Compulsory Units

**LAWS2010 Administrative Law**

*Level*: 02  
*Credit Points*: 6  
*Availability*: S1C ND-CC  

**Description**: 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, judicial 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, the public/private distinction and merits review. The unit seeks to develop students’ understanding of how the values of openness, rationality, fairness and participation in government decision-making are promoted through Administrative Law.”  

**Coordinator**: Prof Mary Crock, Assoc Prof Andrew Edgar  
**Classes**: 2x2hr seminars/week for 10 weeks  

**Practical Work**:  
**Assessment**: 2000wd essay (40%) and 2hr open book final exam (60%)  
**Prerequisites**: Prerequisites: LAWS1021  
**Prohibitions**: Prohibition: LAWS2002 or LAWS5010  
**Compulsory Co-requisites**: Co-requisites: LAWS2011

**LAWS1014 Civil and Criminal Procedure**

*Level*: 01  
*Credit Points*: 6  
*Availability*: S1C ND-CC  

**Description**: 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.  

**Coordinator**: Ms Miiko Kumar  
**Classes**: 1x2hr lecture and 1x2hr tutorial/week for 10 weeks  

**Practical Work**:  
**Assessment**: Tutorial participation (15%), court visit assignment max 750wd (10%) and 2 hr final exam (75%).  
**Prerequisites**: Prerequisites: LAWS1006 and LAWS1012  
**Prohibitions**: Prohibition: LAWS5003 or LAWS2006; Prohibition: LAWS2006
LAWS1015 Contracts
Level: 01 Credit Points: 6
Availability: S1C ND-CC; S1NSEA ND-CC
Departmental Permission Sessions:
Sessions Excluded From Module Registration: S1NSEA ND-CC
Description: 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.
Coordinator: Dr Kym Sheehan
Classes: 2x2hr lectures and/or tutorials/week
Practical Work:
Assessment: Class participation (10%) and take-home assignment (30%) and 2hr final exam (60%)
Prerequisites: Prerequisites: LAWS1006
Prohibitions: Prohibition: LAWS1002 or LAWS2008 or LAWS5002

LAWS2014 Corporations Law
Level: 02 Credit Points: 6
Availability: S1NSMA ND-CC; S2C ND-CC
Sessions Excluded From Module Registration: S1NSMA ND-CC
Description: 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.
Coordinator: Dr Olivia Dixon
Classes: 2x2hr seminars/week for 10 weeks
Assessment: Compulsory interim exam (20%) and final 3hr exam (80%)
Prohibitions: Prohibition: LAWS2003 or LAWS5014

LAWS1016 Criminal Law
Level: 01 Credit Points: 6
Availability: S2C ND-CC
Description: 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.

**Coordinator:** Assoc Prof Arlie Loughnan  
**Classes:** 2x2hr seminar/week for 10 weeks.  
**Assessment:** Class participation (10%), 1 x assignment (40%), 1 x 2hr exam (50%)  
**Prerequisites:** Prerequisites: LAWS1006 and LAWS1014  
**Prohibitions:** Prohibition: LAWS1003 or LAWS2009 or LAWS5004

**LAWS2015 Equity**  
**Level:** 02  
**Credit Points:** 6  
**Availability:** S2C ND-CC; S2NWMA ND-CC  
**Sessions Excluded From Module Registration:** S2NWMA ND-CC  
**Description:** 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, and a study of the equitable remedies of the injunction, an account of profits and equitable compensation.  
**Coordinator:** Assoc Prof Jamie Glister  
**Classes:** 2x2hr seminars/week for 10 weeks  
**Assessment:** Optional interim exam (20%) and 2hr final closed book exam (80% or 100%)  
**Prohibitions:** Prohibition: LAWS2004 or LAWS5015  
**Assumed Knowledge:** Assumed knowledge: LAWS2012

**LAWS2016 Evidence**  
**Level:** 02  
**Credit Points:** 6  
**Availability:** S1NSEA ND-CC; S2C ND-CC; S2NWMA ND-CC  
**Sessions Excluded From Module Registration:** S1NSEA ND-CC; S2NWMA ND-CC  
**Description:** 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.
Coordinator: Ms Miiko Kumar
Classes: 2x2hr seminars/week for 10 weeks
Assessment: Optional interim exam (30%) and 2hr final open-book exam (70% or 100%)
Prerequisites: Prerequisites: LAWS1006 and LAWS1014
Prohibitions: Prohibition: LAWS2006 or LAWS5013

LAWS2011 Federal Constitutional Law
Level: 02 Credit Points: 6
Availability: S1C ND-CC
Description: 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.
Coordinator: Prof Peter Gerangelos
Classes: 2x2hr lectures/week for 10 weeks
Assessment: Compulsory problem assignment (30%) and final 2 1/2hr exam (70%)
Prerequisites: Prerequisites: LAWS1021
Prohibitions: Prohibition: LAWS1004 or LAWS3000 or LAWS3003 or LAWS5011

LAWS1006 Foundations of Law
Level: 01 Credit Points: 6
Availability: S1C ND-CC
Description: 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.
Coordinator: Prof Cameron Stewart
Classes: 1x1hr lecture and 1x2hr tutorial/week
**Assessment:** Class participation (10%), 1 x group presentation (10%), 1 x case analysis (30%) and 1 x essay (50%).

**Prohibitions:** Prohibition: LAWS1000 or LAWS5000

**LAWS2012 Intro to Property and Commercial Law**

**Level:** 02  
**Credit Points:** 6  
**Availability:** S1 ND-CC; S1NSEA ND-CC  
**Sessions Excluded From Module Registration:** S1NSEA ND-CC  
**Description:** Property law and commercial law are two key sources of rights and obligations in modern western law. This unit provides an introduction to both areas of law, and shows how they are inter-related. The unit is designed to offer an opportunity to consider the role they play in Australian society and to give a firm grounding in legal principle. The unit focuses on notions of "property", providing an introduction to real property (including the doctrine of tenure and estates, native title and the doctrine of fixtures) and to personal property (including ownership and possessory interests arising in the context of commercial transactions such as sales and bailments as well as security interests under the Personal Property Securities Act 2009 (Cth)). The unit analyses the nature and classification of legal and equitable interests in both real and personal property, exploring the principles and formalities governing their creation, assignment and priority-ranking. Additionally, the unit enables the development of skills in interpreting statutes and in problem-solving.

**Coordinator:** Dr Scott Grattan  
**Classes:** 2x2-hr lectures/week (for 5 weeks) and 1x2-hr lecture and 1x2-hr tutorial/week (for 5 weeks)  
**Assessment:** 1hr mid-term test (30%) and 2hr final exam (70%)  
**Textbook:** Introduction to Property and Commercial Law compiled by Scott Grattan and Sheelagh McCracken, Thomson Reuters Australia, 2nd edition (forthcoming).

**Prerequisites:** LAWS1006  
**Prohibitions:** Prohibition: LAWS2004 or LAWS2007 or LAWS5008

**LAWS1013 Legal Research I**

**Level:** 01  
**Credit Points:** 0  
**Availability:** S1 ND-CC; S2 ND-CC  
**Description:** This is a compulsory unit taught on a pass/fail basis. The aim of the unit is to introduce students to finding and citing primary and secondary legal materials and introduce them to legal research techniques. These are skills which are essential for law students and will be required to be applied in other units.

**Coordinator:** Mr Graeme Coss  
**Classes:** 6x1-hr seminars  
**Assessment:** Satisfactory attendance, eLearning quizzes and in-class exam.

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

**Prerequisites:**  
**Prohibitions:** Prohibition: LAWS1008 or LAWS1203  
**Compulsory Co-requisites:** Co-requisites: LAWS1006
LAWS1019 Legal Research II
Level: 01  Credit Points: 0
Availability: S1C ND-CC; S2C ND-CC
Description: This is a compulsory unit taught on a pass/fail basis. It is a continuation of Legal Research I and covers advanced search techniques and the use of Lexis.com, Westlaw International and other complex databases. The purpose of this unit is to further develop the skills students need throughout their law degree, and to introduce students to the legal research skills required after graduation.
Coordinator: Mr Graeme Coss
Classes: 4x2-hr seminars
Assessment: Satisfactory attendance and in-class exam
Additional Info: Semester 1 classes are for Combined Law candidates in the Faculty of Arts and Social Sciences. Semester 2 classes are for Combined Law candidates in the Business School and faculties of Architecture, Engineering and Science.
Prerequisites: Prerequisites: LAWS1013
Prohibitions: Prohibition: LAWS1008 or LAWS1022

LAWS2018 Private International Law A
Level: 02  Credit Points: 6
Availability: S1C ND-CC; S2C ND-CC
Description: Private international law (or conflict of laws) is the part of municipal law in every developed legal system which is concerned with legal issues which have a connection with a foreign legal system. In essence, private international law is concerned with the transnational dimension of private law as where, for example, proceedings are brought in New South Wales for a tort committed in Malaysia, or for breach of a contract to be performed in New York or against a defendant in the People's Republic of China.
This unit of study is a comprehensive general course which addresses the three persistent issues in private international law: jurisdiction; choice of law and the recognition and enforcement of foreign judgments. Particular topics include: (1) Scope of private international law (the concept of legal issues which have a connection with more than one legal system); (2) Personal jurisdiction (including the discretionary non-exercise of jurisdiction and anti-suit injunctions); (3) Substance and procedure (with particular reference to limitation of actions and damages); (4) Proof of foreign law; (5) Exclusionary doctrines (foreign revenue and penal laws, foreign governmental interests and foreign laws contrary to forum public policy); (6) Choice of law in contract; (7) Choice of law in tort; (8) Comparative choice of law in tort (with particular reference to the European Union, Canada and the United States of America); and (9) Recognition and enforcement of foreign judgments.
Coordinator: Prof Vivienne Bath (semester 1), Mr Michael Douglas (semester 2)
Classes: 2x2-hr seminars/wk for 10 weeks
Assessment: Bath /Douglas groups: Optional take-home exam (20%) and 1 x 2hr final closed-book exam (80%). Anderson groups: 45min interim exam (20%) and 1 x 2hr final closed-book exam (80%)
Prohibitions: Prohibition: LAWS2005 or LAWS1018 or LAWS5017
LAWS1023 Public International Law
Level: 01  Credit Points: 6
Availability: S1C ND-CC; S1NSLA ND-CC
Sessions Excluded From Module Registration: S1NSLA ND-CC
Description: 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 of 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.
Coordinator: Dr Emily Crawford / Prof Ben Saul
Classes: 1x2hr lecture/week and 1x1-hr tutorial/week
Assessment: Mid-term test or assignment (20%) and 2hr final exam (80%).
Prerequisites: Prerequisites: LAWS1006
Prohibitions: Prohibition: LAWS1018 or LAWS2005 or LAWS5005

LAWS1021 Public Law
Level: 01  Credit Points: 6
Availability: S1NSMA ND-CC; S2C ND-CC
Sessions Excluded From Module Registration: S1NSMA ND-CC
Description: 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, focusing on questions of power: what power is exercised by whom, from what source, with what limits and how and by whom is the exercise of those powers to be scrutinised. The unit begins with an introduction to the Constitution, its history, and the structures established by it, together with consideration of how to change both State and Commonwealth Constitutions. The unit then moves to consider the three arms of government and related concepts such as representative and responsible government. In the final topics for the unit, the various mechanisms by which the executive can be made accountable are considered, including by the Parliament, judicial review, and investigative tribunals.
Coordinator: Assoc Prof Andrew Edgar
Classes: 2x2hr seminars/week for 10 weeks
Assessment: 1hr interim exam (30%) and 2hr final exam (70%)
Prerequisites: Prerequisites: LAWS1006
Prohibitions: Prohibition: LAWS1004 or LAWS2002 or LAWS3003 or LAWS5007

LAWS2017 Real Property
Level: 02  Credit Points: 6
Availability: S2C ND-CC; S2NWMA ND-CC
Sessions Excluded From Module Registration: S2NWMA ND-CC
Description: 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); easements; covenants; leases and licences; mortgages.

The unit, inter alia, aims to develop problem solving skills and skills in interpreting complex statutory provisions in the Real Property Act 1900 (NSW) and the Conveyancing Act 1919 (NSW).

Coordinator: Dr Scott Grattan

Classes: 2x2hr lectures/wk for 5 weeks, and 1x2hr lecture and 1x2hr tutorial/wk for 5 weeks
Assessment: Compulsory 1hr interim exam (30%) and final 2hr open-book exam (70%)
Prerequisites: Prerequisites: LAWS2012
Prohibitions: Prohibition: LAWS2007 or LAWS5012

LAWS2013 The Legal Profession
Level: 02 Credit Points: 6
Availability: S1C ND-CC; S1NSMA ND-CC

Sessions Excluded From Module Registration: S1NSMA ND-CC

Description: 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 to clients. This unit of study demands active participation by students and ongoing critical reflection of the issues raised throughout the semester.

Coordinator: Assoc Prof Rita Shackel

Classes: 2x2hr seminars/week for 10 weeks
Assessment: 2000wd interim assessment (40%) and final take-home exam (60%)
Prohibitions: Prohibition: LAWS1001 or LAWS3002 or LAWS3004 or LAWS5009

LAWS1012 Torts
Level: 01 Credit Points: 6
Availability: S2C ND-CC

Description: This is a general introductory unit of study concerned with liability for civil wrongs, with a particular emphasis on torts protecting personal and property rights. 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. It also aims to build students’ skills in problem solving and applying the law to hypothetical or real life situations. 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 the action 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 airspace
(f) Private nuisance;
(g) The action on the case for intentional injury;
(h) Defences to intentional torts;
(i) Development and scope of the modern tort of negligence, including detailed consideration of the principles underpinning a duty of care in a range of common situations, the determination of breach of duty and the issues of causation and remoteness of damage, with particular reference to personal and psychiatric injury;
(j) Compensation for personal injuries, including special and alternative compensation schemes;
(k) Injuries to relational interests, including compensation to relatives of victims of fatal accidents;
(l) Defences to negligence.

Coordinator: Prof Barbara McDonald
Classes: 1x2hr lecture and 1x1hr tutorial/week from week 2
Assessment: Assignment (30%) and tutorial participation (10%) and 2hr exam (60%)
Prerequisites: Prerequisites: LAWS1006
Prohibitions: Prohibition: LAWS1005 or LAWS1010 or LAWS3001 or LAWS5001

LAWS1017 Torts and Contracts II
Level: 01 Credit Points: 6
Availability: S2C ND-CC; S2NWMA ND-CC
Sessions Excluded From Module Registration: S2NWMA ND-CC
Description: This unit aims to develop the integrated study of the law of civil obligations and remedies. The laws of tort and contract frequently overlap in practice. Equitable principles also play an important role in providing remedies in a contractual context. Further, many situations in which the common law applies are increasingly regulated by statute. This course builds on the introduction to tort law 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 such as the Australian Consumer Law. Core topics are:
(a) Causation and remoteness of damage principles in contract law and the calculation of damages for breach of contract;
(b) Vitiating factors and other factors affecting contracts, including: unfair or unconscionable dealing; unfair terms in contracts; mistake and misrepresentation; 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).
(c) Liability and remedies for misleading or deceptive conduct under statute (in particular, under s 18 of the Australian Consumer Law);
(d) Liability for negligently inflicted economic loss in tort, including liability for negligent misstatement, liability for economic loss suffered by third parties rather than the primary victim, liability for defective construction;
(e) Joint and several liability and proportionate liability regimes in cases of multiple wrongdoers or multi party transactions and the law relating to vicarious liability for the torts of others.
Other topics may be studied to the extent class time allows. These topics may include: the intentional economic torts; tort remedies for interference with goods; breach of statutory duty; illegality in contract.

