical, international, comparative, social and cultural contexts.

LAWS3452 Medical Law

6 Credit Points

Prof Belinda Bennett (sem 1), Prof Roger Magnusson (sem 2).

Prohibition: LAWS3046, LAWS5152 **Offered:** Semester 1 & Semester 2 **Classes:** Sem 1: 1 x 4-hr seminar/week for 10 weeks. Sem 2: 2 x 2-hr seminars/week for 10 weeks **Assessment:** Sem 1: 2,500wd essay (40%) and take-home exam (60%). Sem 2: 3 options: 1) 1hr exam (50%) and 3,500wd essay (50%); 2) 1hr exam (50%) and 2,500wd assignment, earlier submission date (50%); 3) 1hr exam (50%) and 2,500wd assignment, later submission date (50%).

This unit of study provides an introduction to some of the legal issues that arise in modern health care. Issues to be covered in the course include: consent to medical treatment, professional liability and medical negligence, privacy and confidentiality, and end of life decision-making. By the end of the unit, students will have a grounding in legislation and caselaw regulating the provision of health care services, and will also be aware of some of the ethical issues that arise in medical contexts. Student participation in class discussion will be expected.

LAWS3454 **Philosophy of Law**

6 Credit Points

Prof Wojciech Sadurski

Prohibition: LAWS3459, LAWS5154 **Offered:** Semester 2 **Classes:** 2 x 2-hr seminars/week for 10 weeks
Assessment: Class participation, including short reaction notes about class readings (40%) and 5000wd take-home exam (60%).

This unit of study will introduce the fundamental notions of jurisprudence understood as a theory about the aims, functions and values of law and legal system. It will aim to provide students with the critical understanding of the central issues in philosophy of law understood as a general, abstract, normative reflection on law as such rather than an examination of a concrete legal system. Nevertheless, the purpose will be to provide students with the conceptual means allowing them to conduct a critical scrutiny of particular legal systems and legal rules with which they are familiar. The course will consider, in particular (1) the notions of legitimacy, validity and authority of law; (2) the idea of rights and the nature of the rights discourse; (3) the justifications and limits of liberty rights; (4) the concept of justice, as applied to law, (5) the sources and limits of our obligation to obey the law, etc.

NB: This unit satisfies the Jurisprudence/Part 2 requirement of the LLB.

LAWS3455 **Policing, Crime and Society**

6 Credit Points

Dr Murray Lee

Prohibition: LAWS3048, LAWS5155 **Offered:** Semester 2 **Classes:** 2 x 2hr seminars/week for 10 weeks
Assessment: 3,000wd essay (50%) and take-home exam (50%)

The unit of study aims to encourage students to develop skills and knowledge about the police and policing, with particular reference to the shifting nature of policing. The unit includes critical analysis of theoretical and policy issues within contemporary criminal justice, but also examines policing (in its widest sense) including the pluralisation of policing. Students will examine: crime and crime control within a social and political context; policing and other institutions and processes of criminal justice in the light of contemporary research and policy debates; the major theoretical frameworks within which crime, policing and criminal justice policy are constructed and analysed; challenges for policing arising from changes in spatial arrangements, and from transnational developments in crime and crime control.

LAWS3457 **Private International Law B**

6 Credit Points

Mr Ross Anderson

Prohibition: LAWS3015, LAWS5157 **Offered:** Semester 1, Semester 2 & Summer Main **Classes:** 2 x 2-hr seminars/week for 10 weeks **Assessment:** class test (25%) and 2hr exam (75%)

Private international law is the part of local or municipal private law which is concerned with questions which contain a foreign element i.e. a relevant connection between a fact or party and a foreign legal system. For example, private international law issues will require consideration if a question arises in New South Wales concerning the distribution of the property of a person who died domiciled in France or the validity of a mortgage of shares in a New York corporation or the recognition of the dissolution of a marriage by a Norwegian court.

In seeking to develop your understanding of the international dimension of private law and your appreciation of the fact that many legal questions which arise in everyday life are not confined within one legal system, this unit of study will address the following topics: (1) personal connecting factor (domicile, nationality, residence); (2) renvoi and the incidental question; (3) transactions involving immovable property (e.g. land, intellectual property rights) and movable property (e.g. ships, aircraft, artworks, shares, contractual rights); (4) devolution of property on death (succession); (5) marriage validity; and (6) dissolution and annulment of marriage, including the recognition of foreign dissolutions and annulments of marriage. In addition to these topics, an introductory survey will address the function, purpose and rationale of private international law, theories and methods (e.g. the territorial theory of law, the vested rights theory), historical development and the relationship between statutes and the common law rules of private international law.

