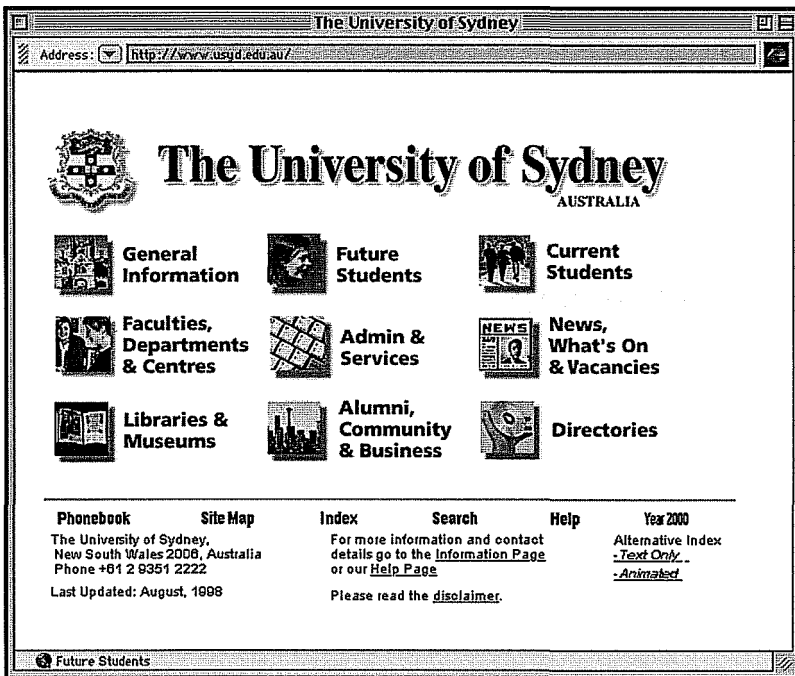




The University of Sydney

Faculty of Law Handbook 1999



The University's homepage tells you all about courses at Sydney, some careers they can lead to, and what university life is like. The interactive website, with video and sound clips, has links to the University's faculties and departments.

You can explore the University of Sydney on the web at <http://www.usyd.edu.au/>.

Communications should be addressed to:

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Semester and vacation dates 1999

Academic year information (*Academic Board policy and dates 1998-2002*) is available at:

http://www.usyd.edu.au/su/planning/policy/acad/3_0aca.html

	Day	Date (1999)
March Semester lectures begin	Monday	1 March
Easter recess		
Last day of lectures	Thursday	1 April
Lectures resume	Monday	12 April
Mid-semester recess		
Last day of lectures	Friday	30 April
Lectures resume	Monday	10 May
Study vacation: 1 week beginning	Monday	14 June
Examinations commence	Monday	21 June
March Semester ends	Saturday	3 July
July Semester lectures begin	Monday	26 July
Mid-semester recess		
Last day of lectures	Friday	24 September
Lectures resume	Monday	11 October
Study vacation: 1 week beginning	Monday	8 November
Examinations commence	Monday	15 November
July Semester ends	Saturday	4 December

Last dates for withdrawal or discontinuation 1999

	Day	Date (1999)
<i>March Semester, 1999</i>		
Last day to Add a unit	Friday	12 March
Last day for Withdrawal	Wednesday	31 March
(no HECS liability, no academic penalty)		
Last day to Discontinue with	Friday	23 April
Permission (HECS liability incurred; no academic penalty)		
Last day to Discontinue	Friday	11 June
(HECS liability incurred; result of 'Fail' recorded)		
<i>July Semester, 1999</i>		
Last day to Add a unit	Friday	13 August
Last day for Withdrawal	Tuesday	31 August
(no HECS liability, no academic penalty)		
Last day to Discontinue with	Friday	10 September
Permission (HECS liability incurred; no academic penalty)		
Last day to Discontinue	Friday	5 November
(HECS liability incurred; result of 'Fail' recorded)		

The University of Sydney Faculty of Law Handbook 1999

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The information in this handbook is subject to approval and/or change by the appropriate faculty or the University. Students should always check the accuracy of the information with faculty staff.

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Welcome from the Dean

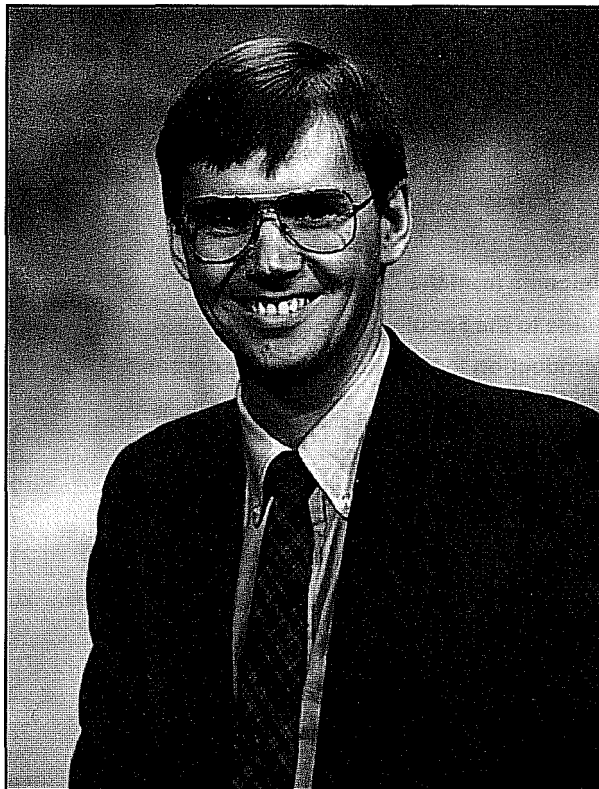
When I first came to law school, as a student, I expected the study of law to be about learning the rules. I thought law would be a technical discipline of knowing what the rule book says and what the rules require in particular cases.

There was some truth in that. We do expect you to learn the law and legal reasoning does have its own particular and sometimes technical character. But I also found - and you will find - that legal reasoning makes more demands upon your creativity and your imagination than I ever thought possible. This is because law always speaks in relatively general terms, and it is up to lawyers to work out how those general terms apply in the complexities of daily life. In doing that, lawyers have to ask themselves continually what is the best rationale for a rule, what considerations are important to determining its scope and application.

That is why it is so important to have a legal education that allows for in-depth interaction and discussion with your lecturers. That is why a legal education should make sure that you engage in the kind of legal argument and experimentation that the practise of law demands. That is why the theory of law has to be interwoven with the practise. It is precisely in order to give you this kind of legal education that the University of Sydney has decided to move to small group teaching at the very time that other schools are having to expand class size.

I came to the University of Sydney from Canada in February 1998 because this faculty embodies a number of features essential to any great law school. First, it combines a strong commitment to legal theory with high standards of professionalism and indeed close links to the practise of law. Second, it has long had an intensive commitment to the study of international and comparative law. In a world in which legal practice increasingly involves transnational elements, Sydney's extensive engagement with the world is valuable. Third, the University of Sydney has a very large postgraduate program, testifying to its quality and depth. Indeed, more than half of all the postgraduate law students in Australia choose to study at Sydney.

This is indeed a very fine Law School. We are pleased to welcome you here. The Faculty's accomplishments have always been due to the quality of its students. We look forward to discovering what your distinctive contribution to that tradition will be.



A handwritten signature in black ink, appearing to read 'J Webber', followed by a long horizontal line extending to the right.

Professor Jeremy Webber, Dean.

Guide to the Faculty

History

The Faculty of Law was inaugurated in 1855. There were only two other faculties in the University at the time, Arts and Medicine. The Faculty of Law commenced its work in 1859, but this work in the main was examining rather than teaching for about 30 years.

In 1880 John Henry Challis, a merchant and landowner of Potts Point, N.S.W., died. Five years after the death of his wife in 1884, the substantial bequest of his real and personal estate began to pass to the University, 'to be applied for the benefit of that institution in such manner as the governing body thereof directs'. As a result of this bequest eight university chairs, including those of Law and of International Law and Jurisprudence, were founded, together with a number of specific lectureships, several of them in the Faculty.