**Coordinator:** Prof Barbara McDonald

**Classes:** 1x2hr lecture and 1x1hr lecture/week for 10 weeks and 1x1hr tutorial/week for 9 weeks from week 2

**Assessment:** 2000wd assignment (30%) and tutorial participation (10%) and 2hr exam (60%).

**Prerequisites:** Prerequisites: (LAWS1010 or LAWS1012) and LAWS1015

**Prohibitions:** Prohibition: LAWS5006
LLB Elective Units

LAWS3401 Advanced Constitutional Law

Level: 03  Credit Points: 6

Availability: S1C ND-CC

Description: The main purpose of this course is to build on the fundamental understandings achieved in Public Law and Federal Constitutional Law in order to provide a far broader and deeper understanding of the subject. This will be achieved by, first, examining in depth the fundamental aspects and tenets of constitutionalism in the Australian context and from a more jurisprudential perspective. Reliance will be placed on comparative jurisdictions, in particular the United States and the United Kingdom. A detailed analysis will first be attempted of the following major concepts in the more precise context of Westminster-based systems: the rule of law, parliamentary sovereignty, the ambit of executive power and the precise status and principles of responsible government, judicial review and constitutional rights, separation of powers, constitutional conventions, the reserve powers of the Governor-General, the status of common law principles as fundamental constitutional guarantees. A principal focus will be the nature and ambit of executive power, and the evolving jurisprudence of the High Court on this question. The course will examine the evolving notion of parliamentary supremacy from Diceyan orthodoxy to the more recent debates involving leading constitutional scholars in the UK and Australia. In relation to separation of powers, the different constitutional consequences which result when the doctrine is entrenched in a written constitution (as in the US and Australia) on the one hand, and when it exists as a convention without being so entrenched, on the other, will be explored. The relationship between executive and legislative power will be the principal focus. This will enhance an understanding of the definition, nature and limits of judicial, executive and legislative power and their inter-relationship, an issue which becomes particularly important at moments of constitutional uncertainty and stress, especially at the crossroads of their power. The functionalist/formalist debate will be examined to determine the most appropriate interpretive methodology with respect to the application of the constitutional limitations which may emanate from the separation of powers. In so doing, the principal decisions of the High Court of Australia and other relevant courts in other jurisdictions. There will be an opportunity to evaluate major Australian constitutional decisions in a detail not possible in the prerequisite and undergraduate courses. A principal underlying theme will be the extent to which the tenets of constitutionalism are being complied with in Australia and the extent to which they can be. The course will be enriched and made more presently relevant by the exploration of current developing themes in constitutional law. The precise topics may vary from year to year. Depending on the topic, this may involve the introduction of completely new themes or the integration of developments with topics already examined.

Coordinator: Prof Peter Gerangelos

Classes: 2x2-hr seminars/week for 10 weeks

Assessment: Class-participation/presentation (20%); and 6000wd research essay (80%): An option is available for students do a moot instead of the research essay if they request to do so. Also, any student who requests it may be able to substitute the 6000wd research essay for a 4000wd research essay plus an exam 2.5 hours (40%). The class participation is redeemable.

Textbook: Printed Materials prepared by the Convener

Additional Info:

Prerequisites: Prerequisites: LAWS1004 or LAWS3000 or LAWS3003 or (LAWS1021 and LAWS2011)
**Prohibitions:** Prohibition: LAWS3027 or LAWS5101

**Compulsory Co-requisites:** Co-requisites: LAWS2011

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**LAWS3404 Advanced Criminal Law**

- **Level:** 03
- **Credit Points:** 6
- **Availability:** S1CRA ND-CC

**Description:** This unit critically examines the criminal law, criminal justice institutions and penal practices in the context of legal scholarly debates. Topics to be considered in any one semester may include criminal responsibility, capacity, gender and criminal law, corporate criminal liability, offence construction and trends in sentencing. In addressing these topics, the unit will attempt to respond to cutting edge developments in the criminal law as they arise. Each topic forms the lens through which larger or longer-term theoretical and others issues are discussed. By contrast with the foundational unit, Criminal Law, this unit does not adopt a content - driven approach to criminal law; instead, it adopts an explicitly critical socio-historical approach to the study of law, and draws on inter-disciplinary scholarship throughout. Discussion of relevant academic scholarship forms a core part of the subject matter of the course.

**Coordinator:** Assoc Prof Arlie Loughnan

**Classes:** 1x6-hr seminar/week for 7 weeks

**Assessment:** research proposal (pass/fail), 4000wd research essay (75%) and class participation (25%)

**Prerequisites:** Prerequisites: LAWS1016 or LAWS1003 or LAWS2009

**Prohibitions:** Prohibition: LAWS5104

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**LAWS3406 Advanced Evidence**

- **Level:** 03
- **Credit Points:** 6
- **Availability:** S1CND ND-CC

**Description:** This unit builds on knowledge gained in the compulsory course Evidence (or Litigation). The unit has three aims. Firstly, it examines the rules of evidence covered in the compulsory Evidence course in greater depth. Secondly, this unit covers new topics such as (i) theories of evidence (ii) identification evidence, (iii) evidence of past sexual history (iv) interaction between human rights legislation and evidential rules. Thirdly, the unit engages in a comparative analysis with evidential rules in Australian and International jurisdictions.

**Coordinator:** Ms Miiko Kumar

**Classes:** 2x2-hr seminars/week for 10 weeks

**Assessment:** Class participation (25%) and 4000wd research essay (75%) (subject to class size)

**Prerequisites:** Prerequisites: LAWS2006 or LAWS2016

**Prohibitions:** Prohibition: LAWS5106

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**LAWS3477 Advanced Obligations and Remedies**

- **Level:** 03
- **Credit Points:** 6
- **Availability:** S2CIJL BM-UK

**Sessions Excluded From Module Registration:** S2CIJL BM-UK

**Description:** This unit will explore a number of contentious and advanced issues arising in the law of civil obligations and remedies. It will build on students’ prior study in the areas of contracts, tort and equity and will place particular emphasis on the interaction of these three fields of the law. The materials and classes will usually take a comparative perspective, contrasting English or European and Australian law on a number of topics. The unit is taught by Professors McDonald and Peden and other specialist academics from the University of Sydney if available and a number of
expert guest lecturers from leading English universities. Particular topics depend on the availability and expertise of particular guest lecturers but may include:
- problems in causation and scope of liability
- controlling liability by contract
- loss and restitution in contract
- frustration and force majeure in contract
- the availability of proprietary remedies
- choice of law in obligations
- duties of good faith
- controlling fiduciary duties
- economic loss in tort law
- developments in duties of confidence.

**Coordinator:** Prof Barbara McDonald

**Classes:** Run intensively at Cambridge in July.

**Assessment:** 1000wd casenote (20%) to be submitted at the commencement of classes, 10% class participation and 3000 word research essay (70%)

**Textbook:** No one textbook. Some reading materials will be provided.

**Additional Info:** Enrolment is by separate application to the Law School.

**Prerequisites:** Prerequisites: (LAWS1010 or LAWS1012) and (LAWS1002 or (LAWS1015 and LAWS1017)) and (LAWS2004 or LAWS2015)

**Prohibitions:** Prohibition: LAWS5177

**LAWS3408 Advanced Public International Law**

**Level:** 03

**Credit Points:** 6

**Availability:** S1C ND-CC

**Description:** 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, LAWS1023 Public International Law or LAWS5005 Public International Law, or an equivalent unit undertaken at another institution.

The topics covered by this unit are: (1) the international law of the sea; (2) international environmental law; (3) international refugee law; and (4) the law of international organisations and systems of monitoring and compliance in international law. These topics 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 are extremely topical on the national and international agendas.

**Coordinator:** Prof Mary Crock, Prof Chester Brown

**Classes:** 2x2-hr seminars/week for 10 weeks

**Assessment:** 3,000wd essay (30%) and 2hr exam (70%)

**Prerequisites:** Prerequisites: LAWS1018 or LAWS1023 or LAWS2005

**Prohibitions:** Prohibition: LAWS3009 or LAWS5108

**LAWS3409 Advanced Taxation Law**

**Level:** 03

**Credit Points:** 6

**Availability:** S2C ND-CC

**Description:** This unit further pursues the goals of Australian Income Tax and is to be regarded as an extension of that unit. In particular, the unit surveys some more advanced (and practically relevant) aspect of Australia's tax system, including special rules applicable to entities
(partnerships, trusts, and companies) and their owners, international taxation, goods and services tax (GST), business cost recovery mechanisms (trading stock and depreciation), and tax administration. Together with Australian Income Tax, these units provide a basic understanding of the Australian tax system and a basis for further study and/or practice.

**Coordinator:** Assoc Prof Celeste Black  
**Classes:** 2x2-hr seminars/week for 10 weeks  
**Assessment:** 1hr in-class test (30%) and 2hr exam (70%)  
**Prerequisites:** Prerequisites: LAWS3047 or LAWS3412  
**Prohibitions:** Prohibition: LAWS5109; Prohibition: LAWS3013

**LAWS3411 Anti-Discrimination Law**  
**Level:** 03  
**Credit Points:** 6  
**Availability:** S2C ND-CC  
**Departmental Permission Sessions:**  
**Sessions Excluded From Module Registration:**  
**Description:** 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 attributes 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 attributes 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.  
**Coordinator:** Assoc Prof Belinda Smith  
**Classes:** 2x2hr seminars/week for 10 weeks  
**Assessment:** Class participation (10%) and online short answer exam (25%) and 2hr exam (65%)  
**Prohibitions:** Prohibition: LAWS3012 or LAWS5111

**LAWS3412 Australian Income Tax**  
**Level:** 03  
**Credit Points:** 6  
**Availability:** S1C ND-CC  
**Description:** This unit introduces the Australian income tax system by exploring the operation of the income tax statutes, the underlying principles which those laws seek to implement, and fundamental issues in tax policy. Topics covered include the concept and categories of income, capital gains, fringe benefits, deductions and the treatment of capital 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 is a prerequisite for Advanced Taxation Law.  
**Coordinator:** Mr Micah Burch  
**Classes:** 2x2hr seminars/week for 10 weeks  
**Assessment:** Either [2hr optional mid-semester quiz (30%) and 2hr final exam (70%)] or [final exam (100%)]  
**Prohibitions:** Prohibition: LAWS5112; Prohibition: LAWS3047
**LAWS3413 Banking and Financial Instruments**  
**Level:** 03  
**Credit Points:** 6  
**Availability:** S1C ND-CC; S1NSEA ND-CC  
**Sessions Excluded From Module Registration:** S1NSEA ND-CC  
**Description:** 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 that adhere to the banker/customer relationship;  
* An introduction to negotiable instruments (cheques and bills of exchange), letters of credit and performance bonds, and guarantees;  
* An introduction to the Personal Property Securities Act 2009 and its impact on secured lending.  
**Coordinator:** Prof Roger Magnusson  
**Classes:** 2x2-hr seminars/week for 10 weeks  
**Assessment:** Three options: 1) 2,500wd assignment (50%) and 1hr exam (50%); 2) 3,500 wd essay (50%) and 1 hr exam (50%); 3) 2hr exam (100%).  
**Prerequisites:** Prerequisites: (LAWS1015 or LAWS1002) and (LAWS2004 or LAWS2015)  
**Prohibitions:** Prohibition: LAWS3014 or LAWS5368

**LAWS3068 Chinese Laws and Chinese Legal Systems**  
**Level:** 03  
**Credit Points:** 6  
**Availability:** S2CIDES BM-SH; S2C ND-CC  
**Sessions Excluded From Module Registration:** S2CIDEB BM-SH  
**Description:** This unit will provide students with an overall picture of the modern Chinese legal system. It will develop a perception of its unique character by tracing its role through major social epochs and the role of law in a socialist market economy. It will examine the concept of law as a political function and the implementation of law, not so much through courts, as through administrative 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; environmental Law; foreign joint ventures; arbitration and mediation; foreign trade law and taxation law.  
**Coordinator:** Prof Vivienne Bath (China), Prof Bing Ling (Sydney)  
**Classes:** China: Intensive mode (3 weeks). Teaching takes place in November/December in Shanghai as part of the Shanghai Winter School. Sydney: 2x2hr seminars/wk for 10 weeks  
**Assessment:** China: 2hr exam to be completed in Shanghai (100%). Sydney: 3000wd optional essay (50%) and 1hr exam (50%) or 2hr exam (100%).  
**Additional Info:** Enrolment in the Shanghai Winter School is by separate application to the Law School.  
**Prohibitions:** Prohibition: LAWS3014 or LAWS5368

**LAWS3416 Commercial Dispute Resolution**  
**Level:** 03  
**Credit Points:** 6  
**Availability:** S2C ND-CC  
**Departmental Permission Sessions:** S2C ND-CC  
**Description:** 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.

**Coordinator:** Mr Derek Minus  
**Classes:** 1 x 4-hr seminar/week for 10 weeks  
**Assessment:** 3,500wd research essay (45%) and 2 x assessable workshops (20% and 25%) and class participation (10%).  
**Additional Info:** Enrolment in this unit of study is by special application and priority is given to final year students.  
**Prohibitions:** Prohibition: LAWS3006 or LAWS3022 or LAWS5116

**LAWS3417 Commercial Land Law**  
**Level:** 03  
**Credit Points:** 6  
**Availability:** S1C ND-CC  
**Description:** In terms of content, 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 if time permits strata and community titles. Students who wish to practise in the area of property law are encourage to consider studying this unit, because the matters covered are indispensable for a career in property law. From a pedagogical perspective, the assessment is structured to improve the oral, research and problem-solving skills of students. There will be a problem-solving session at the end of the course. The classroom-style is structured to encourage students to participate in discussion and to learn collaboratively.  
**Coordinator:** Assoc Prof Fiona Burns  
**Classes:** 2x2hr seminars/week for 10 weeks  
**Assessment:** Structured class presentation (20%) and 2000wd research essay (30%) and 1hr (30 mins reading time) open book exam (50%). NB Assessment subject to change and dependent on enrolment numbers.  
**Prerequisites:** Prerequisites: LAWS2007 or LAWS2017 or LAWS5012  
**Prohibitions:** Prohibition: LAWS5117

**LAWS3426 Criminology**  
**Level:** 03  
**Credit Points:** 6  
**Availability:** S1C ND-CC; S2C ND-CC  
**Description:** 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.

