LAWS EXTENSION COMMITTEE TEACHING PROGRAM

The Director of the Law Extension Committee is responsible for the Committee’s program. The Director since August 1997, Mr Frank Astill, holds Masters Degrees in Education and in Law and has a Diploma in Education. He has practised at the NSW Bar and was a university lecturer.

The Law Extension Committee program is managed from its office on Level 4, 99 Elizabeth St, Sydney.

TEACHERS

The Law Extension Committee engages teachers from both the legal profession and academia, seeking to provide a distinctive combination of professional experience, knowledge and teaching skills.

Teachers for the Summer Session 2005-06 included:

Mr RL Anderson, LLB(Syd), LLM(Lond)
Dr CJ Birch, SC, BA, LLB, PhD(Syd)
Prof SK Blay, LLB(Hons)(Ghana), LLM(ANU), PhD(Tas)
Mr AT Britt, BSc, LLB(Syd)
Mrs S Carter, BA(Hons), LLB(Hons)(Syd)
Dr GL Certoma, DottGiur(Florence), BA, LLM(Syd)
Ms S Chrysanthou, B Communications, LLB (Hons)(UTS) LLM (NSW)
Mr F Esparraga, Bluris LLB (UNSW), LLM (Syd)
Mr M Evans, BA, LLM(Syd), LLM(Cantab)
Mr A Fox, BA, LLB(Hons), LLM(Syd)
Mr S Freidman, BA, LLB(Syd)
Mr M Gibian, BA(Hons) LLB(Hons) (Syd)
Mr JV Gooley, BA, LLM(Syd), DipEd(SCAE)
Mr R Gowenlock, LLB(Syd)
Mrs B Gray, BA, LLM(Syd)
Mr J Helman, DipLaw(SAB)
Mr WA Henningham, PSM, LLB(Syd)
Mrs K Jolley, BComm(UNSW), LLB(Hons)(ANU), Diplang(Latin)(Syd)
Prof ES Magner, BA(Ott), BEc(Tor), LLB(ANU), LLM(UNSW), SJD(Tor)
Mr JS Mendel, BCom(UNSW), LLB(UTS)
A/Prof G Monahan, BA(Macq), LLB(Syd), LLM(NSW)
Ms M Noonan, LLB(Syd), DipSA
Mr AJ O’Brien, BEc, LLM(Syd), CA
Dr I O’Connell, MA, SJD(Syd)
Mr L Pierotti, BA, LLB(Macq) , LLM(Syd)
A/Prof P Radan, BA, LLB, PhD(Syd), DipEd(SCAE)
Mr G Sarginson, BA, LLB, LLM (Syd)
Mr M Sindone, BSc(Syd), LLM(UTS)
Mr B Slowgrove, BA(UNSW), LLM(Syd)
A/Prof C Stewart, BEc, LLB(Hons)(Macq) GradDipJur(Syd) PhD(Syd)
A/Prof A Stuhmcke, BA, LLB(Hons)(Macq), LLM(Hons)(Syd)
Mr S W Spencer, BA, LLB(Syd)
Prof SMH Yeo, LLB(Sing), LLM(Well), LLM, PhD(Syd)
Ms S York, BA, LLB(UNSW)
Mr G Young, BEc LLB(Syd)
Mr M Zammit, BEc(Hons)(Newc), BA, LLB(Macq)

TEACHERS BY SUBJECT
(Winter 2006)