In 1890 Pitt Cobbett was appointed to the first Chair of Law and became the first Dean of the Faculty. This marked the commencement of the Law School as we know it today. After Pitt Cobbett's resignation in 1910 Mr J.B. Peden (later Sir John Peden) was appointed to the Chair of Law and became Dean of the Faculty. A second chair was created after World War I, and A.H. Charteris, of the University of Glasgow, was appointed Challis Professor of International Law and Jurisprudence.

The earliest lectures in the Law School, before Pitt Cobbett's arrival from England, were given on the second, i.e. the top, floor of an old building called Wentworth Court, which ran from Phillip to Elizabeth Streets on the site of the former Government Insurance Office (the old Sun Office). Soon after Professor Pitt Cobbett's arrival in 1890 the Law School, with its 14 students and teaching staff of five, four of whom were part-time lecturers, moved a few doors along Phillip Street to the premises that Sir John Peden, writing in 1940, described as 'attractive quarters' in what used to be the Australian Pioneers' Club at No. 173.

In 1896 the law School moved across Phillip Street to No. 174 Selbourne Chambers, a three-storeyed building on the site of the present Selbourne Chambers. The School remained there till 1913, when it moved for a year to a 'cramped and noisy' upper floor in Martin Place, while Wigram Chambers (No. 167 Phillip Street) and Barristers Court (to the rear, facing Elizabeth Street), both of which the University had recently purchased, were being converted into University Chambers for the Law School and tenants. Some time later Barristers Court was resumed and demolished for the widening of Elizabeth Street, and in 1936 the university purchased all that remained of the original site. On this block a 13 storey building was erected and opened in 1938. It was joined to the old Phillip Street Building although the floors were at different levels, and it contained a well-appointed law library occupying three floors. The rest of the space was let. In 1939 there were 288 students and a teaching staff of 17 - two professors and full-time tutor (F.C. Hutley, later Mr Justice Hutley of the Supreme Court of N.S.W.), and 14 part-time lecturers.

In the years immediately following World War II there were some 1100 students in the Law School; the number fell to 650 by 1953. During the 1950s three further chairs of law were created and another was added in 1969. In that year the Faculty of Law moved again, this time into a building of some 16 storeys bounded by Phillip, King and Elizabeth Streets, which it still occupies. This is now known as the 'St James Campus'. The building contains 9 lecture rooms, which have been placed on two of the floors below street level as this gives better air-conditioning control and reduces noise

problems. Student amenities include a cafeteria, common rooms, games rooms and two squash courts. The library, which occupies four floors of the building, can accommodate 450 readers, half of them in individual carrels.

The Faculty now has approximately 1400 undergraduate students, 650 postgraduate coursework students and 100 postgraduate research students. There are now 14 chairs, including the Challis Chairs of Law (Professor Harland), Jurisprudence (Professor Tay), and International Law (Professor Shearer) and externally supported Chairs in Industrial Law (Blake Dawson Waldron - Professor McCallum), Women and the Law (Dunhill Maden Butler - Professor Graycar), Litigation and Dispute Resolution (Abbot Tout - Professor Astor). The Dean of the Faculty in 1999 is Professor Jeremy Webber.

The Faculty of Law

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Subject to University approval, a new structure for the Faculty of Law will be implemented in 1999 and thus some of the information above may change.

Introduction to the undergraduate degree

Undergraduate study in the Faculty of Law

The Faculty of Law has adopted the following statement of goals with respect to the undergraduate curriculum:

'The University of Sydney Law School should seek to produce Bachelor of Laws graduates who are legally imaginative and creative, with a high level of critical and analytical ability, historically sensitive and socially perceptive, as well as being competent technical lawyers. The graduates should leave this Law School with a well-rounded and broad grasp of the law and the necessary knowledge to satisfy requirements for entering legal practice. They should be able to see the law in its wider social context and have the skills to respond to and direct change in law and society where necessary. The graduates should have a sense of professional responsibility and a sensitivity to the human element in legal problems. The emphasis in legal education should be on producing thinking graduates who can question and challenge, and who can also apply their legal skills to the increasingly varied environments in which the law is developing. Knowledge of law and thinking about law should be combined into an integrated teaching of the law. An evaluation of existing law should be a part of this process.'

Two broad foundation units (Legal Institutions; and Law, Lawyers and Justice in Australian Society) have been developed in order to enable students, from the outset of their legal studies, to gain an understanding of the historical, political, economic and ethical contexts in which the law operates and the policies which the law seeks to serve.

This Law School has traditionally had a high reputation for providing students with a strong grounding in analytical skills, such as the ability to examine statutes, cases and other legal materials and to produce an accurate opinion on the current state of the law. These are essential skills for a lawyer and, accordingly, are an important goal of the curriculum. Integral to the foundation units are elements of legal research and legal writing skills.

Communication skills are developed in students by means of written assignments, mootings, tutorials, seminars and class participation assessment, to as great an extent as the Law Schools resources permit.

The curriculum retains a significant compulsory component, which ensures a coverage of the full range of distinct ways in which the law operates. A large number of optional units of study is available which enables both students and staff to develop to a much greater extent their own particular interests and specialisation.

Finally, the curriculum is expected to develop in students a growing sense of professional responsibility, as well as a knowledge of the special place of lawyers in society and the responsibilities that the privileges of being a lawyer entail.

Programs available

Two types of Bachelor of Laws programs are offered, Combined Law and Graduate Law, both of them full-time. There is no part-time course of study and there are no evening lectures for units of study in the Bachelor of Laws. Applications are made through the Universities Admission Centre (UAC), which publishes a complete Guide in August each year.

Combined Law degrees

Duration: 5 years (3 years on the main Camperdown Campus, 2 years at the St James Campus, Phillip Street)

1. Arts/Law (BA/LLB)
2. Economics/Law (BEc/LLB)
3. Economics (Social Sciences)/Law (BEc[SocSc]/LLB)
4. Commerce/Law (BCom/LLB)
5. Science/Law (BSc/LLB)

Most applicants to Combined Law courses are secondary school leavers who have just completed a NSW HSC (or its equivalent). Applications to transfer to Combined Law may also be made from students who have completed no more than one full-time year's study in another degree course either within the University of Sydney or elsewhere. Alternative admission schemes are available, such as the Broadway Scheme, the Cadigal Program and the Mature-age Entry Scheme, and details for these are outlined in the Universities Admission Centre (UAC) Guide. For all the Combined Law courses admission is extremely competitive.

Students should ensure that they are familiar with the regulations of both faculties in which they are enrolled. Further information about the Combined Law degrees can be found in the Handbooks for the Faculties of Arts, Economics and Science. The faculty secretaries or managers and the undergraduate advisers in those partner faculties can assist students in their selection of units of study.

Graduate Law degree

Duration: 3 years (St James Campus)

Graduates and graduands of any university in Australia, New Zealand or the United Kingdom or the Republic of Ireland may apply for admission to the Graduate Law program which may be completed in three years of full-time study at the Law School. Graduates or graduands of other institutions who are granted equivalent status by the Faculty of Law may also apply for admission. The course is not available to those who have just left secondary school or to those who have a tertiary record but are not yet graduates or graduands. Transfer is not available for those who have completed more than one full-time year of a law degree from elsewhere. Competition for places is keen and admission is decided on a weighted basis on the applicant's secondary and tertiary academic record.

Structure of the Combined and Graduate Law degrees

Units of study

All units of study in the Bachelor of Laws are of one semester duration and are taught on the basis of two 2-hour seminars a week. All units of study in the Graduate Law program have been given a value of 8 credit points. In the Combined Law Program, the first year law units have been given a value of 6 credit points and the third year law units a value of 10 credit points. All other law units of study in Combined Law have been given a value of 8 credit points. (The differential weighting for units in Combined Law programs recognises the need to accommodate the degree requirements of partner faculties.)

Compulsory units of study

All candidates for the Bachelor of Laws degree must complete 12 compulsory units of study totalling 96 credit points. The compulsory units are listed below.

Optional units of study

All candidates for the degree must complete 48 credit points of optional units of study (ie. 6 individual units) including a maximum of 40 credit points (ie. 5 individual units) from units of study listed in Table 1 and a minimum of 8 credit points (ie. 1 unit) from units of study listed in Table 2. The optional units of study are listed in Chapter 6 of this Handbook. *No more than 48 credit points of optional units of study may be completed for the degree.*

Combined Law

Candidates in a Combined Law program must complete their law units of study in the sequence set out below. All law units of study specified for years 1, 2 and 3 of Combined Law must be completed before students proceed to full-time Law studies at the St James Campus.