**Coordinator:** Dr Elaine Fishwick  
**Classes:** 2x2-hr seminars/week for 10 weeks  
**Assessment:** Class participation (10%), 1200wd presentation paper (30%), and 3000wd research essay (60%)  
**Prohibitions:** Prohibition: LAWS3020 or LAWS5126

**LAWS3478 Development, Law and Human Rights**  
**Level:** 03  
**Credit Points:** 6  
**Availability:** S1CJIA BM-NP; S1C ND-CC  
**Sessions Excluded From Module Registration:** S1CJIA BM-NP  
**Description:** This unit exposes students to the role and limits of law in addressing acute problems of socio-economic development and human rights in developing countries, through an interactive field school conducted over two weeks in Nepal, one of the world's poorest countries. The themes to be explored are likely to include: The transition from armed conflict to peace in the aftermath of a Maoist insurgency and the end of the monarchy in Nepal (including issues of transitional criminal justice, the drafting of a new constitution, and building a new legal and political system in light of Nepalese legal traditions and foreign legal influences); The protection of socio-economic rights (including rights to food, water, housing, and livelihoods), minority rights (of 'tribals', and 'dalits' in the caste system), and the 'right to development' under constitutional and international law; The interaction between local disputes over natural resources, human displacement caused by development projects, environmental protection and climate change in the context of fragile Himalayan ecologies; The legal protection of refugees (Tibetan or Bhutanese) in camp or mass influx situations, in the context of the limited resources of a developing country and the causes of, and solutions to, human displacement; and the experience of women in development and human rights processes. The issues will be drawn together by reflection upon the influence of, and resistance to, human rights and international law in developmental processes.  
**Coordinator:** Prof Ben Saul (Nepal), Prof David Kinley (Sydney)  
**Classes:** Nepal: Taught intensively in January and February. Sydney: 2 x 2-hr seminars/week for 10 weeks.  
**Assessment:** Nepal: 1 x take-home assessment (50%) and 4000wd research essay (50%). Sydney: structured class participation (25%), 1500wd interim take-home exam 1 (25%) and 3000wd final take-home exam (50%).  
**Textbook:**  
**Additional Info:** Enrolment in the Himalyan Field School is by separate application to the Law School.  
**Prohibitions:** Prohibition: LAWS5178

**LAWS3430 Environmental Law**  
**Level:** 03  
**Credit Points:** 6  
**Availability:** S1C ND-CC  
**Description:** This unit will provide a framework for understanding environmental issues, outline the sources of environmental law and provide an overview of the different approaches to environmental regulation before examining a range of topical areas, including climate change, water management, pollution control, waste management, environmental planning, development control and environmental impact assessment. Overarching themes will include the implications of
adopting the principles of environmentally sustainable development for legal structures and processes, the effects of scientific uncertainty on environmental regulation, and the importance of public participation for making the value judgements required in environmental governance.

**Coordinator:** Dr Kate Owens

**Classes:** 2x2hr seminars/week for 10 weeks  
**Assessment:** Essay (50%) and take-home exam (50%)  
**Prohibitions:** Prohibition: LAWS3024 or LAWS5130  
**Compulsory Co-requisites:** Co-requisites: LAWS2002 or LAWS2010

**LAWS3474 Equity and Financial Risk Allocation**  
**Level:** 03  
**Credit Points:** 6  
**Availability:** S1C ND-CC  
**Description:** 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 not covered in the Equity Unit, such as penalties, the doctrines of contribution, subrogation, marshalling and set-off. The Unit 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 considers the impact of statute on these doctrines.  

**Coordinator:** Prof John Stumbles  
**Classes:** 2x2-hr seminars/week for 10 weeks  
**Assessment:** 3000wd answer to a problem question (30%) and 2hr exam (70%)  
**Prerequisites:** Prerequisites: LAWS2004 or LAWS2015  
**Prohibitions:** Prohibition: LAWS5174

**LAWS3506 Families, Children and the Law**  
**Level:** 03  
**Credit Points:** 6  
**Availability:** S1C ND-CC  
**Description:** This unit explores how the law deal with disputes between parents concerning their children, and how State authorities intervene to protect children from abuse and neglect. The unit will have a special focus on cultural issues, including the interaction of the law with indigenous families. Topics include: the changing demographics of the family, family policy in a multicultural society, dispute resolution processes for families, child abuse and neglect, irretrievable breakdowns between parent and child, care proceedings, adoption, the effects of parental separation on children, the law concerning parenting after separation, children's rights and options for participation, religion and culture in family law disputes, domestic violence and disputes over children, child sexual abuse and the family courts, and consent to medical treatment.  

**Coordinator:** Prof Judith Cashmore  
**Classes:** 2x 2hr seminars per week  
**Assessment:** 2,500 - 2750w essay (35%), class participation (10%) and 2hr exam (55%)  
**Textbook:** P. Parkinson, Australian Family Law in Context (6th ed, 2015)  
**Additional Info:** This unit is an alternative to Family Law  
**Prohibitions:** Prohibition: LAWS3432

**LAWS3432 Family Law**  
**Level:** 03  
**Credit Points:** 6  
**Availability:** S1C ND-CC  
**Description:** 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.

**Coordinator:** Prof Patrick Parkinson

**Classes:** 2x2hr seminars/week for 10 weeks

**Assessment:** 2,500-3,000wd assignment (40%) and 105min exam (60%)

**Prohibitions:** Prohibition: LAWS3026 or LAWS5132

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**LAWS3445 Insolvency Law**

**Level:** 03  
**Credit Points:** 6

**Availability:** S1C ND-CC

**Description:** The unit provides an introduction to the mainly statutory law regulating bankrupt individuals and insolvent companies. It explores the objectives and key principles of insolvency law, the pari passu principle, the various forms of insolvent administration including bankruptcy, liquidation, receivership 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. The unit involves a significant component of statutory interpretation.

**Coordinator:** Prof John Stumbles

**Classes:** 2x2-hr seminars/week for 10 weeks

**Assessment:** 3000wd answer to a problem question (30%) and 2hr exam (70%)

**Prerequisites:** Prerequisites: LAWS2003 or LAWS2014

**Prohibitions:** Prohibition: LAWS3403 or LAWS5145 or LAWS5103

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**LAWS3503 Insurance Law and Risk**

**Level:** 03  
**Credit Points:** 6

**Availability:** S2C ND-CC

**Description:** Insurance is an essential part of modern life covering a multitude of everyday risks and providing financial security in commerce and life generally. This unit covers the principles and concepts of insurance law and practice. A main focus will be on the rights and liabilities arising under contracts of insurance, under statute (principally the Insurance Contracts Act 1984 (Cth)) and at common law. Broad categories and common forms of insurance, and to a lesser extent reinsurance, and the risks covered by them will be considered. Concepts central to insurance will be dealt with including the duty of utmost good faith, the duty of disclosure, third party rights, proportionality, contribution, subrogation and fraud. Other matters to be considered include the role of insurance brokers and underwriting agents, the regulation of insurers (the role of ASIC and APRA), the progression of insurance from contract formation to claims and the role that insurance plays in the community, corporate life and in dispute resolution. There will be a practical emphasis which involve considering some common types of insurance policies and issues arising under them illustrated by problem solving. Consideration will also be given to the role of risk transfer and insurance in contracting.

**Coordinator:** Mr Peter Mann

**Classes:** 2x2hr seminars/week for 10 weeks

**Assessment:** 2000wd essay or problem-based assignment (40%) and 2hr open-book final exam (60%)

**Textbook:** Mann’s Annotated Insurance Contracts Act, Peter Mann, Thomson Reuters 6th edition

**Prerequisites:** Prerequisites: LAWS1012 and LAWS1015 and LAWS1017 and LAWS2015
Prohibitions: Prohibition: LAWS5203

LAWS3437 International Commercial Arbitration
Level: 03  Credit Points: 6
Availability: S1C ND-CC
Description: 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 1958 New York Convention, and the relevance and use of mediation (and its hybrids) in resolving commercial disputes. The unit will address the role and significance of specialised forms of international arbitrations and organisations involved in administering international arbitrations, including investor-State arbitrations under investment treaties and free trade agreements.
Coordinator: Prof Chester Brown, Mr Malcolm Holmes
Classes: 2x2hr seminars/week for 10 weeks
Assessment: Choice of 1) 3,500wd optional mid-term assignment (50%) and 1 x 2hr exam (50%) or 2) 1 x 3hr exam (100%)
Prerequisites: Prerequisites: LAWS1015 or LAWS1002 or LAWS2008
Prohibitions: Prohibition: LAWS3092 or LAWS5137

LAWS3436 International/Comparative Jurisprudence
Level: 03  Credit Points: 6
Availability: S1C ND-CC
Description: 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.
Coordinator: Assoc Prof Alex Ziegert
Classes: 2x2-hr seminars/week for 10 weeks
Assessment: 1,000-2,000wd research plan (40%) and 3,750-5,000wd research paper (60%)
Additional Info: Satisfies the Jurisprudence/Part 2 requirement of the LLB
Prohibitions: Prohibition: JURS3006 or LAWS5136

LAWS3439 International Economic Law
Level: 03  Credit Points: 6
Availability: S2C ND-CC
Description: This course is an introduction to international regulation of trade, mainly the law of the World Trade Organization but with some comparisons with Bilateral and Regional Trade Agreements and may also cover an introduction to Bilateral Investment Treaties. The largest part of the course deals with the law of the World Trade Organization, supplemented at certain points by consideration of bilateral or regional trade agreements. The first section considers 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 (with a comparison with regulation of trade in
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 also introduce the different framework of rules utilised under some bilateral or regional agreements for regulating trade in services; and the Agreement on Trade-Related Aspects of Intellectual Property (‘TRIPS’), emphasizing patents, copyright and trademarks, and noting some TRIPS plus aspects of some bilateral and regional trade agreements. The unit analyses in more detail some of the fundamental rules of the GATT: rules on tariff bindings and customs duties, national treatment, non-tariff barriers, the MFN rule on non-discrimination, 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;
- further aspects of Bilateral or Regional 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.

**Coordinator:** Dr Brett Williams  
**Classes:** 1 x 6.5 hr seminar/wk for 6 weeks (weeks 2 - 8)  
**Assessment:** 2,500wd essay (33.3%) and 2.5hr exam (66.6%)  
**Textbook:** Reading materials to be advised in reading guide.  
**Prerequisites:** Prerequisites: LAWS2005 or LAWS1018 or LAWS1023  
**Prohibitions:** Prohibition: LAWS3090 or LAWS5139

**LAWS3434 International Human Rights Law**  
**Level:** 03  
**Credit Points:** 6  
**Availability:** S2C ND-CC  
**Description:** 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.  
**Coordinator:** Prof David Kinley  
**Classes:** 2x2-hr seminars/week for 10 weeks  
**Assessment:** 3000wd essay (50%) and 3000wd take-home exam (50%)  
**Prerequisites:** Prerequisites: LAWS2005 or LAWS1018 or LAWS1023  
**Prohibitions:** Prohibition: LAWS3034 or LAWS5134

**LAWS3489 International Moot**  
**Level:** 03  
**Credit Points:** 6  
**Availability:** S1C ND-CC; S1CIFE ND-CC; S2CIDE ND-CC
**Departmental Permission Sessions:** S1C ND-CC; S1CIFE ND-CC; S2CIDE ND-CC

**Description:** This unit of study will involve participation in one of three international moots, which in 2017 will be the Jessup Moot, the Willem C Vis International Commercial Arbitration Moot, and the Tokyo Negotiation and Arbitration Competition. There will be a competitive selection process for enrolment in the 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.

**Coordinator:** Prof Chester Brown (Vis Moot), Dr Alison Pert (Jessup Moot), Prof Luke Nottage (Tokyo Negotiation and Arbitration Competition).

**Classes:** There are no formal classes scheduled for this unit.

**Assessment:** For the Tokyo Negotiation and Arbitration Competition: Course participation, general participation and preparation as required (15%), research and writing of memorials (35%), preparation and participation in mooting rounds and competitions (50%). For the Jessup Moot and Vis Moot, students are assessed generally on their contribution to the research for and drafting of the written memorials, team work, oral skills, and preparation and participation in the mooting rounds and competitions.

**Additional Info:** 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.

**Prerequisites:** Prerequisites: LAWS1018 or LAWS1023

**Prohibitions:** Prohibition: LAWS3035 or LAWS3093 or LAWS5189

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**LAWS3443 Interpretation**

**Level:** 03  **Credit Points:** 6

**Availability:** S2C ND-CC

**Description:** Legal interpretation is the process by which the legal meaning of a text is ascertained, by reference to the text considered in context and with regard to its purpose. This course deals with the principles and methods of legal interpretation. While mainly relating to statutory interpretation, the unit will also cover aspects of the law of interpretation of private law instruments, the Constitution, and treaties.

The principles and methods of legal interpretation are directed to a purpose - to answer a question about contested legal meanings. The course will focus on the primary elements of interpretive practice: reading and understanding the text in its proper context, and in the light of its purpose and the objective intention of the drafter.

The course will cover:

* Approaches to legal interpretation, with emphasis on the function of interpretation in private and public law.
* Aspects of the interpretation of private instruments, wills, contracts, testamentary dispositions, collective agreements.
* Drafting and clear expression.
* Principles of statutory interpretation, including the conventions of grammatical interpretation of statutes; the use of technical words; the need to read the instrument as a whole; the role and function of interpretation acts, including legislation requiring consideration of Human Rights principles; approaches to ambiguity and inconsistency of language; specific common law principles and presumptions of interpretation; the use of extrinsic aids to interpretation, and the identification of statutory purpose.
* Aspects of interpretation of national and international instruments - Constitutions and treaties.

Part of the course content will be taught by eminent guest lecturers from the Faculty and the profession.

**Coordinator:** Ms Patricia Lane

**Classes:** 2x2-hr seminars/week for 10 weeks
**Assessment:** 3,000wd research essay (40%), 1000wd drafting exercise (20%) and EITHER take home exam OR 3000wd optional additional research essay OR 3000wd long problem (40%)

**Prerequisites:** Prerequisites: (LAWS1002 or LAWS2008 or LAWS1015) and (LAWS2002 or LAWS1021)

**Prohibitions:** Prohibition: LAWS5143

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**LAWS3441 Introduction to Islamic Law**

**Level:** 03  
**Credit Points:** 6  
**Availability:** S2C ND-CC  
**Description:** 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.

**Coordinator:** Assoc Prof Salim Farrar  
**Classes:** 2x 2hr seminars per week  
**Assessment:** Class test (10%) and class presentation (10%) and class participation (10%) and 4000-5000wd research essay (70%)

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**LAWS3480 IP: Copyright and Designs**

**Level:** 03  
**Credit Points:** 6  
**Availability:** S2C ND-CC  
**Description:** 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.