01 Legal Institutions
A/Prof A Stuhmcke
Mrs S Carter
Mrs K Jolley
Mr F Esparraga

02 Contracts
A/Prof P Radan

03 Torts
Prof S K Blay
Mr G Young

04 Criminal Law & Procedure
Prof SMH Yeo
Ms S Chrysanthou
Mr G Sarginson

05 Real Property
A/Prof C Stewart
Mr J Helman

06 Australian Constitutional Law
Mrs B Gray

07 Equity
Mr M Evans

08 Commercial Transactions
Ms M Noonan

09 Administrative Law
Mr S W Spencer

10 Law of Associations
Mr J V Gooley
Mr M Zammit

11 Evidence
Mr A J O’Brien
Prof ES Magner

12 Taxation & Revenue Law
Mr A J O’Brien

13 Succession
Dr G L Certoma
(TBA)

14 Conveyancing
Mr R Gowenlock

15 Practice and Procedure
Mr B Slowgrove

16 Insolvency
Mr L Pierotti
Mr M Sindone

17 Legal Ethics

18 Conflict of Laws
Mr R L Anderson

19 Family Law
A/Prof G Monahan

20 Local Government
Mr WA Henningham

21 Industrial Law
Mr A T Britt
Mr M Gibian

22 Intellectual Property
Mr A Fox

23 Public International Law
Mr B Slowgrove

24 Jurisprudence
Dr C J Birch
Dr I O’Connell
Ms S York

25 Trade Practices
Mr J S Mendel
The descriptions below are adapted from those prepared by the teachers and examiners in each subject. For more information please refer to the individual Subject Guides and the Course Materials section on the Law Extension Committee Webcampus.

**COMPULSORY SUBJECTS**

**01 Legal Institutions**

The course introduces students to the origins, history and present operation of the institutions which make up the Australian legal system, to the sources of law, and to the Commonwealth and New South Wales constitutions. The matters which will be considered include the distribution of legislative powers between the Commonwealth and the states, the executive powers of the Commonwealth and New South Wales governments and the sources of those powers, the system of courts and tribunals operating at Commonwealth and New South Wales levels, the relationship between the various legal institutions, the theory and practice of precedent, the rules of statutory interpretation, the legal profession and arbitration and alternative dispute resolution.

**02 Contracts**

The course aims to provide students with an understanding of the basic principles of contract law. In fulfilling this aim, the course focuses primarily on a study of relevant case law and statute law. The course also aims to help develop in students an ability to analyse fact situations and correctly identify the relevant principles of contract law that are applicable. The course covers the elements of formation of contracts, contractual capacity, terms of a contract, matters affecting consent to a contract, discharge of contracts, remedies, illegality and privity of contract.

**03 Torts**

A tort is a civil wrong which results in physical or psychiatric injury, property damage or financial loss to another or by which another’s legal rights are infringed. A plaintiff who has suffered injury or loss due to a tort committed by the defendant will generally be seeking compensation by way of damages.

The course includes the study of a number of important torts such as trespass, which protects a person from unwanted physical contact or threats; negligence; and related issues such as defences, assessment of damages and concurrent liability. Some torts such as defamation are not included for study due to time limitations.

**04 Criminal Law and Procedure**

This course provides the student with an understanding of the general principles of criminal law, together with a detailed knowledge of the application of these principles in respect of major crimes and defences. The student is also introduced to aspects of pre-trial criminal procedure, including police powers of arrest, search, seizure and interrogation.

**05 Real Property**

Real Property is concerned with the law relating to interests in land. Such interests are binding not only between those who have entered into a contractual relationship, they can also be binding between others. Examples include the mortgagor/mortgagee and landlord/tenant relationships and also the operation of easements and restrictive covenants between persons who own neighbouring blocks of land.

**06 Australian Constitutional Law**

Australian Constitutional Law is a branch of public law which focuses upon the primary source of that law in the Commonwealth of Australia Constitution Act 1900 (Imp). It is that document which created the Commonwealth of Australia and preserved the former colonies as technically autonomous entities called States. It is the Constitution which provides a definition of public power in Australia. It divides legislative power between the Commonwealth and the States by conferring on the Commonwealth Parliament power to legislate “with respect to” particular topics.

**07 Equity**

Equity, which includes the law of trusts, begins with a study of the historical origins and development of the equitable jurisdiction and then moves on to consider equitable doctrines concerning property, including the recognition of assignments of legal and equitable interests in property in equity; estoppel in equity; fiduciary obligations; the nature and creation of trusts, including trusts arising by operation of law as resulting or constructive trusts; charitable trusts; the duties, powers, rights and liabilities of trustees, the rights of beneficiaries, including the right to trace trust property; and, to conclude, equitable remedies including injunctions, specific performance, monetary remedies in equity and the equitable jurisdiction to set aside transactions procured by undue influence and unconscionable conduct.
08 Commercial Transactions

This course is about buying and selling, personal property, and some aspects of securities over and payments for personal property. While largely concentrating on the tangible forms of personal property, recognition is given where practical to the forces at work making the information economy (rather than the physical economy) and a global marketplace (rather than a local one) the driving forces in world commerce today.