LAWS3458 **Refugees and Forced Migration**

6 Credit Points

Prof Mary Crock

Corequisite: LAWS2002 or LAWS2010, LAWS1018 or LAWS2005 **Prerequisite:** LAWS2002 or (LAWS2010 and LAWS1021), LAWS1004 or LAWS3000 or LAWS3003 or LAWS2011 **Prohibition:** LAWS3045, LAWS5158 **Offered:** Semester 1 **Classes:** 2 x 2-hr seminars/week for 10 weeks **Assessment:** Class participation (10%) and 3000wd research essay (40%) and 2hr exam (50%)

Refugees and Forced Migration provides students with practical and theoretical understanding of the growth and operation of refugee law as a specialist area of legal expertise. Forced migration as a by-product of human conflict is not new. What has changed over the last century is the scale and frequency of the conflagrations causing the mass

movement of peoples; and the ease with which individuals have become able to move around the world in search of safe haven. Australia has played an important international role in developing legal norms both in general human rights protection and the more particular fields of refugee and humanitarian law. It has come to experience first-hand, phenomena born of developments at both an international and national level: the juridification of refugee protection and the emergence of a new breed of litigious asylum seeker.

Refugee law has become a burgeoning legal specialty with an increasingly sophisticated jurisprudence. The phenomenon of people displaced by generalised conflict or by natural disasters associated with climate change is also significant.

This course is designed to give students a critical understanding of how refugee law and the law governing forced migration has developed both at international law and within Australia's domestic legal system. In particular it will examine:

- * The international instruments and institutions created to deal with refugee flows;
- * The refinement of the definition of "refugee" at international law;
- * The role of international organisations such as UNHCR;
- * Theoretical bases for refugee protection; and
- * Alternative protection models.

LAWS3460 Roman Law

6 Credit Points

The Hon Justice Arthur Emmett

Prohibition: LAWS3052, LAWS5160 **Offered:** Semester 1 **Classes:** 2 x 2-hr seminars/week for 10 weeks

Assessment: 2,000wd essay (20%) and 2hr closed book exam (80%)

The course provides a general introduction to all aspects of Roman private law. It begins with an historical sketch of Roman institutions from the earliest times until the reign of Justinian (CE 527-565), together with an introduction to Roman legal history and the development of Roman legal concepts. It also deals with the reception of Roman jurisprudence into modern European legal systems and the common law. The Roman law of marriage and family, moveable and immoveable property, real and personal security, succession, and contractual, quasi-contractual and delictal obligations are then dealt with in depth. The Institutes of Justinian, in English, is the fundamental text for study and students are expected to read the Institutes in some detail. The Institutes constitute a map of the law and means of ordering the law. Roman law has always been, and still is, of great historical importance in the development of many areas of the common law. Roman law also provides a yardstick by which both the virtues and the shortcomings of the common law can be measured. Further, Roman law forms the jurisprudential background of most of the legal systems in force in continental Europe and those parts of the rest of the world that were colonised by continental European nations.

LAWS3484 Secured Transactions in Commercial Law

6 Credit Points

Prof Sheelagh McCracken

Prerequisite: LAWS2012 **Prohibition:** LAWS5184 **Offered:** Semester 2 **Classes:** 2 x 2-hr seminars/week for 10 weeks **Assessment:** 3000wd assignment (30%) and 2 hour exam (70%)

The process of creating effective security interests in personal property to secure performance of contractual obligations is a critical component of commercial dealings and financings. This unit examines how security may be taken over common forms of personal property through a detailed analysis of the new legislative regime established by the Personal Property Securities Act 2009 (Cth), expected to be operative as from May 2011. Providing an overview of the historical and economic development of the law in this area, the unit explores the rationale for the comprehensive legislation as well as its underlying general principles. An international and comparative perspective is offered through references to the Canadian and New Zealand experience in introducing equivalent statutory frameworks, with part of the course materials drawn from these jurisdictions.

LAWS3461 Social Justice Clinical Course

6 Credit Points

Prof Peter Cashman

Prohibition: LAWS4061, LAWS5161 **Offered:** Semester 1 & Semester 2 **Classes:** 1x2hr seminar/week and the equivalent of one day per week for the semester at a pre-selected placement site. **Assessment:** Assignment (40%) and course presentation and participation (20%) and placement evaluation (40%) (subject to change)

The Social Justice Program will arrange for students enrolled in the course to work with various organisations which have agreed to participate in the Program. To date, such bodies include the Refugee Advice and Casework Service (RACS), the Public Interest Law Clearinghouse (PILCH), the Public Interest Advocacy Centre (PIAC) and the Environmental Defender's Office (EDO). Through such organisations students will be exposed to real world cases and participate in a structured seminar program dealing with social justice issues and aspects of public interest law.