Students who are eligible to do so, may, at the end of the third year, suspend Law studies for one year in order to complete an honours degree in Arts, Economics, Economics (Social Sciences), Commerce or Science. Combined Law students then complete the final two years (of full-time Law studies) at the St James Campus in Phillip Street.

Students enrolled in a Combined Law program must proceed in the following manner:

Year 1

Selected Arts, Economics, Economics (Social Sciences),

Commerce or Science units

Legal Institutions

Law, Lawyers and Justice in Australian Society

Year 2

Selected Arts, Economics, Economics (Social Sciences),

Commerce or Science units

Contracts

Criminal Law

Year 3

Selected Arts, Economics, Economics (Social Sciences),

Commerce or Science units

Federal Constitutional Law

Torts

Year 4

(full-time Law studies)

Administrative Law

Real Property

Equity

Corporate Law*

International Law*

Litigation

Year 5

(full-time Law studies)

48 credit points of the following units:

a) a maximum of 40 credit points from Table 1; and

b) a minimum of 8 credit points from Table 2

Graduate Law

Students enrolled in a Graduate Law program must proceed as follows:

Law I

Legal Institutions

Law, Lawyers and Justice in Australian Society

Federal Constitutional Law

Torts

Criminal Law

Contracts

Law II

As for Combined Law Year 4

Law III

As for Combined Law Year 5

Honours in Law

Honours are awarded on the basis of the weighted average marks. All law units are counted, including those taken as part of a combined degree and any failures. A further honours year is not required.

*students may choose instead to do a maximum of 2 units of study from Table 1 or 2.

†students who have not completed Corporate Law or International Law must do so in Year 5.

Weighted average marks

In calculating weighted average marks in Combined Law, all units of study will be weighted equally. Where students are selected to participate in exchange programs or undertake law units on a cross-institutional basis, credit may be given towards the completion of the degree program at the University of Sydney. However, the marks received at the other institution will not be converted for the purpose of the calculation of weighted average marks, unless the exchange program is a Faculty-specific exchange program negotiated between the Faculty of Law and the other institution.

Seminars

Students in the final two years of Combined Law or in the Graduate Law program usually spend 12 seminar hours at the St James Campus each week. It is the experience of law teachers that to be successful, the student must spend a minimum of two hours of study for every class hour. Much of this time will be spent on material to be prepared for class, or material following-up class discussions. Considerable time will also be spent on preparation for written assignments.

Part-time work by Law students during the academic year

At this University, Law is studied as a full-time degree program and classes are scheduled five days per week. Inevitably some students find it financially necessary to engage in part-time employment. Students should be aware that to the extent that they engage in extracurricular work their academic results may be affected. They may fail to satisfy minimum progress requirements. Further, the timetabling of classes (including make-up classes) cannot be adjusted to take employment commitments into account. A few hours of part-time work per week should constitute no difficulty. However, a large involvement in part-time work (especially if it extends beyond the equivalent of one day per week) is inconsistent with proper participation in a full-time degree program.

There may be cases where students in the course of their degree encounter difficult financial circumstances which require a commitment to part-time employment beyond that compatible with full-time study. Whenever such circumstances arise, students should seek the advice of an Associate Dean or Undergraduate Adviser.

English expression

The study and practice of law demands a mastery of the English language and of its expression. Words are the main tools of lawyers. Clarity of thinking and expression is the mark of a good law student and lawyer. Weaknesses in these areas will affect adversely a law student's studies and assessment results.

It should not be thought these weaknesses are to be found only amongst students whose first language is not English. Many students, whatever their background, place themselves at a marked disadvantage by imprecise or inexperienced use of language.

If your first language is not English, you may care to seek assistance from the Learning Assistance Centre at the University.

Where to ask for help

You will find that the Undergraduate Adviser in the Faculty's Student Administration Division will be able to answer most of your questions about admission requirements, enrolments, variations of enrolments, timetables and examinations. The Undergraduate Adviser can be contacted at the St James Campus on Level 12.

For advice about credits, units of study and programs (including non-standard enrolments), permission to discontinue, suspension of candidature, study or personal difficulties, student exchanges or cross-institutional study, you should consult with the Undergraduate Adviser who may refer you to an Associate Dean (Undergraduate).

For academic questions affecting specific courses, you should see the lecturer concerned.

Students in Combined Law programs should refer general issues to the partner faculties. However, for law-specific enquiries, such as attendance in correct unit groups or assessment regimes, Combined Law students should consult the Undergraduate Adviser in the Law Faculty or the Law Counter Officer in the Old Teachers' College.

Library facilities on the Broadway campus

A holding of relevant law books, both set texts and works of reference, is kept in Fisher Library at the University and in the Wolstenholme Library in the Merewether Building. Most law reports and law school journals, however, are available only at the Law School Library.

Undergraduate units of study

Introduction and information

Units of study are subject to alteration. Units and arrangements for courses, including staff allocated, as stated in any publication, announcement or advice of the University are an expression of intent only and are not to be taken as a firm offer or undertaking. The University reserves the right to discontinue or vary such units, arrangements or staff allocations at any time without notice.

Textbooks and reference material

Reading lists will be issued at the commencement of the unit. Teaching in the Law School proceeds on the assumption that each student has all the prescribed material and is making a detailed study of it. It is possible to purchase some books second-hand privately or from the booksellers. Each year, especially during the long vacation, notices concerning books for sale privately appear on student noticeboards of the Law School. In February/March for the past few years the student Law Society has successfully operated a non-profit book exchange in the Law School, accepting and selling second-hand copies of prescribed text and reference books.

In certain units bound copies of notes have been prepared and may be purchased from the Student Administration counter on Level 12 of the Law School Building. Some further material will be issued free of charge in lectures.

Acts and regulations of the Australian Parliament are obtainable from:

Australian Government Publishing Service
32 York Street
Sydney, N.S.W. 2000.

Acts and regulations of the N.S.W. State Parliament are obtainable from:

Government Information Service of N.S.W.
Goodsell Building
Cnr Hunter and Elizabeth Streets
Sydney, N.S.W. 2000.

LAWS 2002 Administrative Law

8 credit points

Prof. Allars

Offered: July. **Classes:** 2 x 2 hr seminars per week.

This unit of study involves a study of the relationships of individuals and organisations with government decision makers. This unit examines the legal principles which apply to those relationships with the aim of developing an understanding of the extent to which decision-makers within executive branch of the government are accountable to parliament, to the courts and to other administrators, such as ombudsmen and review tribunals. The unit encourages the development of a critical perspective upon the legal principles and an understanding of how the values of openness, fairness and participation may be promoted. The critical perspective requires an appreciation of how political theory and the insights of other disciplines may provide a framework for analysing the choices made by administrators, and by judges in judicial review.

LAWS 2000 Contracts

8 credit points

Prof. Harland

Prohibition/other: Unit is part of the Combined Law program.

Offered: March. **Classes:** 2 x 2 hr seminars per week.

Assessment: Combination of assignment/s, essay/s and open book exam.

Contract law provides the legal background for transactions involving the supply of goods and services and one means, argua-

bly 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.

It necessarily follows from the above that the aims of this unit are composite in nature. Perhaps the central aim is to provide an understanding of the basic principles of the common law and statutes applicable to contracts and to provide a grounding in one of the most important areas of law in practice. A second aim is for students to be given the means to evaluate, to make normative judgments, about the operation of the law. This leads to a further aim, admittedly fairly modest in scope, to make some examination of contract law in other countries. As Contracts is basically a case law unit, the final aim of the unit of study is to provide experience in problem solving by application of the principles provided by the decided cases. Successful completion of this unit of study is a prerequisite to the option Advanced Contracts.

LAWS 1002 Contracts

8 credit points

Prof. Harland

Offered: July. **Classes:** 2 x 2 hr seminars per week. **Assessment:**

Combination of assignment/s, essay/s and open book exam.

As for Combined Law.