**Coordinator:** Assoc Prof Kim Weatherall  
**Classes:** 2x2hr seminars/week for 10 weeks  
**Practical Work:**  
**Assessment:** Two options: (1) 5,000wd research essay (50%) and 1.5hr exam (50%); or (2) 2.5 hr examination (100%). Subject to change.  
**Prohibitions:** Prohibition: LAWS3033 or LAWS3423 or LAWS5180
LAWS3479 IP: Trademarks and Patents
Level: 03  Credit Points: 6
Availability: S1C ND-CC
Description: This unit will focus on legal rights concerning the marketing of products, specifically, trademark 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.
Coordinator: Dr Fady Aoun
Classes: 2x2hr 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%). Subject to change.
Prohibitions: Prohibition: LAWS3472 or LAWS3033 or LAWS3423 or LAWS5179

LAWS3444 Japanese Law
Level: 03  Credit Points: 6
Availability: S1CIFE BM-KT
Departmental Permission Sessions: S1CIFE BM-KT
Description: 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 two days in Tokyo examine 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.
Coordinator: Prof Luke Nottage
Classes: Held as an intensive in February in Kyoto and Tokyo. Introduction class held in Sydney prior to departure. Includes field trips such as study tour to Osaka.
Assessment: Two 750wd reflective notes (20%) and 4500wd research essay (80%)
Additional Info: Applications for the offshore intensive unit are by separate application. For further information see http://sydney.edu.au/law/caplus.
**Prohibitions:** Prohibition: LAWS3076 or LAWS5144

**LAWS3446 Labour Law**  
**Level:** 03  
**Credit Points:** 6  
**Availability:** S1C ND-CC  
**Description:** 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).  
**Coordinator:** Assoc Prof Shae McCrystal  
**Classes:** 2x2hr seminars/wk  
**Assessment:** 3000wd research essay (40%) and 1.5 hr open book exam (60%)  
**Prohibitions:** Prohibition: LAWS3023 or LAWS5146

**LAWS3447 Law and Economics**  
**Level:** 03  
**Credit Points:** 6  
**Availability:** S2C ND-CC  
**Description:** 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.  
**Coordinator:** Prof Patricia Apps  
**Classes:** 2 x 2hr seminars/week for 10 weeks  
**Assessment:** 2 x 1000wd essays on a set problem (30%), class participation and presentation (10%) and 2hr exam (60%)  
**Additional Info:** This unit satisfies the Jurisprudence/Part 2 requirement of the LLB.  
**Prohibitions:** Prohibition: LAWS3036 or LAWS5147
LAWS3900 Law Honours
Level: 04  Credit Points: 12
Availability: S1C ND-CC; S2C ND-CC
Departmental Permission Sessions: S1C ND-CC; S2C ND-CC
Description: The Honours Unit in Law consists of:
1. A dissertation written under the supervision of one member of academic staff, and
2. Participation in a non-assessable research workshop.
The dissertation will be a maximum of 12,000 words (inclusive of footnotes).
Coordinator: Assoc Prof Arlie Loughnan
Assessment: Attendance at a research workshop and one 12,000wd dissertation (100%)
Additional Info: Further information regarding the honours program, including eligibility requirements, workload, supervision and award, can be found at http://sydney.edu.au/law/cstudent/undergrad/honours_program.shtml.

LAWS3044 Law International Exchange Electives
Level: 03  Credit Points: 24
Availability: S1C ND-CC; S2C ND-CC
Departmental Permission Sessions: S1C ND-CC; S2C ND-CC
Description: For students studying overseas on an official university exchange program.
Additional Info: Available to outbound exchange students only.

LAWS3500 Law, Morals and Politics
Level: 03  Credit Points: 6
Availability: S2C ND-CC
Description: This unit reflects on the ways in which law, morals and politics are thought of within our tradition and in particular the connections and the tensions between legal positivism, Kantianism and liberalism.
Coordinator: Dr Arthur Glass, Mr Robert Shelley
Classes: 2x2hr seminars/wk for 10 weeks
Assessment: Class-participation (10%) and 1500wd mid-semester paper (30%) and 3500wd essay (60%)
Additional Info: This unit satisfies the Part 2/Jurisprudence requirement of the LLB.
Prohibitions: Prohibition: LAWS5200

LAWS3451 Media Law: Contempt and Open Justice
Level: 03  Credit Points: 6
Availability: S1C ND-CC
Description: The daily practice of journalism is affected by a range of common law principles and statutory provisions. This unit of study seeks to examine some of the most significant, practical constraints on the media. It examines in detail contempt of court, the principle of open justice and suppression orders. It considers contempt of parliament and other restrictions of the reporting of parliamentary proceedings. It also analyses the law relating to the disclosure of journalists’ sources and the impact of freedom of information laws on the media. This unit of study seeks to provide not only a thorough doctrinal analysis of these areas of law but also seeks to locate them within their broader historical, international, comparative, political and policy contexts.
Coordinator: Assoc Prof David Rolph
Classes: 2x2-hr seminars/week for 10 weeks
Assessment: Four options: 1) 2,500wd assignment (30%) and 2hr exam (70%); 2) 3,500wd essay (40%) and 2hr exam (60%); 3) 2,500wd assignment (30%) and 3,500wd essay (40%) and 1hr exam (30%); or 4) 3hr exam (100%). Subject to change.

Prohibitions: Prohibition: LAWS3059 or LAWS5151

LAWS3428 Media Law: Defamation and Privacy
Level: 03          Credit Points: 6
Availability: S1C ND-CC; S1NSEA ND-CC
Sessions Excluded From Module Registration: S1NSEA ND-CC
Description: 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.
Coordinator: Assoc Prof David Rolph
Classes: 2x2-hr seminars/week for 10 weeks
Assessment: Four options: 1) 2,500wd assignment (30%) and 2hr exam (70%); 2) 3,500wd essay (40%) and 2hr exam (60%); 3) 2,500wd assignment (30%) and 3,500wd essay (40%) and 1hr exam (30%); or 4) 3hr exam (100%).
Prohibitions: Prohibition: LAWS3059 or LAWS5128

LAWS3452 Medical Law
Level: 03          Credit Points: 6
Availability: S1C ND-CC; S2C ND-CC
Description: 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 of health professionals (including different forms of action for medical negligence), confidentiality, privacy, and access to medical records, the regulation of reproduction (including termination of pregnancy), and end-of-life decision-making, including assisted dying or "euthanasia". 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.
Coordinator: Prof Roger Magnusson
Classes: 2x2-hr seminars/week for 10 weeks
Assessment: Three 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%).
Prohibitions: Prohibition: LAWS3046 or LAWS5152
LAWS3499 Migration, Refugees and Forced Migration
Level: 03  Credit Points: 6
Availability: S2C ND-CC
Description: Migration Refugees and Forced Migration is designed to introduce students to one of the most fast moving and engaging areas of public law. At one level, the unit is about government regulation of the entry of persons into Australia. As such, it is a branch of applied administrative law that concerns the very make-up of our society, affecting both who we live with and how we live our lives. Statistics show that more than one in four Australians were either born overseas or had an Australian-born parent. Dramatic skills shortages have seen unprecedented rises in the number of migrants brought to Australia on temporary and permanent visas. In spite of this, controversy persists over the nature of Australia’s immigration program and the extent to which the government is doing enough to control both unlawful entry and the quality of the (lawful) migrants. Issues surrounding refugees and asylum seekers are a constant preoccupation. Covering both immigration law and domestic aspects of the law of forced migration the course is also a fine vehicle for exploring issues of human rights and the interaction between domestic and international law.
With Sydney receiving the lion’s share of the migrants that come to Australia each year, migration law has become a growth area for both lawyers and for migration agents. By placing the current mechanisms for the controlling migration in their legal, social, historical and economic contexts, this unit provides an opportunity to explore the "big" issues raised by migration and to look at why the subject has assumed such a central role in the development of Australia’s identity as a nation.
The unit of study is designed to foster the following skills:
a. Skills of statutory interpretation and problem-solving, through the study and use in practical situations of the Migration Act 1958 and its associated Regulations;
b. Skills of legal analysis and evaluation, gained through the examination and synthesis of relevant legislation; of court decisions and of rulings by the Migration Review Tribunal; the Refugee Review Tribunal; and the Administrative Appeals Tribunal in its migration division; and
c. Oral and writing skills, through class participation, simulation exercises and the preparation of a major research paper.
Coordinator: Prof Mary Crock
Classes: 2x2hr seminars/wk for 10 weeks
Assessment: 3000wd research essay (50%) and 2hr exam (50%)
Prerequisites: Prerequisites: (LAWS2002 or (LAWS2010 and LAWS1021) or (LAWS5007 and LAWS5010)) and (LAWS1004 or LAWS3000 or LAWS3003 or LAWS2011 or LAWS5011)
Prohibitions: Prohibition: LAWS3045 or LAWS3458 or LAWS5158 or LAWS3453 or LAWS5153 or LAWS5199
Compulsory Co-requisites: Co-requisites: (LAWS2002 or LAWS2010 or LAWS5010) and (LAWS1018 or LAWS2005 or LAWS1023 or LAWS5005)

LAWS3475 Philosophy of International Law
Level: 03  Credit Points: 6
Availability: S1C ND-CC
Description: This course examines and evaluates traditional theories of law through the lens of their deployment in the changing context of world society and global governance. It has been supposed that there is no difference in kind between the law internal to a state, and that which exists in the global arena. But the rapid development of norms and institutions used in global governance over the last half century has cast doubt on this assumption. The course surveys leading theories of law and attempt to apply them to the vast and evolving array of international law-related activity. Topics include the nature and role of customary law, enforcement and
compliance, transnational authority, 'hard' and 'soft' law, human rights, and international responsibility, among others.

**Coordinator:** Dr Michael Sevel  
**Classes:** 2x2hr seminars/wk for 10 weeks  
**Assessment:** Class participation (10%), 1500wd mid-semester report (30%), and 4000wd essay (60%)  
**Additional Info:** This unit satisfies the Jurisprudence/Part 2 requirement of the LLB.

**LAWS3454 Philosophy of Law**  
**Level:** 03  
**Credit Points:** 6  
**Availability:** S2CJL BM-GE  
**Sessions Excluded From Module Registration:** S2CJL BM-GE  
**Description:** 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.  
**Coordinator:** Prof Wojciech Sadurski  
**Classes:** Taught intensively in July in Berlin.  
**Assessment:** Pre-course 2000wd reaction note (20%), class participation (20%), 4000wd take-home exam (60%).  
**Additional Info:** This unit satisfies the Jurisprudence/Part 2 requirement of the LLB. Enrolment is by separate application to the Law School.  
**Prohibitions:** Prohibition: LAWS3459 or LAWS5154

**LAWS3455 Policing, Crime and Society**  
**Level:** 03  
**Credit Points:** 6  
**Availability:** S1C ND-CC  
**Description:** 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.  
**Coordinator:** Prof Murray Lee  
**Classes:** 2x2hr seminars/week for 10 weeks  
**Assessment:** 2,500-3,000wd research essay (60%) and 1,200wd presentation paper (30%) and class presentation (10%)  
**Prohibitions:** Prohibition: LAWS3048 or LAWS5155
LAWS3457 Private International Law B
Level: 03  Credit Points: 6
Availability: S2C ND-CC
Description: 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.
Coordinator: Mr Ross Anderson
Classes: 2x2-hr seminars/week for 10 weeks
Assessment: Class test (20%), and final 2hr exam (80%).
Prohibitions: Prohibition: LAWS3015 or LAWS5157

LAWS3460 Roman Law
Level: 03  Credit Points: 6
Availability: S1C ND-CC
Description: 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 immovable 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.
Coordinator: The Hon Justice Arthur Emmett
Classes: 2x2-hr seminars/week for 10 weeks
Assessment: 2,000wd essay (20%) and take-home exam (80%)
Prohibitions: Prohibition: LAWS3052 or LAWS5160
LAWS3484 Secured Transactions in Commercial Law
Level: 03 Credit Points: 6
Availability: S2C ND-CC
Description: 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), which became operative in January 2012. 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.
Coordinator: Prof Sheelagh McCracken
Classes: 2x2-hr seminars/week for 10 weeks
Assessment: 3000wd assignment (30%) and 2hr exam (70%)
Prerequisites: Prerequisites: LAWS2012
Prohibitions: Prohibition: LAWS5184

LAWS3461 Social Justice Legal Clinic A
Level: 03 Credit Points: 6
Availability: S1C ND-CC; S1CIFE ND-CC
Departmental Permission Sessions: S1C ND-CC; S1CIFE ND-CC
Description: 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. During semester 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.
Coordinator: Prof Peter Cashman
Classes: Semester 1: 1x2-hr seminar/week and the equivalent of one day per week for the semester at a pre-selected placement site. February Intensive: seminars held over 4-5 days at PIAC followed by a two week clinical placement at PIAC during February.
Assessment: 1 x written assignment (100%), compulsory class presentation and participation (pass/fail), and Clinical Placement evaluation (pass/fail).
Textbook:
**Additional Info:** Enrolment in this unit of study is by special application. Priority will be given to students in their final year of study.