09 Administrative Law

Administrative Law is a branch of public law which is concerned with the legal control of decisions and actions of governmental agencies and officials, and those of non-governmental bodies which affect the public.

In Australia today, governmental and non-governmental regulation - at federal, state and local government levels - impinges on most areas of life. Notable examples include social security, education, immigration, broadcasting and television, public sector employment, industry and commerce, exploration and mining, ownership and use of property, occupational licensing, town planning and the environment.

The emphasis of the course is on the principles and procedures of administrative law relating to the review of such governmental and non-governmental administrative action.

10 Law of Associations

Law of Associations is a description of some of the laws which regulate associations of individuals. People often choose to group together in a regimented structure in order to conduct their activities. The rationale behind the choice of the particular type of grouping will vary depending upon the needs at the time. Taxation advantages, the desire to limit liability, and the need to generate capital externally are just some of the reasons behind this choice.

11 Evidence

The Evidence course is devoted to an examination of the rules governing the presentation of evidence in common law trials, both civil and criminal. The central focus of the course is on the provisions of the Evidence Act 1995.

The matters considered include the manner and form in which evidence can be presented to the court, the matters which are susceptible of proof as defined by the inclusionary and exclusionary rules, and the tests to be applied in determining whether sufficient evidence has been introduced.

12 Taxation and Revenue Law

The Taxation and Revenue Law course is an overview of the Income Tax Assessment Act and related legislation. General principles concerning the accessibility and deductibility of different types of receipts and items of expenditure are considered, along with more recent developments in relation to the tax treatment of fringe benefits, capital gains and GST. The differing tax consequences in respect of various legal entities, such as partnerships, trusts and companies, are also considered. The last part of the course deals with the collection and recovery of tax, and the procedures to be followed by a taxpayer in disputing a tax assessment with the Commissioner of Taxation.

13 Succession

The law of Succession is concerned with the law of wills and the administration of deceased estates. The applicable principles vary depending upon whether the deceased dies with or without a will and in either case are subject to permissible claims under the Family Provision Act 1982 (NSW).

It is the curse, as well as the fascination of the law, that lawyers get to know more than is good for them about their fellow human beings.

John Mortimer
The Trials of Rumpole, 1979
Rumpole and the man of God
14 Conveyancing

Conveyancing is concerned with transactions relating to ownership of materials in land. Particular emphasis is placed on the structure of the Standard Form Contract for Sale of Land 2000. Whilst the course is to some degree involved with practical issues of Conveyancing, a good deal of relevant case law is discussed in order that students will be in a position to recognise problem areas in practice. The course also provides for a consideration of various issues of contract law and equity.

15 Practice and Procedure

The subject of Practice and Procedure deals with the day to day practicalities of civil litigation in the Supreme Court of New South Wales. The subject also includes an evaluation of various initiatives to reform the judicial system, including, in particular, the development of case management practices and the use of other dispute resolution processes.

17 Legal Ethics

The objectives of the course are to give the student a sound background of the statute, common law and rules and regulations which govern professional practice as a barrister or solicitor; and to provide guidance as to what can go wrong, how to recognise a problem, and what help is available, and what may occur where there has been an ethical breach.

24 Jurisprudence

This course in jurisprudence will apply the concepts and techniques of philosophical analysis to an examination of the nature of law and issues surrounding legal reasoning, and the relationship between law, morals and theories of justice. The course will examine some of the most important theories of analytical jurisprudence, and trace their historical development. Issues in legal reasoning raised by the doctrine of precedent, the relationship between law and logic, and legal fact finding and probability theory will be examined. The course will consider the debate about the separation between law and morals, and arguments for and against natural law. The course seeks to introduce students to modern legal philosophy, and to demonstrate how that study gives insights into the nature and function of law important to the practice of law.

ELECTIVE SUBJECTS

16 Insolvency

The Insolvency course examines the legal impact of bankruptcy and insolvency law upon both individual citizens and modern business in Australia.