LAWS 2003 Corporate Law

8 credit points

Ms Kingsford-Smith

Offered: March. **Classes:** 2 x 2 hr seminars per week.

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 law of corporations and the Australian context in which that operates.

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.

LAWS 2001 Criminal Law

8 credit points

Ms Tolmie

Prohibition/other: Unit is part of the Combined Law program.

Offered: July. **Classes:** 2 x 2 hr seminars per week.

This unit of study is designed to assist students in developing the following understandings:

(1) A critical understanding of certain key concepts which recur throughout the substantive criminal law.

(2) A knowledge of the legal rules in certain specified areas of criminal law.

(3) A preliminary understanding of the working criminal justice system as a process and the interaction of that process with the substantive criminal law.

(4) A preliminary understanding of how the criminal law operates in its broader societal context.

The understandings referred to in the foregoing paragraphs will have a critical focus and will draw on procedural, substantive, theoretical and empirical sources. Race, gender, class and the interaction of these factors will be key themes.

LAWS 1003 Criminal Law

8 credit points

Ms Tolmie

Offered: March. **Classes:** 2 x 2 hr seminars per week.

As for Combined Law.

LAWS 2004 Equity

8 credit points

Offered: July. **Classes:** 2 x 2 hr seminars per week.

This unit of study will consider such matters as:

- (1) the nature and history of equity, and the Judicature system;
- (2) the concept of property in equity;
- (3) estoppel;
- (4) equity's approach to undue influence and unconscionable bargains;
- (5) fiduciary relationships;
- (6) the nature of trusts, trusts and other relationships;
- (7) trusts, powers and discretionary trusts;
- (8) the constitution of trusts;
- (9) secret trusts;
- (10) the concept of the charitable trust (with emphasis on the notion of public benefit) and non-charitable purpose trusts;
- (11) resulting trusts;
- (12) constructive trusts;
- (13) duties and powers of trustees, rights and liability of trustees, rights of beneficiaries;
- (14) tracing and the in personam claim;
- (15) specific performance;
- (16) injunctions;
- (17) damages in equity;
- (18) dealings with property in equity: equitable assignments and dispositions of equitable interests.

LAWS 3000 Federal Constitutional Law

10 credit points
Prof. Allars

Prohibition/other: Unit is part of Combined Law program. **Offered:** March. **Classes:** 2 x 2 hr seminars per week. **Assessment:** Combination drawn from class participation, a 2000 w assignment, a 3000 w essay and an open book exam.

The central aim of the unit of study is to provide an understanding of constitutional arrangements at state and federal levels. At the state level the unit includes study of the Constitution Act 1902 (NSW); parliamentary sovereignty and legislative power; manner and form provisions; territoriality; separation of powers; and the Australia Acts 1986. At the federal level topics covered are federation; characterisation of laws; severance; judicial review and interpretation; selected federal heads of legislative power (eg trade and commerce power, corporations power, external affairs power, taxation and financial arrangements); federal/state relations (inconsistency of laws; legislating with respect to the Crown, intergovernmental immunities); prohibitions upon legislative power (implied freedoms, freedom of inter-state trade, excise power); separation of powers and judicial power of the Commonwealth.

Students are required to evaluate the legal principles critically, with reference to underlying political theory.

LAWS 1004 Federal Constitutional Law

8 credit points
Prof. Allars

Offered: July. **Classes:** 2 x 2hr seminars per week. **Assessment:** Combination draw from class participation, a 2000 w assignment, a 3000 w essay and an open book exam.
As for Combined Law.

LAWS 2005 International Law

8 credit points
Prof. Shearer

Offered: March. **Classes:** 2 x 2 hr seminars per week.

The unit of study is an introduction to the general problems, sources and techniques of private international law and public international law and the relationship between these subjects. The private international law part of the unit will focus on the function and scope of this branch of municipal law, with particular reference to jurisdiction, substance and procedure, proof of foreign law, exclusionary doctrines, choice of law in contract, choice of law in tort and governmental seizure of property. The public international law part of the unit will focus on the function and scope of this regime of legal norms in the modern world, with particular reference to sources of law, the relationship between public international law and Australian law, state jurisdiction, jurisdictional immunities and state responsibility.

The unit provides an opportunity to consider particular practical problems, such as jurisdiction and governmental seizure of

property, from the perspectives of both private and public international law.

LAWS 1007 Law, Lawyers and Justice in Australian Society

6 credit points
Assoc. Prof. Ziegert

Prohibition/other: Unit is part of the Combined Law program.

Offered: July. **Classes:** 1 x 2 hr lecture & 2 x 2hr seminars per week.

The aim of this unit of study is to present students with a range of perspectives from which to analyse the role of law and lawyers in Australian society. The unit has a jurisprudential (especially sociological jurisprudence) and comparativist orientation, and addresses broad issues of ethics and professional responsibility. The unit consists of five components: Law and Social Theory, Law, Liberalism and the Welfare State; Law, Civil Society and the Struggle for Social Justice; The Sociology of Law, Lawyers and Professions; and Legal Ethics and Professional Responsibility.

The first component, Law And Social Theory, consists of an introduction to law and social theory, including analysis of the legal formalist claim that law is objective and neutral. It examines legal decision-making as a constructed, interpretative process, with specific reference to lawyer/client relations, the trial process and judicial reasoning.

The second component, Law, Liberalism and the Welfare State, involves an historical and sociological analysis of the emergence of the welfare state and the concomitant changes in the form and function of law. Examples are drawn from social security law, anti-discrimination law, environmental law, family law and consumer law.

The third component, Law, Civil Society and the Struggle for Social Justice, examines the role of law in promoting the ideals of movements for social justice, e.g in relations to issues of race, gender, class, disability and sexual orientation. This includes consideration of potential for law to promote social change; having regard to the prevalent practices of lawyers and judges; the effectiveness of particular regulatory programs in dealing with issues of social concern; and access to justice.

The fourth component, the Sociology of Law, Lawyers and Professions, is an introduction to the major issues in the sociology of law, lawyers and professions (especially the legal profession). This includes issues such as the concept of professionalism, the sociography and demography of lawyers; and the organisation and regulation of legal work.

The fifth component, Legal Ethics and Professional Responsibility, provides an introduction to the major issues and controversies involving legal ethics and professional responsibility, such as: lawyer-client relations; confidentiality and privilege; conflict of interest; the special obligations of advocates to the court; the disciplinary system and complaints against lawyers; and over-riding social, ethical and systematic duties.

LAWS 1001 Law, Lawyers and Justice in Australian Society

8 credit points
Assoc. Prof. Ziegert

Offered: July. **Classes:** 1 x 2 hr lecture & 2 x 2 hr seminars per week.

As for Combined Law.

LAWS 1006 Legal Institutions

6 credit points
Ms Millbank

Prohibition/other: Unit is part of the Combined Law program.

Offered: March. **Classes:** 1 x 1 hr lecture & 2 x 2 hr seminars per week. **Assessment:** Assessment will involve a combination of participation and work in the seminars themselves and written tasks, which will include a court observation assignment, a case reading and analysis assignment, and an essay.

This unit of study provides a foundation core for the study of law. We aim 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 unit will introduce students to issues such as:

- the development of judge made and statute law
- the relationship between courts and parliament
- the role and function of courts, tribunals and other forms of dispute resolution
- understanding and interrogating principles of judicial reasoning and statutory interpretation
- key aspects of the legislative process
- the relationship between law, government and politics
- the law reform process in action
- what are rights in Australian law, where do they come from and where are they going.

We will have a particular focus on indigenous Australia in exploring many of these issues, for example through the landmark Mabo decision.

LAWS 1000 Legal Institutions

8 credit points

Ms Millbank

Offered: March. Classes: 2 x 2 hr seminars per week.

Assessment: Assessment will involve a combination of participation and work in the seminars themselves and written tasks, which will include a court observation assignment, a case reading and analysis assignment, and an essay.

As for Combined Law.

LAWS 1008 Legal Research

0 credit points

Mr Coss

Offered: March & July. Classes: 1 hr per week.

This unit is a compulsory component of the Bachelor of Laws degree.