**Prohibitions:** Prohibition: LAWS4061 or LAWS5161

**LAWS3431 Social Justice Legal Clinic B**

**Level:** 03  **Credit Points:** 6

**Availability:** S2C PP-CC

**Departmental Permission Sessions:** S2C PP-CC

**Description:** 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.

**Coordinator:** Ms Irene Baghoomians

**Classes:** 8/9 x 2-hr seminars/semester

**Assessment:** class presentation and performance (30%) and site performance (30%) and 3000wd essay (40%). Also requires satisfactory attendance at placement and maintenance of a reflective journal (pass/fail)

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

**Prohibitions:** Prohibition: LAWS3025 or LAWS5131

**LAWS3462 Sociological Theories of Law**

**Level:** 03  **Credit Points:** 6

**Availability:** S1C ND-CC

**Description:** 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.
**Coordinator:** Assoc Prof Alex Ziegert  
**Classes:** 2x2-hr seminars/week for 10 weeks  
**Assessment:** 1,000-2,000wd research note (40%) and 3,750-5,000wd research paper (60%)  
**Additional Info:** Satisfies the Jurisprudence/Part 2 requirement of the LLB.  
**Prohibitions:** Prohibition: JURS3001 or LAWS5162

**LAWS3465 Sydney Law Review**  
**Level:** 03  
**Credit Points:** 6  
**Availability:** S2C ND-CC  
**Departmental Permission Sessions:** S2C ND-CC  
**Description:** This unit of study is offered annually under the supervision of the a member of the full-time academic staff and the Publishing Director of the Sydney Law Review. The unit is limited to 6 students per semester, 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 review note (for assessment purposes only) and a case note for assessment and 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.  
**Coordinator:** Prof Joellen Riley  
**Assessment:** 1,000 word review note (20%) and 6,000wd case note (80%) plus participation in editorial tasks (assessed as Satisfactory).  
**Additional Info:** Enrolment in this unit of study is by special application. For further information, please visit sydney.edu.au/law/slr.  
**Prohibitions:** Prohibition: LAWS3057 or LAWS5165

**LAWS3495 The Rule of Law and its Value**  
**Level:** 03  
**Credit Points:** 6  
**Availability:** S1C ND-CC  
**Description:** This course will explore the nature and value of the rule of law through a critical examination of classical and contemporary writings in jurisprudence. Among the problems we will consider are: What features of a legal system contribute to bringing about the rule of law? What is 'legality'? What is the relationship between the rule of law and the rule of good law? Is it always a virtue, other things being equal, to apply valid legal rules? How far is the rule of law consistent with the indeterminacy of law or with discretionary decision-making? Is the rule of law an 'unqualified human good'? Why is it good? Should the rule of law ever be sacrificed for the sake of other goods? What does the World Justice Project Rule of Law Index measure? Is it defensible from a jurisprudential point of view, and useful in determining the nature and value of the rule of law? Readings will include historical sources from the ancient Greek and early modern periods, contemporary essays in legal, moral, and political theory, and other primary legal sources.  
**Coordinator:** Dr Michael Sevel  
**Classes:** 2x2hr seminars/wk for 10 weeks  
**Assessment:** Class participation (10%), 1500wd mid-semester report (30%), and 4000wd essay (60%)  
**Additional Info:** This unit satisfies the Jurisprudence/Part 2 requirement of the LLB.  
**Prohibitions:** Prohibition: LAWS5195
LAWS3471 Theories of Conscientious Obedience
Level: 03  Credit Points: 6
Availability: S2C ND-CC
Description: This unit asks whether obedience to legal norms is required by morality. It examines various arguments for a moral obligation to obey the law.
Coordinator: Dr Kevin Walton
Classes: 2x2hr seminars/week for 10 weeks
Assessment: Structured class-participation (10%), emails about readings (10%), 1500wd mid-semester essay (20%) and 4000wd final essay (60%)
Additional Info: This unit satisfies the Jurisprudence/Part 2 requirement of the LLB.
Prohibitions: Prohibition: LAWS5171

LAWS3468 Theories of Justice
Level: 03  Credit Points: 6
Availability: S2C ND-CC
Departmental Permission Sessions:
Sessions Excluded From Module Registration:
Description: 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.
Coordinator: Dr Kevin Walton
Classes: 2x2hr seminars/week for 10 weeks
Assessment: Structured class-participation (10%), emails about readings (10%), 1500wd mid-semester essay (20%) and 4000wd final essay (60%)
Additional Info: This unit satisfies the Juriprudence/Part 2 requirement of the LLB.
Prohibitions: Prohibition: LAWS3077 or LAWS5168

LAWS3492 Topics in Legal History
Level: 03  Credit Points: 6
Availability: S1C ND-CC
Description: Knowledge of legal history is fundamental to a proper understanding of the common law, grounded as it is in precedent. This unit of study seeks to provide students with an overview of the historical development of English law, focusing particularly on aspects of private law. Topics covered may include: the origins of the common law; the traditional structure of courts and writs; the development of trial and evidence; possession and ownership; real property (from 1066 to Mabo); trespass, actions on the case, assumpsit, contract and tort; and leading jurists in the history of Anglo-Australian law. Lectures will be given by a range of distinguished current and former judges, academics and barristers.
Coordinator: Assoc Prof David Rolph
Classes: 6 x &-hr seminars/week for 6 weeks
Assessment: 2,500wd essay (50%) and 1.5 hr closed book exam (50%)
Prohibitions: Prohibition: LAWS5192
Compulsory Co-requisites:
Recommended Co-requisites:
**LAWS3496 United States Constitutional Law**  
**Level:** 03  
**Credit Points:** 6  
**Availability:** S1C ND-CC  
**Description:** This unit provides an in-depth introduction to the principles, core concepts, and key cases of United States Constitutional Law. It traces the structure and role of the U.S. Supreme Court, and the development of U.S. constitutional reasoning from the post-revolutionary period to the present. It considers debates about constitutional interpretation, and the significance of different approaches to key provisions of the Constitution. Topics may include all or any of: federalism and the commerce clause; eminent domain and "just compensation"; substantive due process; equal protection of the laws: race and gender discrimination; freedom of speech; freedom of religion; unenumerated rights; constitutional protection of citizenship and voting. Students will also be introduced to, and encouraged to engage in, normative debates about constitutional values.  
**Coordinator:** Prof Helen Irving  
**Classes:** 2x2hr seminars/wk for 10 weeks.  
**Assessment:** Class participation (15%) and either a) 2,500wd optional essay/problem question (35%) and final 2hr exam (50%) or b) 3hr exam (85%)  
**Prerequisites:** Prerequisites: LAWS5011 or LAWS2011 or LAWS1004 or LAWS3000 or LAWS3003  
**Prohibitions:** Prohibition: LAWS3418 or LAWS5118 or LAWS3491 or LAWS5191 or LAWS5196

**LAWS3483 War Law: Use of Force and Humanitarian Law**  
**Level:** 03  
**Credit Points:** 6  
**Availability:** S1C ND-CC  
**Description:** A vital function of public international is its struggle against violence, both in preventing it from occurring and mitigating its effects once it gets under way. This unit explores two key areas of international law devoted to regulating intense violence involving governments or non-State actors: (1) International Law on the Use of Armed Force, and (2) International Humanitarian Law (also known as the Law of Armed Conflict or the Laws of War). The first part of the course considers the prohibition on the use of force under customary law and the United Nations Charter; exceptions to that prohibition in cases of self-defence by States or collective security action by the UN Security Council; controversies over pre-emptive self-defence, humanitarian intervention and the "Responsibility to Protect"; peacekeeping and peace enforcement; the role of regional and international actors; and the use of force by and against non-State actors. The second part of the course considers the origins, purposes and sources of international humanitarian law; its scope of application; the different types and thresholds of conflict; the permissible means and methods of warfare (including restrictions on weapons); the status and treatment of combatants and non-combatants and others (such as spies, mercenaries, "unlawful combatants", "terrorists", journalists, and "private security contractors"); the protection of cultural property and the environment; the relationship between human rights law and humanitarian law; and the implementation, supervision and enforcement of humanitarian law (including the prosecution of war crimes and the role of the International Committee of the Red Cross).  
**Coordinator:** Dr Alison Pert  
**Classes:** 2x2hr seminars/wk  
**Assessment:** 3000wd assignment (30%) and 2hr exam (70%)  
**Prohibitions:** Prohibition: LAWS3440 or LAWS3086 or LAWS5183 or LAWS6218
Master’s Elective Units

LAWS6013 Advanced Employment Law
Level: 07  Credit Points: 6
Availability: S2CIAU BM-CC
Description: This unit of study is designed especially for candidates in the MLLR program. The unit examines the regulation of the individual employment relationship. The unit builds on the introduction to this topic in the foundation LAWS6071 Labour Law unit, by examining in closer detail the formation, construction and interpretation of employment contracts (including incorporation of policies and other documents, and exercise of contractual discretions); duties of employers and employees in contract; termination of employment contracts; and post-employment obligations (including restraints of trade). Students will examine decisions of courts and tribunals in detail.
Coordinator: Ms Kathryn Peterson
Classes: Intro Class: Jul 25 (6-8) then Aug 11, 12 & 25, 26 (9-5)
Assessment: Options: (i) class participation (20%) and 6000wd essay (80%) or (ii) class participation (20%) and 2 x 3000wd problem assignments (40% each) or (iii) class participation (20%) and 3000wd problem assignment (40%) and 3000wd essay (40%)
Assumed Knowledge: LAWS6252 or a law degree and (LAWS6071 or LAWS3446)

LAWS6165 Biodiversity Law
Level: 07  Credit Points: 6
Availability: S1CIAP BM-CC
Description: Biological diversity is the variability among living organisms and the ecological complexes of which they are part, including diversity within species, between species and of ecosystems. Aside from whatever intrinsic value it may possess, biodiversity is crucial to support human life and welfare. Australia is fortunate to have some of the world’s most complex and unique biodiversity - unfortunately, also to have one of the highest rates of extinction and loss of biodiversity. Despite a sophisticated system of environmental governance and a relatively high degree of environmental awareness, biodiversity continues to decline rapidly in Australia. This unit will consider the international legal regime related to the protection of biodiversity; how international instruments are incorporated into (or otherwise affect) Australia’s regime; and the operation of Australia’s regime at both national and state levels (the latter, particularly in NSW) – and will include consideration of various threats to biodiversity, different protection options (in situ and ex situ), and how biodiversity-related considerations affect and are affected by other Environmental Law fields.
Coordinator: Assoc Prof Ed Couzens
Classes: Apr 5-8 (9-5)
Practical Work: If possible, an appropriate practical component (along field trip lines) will be added to give further insight.
Assessment: class presentation and 2000wd essay (25%) and 6000wd (75%)
Assumed Knowledge: Environmental Law
LAWS6353 Business Crime
Level: 07 Credit Points: 6
Availability: S2CIDE BM-CC
Description: This unit covers the law and effective enforcement policy governing crimes committed by large multinational corporations. The central policy issue discussed is how to use corporate and individual liability to deter criminal wrongdoing by employees of publicly-held firms. The substantive statutes covered include corporate criminal liability and enforcement practice in the United States (including deferred and non-prosecution agreements), US corporate sentencing practice, mail and wire fraud (including honest services fraud (the statute used against FIFA)); insider trading, Foreign Corrupt Practices Act, Travel Act, money laundering, and judicial review of deferred and non-prosecution agreements.
Coordinator: Prof Jennifer Arlen
Classes: Dec 4, 5 and 7, 8 (9-4)
Assessment: class participation (10%), take-home exam (60%) and 3000wd essay (30%)

LAWS6091 Chinese International Taxation
Level: 07 Credit Points: 6
Availability: S2CIAU BM-CC
Description: The object of this unit is to provide an overview of the income tax system of China and a detailed analysis of the most important legislative and treaty rules of China in the area of international income tax, especially in dealings with Australia. Upon successful completion of the unit, students will have an advanced understanding of the policies underlying the Chinese rules for taxing international transactions as well as a detailed knowledge of the principles of income tax law applicable to inbound and outbound transactions. This unit includes a study of: overview of the Chinese income tax system; taxation of inbound investment into China; taxation of outbound investment from China; transfer pricing issues, and China’s tax treaties.
Coordinator: Prof Jinyan Li
Classes: Aug 23-25 & 28, 29 (9-3.30)
Assessment: class participation (20%) and 6000wd essay (80%)
Assumed Knowledge: Available to students who have successfully completed an undergraduate/postgraduate unit of study in tax law.

LAWS6320 Climate Disaster Law
Level: 07 Credit Points: 6
Availability: S2CIJL BM-UK
Departmental Permission Sessions: S2CIJL BM-UK
Description: Recent extreme weather events and disasters around the world have resulted in loss of life, property, infrastructure and livelihoods and have severely disrupted the normal functioning of the societies which they have impacted. Worldwide insured losses alone from weather-related disasters have risen from US$5.1 billion per year between 1970-1989 to US$27 billion annually over the past two decades. International climate change negotiations have, over the past five years, delivered outcomes that are entirely inadequate to meet the goal set by the Parties to the United Nations Framework Convention on Climate Change of keeping the rise in average global temperatures below 2 degrees C above pre-industrial temperatures. This unit of study adopts a climate justice approach to assess the respective roles and responsibilities of government and insurers to avoid, prepare for, respond to, recover from, and compensate for, the risks of climate disasters. The questions of avoidance and recovery will rely heavily on traditional Environmental Law mechanisms such as environmental planning and assessment and pollution and waste regimes, as well as the protection of biodiversity. The unit will also assess the viability of tort law and strict
liability regimes for hazardous activities to compensate those who are impacted by climate disasters. The strict liability regimes include: global oil pollution spills, hazardous chemicals, asbestos and nuclear disasters. The unit will be taught by an esteemed international team of climate lawyers and individuals with experience in the insurance industry. The objectives of this unit of study are to: Understand the science presented in two recent scientific reports, the Intergovernmental Panel on Climate Change’s 2012 Special Report Managing the Risks of Extreme Events and Disasters to Advance Climate Change Adaptation (SREX), published in 2012, and the Australian Climate Commission’s (CCC) 2013 The Critical Decade: Extreme Weather, (Extreme Weather Report, Understand the foundations of climate justice in the context of climate disasters, Understand the relevance of the United Nations Framework Convention on Climate Change, including the loss and damage mechanism, and the Hyogo Framework for Action 2005-2015: Building the Resilience of Nations and Communities to Disasters, The role of governments in enacting climate disaster risk reduction laws including: The role of Environmental and Planning Assessment Law and Building Codes in attempting to prevent climate disasters, Pollution, waste and contamination laws in the post-disaster phases, Biodiversity Law that is expected to protect species from the impacts of climate change and disasters, as well as promote ecosystems as disaster prevention measures, Governance arrangements between levels of government during and post the disaster, Compensatory regimes including those provided by government and the private sector through ex-post disaster relief, insurance and the capital markets; and The strengths and weaknesses of tort and strict liability regimes for compensating the victims of disaster.

**Coordinator:** Prof Rosemary Lyster, Prof Michael Faure

**Classes:** Jul 5-8 (9-5)

**Practical Work:** Sydney Law School in Europe

**Assessment:** class participation (20%) and 8000wd essay (80%)

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

**LAWS6128 Comparative International Taxation**

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

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

**Coordinator:** Prof Michael Dirkis, Assoc Prof Celeste Black

**Classes:** Sep 13-15 & 18, 19 (9-3.30)

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

**JURS6018 Constitutional Theory**

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

**Description:** This unit will address the role that constitutionalism is expected to play in a democratic state, and will explore various constitutional theories. The main focus will be on
theoretical attempts at reconciling commitments to constitutionalism with emphasis on democratic participation: Is it paradoxical that a state governed by majority rules withdraws certain areas from collective decision-making? Various theories of constitutionalism, of constitutional interpretation, and of constitutional judicial review will be explored. The unit will also discuss the question of constitutional charters of rights, different models of judicial review, separation of powers, direct democracy and the functions of constitutions in transitions to democratic systems. The unit will follow a seminar format with the emphasis on class discussion of unit materials. First two days will be focused on the instructor’s lectures while two remaining days on students’ presentations.