18 Conflict of Laws

Conflict of laws, or private international law, is the part of private law concerned with legal questions which contain a foreign element. A legal question will contain a foreign element where a relevant fact or party has a connection with a foreign country. For example, conflict of laws issues will arise if proceedings are contemplated in New South Wales in respect of a tort committed in Singapore or in respect of breach of a contract made in New York or against an overseas defendant. In essence, conflict of laws is concerned with questions of private law which transcend legal systems.

This course is a general introduction to the sources and techniques of conflict of laws, with particular reference to legal questions connected with countries outside Australia. Although reference will be made in the course to issues of federal or intranational conflict of laws (conflict of laws issues arising between the states and territories of Australia), detailed knowledge of this topic, such as the scope and operation of the Service and Execution of Process Act 1992 (Com), the concept of federal jurisdiction and the full faith and credit section of the Commonwealth Constitution, will not be required for examination purposes.

The course objective is to give you an opportunity to gain an appreciation and understanding of the transnational dimension of private law and the fact that many legal questions which arise in everyday life are not confined within one legal system.

19 Family Law

This course is designed to provide students with a general yet comprehensive introduction to Family Law in Australia. The course covers four main areas: the historical and current development of family law; children and parental responsibility; spousal maintenance; child support and injunctive relief; and property settlement.
20 Local Government and Planning

The Local Government and Planning course examines the bodies of law which regulate the establishment, status, powers, operation and accountability of local councils and the environmental and planning laws which regulate the use of land. Dramatic changes to the laws governing the constitution, structure and operation of local councils and the regulation of development, building and subdivision of land have been implemented over the past 9 years. The course addresses the operation and effects of the above changes, which are of vital importance to lawyers who specialise, or are developing specialisation, in the rapidly expanding field of Local Government, Environmental and Planning Law. The course also covers discussion of the options for resolution of planning disputes, apart from Court determination.

The overall aim of the Local Government and Planning course is to enable students through lectures, study and practical course exercises to explore and understand the wide variety of laws under which councils operate as regulators and providers of vital services to their communities. This expertise will not only assist them in Local Government and Planning legal practice but also will provide invaluable expertise in aspects of Conveyancing practice.

21 Industrial Law

Industrial law, or the law of employment, is the body of law which regulates the relationship between employers and employees, employers and trade unions, and trade unions and employees.

The Industrial Law course is a general introduction to industrial law, having the primary objective of introducing students to the system of conciliation and arbitration which operates in Australia, and the common law duties imposed on both employers and employees.

22 Intellectual Property

The law of intellectual property encompasses the areas of copyright, design, circuit layouts, patent, plant variety rights, confidentiality information, business reputation and trade marks. The course provides a general introduction to intellectual property outlining for each category of protection how the rights arise, the nature of the rights, ownership and exploitation as well as infringement and remedies.

23 Public International Law

Public international law is the regime of legal rules which primarily seeks to regulate relations between sovereign states. For example, public international law defines the minimum standard of treatment which a sovereign state must accord the nationals of another state on its territory and the responsibility of one state to another for failure to observe the required standard of treatment.

Individuals, to an increasing extent, also are a direct concern of public international law. Examples of this development include the international criminal responsibility of individuals for war crimes, crimes against humanity and genocide and the network of treaties which aspires to define and protect human rights.

This course is a general introduction to the sources and techniques of public international law with the objective of imparting to you an appreciation and understanding of the role of legal rules in regulating the conduct of states and individuals in international society.

25 Trade Practices

The Trade Practices course examines the legal methods of preventing discrimination and unfairness in modern business and consumer society. Methods of preventing dominance in a market by any powerful business entity are scrutinised.
LECTURES

Commencement of lectures
Each year, the teaching programs in the Diploma in Law begin in May, with examinations in September (the Winter Session), and in November, with examinations in the following March (the Summer Session).

Evening students are expected to attend lectures regularly once each week in the subjects in which they are enrolled and distance students are expected to attend the Weekend Schools, as each course is designed around these lectures.

General lecture arrangements
The lecture timetable appears at the back of this Course Information Handbook.

Lectures will commence at 6.00 pm and finish at 8.30 or 9.00 pm throughout the semester.

Lectures are generally held in the Carslaw building, the Chemistry building and in the Eastern Avenue complex which are situated on Eastern Avenue in the main grounds of the University at Camperdown and in lecture theatres at the Sydney University Law School, which is on the corner of Phillip, King and Elizabeth Streets, Sydney. The map at the back of this book shows the locations of main campus venues.