- Combined Law students undertake tuition at the law school in their second year, in either first or second semester, depending on timetabling. In semester 1, the 'host' substantive law subject will be Contracts; in semester 2, the 'host' will be Criminal Law.
- Graduate Law students undertake tuition in first semester of the first year. The 'host' substantive law subject will be Criminal Law.

The subject Legal Research aims:

- to promote the proficient use by all students of a law library;
- to introduce students to major Australian legal research aids, both in hard-copy and electronic format, and to discourage dependency;
- to provide students with practice in finding and analysing relevant primary and secondary materials;
- to promote efficient and effective research methods.

Legal Research is graded on a Pass/Fail basis. Attendance at all classes is mandatory. Classes will be hourly, one per week, for ten weeks. Numbers will be limited to a maximum of 15 in each class. There will be continuous assessment throughout the semester. Also the 'host' substantive law subject will require students to complete a research assignment, and this will obviously be marked partly with research skills in mind.

LAWS 1009 Legal Writing

0 credit points

Mr Bell

Offered: March. Classes: one 2 hr seminar per semester.

You are required to satisfactorily complete Legal Writing. This unit requires attendance at a legal writing seminar which is taught in conjunction with a host subject (in 1999, Contracts for Combined students, and Criminal Law for Law School students). Class times will be made available early in the semester. The seminar will address common issues in legal writing at this level. Writing strategies will be developed in the context of preparing for the written assessment task in the host subject.

Legal Writing is graded on a Pass/Fail basis. Attendance at the seminar is mandatory.

LAWS 2006 Litigation

8 credit points

Offered: July. Classes: 2 x 2 hr seminars per week. Assessment: Open book exam (60%), written work and/or skills assessment (40%).

This unit of study seeks to provide a knowledge of the basic elements of civil and criminal procedure and evidence. The focus is primarily on civil litigation, but the unit of study will identify and describe the important differences in criminal litigation.

Pre-trial procedures are studied including techniques for initiating litigation, limiting the issues for judicial decision, obtaining evidence to support a case and avoiding trial. Attention then turns to the trial itself. Rules governing forms of evidence, and the basic inclusionary and exclusionary rules of evidence, together with rules governing the burden and standard of proof are considered.

LAWS 2201 Personal Property

4 credit points

Ms Taylor

Offered: July. Classes: 1 x 2hr seminar.

'Property' is classified in the law as being either 'real' or 'personal'. The former includes land, and most interests in land. The latter concerns goods (and interests in goods) and rights in relation to certain other kinds of subject matter, particularly choses in action. This unit of study deals with the important aspects of personal property. The objects of this unit of study are:

- (a) to develop an understanding of the concept 'personal property';
- (b) to explore the role of personal property in society;
- (c) to examine the methods by which rights in personal property are transferred;
- (d) to examine the remedies available to protect and enforce personal property rights; and
- (e) to evaluate the regulation of personal property in the legal and social contexts.

These objects are reflected in the teaching methods and the examination process. Teaching will include the consideration and evaluation of the solutions to real and hypothetical problems. These problems will emphasise the remedial side of the law.

Comparisons with other systems of law, or between real and personal property (and neighbouring 'categories' such as contract), are encouraged. So also is a comparison with other units of study emphasising the remedial side of the law, such as equity. Finally, the opportunity will be taken to introduce students to some aspects of the fastest growing common law subject, namely, Restitution.

The unit of study will cover the following topics, in the approximate order set out below.

1. Introduction
2. Title to Personal Property
3. Transfer and Disposition of Personal Property
4. Rights and Remedies in relation to Personal Property

PLEASE NOTE: Only students who commenced their degree prior to 1998 are required to complete this unit.

LAWS 2007 Real Property

8 credit points

Assoc. Prof. Butt

Offered: March. Classes: 2 x 2hr seminars per week.

The law of real property has always played an important role in the economic, social and political life of England and of those countries, such as Australia, which adopted its legal system. This unit of study aims to provide a study of the modern-day law of real property in the light of its historical development. It considers the nature of interests in land, the rights and obligations which arise from land ownership, and the way in which the law resolves conflicts between competing claims to interests in land.

After a brief historical introduction, the unit of study considers the nature of the various interests in land, the law of co-ownership (joint tenancies and tenancies in common), future interests, priorities between competing interests in land, and the legislation governing the registration of instruments affecting

land. The Mabo and Wik cases, and concepts of native title are also considered.

Because of its significance in Australian land law, emphasis is placed on the Torrens system. Also considered in some detail is the law relating to easements and covenants, and an introduction is provided to the law of mortgages and leases.

LAWS 3001 Torts

10 credit points

Dr Ball

Prohibition/other: Unit is part of the Combined Law program.

Offered: July. **Classes:** 2 x 2hr seminars per week. **Assessment:** Combination drawn from class participation, assignment/s and open book exam.

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

Particular topics on which the unit will focus include:

- (a) The relationship between torts and other branches of the common law including contract and criminal law;
- (b) The role of fault as the principal basis of liability in the modern law;
- (c) Historical development of trespass and the action on the case and the contemporary relevance of this development;
- (d) Trespass to the person (battery, assault, and false imprisonment);
- (e) Interference with goods (trespass, detainee conversion)
- (f) Trespass to land;
- (g) The action on the case for intentional injury;
- (h) Defences to trespass, including consent, intellectual disability, minority, necessity and contributory negligence;
- (i) Development and scope of the modern tort of negligence, including detailed consideration of duty of care, breach of duty, causation and remoteness of damage and assessment of damages;
- (j) Injuries to relational interests, including compensation to relatives of victims of fatal accidents;
- (k) Concurrent and vicarious liability;
- (l) Defences to torts of negligence;
- (m) Breach of statutory duty;
- (n) Public nuisance;
- (o) Private nuisance; and
- (p) Liability for animals.

LAWS 1005 Torts

8 credit points

Dr Ball

Offered: March. **Classes:** 2 x 2hr seminars per week. **Assessment:** Combination drawn from class participation, assignment/s and open book exam.

As for Combined Law.

LAWS 3005 Aboriginal Peoples and Australian Legal Systems

8 credit points

Assoc. Prof. Cunneen

Offered: July. **Classes:** 2 x 2 hr seminar per week. **Assessment:** One take home exam (50%) and one 5000w essay (50%).

This unit of study analyses the relationship between the indigenous people of Australia and the Anglo-Australian legal system. It considers the historical development of that relationship as well as its contemporary forms. The unit will consider a number of recent government enquiries, including the Australian Law Reform Commission's 'Report on the Recognition of Aboriginal Customary Laws', the Human Rights and Equal Opportunity Commission's 'Inquiry into Racist Violence', the Royal Commission into Aboriginal Deaths in Custody, and the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families.

This unit will conclude by discussing the impact of the High Court decisions in Mabo and Wik, the introduction of native title legislation, and new political structures such as the Torres Strait Regional Authority and other regional agreements. A theme running through the program will be the importance of

self-determination and the implication self-determination has for Australian law.

LAWS 3006 Advanced Administrative Law

8 credit points

Prof. Allars, Ms Franklin

Prerequisite: Administrative Law. **Offered:** Not offered in 1999.

Classes: 2 x 2hr seminars per week. **Assessment:** 6000 w research paper (60%), 2 x 2000w essays (40%).

The purpose of this unit of study is to provide students who have developed an interest in administrative law with the opportunity to deepen their understanding of the subject through participation in seminars and through individual research. Four or five topics are covered in seminars. These topics vary from year to year depending on contemporary relevance. Topics may include tribunals and inquiries; specialist jurisdictions (e.g. the Land and Environment Court); public torts and contracts; freedom of information; corporatisation, privatisation and contracting out of government functions; the purpose and scope of judicial review; comparative administrative law.

LAWS 3027 Advanced Constitutional Law

8 credit points

Mr Opekin

Prerequisite: Constitutional Law. **Offered:** March. **Classes:** 2 x 2 hr seminars per week.

This unit of study is intended for those students who are familiar with the basic principles of constitutional law and seek to deepen both their knowledge and research skills in particular aspects of that field. The area selected for detailed study in this unit of study is Chapter III of the Constitution, dealing with the Judiciary.

The architecture of the Australian Constitution is revealed in two critical divisions of power - horizontally between the executive, legislature and the judiciary; and vertically between federal and state levels of government. This unit examines these divisions by focussing on the separation of judicial power and the value of judicial independence, on the one hand, and on the role of federalism in shaping relations between federal and state courts, on the other.