Coordinator: Prof Wojciech Sadurski
Classes: Aug 4, 5 & 18, 19 (9-5)
Assessment: Options: (i) class participation (20%), oral presentation (20%) and 4500wd essay (60%) or (ii) 2 x oral presentations (20% each) and 3000wd essay (40%)

LAWS6222 Corporate Governance
Level: 07 Credit Points: 6
Availability: S1CIFE BM-CC
Description: This unit will explore a range of recent trends and issues in corporate governance including: the link between corporate scandals and corporate law reform; the board and independent directors; principles-based versus rules-based regulation; shareholder empowerment and institutional investor activism; takeovers and the regulation of executive pay. The unit will examine these issues from a comparative law perspective, analysing fundamental differences in corporate governance structure and techniques in a range of jurisdictions, including the US, UK, Germany, China and Australia.
Coordinator: Prof Jennifer Hill
Classes: Feb 20, 21 & 27, 28 (9-4)
Assessment: general class participation and specialised seminar discussion (20%), class quiz (written) to be held on Day 4 (20%) and essay or take-home exam (60%)

LAWS6140 Corp Soc Responsibility: Theory/Pol
Level: 07 Credit Points: 6
Availability: S2CIJL BM-CC
Description: Today there is an apparent consensus in favour of corporate responsibility, as reflected in instruments such as ASX Principle 3 ("Act ethically and responsibly"), but behind the appearance of consensus lie difficult questions of principle, policy and practical application. This unit aims to equip participants to engage in a sophisticated manner in the analysis of such questions. The seminar is organized around two broad themes. First, the seminar will examine corporate responsibility in the traditional sense of the consideration that corporations may be expected to give to the impact of their activities on society, even as they strive to earn profits for their shareholders. Topics include environmental responsibility, corporate philanthropy, and the respective roles of directors, managers and shareholders. Second, the seminar will deal with current debates about the rights and responsibilities that arise from corporate personhood, including those concerning corporate criminal responsibility, corporate political participation, and the status of corporations under international law. Participants will learn to work with relevant primary and secondary legal materials, including materials from selected foreign jurisdictions, especially in North America. They will also become familiar with the conceptual tools available from various interdisciplinary perspectives (e.g., law, economics, philosophy, politics) for analysing problems of corporate responsibility.
Coordinator: Assoc Prof Ian B Lee
Classes: Jul 20, 21 & 27, 28 (9-4)
Assessment: class participation (15%), assignment (10%) and 6000wd essay (75%)
Additional Info: Available to MLLR students who commenced after Jan 2015.

LAWS6032 Crime Research and Policy
Level: 07 Credit Points: 6
Availability: S1C NE-CC
Description: This unit provides an examination of research methods in the context of criminology. The relationship between theory and methodology is explored. The production of knowledge about crime is critically assessed. Sources and forms of crime data are discussed and their significance is assessed. Research design, evaluation and analysis are also studied.
Coordinator: Prof Judith Cashmore
Classes: 1x2-hr lecture/week
Assessment: class participation (10%), 2000wd research problem (30%) and 4000wd research proposal (60%)
Additional Info: Core unit for MCr and GradDipCrim students and co-requisite for other criminology units.

LAWS6997 Cross-Border Deals
Level: 07 Credit Points: 6
Availability: S2CIOC BM-CC
Description: This unit is for law graduates who have, or intend to have, a practice that exposes them to cross-border financings and acquisitions. The unit highlights the distinctive concepts and practices relating to overseas securities and corporate laws in cross-border transactions (focusing to a significant extent on US laws and practices). It concentrates on resolving the challenges non-Australian issues can pose to transactions even if Australian law applies to many aspects of the deal. The US segment will begin with a brief examination the US Federal system in which corporate and securities law responsibility is allocated between the states and Federal government, proceed to a detailed discussion of the process of offering securities in the US and how it can affect non-US offerings in practice, and finally will conclude with an exploration of the regulation of takeovers under US law. Significant US M&A concepts and practices, including mergers, break-up fees, poison pills, and proxy fights will be discussed. The remainder of the unit will focus on deal regulation of selected other overseas jurisdictions in which there have been recent activity. We will also examine practical consequences of the regulatory requirements of these jurisdictions, particularly in so far as they relate to M&A, as well as certain subjects that have worldwide applicability (such as due diligence to determine possible corruption, vendor due diligence and directors’ duties). The unit will be taught by a series of seminars, with an occasional guest lecture/panel discussion. The purpose of the unit is to assist Australian and other non-US lawyers in: identifying potential cross-border issues; and being creative in solving the challenges that arise in international securities transactions. The lecturer writes the Dealpolitik column for The Wall Street Journal and was for over 30 years a merger and acquisition and securities lawyer in the US (resident for several years in Australia).
Coordinator: Mr Ronald C Barusch
Classes: Oct 20, 21 & 27, 28 (9-4)
Assessment: class participation (15%), short assignment (30%) and assignment (55%)
Assumed Knowledge: Available to law graduates only. Students undertaking this unit must have a good working knowledge of the Australian Corporations Act and the rules and practices applicable to securities offerings and takeovers or the equivalent in heir home jurisdiction.
LAWS6889 Death Law
Level: 07  Credit Points: 6
Availability: S1CIAP BM-CC
Description: Western attitudes toward death have undergone a remarkable transformation in the last century. For many, death now takes place in the hospital or the hospice following the decision of a doctor to cease providing treatment. As the management of death has passed from the family to health care professionals, it now makes sense to regard the moment and circumstances of death as largely medical phenomena. Moreover, as 'autonomy' has taken a dominant place amongst ethical values, it also makes sense to describe and measure death in terms of its 'acceptability' both to the dying person and his or her survivors. In tandem with these changes, technological innovations have transformed the dead or dying body into a potential source of valuable (and recyclable) biological material. These developments have thrown up new and urgent challenges for legal understandings about the timing of, and criminal responsibility for causing, death both within and outside medical settings. These developments have also disturbed conventional understandings of the corpse as sacred. Topics to be covered may include: death in contemporary Australia, the legal definition of life and death, medical futility and the concept of 'lives not worth living', euthanasia (with and without request), physician-assisted suicide, refusing and withholding life-prolonging treatment in adults and children, the Shipman/Patel scandals, ownership of the corpse and body parts, dead donor organ transplantation, organ sale and theft, posthumous reproduction, 'mercy' killing outside medical settings and the jurisdiction of the Coroner. The unit will interrogate these and other contemporary challenges for the law relating to death and dying both within Australia and, where appropriate, other selected comparator jurisdictions (US, UK and Canada). These will be mapped against socio-historical understandings of the changing meaning of death, dying and serious disability in Western societies, and students will be encouraged to reflect on the broader legal implications of these developments.
Coordinator: Prof Cameron Stewart
Classes: Apr 20, 21 & May 11, 12 (9-5)
Assessment: class presentation (10%), 2000wd essay (30%) and take-home exam (60%)

LAWS6066 Discretion in Criminal Justice
Level: 07  Credit Points: 6
Availability: S2CIAU BM-CC
Description: This unit looks at the ways in which the exercise of discretionary judgment arises for consideration in the course of the criminal justice process and the ways in which that judgment should be exercised at each step. It deals with each stage from the reporting or observation of crime, through investigation, arrest, charging, bail, plea, hearing, appeal, retrial and publicity. It describes how actors at each step (citizens, police, prosecutors and judges) confront decision making, the laws (legislation, common law) and rules (prosecution guidelines, memoranda and procedures) that apply and provides examples of the exercise of such discretions. It also looks at the place of public commentary (personal, the media and political) in the process. The unit explores nuances in the conduct of any criminal prosecution aside from the application of the letter of the law.
Coordinator: Adj Prof Nicholas Cowdery
Classes: Aug 4, 5 & 18, 19 (9-5)
Assessment: take-home exam (60%) and essay (40%)
LAWS6945 Doing Business in Emerging Markets
Level: 07  Credit Points: 6
Availability: S2CISE BM-CC
Description: The unit examines common commercial, tax and regulatory issues that arise from doing business in emerging market economies. Topics to be examined include: the special challenges of investing in emerging market economies; organisational forms commonly used in emerging market economics; financing options; host state regulatory regimes and limits on the activities of foreign investors; dispute resolution systems, and sovereign risk issues; tax issues in developing countries; home state regulatory issues, including domestic anti-corruption measures, money laundering and human rights regimes. The unit has a special focus on issues associated with investing into and doing business with former Soviet Union countries, and the famous Yukos case will be considered.
Coordinator: Prof Paul Stephan
Classes: Aug 30, 31, Sep 1 & 4, 5 (9-3.30)
Assessment: class participation (30%) and take-home exam (70%)

LAWS6984 Economics of Tax Policy
Level: 07  Credit Points: 6
Availability: S2CISE BM-CC
Description: The objective of the unit is to provide an understanding of the modern economics approach to the analysis of tax policy. The unit defines the role of taxation within the framework of welfare economics and examines the social and economic effects of reforms drawing on available empirical evidence. Particular attention is given to the evaluation of current policies and proposed reforms in terms of distributional outcomes and efficiency costs due to disincentive effects on labour supply, saving and investment. Topics covered include: taxation of labour income, consumption and capital income, family income taxation, alternative approaches to the taxation of emission, and the taxation of resource rents.
Coordinator: Prof Patricia Apps
Classes: Sep 25, 26 & Oct 3, 4 (10-5)
Assessment: class participation and presentation (10%) and 5000-6000wd essay (90%)
Prohibitions: LAWS6257

LAWS6163 Energy and Climate Law
Level: 07  Credit Points: 6
Availability: S2CISE BM-CC
Description: This unit adopts an inter-disciplinary and integrative approach to understanding the dynamics of one of the most pressing global environmental concerns ecologically sustainable energy use. Working loosely within the framework of the Climate Change Convention, the unit relies on the perspectives of scientists, lawyers and economists to develop an integrated approach to sustainable energy use. The unit identifies current patterns of energy use in Australia and examines Australia’s response to the Climate Change Convention. It also analyses the strengths and weaknesses of various political, legal and economic mechanisms for influencing the choice of energy use. The initiatives of the Commonwealth and New South Wales governments, as well as local councils, to promote sustainable energy use and to combat global warming are scrutinised.
Coordinator: Prof Rosemary Lyster
Classes: Sep 1, 2 & 8, 9 (9-5)
Assessment: class participation (20%) and 8000wd essay (80%)
Prohibitions: LAWS6863
Assumed Knowledge: Environmental Law
LAWS6342 Environmental Markets  
**Level:** 07  
**Credit Points:** 6  
**Availability:** S1CIMY BM-CC  
**Description:** Environmental degradation is often caused by various forms of market failure. At the same time, it is recognised that market-based instruments (MBIs) can function as legitimate and effective legal tools for environmental protection. MBIs are instruments or regulations that encourage behaviour through market signals, rather than through direct regulation alone, and are applied broadly at both the international and national level to improve environmental quality and resource conservation. Markets are not, however, a panacea for the environmental issues we face, and MBIs can undermine environmental objectives if those instruments are not well designed and implemented. This unit will study the role of markets and financial incentives in addressing environmental and natural resource issues, and analyse the conceptual foundation for their use. It will then survey a range of MBIs, including marketable permits, offset programs and load-based licensing, across a diverse range of environmental issue areas, including climate change, renewable energy, fisheries, water and biodiversity. The Unit will examine the key contributions MBIs can make to environmental regulation, as well as the relevant 'watchpoints' as these instruments develop in terms of environmental protection. Students will also examine how 'impact investors' are harnessing private capital in order to drive market-based solutions to environmental problems.  
**Coordinator:** Dr Kate Owens  
**Classes:** May 19, 20 and 22, 23 (9-5)  
**Assessment:** class participation (10%) and 8000wd essay (90%)  
**Assumed Knowledge:** Environmental Law

LAWS6307 Expert Evidence and Class Action Procedure  
**Level:** 07  
**Credit Points:** 6  
**Availability:** S1C NE-SJ  
**Description:** The expert evidence component of the unit will examine the role of expert witnesses, their reports and their testimony in civil and criminal cases. This will include an examination of the law governing the admissibility of expert evidence and the procedural means by which such evidence is adduced. Part of the unit will be devoted to current controversies surrounding the role of experts in particular civil and criminal cases.  
The class actions component of the unit examines the substantive law, legal theories and procedural devices for the litigation and resolution of large scale, complex civil litigation. This encompasses representative actions, class actions and the use of other mechanisms for the aggregation and resolution of mass claims, including under bankruptcy law. There will be a particular focus on Part IVA of the Federal Court Act (Cth) and representative action procedures available in Australia under the rules of court and statutory provisions in various areas (including discrimination, human rights, insurance law, privacy, corporations law and shareholder rights). The unit will also cover comparative material on group litigation procedures and class actions under the laws of other countries, including England and Wales, Canada and the United States.  
**Coordinator:** Prof Peter Cashman  
**Classes:** 1x2-hr lecture/week  
**Assessment:** 4000wd expert evidence essay (50%) and 4000wd class action essay (50%). Information on non-assessable tasks will be made available in the unit outline for enrolled students.  
**Additional Info:** Students without a law degree or equivalent may enrol in this unit but should be aware that the unit focuses on legal and evidentiary issues. This unit replaced LAWS6230 Expert Evidence and LAWS6869 Class Actions and Complex Litigation.

**Prohibitions:** LAWS6230 or LAWS6869

**Assumed Knowledge:** Evidence

**LAWS6330 Fundamentals of Regulation**

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

**Description:** This unit examines regulatory theory and practice within the context of the regulatory state. Growing privatization and corporatization has heightened demand for public regulation of private activities, but also for regulation of the state itself. At the same time, consumers, governments, and civil society place pressure on the private sector to address the social and environmental consequences of its actions through various forms of self-regulation. These trends have produced increasingly complex regulatory systems, and regulation is now a dominant aspect of the legal landscape, at both national and international levels. This unit acts as an introduction to key theories, concepts, and debates within the field of regulatory studies, as well as to the main tools and instruments of regulation. Focusing on social regulation, it uses practical examples to analyze the implementation and enforcement of regulatory regimes in various areas, including public health, workplace health and safety, and environmental protection. It explores corporate responses to regulation, as well as the roles, practices, and accountability of regulatory agencies, and of other actors involved in the administration, monitoring, and enforcement of regulation. The unit will be of interest to lawyers and other professionals engaged in regulatory compliance and enforcement, as well as to students with an interest in regulatory theory and practice more broadly. This unit will provide a gateway for further study in more specialized areas of regulation.

**Coordinator:** Dr Belinda Reeve

**Classes:** Intro Class: Aug 28 (6-8) then Aug 31 & Sep 1 & Oct 5, 6 (9-5)

**Assessment:** Options: (i) class presentation (20%) and 8000wd essay (80%) or (ii) problem question (30%) and 5000wd essay (50%)

**Additional Info:** Available to MLLR students who commenced after Jan 2015.

**LAWS6334 Gender Inequality and Development**

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

**Description:** The unit is set up around a series of major policy questions central to the gender equality agenda, and linked to the post 2015 international development debates. Following an overview session about global and regional patterns, the unit will tackle a series of major policy challenges in turn, concluding with an examination of major global proposals. The unit will go beyond gender inequality in the labour market to explore patterns of violence and political participation, and the role of quotas, including on corporate boards, among others. Links to legal reform and human rights will be explored. Students will be asked to work on a specific policy challenge, applying and developing the findings discussed in class and in the readings. The unit is designed to facilitate student questioning, engagement and participation. No specific textbook is prescribed. There will normally be 2 to 3 required readings for each day, a paper and/or book chapters and additional readings for greater depth.