Hands-on experience with cases, clients and/or policy and research projects will be obtained one day per week in a 'social justice' placement site. Students will attend weekly seminars designed to provide students with the basic knowledge and skills required to participate in a working clinical legal organisation, and cover legal issues specific to the placement sites. The seminars will encourage discussion and reflection on the range of issues that may arise during the course of the placement.

At the end of the unit students should have: (i) enhanced their ethical, social and professional understanding of the practice of law; (ii) improved their ability to recognise, define and analyse legal problems flowing from real case files, and to identify and create processes to solve them; (iii) observed and practised communication and inter-personal skills involved in the practice of law; (iv) been introduced to aspects of legal practice such as legal writing, research, client interaction and time management; (v) had the opportunity to work both independently and collaboratively, in a way that is informed by openness, curiosity and a desire to meet new challenges.

NB: Enrolment in this unit of study is by special application. Priority will be given to students in their final year of study.

LAWS3462 Sociological Theories of Law

6 Credit Points

Assoc Prof Alex Ziegert

Prohibition: JUR3001, LAWS5162 **Offered:** Semester 1 **Classes:** 2 x 2-hr seminars/week for 10 weeks

Assessment: 1,000-2,000wd research plan (40%) and 3,750-5,000wd research paper (60%)

The unit of study will introduce the student to the basic concepts of sociological theory and methodology and will show how these concepts can be applied to the observation of the functioning of law. On the basis of such a primary understanding of how societies organise themselves and their law it will become possible for the student to appreciate and evaluate critically the efforts of socio-legal research and the conceptions of some major contributors to the sociological theory of law. The first part of this unit will look at what sociological theory and research can offer today in the description of social life, the explanation of how societies are organised, why people do what they do. Elementary sociological concepts like norm, role, group, power, class, social structure and social system will be related to the operation of the law. Concepts like these provide the tools which make it possible to examine and study systematically and carefully the social organisation and structure of legal systems, the operation and the social environments in which and in relation to which they are operating.

NB: Satisfies the Jurisprudence/Part 2 requirement of the LLB.

LAWS3463 Sports Law

6 Credit Points

Assoc Prof Saul Fridman

Prohibition: LAWS3087, LAWS5163 **Offered:** Semester 2 **Classes:** 2 x 2-hr seminars/week for 10 weeks

Assessment: Students can select from various options: 3000wd research paper (50%) or 6000wd research paper (100%) or take-home exam (either 50% or 100%)

Sporting activity cuts across a number of disparate areas of law. Increasing professionalism, the enormous growth in the Olympic Movement and the commercialisation of sport have all contributed to the development of sport as a business, as well as a pastime. As a result there has been increasing intersection of the law with sporting activity. In this course we will examine the following:

The economics of sports leagues

The structure of sporting organisations

International and national governance of sport

The impact of administrative law on the working of disciplinary tribunals

Industrial law and the treatment of the athlete as employee

Labour market controls and the impact of competition law

Player agents

The law and policy relating to doping of athletes

The impact of intellectual property laws on sponsorship and promotion of sporting events.

LAWS3465 Sydney Law Review

6 Credit Points

Prohibition: LAWS3057, LAWS5165 **Offered:** Semester 1 & Semester 2 **Assessment:** 2,500wd essay (25%) and 5,000wd case note (50%) plus editing (25%)

This unit of study is offered annually under the supervision of the Editor of the Sydney Law Review, who is a member of the full-time teaching staff. The unit is limited to approximately 18-24 students per year, who are selected on the basis of their academic results. Preference may be given to students in their final year in the selection of students for the unit. Each student will complete a range of tasks with respect to the Review, including editing and proofreading submissions and writing a law reform essay and a casenote for potential publication. (A limited number of casenotes are selected for publication each year, according to their merit.) Students selected for this unit must be prepared to

serve for six months, so that duties may start before, and may continue after, the formal teaching and examination period.

NB: Enrolment in this unit of study is by special application. For further information, please visit sydney.edu.au/law/sr.

LAWS3467 The High Court of Australia

6 Credit Points

Prof Anne Twomey

Prerequisite: LAWS1004 or LAWS3000 or LAWS3003 or [LAWS1021 and LAWS2011] **Prohibition:** LAWS3325, LAWS5167 **Offered:** Semester 2 **Classes:** 2 x 2-hr seminars/week for 10 weeks **Assessment:** 3,000wd (or page equivalent) mid-semester assignment paper (50%) and 2 hr exam (50%)

This course examines the role of the High Court of Australia as a key institution of Australia's constitutional democracy and the apex of Australia's judicial hierarchy. It looks at the historical development of the High Court, its relationship to the Judicial Committee of the Privy Council, its place in the Commonwealth Constitution and its jurisdiction. It explores key themes in the High Court's jurisprudence including its use of history, constitutional interpretation, its approach to federalism, the rule of law, rights and implications. In doing so, close attention will be paid to key cases. Time will also be allocated to analysing current controversies before the High Court and those likely to arise.