More particularly, this unit examines the following topics:

- (1) historical and comparative origins of the federal judicial system
- (2) the meaning of "matter", and other limitations on federal adjudication
- (3) the subject-matter of federal jurisdiction in ss 75 and 76 of the Constitution
- (4) original and appellate jurisdiction of the High Court
- (5) original and appellate jurisdiction of the Federal Court of Australia
- (6) the role of State courts exercising federal jurisdiction
- (7) associated and accrued jurisdiction of federal courts
- (8) cross-vesting of jurisdiction between state and federal courts
- (9) relations between State and federal courts
- (10) appointment and removal of federal judges and officers
- (11) separation of powers
- (12) choice of law in federal jurisdiction
- (13) choice of law in cross-vested jurisdiction
- (14) the law applicable when the Commonwealth or a State is a party.

Where possible, comparison will be made with the law of other federations, particularly the United States and Canada. The United States Constitution was highly influential in the drafting of the relevant provisions of the Australian Constitution, and American law today remains a useful body of law for comparative purposes in respect of the federal judicial system.

LAWS 3007 Advanced Contracts

8 credit points

Prof. Harland, Prof. Carter

Prerequisite: Contracts. **Offered:** July. **Classes:** 2 x 2hr seminars per week. **Assessment:** 3500w essay(optional, non-redeemable) (35%), open book exam (65% or 100%).

This unit of study has four aims. First, to provide students with an opportunity to build on the knowledge obtained in the Con-

tracts unit. Second, to expose students to some comparative analysis, drawing on other common law jurisdictions and, in some topics, civil law. Third, to explore the relationship between contract and other related topics, such as restitution for unjust enrichment. Fourth, to provide students who have developed an interest in contract with an opportunity to pursue that interest.

In addition the unit can be seen as a component program of study in any specialisation in commercial law, although this will to some extent depend on the topics offered in a given year.

Whatever the topics offered, students can expect a treatment of the law which examines how successful contract law is in regulating the institution of contract, in dealing with problems of planning and negotiating contracts, and the settlement of disputes in the context of consumer contracts and/or the commercial setting.

Twelve topics are listed below. It is envisaged that, in any given semester, three or four topics will make up the unit. There will, however, be no opportunity for students to choose between topics offered.

1. Theories of Contract
2. The Enforceability of Promises, with particular reference to good faith, consideration and promissory estoppel.
3. Uncertainty and Conditional Contracts
4. Discharge for Breach and the relationship with Suspension of Performance
5. Damages for Breach of Contract
6. The Recovery of Sums Fixed by the Contract and Relief Against Forfeiture
7. Unconscionability and Unfair Contracts at Common Law, in Equity and under Statute
8. Illegality
9. The Impact on the Law of Contract of the Statutory Prohibition on Misleading or Deceptive Conduct.
10. Privity of Contract
11. Specific Performance and Injunction
12. The Relationship between Contract and Restitution.

LAWS 3008 Advanced Corporate Law

8 credit points

Assoc. Prof. Hill

Prerequisite: Corporate Law. **Offered:** July. **Classes:** 2 x 2hr seminars per week. **Assessment:** Class participation (25%), optional 3000w essay (25%), open book exam (50 or 75%). This unit of study will deal with a number of contemporary issues concerning debt and equity finance in Australian public and proprietary companies. It will cover both the raising of corporate finance, and the positions of shareholders and creditors in the event of the company's insolvency.

LAWS 3009 Advanced Public International Law

8 credit points

Prof. Shearer, Assoc. Prof. Rothwell

Prerequisite: International Law. **Offered:** July. **Classes:** 2 x 2hr seminars per week. **Assessment:** One compulsory non-redeemable 4000w essay (40%), one optional non-redeemable 6000w research paper or moot (60%) or one exam (60%).

The purpose of this unit of study is to give an opportunity to students who are already familiar with the basic institutions and processes of international law to deepen their knowledge, and widen their research experience, in several topics of contemporary relevance. Topics may change from year to year.

The topics selected for 1998 were:

(1) The Law of the Sea. The impact of the United Nations Convention on the Law of the Sea, 1982, will be assessed against the background of customary international law. Special attention will be given to those aspects of the law which affect natural resources, freedom of navigation and the protection of the marine environment. Australian policy and legislation will also be examined.

(2) International Environmental Law. The development, concepts, and principles of international environmental law will be outlined. State responsibility, mechanisms for implementation, compliance, enforcement and special regimes of protection will also be studied, including the implementation of international environmental law in Australia.

(3) Treaties. Treaties and other types of international agreement are the principal means by which the international community, lacking a universal legislative organ, makes law for itself. Treaties are of increasing importance in Australian law by reason of their incorporation through legislation or by judicial recognition. The basic rules of treaty law and interpretation, the consequences of breach of treaties, and the application of treaties in Australian law will be studied.

LAWS 3100 Advanced Real Property and Legal Drafting (Seminar)

8 credit points

Assoc. Prof. Butt, Assoc. Prof. Skapinker

Prerequisite: Real Property. **Offered:** July. **Classes:** 2 x 2hr seminars per week. **Assessment:** 2 or 3 hr exam, 2000w essay on property law, drafting exercise. The essay may be optional or compulsory, depending on student numbers.

The unit combines aspects of real property and legal drafting. It is skills based. It aims to develop expertise in substantive property law, along with an ability to draft property documents in a style that is both clear and legally effective.

The property law components deals in depth with important topics which the compulsory Real Property course has insufficient time to cover. The topics will vary from year to year, but you can expect them to cover some of the following: leases, mortgages, options, possessory title, old system title, Crown lands title, and strata and community titles.

The legal drafting component concentrates on the techniques of modern legal drafting, emphasizing the 'plain language' style.

LAWS 3051 Advanced Torts

8 credit points

Dr Ball

Prerequisite: Torts. **Prohibition/other:** Remedies for Defamation and Personal Injury. **Offered:** March. **Classes:** 2 x 2hr seminars per week. **Assessment:** One optional essay (30%), class assignment(s) (20%), one exam (50% or 80%).

This unit of study considers a number of areas of the law of torts which are not covered in the compulsory Torts unit. In 1999, it will seek to evaluate, through a critical and analytical study of primary and secondary materials, the way in which the law in New South Wales attempts (1) to reconcile the interest in freedom of speech with the right to protection from attacks on individual reputation and (2) to provide compensation for personal injury.

Topics to be covered in the section on defamation include defamatory imputation; the form of defamatory statement; publication and republication; identification of the person defamed; the basis of liability; the defences of justification, absolute privilege, qualified privilege, protected report, comment, unlikelihood of harm: defence under s 13, and offer of amends; pre-trial practice; conduct of a defamation trial; remedies; criminal defamation; and reform of defamation law.

Topics to be covered in the section on compensation for personal injury include identification of the basic issues involved in compensation; the tort system in theory; the tort system in operation; other compensation schemes; injuries resulting from motor accidents; work related injuries and diseases; occupiers' liability; product liability; medical negligence; mass or toxic torts; comprehensive accident compensation schemes; and reform of compensation law.

LAWS 3011 Advocacy, interviewing and Negotiation

8 credit points

Mr McCrimmon

Corequisite: Litigation. **Offered:** July. **Classes:** 2 x 2hr seminars per week. **Assessment:** Workshop performance (20%), reflective journal (30%), half-day trial (50%).

The primary focus of this unit of study is on three areas of legal practice: trial advocacy, negotiation and client interviewing. Students are expected to engage in seminar discussions, and to participate in workshops. A simulation model is used in the workshops and students will be asked to conduct client interviews, to negotiate settlements, and to present the various components of the trial process. The unit instructor will provide immediate, constructive feedback on the student's performance. Periodical-

ly, the student's performance will be videotaped. This is a hands-on program which explores the nexus between facts and law, theory and practice, means and ends. In the process, principles of effective communication, aspects of substantive law and procedure, the rules of evidence, trial tactics and ethics will be considered.

Assessment is based on three elements:

- (1) performance throughout the semester - demonstrated preparation, understanding of advocacy principles and legal argument;
- (2) written work - maintenance of a reflective journal; and
- (3) presentation of a case in a mock trial at the end of the semester.