**Coordinator:** Dr Jeni Klugman

**Classes:** Mar 6, 7 & 13, 14 (9-5)

**Assessment:** class participation (10%), presentation (40%), 5000wd essay (50%)
LAWS6214 Goods and Services Tax Principles A  
Level: 07  Credit Points: 6  
Availability: S1CIMR BM-CC  
Description: This unit introduces the key concepts that underpin the Australian GST, the policies underlying the tax, and the way those policies are (or are not) reflected in the design of the GST law. The aim is to give participants a working knowledge of the operation of the GST law and an awareness of the practical problems encountered in practice, informed by an understanding of the way in which the law is intended to operate. The unit will commence with an examination of the basic design features of value added taxes in general and of Australia's GST in particular. It will then examine the core elements of the GST law, including: the taxpayer (entities, enterprise, and the obligation to register for GST), the liability for tax on supplies made for consideration; the value of taxable supplies and the amount of GST payable on supplies; the entitlement to input tax credits and the range of subsequent adjustments that may be required; attributing GST and input tax credits to tax periods; adjustments for adjustment events; basic principles of GST-free and input taxed supplies (including an introduction to real property transactions and intermediation services, primarily focussing on financial supplies); basic cross-border issues, including the treatment of imports and exports.  
Coordinator: Prof Rebecca Millar  
Classes: Mar 22-24 & 27, 28 (9-4)  
Assessment: class work/test (35%) and 2hr exam (65%). A research essay may be undertaken in lieu of the exam with the permission of the Unit Coordinator.

LAWS6052 Government Regulation, Health Policy and Ethics  
Level: 07  Credit Points: 6  
Availability: S2CIOC BM-CC  
Description: This unit examines government regulation of health care, drugs, resource allocation, medical research and professional practice. With regard to each area of government decision-making, issues are analysed by reference to the interplay between social goals, human rights, legal rights and ethical considerations. Topics covered include the constitutional and statutory sources of government power with respect to health care: regulatory models and reform of public health legislation; therapeutic goods administration; health insurance; pharmaceutical benefits and the pharmacy industry; immunisation, notifiable diseases and public health emergencies; human tissue legislation; discipline of health professionals; health care complaints tribunals; a right to health care; ethical theories in law and medicine; the ethics of human experimentation; and ethics committees.  
Coordinator: Prof Cameron Stewart  
Classes: Sep 28, 29 & Oct 5, 6 (9-5)  
Assessment: 7500wd essay (100%) or 2x3750wd essays (2x50%)  
Additional Info: MHL students may select this unit as one of the three core units required in addition to LAWS6252 or LAWS6881.

LAWS6862 Hate Crime  
Level: 07  Credit Points: 6  
Availability: S1CIMR BM-CC  
Description: Hate crime has emerged as a global problem in the last few decades. Yet the concept itself is controversial. This unit aims to trace the development of the socio-legal concept of hate crime, causal explanations for hate crime and the different ways in which it is regulated. The unit will examine some the major forms of hate crime, including racist, ethno-religious and homophobic violence, with a focus on contemporary debates, such as: is violence against women a form of hate
crime; should paedophiles be a protected category; should hate crimes attract higher punishment than other crimes? The unit will critically assess the international geography of hate crime law, making comparisons between Australia, the UK and the US. The unit will seek to provoke debate about how we should define and combat the problem of hate crime.

**Coordinator:** Prof Gail Mason  
**Classes:** Mar 17, 18 & 31, Apr 1 (9-5)  
**Assessment:** assignment (30%) and essay 5000wd (70%)

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**LAWS6054 Health Care and Professional Liability**  
**Level:** 07  
**Credit Points:** 6  
**Availability:** S1CIMY BM-CC  
**Description:** This unit will provide a foundation for further study in health law by examining laws that govern the liability of health professionals across a range of fields (eg criminal law, torts, contract, discrimination law) and mechanisms for the oversight and disciplining of health professionals. The unit will explore the role of law as a means to regulate/set limits on the conduct of health professionals and examine debates about the proper role of law in regulating the provision of health care. It will also critically evaluate law reform initiatives with respect to legal liability, complaints mechanisms and disciplinary action against health professionals where relevant. Topics to be covered may include: Legal and non-legal methods of regulating the practices of health professionals; the limits imposed on health professionals by the criminal law; the principles of negligence and their application to the liability of health professionals; contractual and fiduciary duties of health professionals; liability of hospitals; discrimination in health care; procedures for complaints against health professionals; disciplinary proceedings and the statutory reporting obligations of health professionals.  
**Coordinator:** Prof Cameron Stewart  
**Classes:** Apr 27, 28 & May 25, 26 (9-5)  
**Assessment:** class presentation (10%), 2000wd class paper (30%) and assignment (60%)  
**Additional Info:** Core unit for GradDipPubHL students. MHL students may select this unit as one of the three core units required in addition to LAWS6252 or LAWS6881.

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**LAWS6059 International Business Law**  
**Level:** 07  
**Credit Points:** 6  
**Availability:** S2CIAU BM-CC  
**Departmental Permission Sessions:**  
**Sessions Excluded From Module Registration:**  
**Description:** The objective of this unit is to provide students with an introduction to a number of areas of international business law and to provide an opportunity to study some of those areas in more detail. The unit begins with an overview of the scope of the law relating to international transactions. The core topics are international sale of goods, carriage of goods, international payments and financing of international sales and methods of doing business in foreign markets, including through agents and distributors and international licensing transactions. Other topics may vary from year to year and may include an introduction to international tax, elementary customs law and international dispute settlement.  
**Coordinator:** Prof Gabriel Moens  
**Classes:** May 5, 6 & 12, 13 (9-5)  
**Assessment:** 3500wd essay (50%) and 1hr exam (50%) or 2hr exam (100%)  
**Textbook:** Burnett and Bath, Law of International Business in Australasia (Federation press, 2009)  
**Additional Info:** Core unit for MIntBus&L students. This unit is available as one of the core units for GradDipIntBusLaw students.
Prohibition: LAWS3438  
Assumed Knowledge: Assumed knowledge: LAWS6252

**LAWS6865 International Dispute Resolution**  
**Level:** 07  
**Credit Points:** 6  
**Availability:** S2CIAU BM-CC  
**Description:** This unit of study aims to provide an in-depth analysis of international dispute resolution as a technique for resolving public international law disputes. The United Nations Charter provisions for the peaceful settlement of international disputes will be taken as creating the basic framework for the review of dispute resolution techniques. These include negotiation, good offices, mediation, conciliation, arbitration, and adjudication. Particular attention will be given to in-depth analysis of certain disputes and the legal and political techniques used in their resolution. These disputes may include the Tehran Hostages case, the Nuclear Tests case, the East Timor case, and dispute over the status of Kosovo.  
**Coordinator:** Prof Chester Brown  
**Classes:** Aug 17, 18 & 24, 25 (9-5)  
**Assessment:** take-home exam (30%) and 6000wd essay (70%)  
**Prohibitions:** LAWS6202

**LAWS6061 International Environmental Law**  
**Level:** 07  
**Credit Points:** 6  
**Availability:** S1CIMY BM-CC  
**Description:** This unit aims to provide an introduction to the framework, concepts, sources and techniques of international environmental law, and to provide an overview of international law responses to current and emerging environmental challenges. The history and framework of international environmental law will be examined before exploring a range of topical international environmental law issues, including atmospheric protection and climate change, hazardous substances and wastes, biodiversity and GMOs, the protection of marine living resources, the protection of freshwater resources and issues concerning trade. The unit will also survey the influence of international environmental law on domestic environmental law through case studies. Overarching themes will include the interdependence of environmental issues, the effects of scientific uncertainty on international environmental regulation, implementation of international environmental obligations between states at difference levels of economic development and the need for effectiveness in implementation and enforcement.  
**Coordinator:** Prof Rosemary Lyster  
**Classes:** Apr 28, 29 & May 1, 2 (9-5)  
**Assessment:** class participation (20%) and 8000wd essay (80%)  
**Additional Info:** Students seeking further study in international environmental law may undertake LAWS6922 Advanced International Environmental Law.

**LAWS6304 International Family Law**  
**Level:** 07  
**Credit Points:** 6  
**Availability:** S1CIMR BM-CC  
**Description:** Family law disputes quite frequently involve parties who are citizens of, or have a right of abode in, other countries. It is common also for parties to have assets located in other countries. These international family law cases give rise to numerous difficult issues and require specialist legal advice. In which jurisdiction should a client file and what urgency is there to secure the jurisdiction of choice? How will Australian courts deal with forum disputes? To what extent are foreign court orders enforceable in Australia and will Australian orders be enforced in an overseas’
jurisdiction? What steps need to be taken to prevent, as far as possible, the movement of assets overseas or, indeed, children overseas? How does the Hague Convention on Child Abduction work and is it effective? What about international enforcement of child support? This unit of study will examine these and other questions with an emphasis on the law in practice.

**Coordinator:** Prof Patrick Parkinson AM, Prof Peter Rose QC  
**Classes:** Mar 3, 4, 31 & Apr 1 (9-5)  
**Assessment:** 4000wd essay (50%) and take-home exam (50%)  
**Assumed Knowledge:** Available to students who hold a law degree or knowledge of private international law

**LAWS6037 International Import/Export Laws**  
**Level:** 07  
**Credit Points:** 6  
**Availability:** S1C NE-SJ  
**Description:** This unit is a comparative study of international import/export laws. It does not look in detail at Australian law. The material covered in the unit is based on the WTO multilateral agreements which the 159 WTO member countries have adopted and which bind them on the topics covered. The unit commences with an introduction to the relevant WTO agreements underpinning international import and export laws affecting WTO members. It then provides an introduction to international import dispute mechanisms through the WTO Dispute Settlement Understanding. The Kyoto Convention is then examined to determine the key elements of a modern customs statute. The unit also examines: Free Trade Agreements; anti-dumping duty; discriminatory taxes/laws on imports; markings and intellectual property rights on imported goods; importers' remedies against customs decisions; customs valuation and tariffs; and, customs "post entry" audits.

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

**LAWS6916 International Investment Law**  
**Level:** 07  
**Credit Points:** 6  
**Availability:** S1CIMR BM-CC  
**Description:** This unit introduces students to the international regulation of foreign investment. It examines core principles of international investment law, regional and bilateral investment treaties, the settlement of investment disputes, and the international economic and political context in which the law has developed. The unit considers the origins and evolution of international investment law through to the recent formation of the current international legal framework for foreign investment through bilateral and regional investment treaties. It examines the substantive standards of protection contained within investment treaties (such as the fair and equitable treatment standard, and the prohibition on expropriation without compensation), recent arbitral awards, and considers controversial issues surrounding investor-state arbitration. It examines the procedural framework for investment treaty arbitration under the auspices of the International Centre for Settlement of Investment Disputes (ICSID) and the UNCITRAL Rules. This unit also considers the increased focus on investor responsibility in relation to environmental protection, human rights, development issues, and labour standards. It also examines recent developments including the negotiation of mega-regional trade and investment agreements, such as the Trans-Pacific Partnership Agreement and the negotiations towards the Transatlantic Trade and Investment Partnership.

**Coordinator:** Prof Chester Brown, Assoc Prof Sergio Puig
LAWS6343 International Law and Technology
Level: 07  Credit Points: 6
Availability: S2CIAU BM-CC
Description: Advances in technology pose new challenges for international governance. In an increasingly inter-connected world, new technology raises legal issues relating to its use, distribution and control. This unit will focus on the response of the international community to technological progress across the different specialised regimes in international law. The unit will commence with an overview of the framework of international law and international courts and the challenges relating to the regulation of new technology. This unit will then consider the intersection of technology and key specialised regimes in international law, focusing on Trade, Environment, Law of the Sea, Health, Crime, Use of Armed Force and Intellectual Property Rights. The unit will be taught using case studies, allowing students to discuss and analyse specific examples of new technology and international regulation.
Coordinator: Dr Rebecca Connolly
Classes: Aug 18, 19 and 25, 26 (9-5)
Assessment: class participation (10%), class presentation (20%) and 7000wd essay (70%)
new forms of ‘employment’, (eg internships and zero hours contracts); migrant workers; home
working; precarious employment; and independent contracting. The ‘dividing line’ between work
and an employee’s private activities will also be explored, with particular reference to: electronic
monitoring; drug and alcohol testing; dress requirements; and out of work conduct.
**Coordinator:** Em Prof Ron McCallum, The Hon Justice Iain Ross
**Classes:** Jul 21, 22 & Aug 18, 19 (9-5)
**Assessment:** class participation and class presentation (30%) and 6000wd essay (70%)
**Additional Info:** This unit replaced LAWS6816 Labour Law in the New Economy
**Assumed Knowledge:** LAWS6252 or a law degree and (LAWS6071 or LAWS3446)

**LAWS6928 Law, Justice and Development**
**Level:** 07  **Credit Points:** 6
**Availability:** S1CIAP BM-CC
**Description:** This unit provides a critical overview to law and justice reform in international
development. It analyses the global reform experience over the past half-century. It interrogates
the nature and justification(s) of reform ‘theory’, studies the empirical evidence of various
approaches, and examines the conceptual/practical challenges of evaluating development
endeavour, using case studies from the Asia/Pacific region. Students enrolling in this unit will
develop an evidence-based understanding of the use of law and justice reform in broader
development strategies.
**Coordinator:** Adj Prof Livingston Armytage
**Classes:** Apr 5, 6 & 12, 13 (9-5)
**Assessment:** class participation (20%), 2x3000wd essays (2x40%)
**Additional Info:** This unit is compulsory for MLawIntDev students.
**Prohibitions:** LAWS3478, LAWS5178

**LAWS6932 Law and Investment in Asia**
**Level:** 07  **Credit Points:** 6
**Availability:** S1CIMR BM-CC
**Description:** The aim of this unit is to provide students with a broad overview of the key legal
issues commonly faced when investing and doing business in Asia. This unit covers areas of
commercial law across Asia, including Japan, China, Southeast Asia (especially Indonesia, Malaysia,
Thailand, Myanmar) and India. It focuses especially on international treaties increasingly impacting
on foreign trade and investment regulation in the region; aspects of corporate governance, contract
and/or competition law; corporate social responsibility, anti-corruption law and consumer
protection; dispute resolution (especially international commercial and investor-state arbitration);
and key issues in modern comparative law which may assist students in their study of 'foreign'
legal systems. The unit also involves case studies and occasional guest lecturers.
**Coordinator:** Prof Luke Nottage
**Classes:** Mar 17, 18 & 31, Apr 1 (9-5)
**Assessment:** assignment (30%), 6000wd essay (70%)

**LAWS6047 Law of the Sea**
**Level:** 07  **Credit Points:** 6
**Availability:** S2CIOC BM-CC
**Description:** The oceans cover two-thirds of the world’s surface, and are vital to international
commerce, are a store of important living and non-living resources, and provide indispensable
environmental services including stabilising the global climate system. This unit reviews the major
areas of the law of the sea as it has developed over the centuries. The unit takes as its focus the
'constitution' of the oceans, the 1982 UN Convention on the Law of the Sea and also considers a range of other international conventions and agreements, and current state practice. Each of the major maritime zones is assessed, and there is also a detailed review of several sectoral issues, including the protection of the marine environment, fisheries, navigational rights and freedoms, and military uses of the oceans. Where appropriate, reference will be made throughout the unit to relevant Australian law and practice, and to other state practice in the Asia Pacific Region.