Timetable changes
From time to time, it may be necessary to cancel, re-schedule or relocate classes. The Law Extension Committee will give students as much notice as possible of any changes which need to be made.

Any cancellations or alterations to the lecture schedule, will be posted on the Student Message Board of the Law Extension Committee Webcampus (see pages 27 to 28 for further information on the Webcampus).

INTRODUCTORY DAY

An Orientation Day will be held for all new students on Friday 28 April 2006 preceding the start of the new Session.

For new students, this will be an opportunity to gain a better understanding of the roles of the Board and the Law Extension Committee in the administration of the Diploma in Law course and an opportunity to meet other new students and form study groups.

There will also be seminars in legal study skills and legal research, including a presentation by the University of Sydney Law Library. Details of the Introductory Day are included in your Enrolment package and are also available on the Law Extension Committee Webcampus.

WEEKEND SCHOOLS

Weekend schools are held during each session primarily for external students.

The dates for the Weekend Schools are as follows:

- **Legal Institutions and Contracts Weekend**
  Saturday and Sunday 29 and 30 April 2006
  Further information is provided separately in your enrolment package and is available on the Law Extension Committee Webcampus

- **Weekend School 1**
  Friday to Sunday 2 to 4 June 2006

- **Weekend School 2**
  Friday to Sunday 28 to 30 July 2006

The program for Weekend Schools 1 and 2 for the Winter Session 2006 appear at the back of this Course Information Handbook.

Venue

Weekend School classes are generally held in the Eastern Avenue complex and the Carslaw Building on the main University campus.

Refreshments

Morning and afternoon teas and light lunches will be available for purchase from the University of Sydney Union canteen service adjacent to the Carslaw Building, or nearby.

Accommodation

Various levels of accommodation are available close to the University’s main campus at Camperdown. When booking accommodation ask for the best rate available. You may be entitled to a government rate as you will be attending the University. Sometimes promotional or seasonal rates may be even better. Sometimes motoring organisation [eg NRMA] rates are best. Web booking agencies and infotainment sites are sometimes very competitive, sometimes not. Enquire whether breakfast and parking are included, and whether there are any taxes to be added on.
Motels in Camperdown include:

Camperdown Towers Motel
144 Mallett Street, Camperdown.
Phone (02) 9519 5211.

Rydges Camperdown,
9 Missenden Road, Camperdown.
Phone (02) 9516 1522; 1 300 363300.

Oakford City West Apartments
23-33 Missenden Road, Camperdown.
Phone (02) 9557 6100.
Also nearby are:

Unilodge
Corner of Broadway & Bay Street, Broadway.
Phone (02) 9338 5000.

Metro Motor Inn
1 Meagher Street, Chippendale.
Phone (02) 9319 4133; 1800 004321.

Broadway University Motor Inn
25 Arundel Street, Glebe.
Phone (02) 9660 5777; 1 800 263909.

Contact details for other motels close to the University are listed below:

Rooftop Motel
146-148 Glebe Point Rd Glebe NSW 2037.
Phone (02) 9660 7777.
Email rooftop@real.net.au

Alishan International Guest House
100 Glebe Point Rd Glebe NSW 2037
Phone (02) 9566 4048.
Email kevin@alishan.com.au.

Australian Sunrise Lodge & Airport Budget Motel
485 King Street Newtown NSW 2042.
Phone (02) 9550 4999 (Lodge).
Phone (02) 9557 4400 (Motel).

The Glebe Motel
196 Glebe Point Rd NSW 2037.
Phone (02) 9660 6655.

Billabong Gardens
5-11 Egan Street Newtown NSW 2042.
Phone (02) 9550 3236.

A little further away but still walkable are many more possibilities. For example, if your budget allows, you may find the Mercure Hotel on George Street near Central Station good value (02 9217 6666).

Also near Central Station, is the Ritz of youth hostels, Sydney Central YHA, on the corner of Pitt and Rawson Streets, (02) 9281 9111.