There is a quota on enrolments in this unit.

LAWS 3012 Anti-Discrimination Law

8 credit points

Ms MacDermott

Offered: July. **Classes:** 2 x 2hr seminars per week. **Assessment:** One exam (50%), one essay (40%), class participation (10%), optional research paper.

This unit of study examines discrimination issues that arise in a range of different contexts. The unit aims to give students an overview of theoretical perspectives on equality and discrimination, the substance of discrimination issues, and the institutional processes of anti-discrimination enforcement. Specific topics that will be discussed include disability discrimination, HIV/AIDS discrimination, discrimination against lesbians and gay men, sexual harassment, equal pay, occupational health and safety and reproductive hazards in the workplace, race discrimination, and affirmative action. The unit will also seek to highlight the interaction of these discrete topics with other grounds of discrimination. The principal objective of this unit is to give students an appreciation of the utility and the limits of the law in the area of anti-discrimination.

LAWS 3101 Banking and Financial Instruments (Seminar)

8 credit points

Dr Magnusson

Offered: March.

This unit of study aims to provide students with:

- An introduction to the legal environment of banking and financial services;
- An understanding of the legal basis of dealings between banks and their customers, and an overview of the more common rights and duties which adhere to the banker/customer relationship;
- An introduction to the basic principles governing the use of some important financial instruments.

The unit covers aspects of banking and finance law at both the "consumer" and "commercial" level, while minimising overlap with existing courses on corporations law, securities, equity, contracts and real property. The unit does not consider insolvency. Topics to be covered include:

- Legal Regulation of Banks and NBFIs;
- The Legal Basis of Dealings Between Banks and their Customers;
- The Duties and Liabilities of Bankers;
- Appropriation, Combination, and Set-Off;
- Cheques;
- Bills of Exchange;
- "Digital Money" and Electronic Payment Systems;
- Securing Debt: Fixed and Floating Charges.

LAWS 3013 Business Taxation

8 credit points

Corequisite: Personal Taxation. **Offered:** July. **Classes:** 2 x 2 hr seminars per week. **Assessment:** One 3hr exam (60%), one assignment (30%), class participation (10%).

This unit of study further pursues the goals of Personal Taxation and is to be regarded as an extension of that unit.

In particular, the unit analyses the special difficulties of levying tax on business entities and complex transactions, and particularly in an international environment. The taxes covered ex-

tend beyond the income tax to include stamp duties, sales tax (goods and services tax), payroll tax and land tax, being taxes usually paid by business. An assessment will be made of the appropriateness of the mix of taxes in place in Australia.

This unit of study will cover the following topics:

- (a) taxation of partnerships and trusts;
- (b) taxation of companies and shareholders under the imputation system;
- (c) taxation of international transactions;
- (d) sales tax (goods and services tax);
- (e) stamp duties;
- (f) payroll tax;
- (g) land tax.

LAWS 3014 Chinese Laws and Chinese Legal Systems

8 credit points

Ms Franklin

Offered: March. **Assessment:** One 3 hr exam and one 3500-4000w essay.

This unit of study provides an overall picture of the modern Chinese legal system. The unit seeks to develop a perception of the unique character of Chinese law by tracing its role through major social epochs - its imperial origins, the reforms of the Nationalist Government, the eras of revolutionary and radical transformations, the rejection of law under the Communists, and its new role in a socialist market economy. Special economic and political structures are examined as a means of understanding the function and nature of law in the contemporary Chinese society and polity. The unit goes on to illustrate these perceptions through the establishment and development of various legal regimes, including the civil law system, the legal profession, the court system, criminal law and procedure, foreign investment law, intellectual property law etc.

The unit takes place at the University of Sydney in Semester 1 and also at the East China University of Politics and Law, Shanghai, People's Republic of China in January. Lectures for the Shanghai component are given in English by Chinese professors. A three-hour exam is held in Shanghai. The research essay is undertaken on return to Sydney. Students wishing to undertake the unit in Shanghai must apply to CAPLUS. The unit is also taught in Sydney.

Completion of this unit fulfils the Jurisprudence/Table 2 requirement for the LLB in the Faculty of Law.

LAWS 3018 Clinical Environmental Law

8 credit points

Prof. Boer

Prerequisite: Environmental Law. **Offered:** Not offered in 1999. **Classes:** 2 x 2hr seminars per week. **Assessment:** Essay (60%), class participation (40%).

This unit of study is focussed on providing practical experience in the implementation of Environmental Law. Students are required to work on cases at the Environmental Defenders Office under the supervision of specialist solicitors for at least half a day per week over a period of 8 weeks. They may also be required to work on aspects of community legal education initiatives of the Environmental Defenders Office, and a special program arising out of the EDO's membership of ELAW - the Environmental Law Alliance worldwide.

The unit also involves visits to some of the main institutions implementing environmental law and policy, including the Land and Environment Court, the office of the Commissioners of Inquiry and the legal section of the New South Wales Environment Protection Agency. This unit also includes a series of special lectures on environmental litigation, remedies, legal aid and alternative dispute resolution.

JURS 3007 Comparative Law

8 credit points

Offered: July. **Classes:** 2 x 2 hr seminars per week. **Assessment:** Class participation (40%), 6000w essay (60%).

Comparative Law is a method of study and research rather than a distinct branch of law. Thus the primary object of the unit of study is to highlight through the comparative process the meth-

od, the attitude and approach of legal systems belonging to different families of law. The comparative method is central to the creation of legally imaginative and creative students with a high level of critical and analytical ability; it contributes to good international relations through a better understanding of different legal cultures; it gives a deeper understanding of our own legal system by exposing its essential elements; and suggests ideas for law reform through a study of the experience and approach of other legal systems to common problems. The secondary object of the unit is to provide an introduction to the Romano-Germanic family of laws through a comparison between Anglo-Australian law and French, German and Italian law.

LAWS 3016 Competition Law

8 credit points

Dr McMahon

Offered: March. **Classes:** 2 x 2hr seminars per week. **Assessment:** 3000w essay (30%), and 2 hr exam (70%), or one 3 hr exam (100%).

This unit of study examines competition law and policy in Australia. The provisions of Part IV of the Trade Practices Act 1974 will be analysed within the context of the 'National Competition Policy'. The framework for analysis will include a critical overview of the fundamental purposes of competition policy and the legal regulation of economic activity in general. Some reference will be made to the restrictive trade practices provisions of comparative jurisdictions.

Topics include:

- National Competition Policy: the deregulation and corporatisation of essential services;
- Vertical and horizontal arrangements which substantially lessen competition;
- Mergers;
- Misuse of substantial market power;
- Third party access to essential services;
- Competition policy and telecommunications; and
- The role of the Australian Competition and Consumer Commission.

LAWS 3017 Conveyancing

8 credit points

Assoc. Prof. Butt, Assoc. Prof. Skapinker

Prerequisite: Real Property. **Offered:** July. **Classes:** 2 x 2hr seminars per week. **Assessment:** One optional non-redeemable 3000w essay (40%) and one 2 hr exam (60%), or 3 hr exam (100%). Conveyancing is sometimes regarded as a mere matter of form filling and rote-learned procedures, able to be undertaken with minimal legal expertise. In fact, conveyancing is one of the oldest and most complex areas of law, and modern day conveyancing is an elaborate mixture of real property and contract law, seasoned with a fair amount of statutory interpretation. This unit of study is designed to provide the theoretical foundations necessary for expertise in conveyancing practice.

This unit is divided into three sections, following generally the progress of a conveyancing transaction. The first section deals with matters preliminary to entry into a contract for the sale of land, including: formation of an enforceable contract, contractual capacity, identifying the subject matter of the sale, and the concept of 'caveat emptor' in modern conveyancing law. The second section deals with the law relating to the contract for sale itself, concentrating particularly upon the standard form of contract for the sale of land in use in New South Wales. Special attention is paid in this section to the law relating to auction sales, deposits, requisitions and objections to title, defects, the consequences of misdescribing the property, and the legality of structures upon the land. The third section deals with the remedies available to vendors and purchasers, including notices to complete, specific performance, relief against forfeiture, and statutory remedies under the Contracts Review Act, the Fair Trading Act and the Trade Practices Act.