**Coordinator:** Prof Tim Stephens

**Classes:** Oct 12, 13 & 18, 19 (9-5)

**Assessment:** 5000wd essay (60%) and take-home exam (40%)

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**LAWS6944 Market Manipulation and Insider Trading**

**Level:** 07  
**Credit Points:** 6  
**Availability:** S2CIOC BM-CC

**Description:** This unit aims to introduce students to key concepts at the heart of capital market regulation focusing on practices that threaten the integrity of global securities markets. The unit focuses on recent developments (including high profile prosecutions for market abuse) in Australia and the United States while selecting other jurisdictions (most notably China, India, South Africa, Brazil, Europe and Hong Kong) that are relevant to the different subjects considered. The topics addressed will include: market manipulation, insider trading, non-disclosure and fraud-on-the-market, penalties, regulation of hedge funds and developments in emerging markets.

**Coordinator:** Dr Greg O’Mahoney

**Classes:** Oct 5, 6 & 12, 13 (9-4)

**Assessment:** class participation (20%), presentation (20%) and 5000wd essay (60%)

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**LAWS6877 Mental Illness: Law and Policy**

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

**Description:** This unit deals with the law relating to mental health issues in Australia including human rights principles. Background material on the nature and incidence of mental illness, psychiatric and medical issues, as well criminological and public policy literature will be considered where relevant. The unit covers substantive issues from civil treatment, welfare law, and criminal law. Topics covered will include: the social context of mental illness and the current and historical approaches to treatment of the mentally ill; contemporary State, Territorial and Federal involvement in mental health policy and legislation; the present framework of NSW mental health law and related welfare law including the Mental Health Act, Guardianship Act, Protected Estates Act and Mental Health (Criminal Procedure) Act; the process of scheduling persons with a mental illness; review mechanisms including the roles of the medical superintendent, magistrates, the mental health review tribunal and the Supreme Court; longer term detention of the mentally ill; community treatment and community counselling orders; protected estates and guardianship orders; electroconvulsive therapy; consent to surgery and special medical treatment; the defence of not guilty on the grounds of mental illness, the review of forensic patients and the exercise of the executive discretion; the issue of unfitness to be tried; the involuntary treatment of prisoners in the correctional system; and proposals and options for reform.

**Coordinator:** Adj Prof Duncan Chappell

**Classes:** Aug 28, 29 & Sep 4, 5 (9-5)

**Assessment:** 3000wd assignment (40%) and 4500wd essay (60%)
LAWS6352 Mergers and Acquisitions in Asia
Level: 07  Credit Points: 6
Availability: S1CIJN BM-CC
Description: The unit will begin with an evaluation of the business rationale for Mergers and Acquisitions (MA) and a discussion of the various types of transactions and related terminology. After a brief discussion of the evolution of the regulation of MA in the Western context, it will delve into various forms of MA in leading Asian jurisdictions, and the manner in which they are regulated. The unit will involve a strong comparative element that compares MA in Asia with that in other jurisdictions, as well as specific factors among various Asian jurisdictions. While it will engage an analysis of the legal systems in several Asian jurisdictions, greater emphasis will be placed on policy as well as practice. Transaction structures analyzed include business and asset sales and amalgamations, with a significant focus on the regulation of takeovers. While corporate and securities law issues form the thrust, incidental reference will be made to accounting, tax and competition law considerations. Finally, the transactional perspective will consider various structuring matters, planning aspects, transaction costs and impact on various stakeholders.
Coordinator: Assoc Prof Umakanth Varottil
Classes: Jun 1, 2 and 8, 9 (9-4)
Assessment: class participation (10%), class presentation (10%) and take-home exam (80%)

LAWS6349 Muslim Minorities and the Law
Level: 07  Credit Points: 6
Description: This unit seeks to explore, illustrate and evaluate the interconnections, tensions and conflicts in Muslims’ applications of Islamic Law in Common Law states with a view to forming appropriate policies at national level for accommodation while addressing issues of communal identity, security and social exclusion. It examines these broad issues in four countries: Australia, Canada, the UK and the United States, and explores them in the context of family affairs, crime and business. This unit should appeal to government officers, policy makers, community workers, NGOs, criminal justice officers and students interested in contemporary applications of Islamic law and Islamic studies.
Coordinator: Assoc Prof Salim Farrar
Assessment: class participation (10%), assignment (30%) and take-home exam (60%)

LAWS6836 Precedent, Interpretation and Probability
Level: 07  Credit Points: 6
Availability: S2C NE-SJ
Description: The unit will examine a number of contemporary debates regarding the nature of legal reasoning. The unit will examine the status of the modern doctrine of precedent and the current state of the Hart/Dworkin/Fish debate in regard to the nature of precedential reasoning. The unit will examine contemporary semantic theory and philosophy of language, and the contribution those fields can make to a proper understanding of the interpretation of legal texts. The unit will also examine the relationship between legal reasoning and moral reasoning and the new legal positivism of writers such as Goldsworthy and Shapiro. In a final segment, the unit will examine legal reasoning in regard to matters of fact, and the current debate as to whether legal fact finding can be modelled using Bayes’ theorem and probability theory.
Coordinator: Adj Prof Christopher Birch
Classes: 1x2-hr lecture/week
Assessment: structured class presentation (20%) and 7000wd essay (80%)
Prohibitions: JURS6028 or JURS6029

LAWS6345 Principles of Financial Regulation
Level: 07  Credit Points: 6
Availability: S1CIAP BM-CC
Description: The financial crisis of 2007-9 revealed serious failings in the regulation of financial institutions and markets. This prompted a fundamental reconsideration of the design of financial regulation, which governs a financial system that has become ever-more complex and interconnected, and which evolves at an ever-accelerating pace. This course presents a holistic overview of the key principles underpinning financial regulation. It draws on economic theory to explain the way in which the financial system functions, and then to analyse the goals of financial regulation. This analytic framework is then applied to a series of substantive topics in financial regulation, spanning the traditionally-separate fields of banking, markets, and consumer finance. The unit also considers the operation of the new tools of 'macro-prudential policy' and the international coordination of financial regulation in the global financial system. While the substantive topics are considered in terms of EU and US rules, the analytic tools developed are of more general application. Topics covered in this unit: The financial system; Goals and challenges of financial regulation; Consumer finance; Market regulation; Bank capital and liquidity regulation; Bank governance and resolution; Shadow banking and Macro-prudential and international coordination. Students who complete this unit successfully will have an overview of the economic principles underpinning financial regulation, to be able to understand and critically evaluate the principal substantive aspects of financial regulation in the US and EU, as well as their international coordination.

Coordinator: Prof John Armour
Classes: Apr 6, 7 and 10, 11 (9-5)
Assessment: class participation (10%) and take-home exam (90%)

LAWS6177 Tax Treaties
Level: 07  Credit Points: 6
Availability: S1CJN BM-SJ
Description: This unit is designed to study the policy, detailed rules and practical application of Australia's international tax treaties against the background of the OECD Model Tax Convention on Income and on Capital. Upon successful completion of this unit a student should have an advanced understanding of the policies underlying the Australian tax treaty position in relation to the taxation of various kinds of income, as well as a detailed knowledge of the law applicable to interpretation of Australia's treaties. The unit includes a study of: principles of tax treaties; interpretation of tax treaties; and selected articles of the OECD Model and Australian tax treaties.

Coordinator: Prof Richard Vann
Classes: Jun 5-9 (9-3.30)
Assessment: classwork (30%) and 2hr exam or 7000wd essay (70%)

Assumed Knowledge: It is assumed that students undertaking this unit have an understanding of Australian income taxation law commensurate with that which would be obtained from completing undergraduate study in Australian taxation law or five years working with Australian tax law in a law or accounting practice, in an industry role or in the Australian Taxation Office. For students who do not have such knowledge or work experience, they first should undertake LAWS6825 Introduction to Australian Business Tax before enrolling in this unit.
LAWS6338 The Nature of the Common Law  
**Level:** 07  
**Credit Points:** 6  
**Availability:** S2CISE BM-CC  
**Description:** The common law is an essential part of the Australian legal system, as well as many others around the world. This unit of study examines the nature of the common law from the point of view of jurisprudence. We will begin with a survey of the classic Common Law Theories developed in England during the seventeenth century; from there, a variety of problems surrounding the common law which these theories made salient, and which still puzzle us today, will be examined. Topics include: the nature and authority of precedent, the distinctiveness of legal reasoning, the nature and questions surrounding the validity of customary law, the relation between the common law and the ideal of the rule of law, among others.  
**Coordinator:** Dr Michael Sevel  
**Classes:** Sep 8, 9 & 15, 16 (9-5)  
**Assessment:** assignment (20%) and 7000wd essay (80%) or 8000wd essay (100%)  

LAWS6316 Theories of the Judiciary  
**Level:** 07  
**Credit Points:** 6  
**Availability:** S2CIAU BM-CC  
**Description:** The judge has long been an important legal actor in common law countries, but over the past several decades, there has been a rise in judicial power globally, with the proliferation of constitutional courts and the strengthening of judiciaries in countries around the world. This seminar will consider views in jurisprudence which examines the judge, the activity of judging, and the proper role of the judiciary within a legal system and a just society more generally. Among the goals of the seminar are to determine the nature of judicial obligation, how judges ought to decide cases, the arguments for and against judicial review, the role of the judiciary in establishing and maintaining the rule of law, and the relation between the business of courts, politics, and morality.  
**Coordinator:** Dr Michael Sevel  
**Classes:** Aug 11, 12 & 25, 26 (9-5)  
**Assessment:** class presentation (20%) and 7500wd essay (80%)  

LAWS6109 UK International Taxation  
**Level:** 07  
**Credit Points:** 6  
**Availability:** S2CISE BM-CC  
**Description:** This unit covers the domestic provisions of UK direct tax law dealing with international transactions, as well as UK treaties and the impact of EU law on the UK tax system. The UK remains one of Australia's major trading partners. UK taxation thus has significant effects for inbound and outbound investment between Australia and the UK. This unit will be of interest to tax professionals who have dealings with the UK. The objective of the unit is to provide an overview of the UK tax system focusing on cross-border investment and expatriate employment issues and a detailed analysis of the most important legislative and treaty rules of the UK in the international direct tax area, especially in dealings with Australia. Upon successful completion of the unit, participants will have an advanced understanding of the policies of the UK rules for taxing international transactions as well as a detailed knowledge of the principles of company and personal taxation applicable to inbound and outbound transactions in the UK. The unit includes a study of: 1. Overview of the UK tax system; 2. Taxation of inbound investment in the UK; 3. Taxation of outbound investment in the UK; 4. Transfer pricing in the UK; 5. UK tax treaties including the Australia UK Tax Treaty; 6. EU tax law as it affects the UK.  
**Coordinator:** Adj Prof Malcolm Gammie  
**Classes:** Sep 20-22 & 25, 26 (9-3.30)
Assessment: take-home exam or 7000wd essay (100%)

LAWS6844 US Corporate Law
Level: 07      Credit Points: 6
Availability: S1CIAP BM-CC
Description: The objectives of this unit are: understand the history, structure and operation of US corporate law and corporate governance; to examine the common law, statutory provisions; and to explore the tension between state and federal law, including recent regulatory developments under the Sarbanes-Oxley Act 2002 and the Dodd-Frank Act 2010. Specific issues discussed in the course include the "race to the bottom" vs "race to the top" hypotheses; the US approach to veil-piercing; the governance role of shareholders under US law; directors' duties, including the duty of care and the duty of loyalty; the operation of the business judgment rule; derivative litigation; the law relating to closely held corporations; judicial review of tender offer defences.
Coordinator: Prof Jennifer Hill
Classes: Apr 20, 21 & 27, 28 (9-4)
Assessment: class participation (10%) and quiz (20%) and essay or take-home exam (70%)

LAWS6171 US International Taxation
Level: 07      Credit Points: 6
Availability: S1CIMY BM-CC
Description: The object of this unit is to provide an overview of the income tax system of the US with a focus on the most important legislative and treaty rules of the US in the international income tax area, especially in dealings with Australia. The unit will examine both the policies behind the US taxation of international transactions as well as the rules and principles of income tax law applicable to inbound and outbound transactions in the US.
Coordinator: Prof Ethan Yale
Classes: May 10-12 & 15, 16 (9-3.30)
Assessment: 2hr exam (100%)

LAWS6191 Water Law and Climate Change
Level: 07      Credit Points: 6
Availability: S2CIOC BM-CC
Description: This unit of study situates the management of Australia’s water resources within an International Law context including the United Nations Framework Convention on Climate Change, International Water Law principles and an internationally recognised human right to water. The unit examines the ecologically sustainable management of water resources in the context of climate change, with Australia being the driest inhabited continent. According to the Garnaut Climate Change Review, climate change could halve the productive capacity of the Murray Darling Basin, which produces one third of Australia’s food supply, by 2050. In May 2012, the Murray Darling Basin Authority released the controversial Draft Basin Plan which proposes to allocate more water for the environment. At the same time, the Council of Australian Governments is pursuing a decade long process of water reform to establish a national water trading market by 2014. Consequently, the unit examines water resource management from the interdisciplinary perspectives of law, science and within the context of broader economic reform and the National Competition Policy framework. The corporatisation of water utilities and competition in the water service market is also discussed. Key legislation covered are the Water Act 2007 (Cth) and the Water Management Act 2000 (NSW).
Coordinator: Prof Rosemary Lyster
Classes: Oct 20, 21 & 27, 28 (9-5)
Assessment: class participation (20%) and 7000wd essay (80%)
Assumed Knowledge: Environmental Law

LAWS6344 Work, Care and Gender
Level: 07 Credit Points: 6
Availability: S1CIFE BM-CC
Description: In this unit we examine laws that regulate work-family balance, looking at employer duties to provide 'family-friendly' working conditions and employee rights to have caring responsibilities accommodated in the workplace. We look at gender norms about work and care and how law reflects, reinforces and sometimes challenges these. The focus is on workplace laws - Fair Work Act 2009 (Cth), anti-discrimination legislation (in respect of discrimination on the basis of sex and caring responsibilities), and the Workplace Gender Equality Act 2012 (Cth). We will, however, also touch on a range of other laws that regulate work and care, including laws governing paid parental leave, social security, and tax laws (including child care subsidies and family assistance). Comparisons will be made with alternative legal regimes for work and care in other countries, such as the United States, United Kingdom, New Zealand and Sweden.
Coordinator: Assoc Prof Belinda Smith
Classes: Intro Class: 7 Feb (6-8) then Feb 24, 25 & Mar 24, 25 (9-5)
Assessment: Options: (i) class participation (10%), 1000wd assignment (25%) and 6000wd assignment (65%) or (ii) class participation (10%), 1000wd assignment (25%), class presentation (10%) and 6000wd assignment (55%)
Assumed Knowledge: LAWS6252 or LAWS3446 or a law degree