University Residential Colleges
Occasionally the following colleges are able to offer accommodation out of semester time, usually on a bed-and-breakfast basis. Rates and availability vary: The Women’s College (02 9517 5000) and Wesley College (02 9565 3333), and you could try St Andrews (02 9565 7300), Sancta Sophia (02 9577 2100), St Michael’s (02 9692 0382), St Paul’s (02 9550 7444, St John’s (02 9394 5200).

TUTORS AND LEGAL SKILLS WORKSHOPS

Legal skills workshops are provided primarily for new students in Legal Institutions and Contracts (see timetables on page 49).

Following on from the problem solving workshops at the Introductory Day, the workshops are designed for students new to tertiary and/or legal study, and focus on generic skills to assist in your study of law throughout the Diploma in Law. They do not cover substantive areas in law in either subject, although examples may be drawn from the subject material. In particular, the workshops concentrate on assignment preparation, problem solving skills and exam techniques. The workshops will be held each week during the Winter Session 2006 and during the Weekend Schools.

For more details students in Legal Institutions and Contracts should browse the Tutors’ section on the Law Extension Committee Webcampus.

The tutors can be contacted by phone between 10am-12pm on Tuesdays and Thursdays during the Summer Session on (02) 9392 0320 or by email on tutors@lec.pip.com.au at anytime.
PARKING

Sydney University Main Campus (Camperdown)

Parking is available close to main campus venues in designated areas. The best entry points are the main gates on City Road, and from Parramatta Road, near the corner of Glebe Point Road. There is also a parking station in Shepherd Street, off Cleveland Street near the corner of City Road, behind the Seymour Centre.

The University has a “pay-and-display” parking regime and heavy fines are imposed for non-compliance. Parking costs after 3.00pm are $2.00 per hour to a maximum of $6.00. The ticket machines accept coins only. The nearest change machine to the Carslaw Building is located in front of the Anderson Stuart Building, further along Eastern Avenue. There is also a change machine in the Shepherd Street Car Park.

University campus roads fall under the general road rules, meaning parking Infringement Notices are processed by the NSW Police Infringement Process Bureau. Any enquiries regarding Infringement Notices should be made per the instructions included with the notice. The Law Extension Committee is unable to pursue matters of parking infringement notices on behalf of students.

In recent Sessions, students have reported ticketing machines and/or change machines to be out of order. If you have problems with ticketing or change machines, you should direct your enquiries to the Sydney University Traffic and Parking Office on (02) 9351 3336.

Sydney University Law School (Phillip St, City)

As you may imagine, parking space is at a premium around the Sydney University Law School. There are no parking facilities for students within the Law School building. There may be metered parking in the surrounding streets (Phillip Street, Elizabeth Street, Hunter Street, Macquarie Street, King Street) however students would need to make their own investigations.

Several commercial parking stations operate near the Law School: Secure Parking ((02) 8912 4900) have stations at 2 Chifley Square, 135 King Street & 187 Macquarie Street; Kings Parking ((02) 9221 2476) operate a station at 60 Elizabeth Street.

The Domain parking station may also be an option, with its moving footway bringing you fairly close to the Law School building or there is the Cathedral Parking Station between the Cook and Phillip swimming pool complex and St Mary’s Cathedral.

PUBLIC TRANSPORT

Sydney University Main Campus

For lectures and weekend school classes held on the main campus, the most convenient entry point is the main City Road gate.

By train, the closest station is Redfern, from where you should turn left into Abercrombie Street then right into Codrington Street, which will take you to the City Road gates. You might find it more convenient to use Central Station, especially at night.

Buses stop right outside the City Road entrance, and run frequently from Central Station and the CBD. Routes 422, 423, 426, 427, and 428 depart from Circular Quay and travel down Castlereagh Street, passing through Railway Square before stopping at the City Road entrance.

Students can also enter from Parramatta Road, with the best entrance being University Avenue at the eastern end of Parramatta Road, near Glebe Point Road.

Sydney University Law School

The closest train stations to the Sydney University Law School are Martin Place and St. James. The Elizabeth Street exits of both stations are a few minutes walk from the Law School building. There are many bus services that stop outside or near the Law School, including most Eastern Suburbs buses.

A true lawgiver ought to have a heart full of sensibility. He ought to love and respect his kind, and to fear himself.

Edmund Burke (1729-1797)

Reflections on the Revolution in France, 1790, para. 483