LAWS3468 Theories of Justice

6 Credit Points

Dr Kevin Walton

Prohibition: LAWS3077, LAWS5168 **Offered:** Semester 2 **Classes:** 2 x 2-hr seminars/week for 10 weeks **Assessment:** Class-participation (20%) and report (20%) and 4000wd essay (60%)

This unit of study aims to provide students with a critical understanding of contemporary philosophical debates about justice. The unit focuses on liberal conceptions of justice and critiques thereof. It examines various moral values in terms of which the law might be assessed. The moral values that it considers include liberty, community, utility, fairness and equality. Among the themes that it explores are the limits of and connections between these ideals, the prospects for their realisation in contemporary societies as well as the politics with which each is associated.

NB: This unit satisfies the Jurisprudence/Part 2 requirement of the LLB.

LAWS3469 Theories of Law

6 Credit Points

Dr Kevin Walton

Prohibition: LAWS3089, LAWS5169 **Offered:** Semester 1 **Classes:** 2 x 2-hr seminars/week for 10 weeks **Assessment:** Class-participation (20%) and report (20%) and 4000wd essay (60%)

This unit seeks to facilitate critical reflection on prominent responses of both philosophers and sociologists to a single question: what is law? Among the notions to which their answers refer (and on which the unit focuses) are power, class, patriarchy, norms, rules, authority, principles, convention, morality, solidarity, discourse, adjudication and interpretation.

NB: This unit satisfies the Jurisprudence/Part 2 requirement of the LLB.

LAWS3470 Theories of Legal Reasoning

6 Credit Points

Dr Kevin Walton

Prohibition: LAWS3083, LAWS5170 **Offered:** Semester 1 **Classes:** 2 x 2-hr seminars/week for 10 weeks **Assessment:** Class-participation (20%) and report (20%) and 4000wd essay (60%)

This unit of study explores the nature of legal argumentation from a philosophical perspective. With reference to various theories, it examines the process from which legal conclusions result. The main theme is the relationship between legal and other forms of decision-making. What, if anything, is distinctive about legal rationality? How, if at all, does legal reasoning differ from other forms of argumentation? Topics for discussion include the role of morality in legal decision-making, the politics of legal reasoning, rules and their application, the nature of legal principles, the practice of interpretation and the objectivity of legal decisions.

NB: This unit satisfies the Jurisprudence/Part 2 requirement of the LLB.

LAWS3471 Theories of Obedience

6 Credit Points

Dr Kevin Walton

Offered: Semester 2 **Classes:** 2 x 2-hr seminars/week for 10 weeks **Assessment:** Class-participation (20%) and class test (20%) and 4000wd essay (60%)

This unit asks whether obedience to legal norms is required by morality. It examines various arguments for a moral obligation to obey the law.

NB: This unit satisfies the Jurisprudence/Part 2 requirement of the LLB.

LAWS3492 Topics in Legal History

6 Credit Points

Mr Justin Gleeson, Mr James Watson

Prohibition: LAWS5191 **Offered:** Semester 2 **Classes:** 2 x 2-hr seminars/week for 10 weeks **Assessment:** 2,500wd essay (50%) and 1.5 hr closed book exam (50%)

This course aims to reintroduce an appreciation of legal history as both substantively important (with a particular focus on commercial law), and a necessary skill for students in a deeply historical, precedential system of courts and law. The course does not assume training in history; law has its own commitment to the topic. The course is structured around "Topics in Legal History", addressed in essays prepared by Judges (from the High Court, Federal and Supreme Court), Academics and Barristers specifically for this course. Some authors will present their essays to the class and, accordingly, the course will be taught at the Philip St Building. The essays focus on a topic of historical importance and of continuing significance today, with the general aim of adding to the general syllabus that which students 'ought to know' for practice or further study. The course will touch on the origins of common law; the traditional structure of courts and the writ; the development of trial and evidence; possession & ownership; real property (from 1066-Mabo); trespass, actions on the case, assumpsit, contract and tort; crime in the colony; colony to nation; 'precedent'; the 10 most important statutes; why equity?; and seek to introduce important thinkers in the law, from Glanville and Bracton to Sir Owen Dixon.