LAWS 3020 Criminology

8 credit points

Assoc. Prof. Cunneen, Assoc. Prof. Stubbs

Offered: March. **Classes:** 2 x 2hr seminars per week. **Assessment:** One take-home exam (50%), one 5000w essay (50%), class presentation.

This unit of study aims to introduce students to the theoretical issues associated with the definition and explanation of crime and criminality. Rationales for punishment are examined along with sentencing practice, and other possible responses to criminal behaviour are explored. The unit considers the impact of criminal justice policy and practice on particular groups such as juveniles, women, indigeneous people, ethnic minorities and victims of crime. The regulation of particular types of offences such as public order offenses or corporate crime are considered. Other topical issues are covered as they arise in the contemporary crime debate.

Students are expected to take part in visits to a gaol and/or a juvenile detention centre. It should also be noted that Criminology is a prerequisite for Advanced Criminology.

LAWS 3021 Critical Legal Studies

8 credit points

Mr Fraser

Prerequisite: Constitutional Law, Contracts. **Prohibition/other:** Students who have already completed either Collective Employee Relations or Individual Employee Relations will not be permitted to enrol in this unit. Similarly, students who elect to take this unit will not be permitted to enrol in either Collective Employee Relations or Individual Employee Relations. **Offered:** July. **Classes:** 2 x 2hr seminars per week.

The most important philosophical insight of the movement known as Critical Legal Studies is that "law is politics". This unit of study aims to explore the writings of key members of CLS in order to gain an understanding of the ways in which law and legal discourse construct our political and personal understandings of issues of race, ethnicity, class, sexuality and gender. A primary focus of the unit will be on the interactions between the discourses of law and legality on the one hand and the ways in which these discourses are deployed in the media of popular culture on the other. The construction of a set of knowledges about law through popular culture will be critically examined.

Completion of this unit fulfils the Juriprudence/Table 2 requirement for the LLB in the Faculty of Law.

LAWS 3022 Dispute Resolution

8 credit points

Prof. Astor

Offered: July. **Classes:** 2 x 2hr seminars per week. **Assessment:** One open book exam (50%), one 3500w essay (35%), classwork (15%).

There has been a very rapid growth in the use of 'alternative' dispute resolution in recent years. This unit of study introduces a range of methods of resolving disputes, including negotiation, mediation, arbitration, independent expert appraisal. The relationship of 'alternative' methods to the formal justice system is considered. The application of alternative methods in several areas of law is examined. The unit is theoretical, critical and evaluative. It requires students to study policy and theory and to read materials from disciplines other than law.

The unit contains a skills component. Students who complete the unit will not be qualified as mediators. However they will learn skills in interviewing, negotiation and mediation. There is a quota on enrolments in this unit.

There is a quota on enrolment in this unit.

LAWS 3023 Employment and Industrial Law

8 credit points

Prof. McCallum, Assoc. Prof. McCarry

Prerequisite: Federal Constitutional Law, Contracts. **Offered:** July. **Classes:** 2 x 2 hr seminars per week. **Assessment:** McCallum: one essay (40%), exam (50%), class participation (10%); or McCarry: one essay (30%), exam (70%).

The content and emphasis in this unit of study will differ between the groups to be taught by Prof. McCallum and Assoc. Prof. McCarry.

Prof McCallum aims to introduce students to the subject of labour law. Labour Law has traditionally been divided into two components: individual and collective. The legal regulation of employment and industrial issues has been, and continues to be, the subject of much debate and legislative intervention. The changes this has brought about in labour law has contributed to a blurring of the distinction between the individual and collective aspects, a theme which will be examined during this unit. This unit also explores the manner in which labour law interacts with anti-discrimination law, and the interaction of sources of labour law generally.

Assoc. Prof. McCarry's unit will be cognisant of the interactions between collective and individual, but will give less emphasis to the relationship with anti-discrimination law. Substantive content and practical applications are thoroughly treated. Approximately 25% of class time will be devoted to problem discussion of factual hypotheticals.

LAWS 3024 Environmental Law

8 credit points

Prof. Boer, Mr Dunne

Offered: March. **Classes:** 2 x 2hr seminars per week. **Assessment:** Exam (50%), one 5000w essay (40%), class participation (10%).

This unit of study introduces students to the legal and institutional implications of adopting the precept of ecologically sustainable development, particularly for governments and corporations. The unit begins with a discussion of environmental ethics, followed by an exploration of its ramifications for policy and decision making, legal structures and processes, accountability, and federal and international relations. Various fields of regulation (including land-use; pollution and natural resources), and decision-making processes (including environmental impact assessment and environmental dispute resolution) provide the context in which to develop the issues.

An important focus of the unit is the Environmental Planning and Assessment Act 1979 (N.S.W.) and cognate legislation.

LAWS 3025 External Placement Program

8 credit points

Mr McCrimmon, Mr Coss, Ms Rozenberg

Offered: March & July. **Classes:** 2 x 2 hr seminars per week.

Assessment: One 6000w essay (60%), seminar performance (20%) maintenance of a reflective journal, placement site evaluation (20%).

In this unit of study students are afforded the opportunity to work for up to one day per week during the semester in a 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. 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;
- been introduced to me basic inter-personal skills involved in the practice of law;
- 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.

There is a quota on enrolments in this unit.

LAWS 3026 Family Law

8 credit points

Ms Kaye, Ms Tolmie, Prof. Astor

Offered: March. **Classes:** 2 x 2hr seminars per week. **Assessment:** One open book exam (75%), one 2500w essay (25%).

This unit of study will include the following topics:

- (a) Current issues in family law;
- (b) What is a family?;
- (c) De facto relationships;
- (d) Divorce;
- (e) The Family Court;

- (f) Counselling and alternative dispute resolution;
- (g) Constitutional factors;
- (h) Jurisdictional problems in family law;
- (i) Violence against women;
- (j) Injunction, caveats and the property interests of third parties;
- (k) The division of property;
- (l) Maintenance and the Child Support Acts;
- (m) Financial agreements;
- (n) Parental responsibility; and
- (o) Residence and contact orders.

LAWS 3031 Independent Research Project

8 credit points

Prohibition/other: 4 credit point Independent Research Project.

Offered: March & July. **Assessment:** 10,000w research paper.

The goal of this unit of study is to provide students with an opportunity to pursue independent research in an area of their choosing.

The project must involve a new piece of research. Material which has been submitted for assessment in any other unit of study may not form part of the project.

Before enrolling in this unit of study, the student must formulate in writing the topic of the research project and a statement of methodology. The topic of the research project and the methodology must be approved in writing by a member of the teaching staff who agrees to act as supervisor and to be responsible for assessment of the research project. This approval will not be given if the topic of the research project falls within the scope of another unit of study being offered in the same semester.

LAWS 3030 Independent Research Project

4 credit points

Prohibition/other: 8 credit point Independent Research Project.

Offered: March & July. **Assessment:** 5000w research paper.

As for 8 credit point Independent Research Project. Enrolment in the 4 credit point Independent Research Project is not open to students proceeding under the 1998 Senate Resolutions governing the Bachelor of Laws degree.

LAWS 3033 Intellectual Property

8 credit points

Dr Loughlan, Ms Wright

Offered: March & July. **Classes:** 2 x 2hr seminars per week.

The unit of study will provide a comprehensive overview of the disparate legal rights and causes of action which fall within the general rubric of intellectual property law. These rights fall broadly into two categories: The Creative Rights which are based on a policy of encouraging the exercise of inventive, creative and entrepreneurial skill and labour to a commercial end and include the law of copyright, patents, industrial designs, trade secrets and confidential information. The Marketing Rights which concern the marketing of products and are based on a policy of preventing customer confusion and unfair competition in the market place, specifically by way of misrepresentation and include the law of trademarks, passing off and s.52 of the Trade Practices Act 1974. The range of topics and different regulatory regimes to be covered mean that some topics will inevitably be covered in considerably more depth and detail than others.

The general objectives of the unit are to develop a critical understanding of the basic laws and policies governing intellectual property in Australia and to examine and evaluate the operation of those laws and policies. The unit objectives will be attained through classroom discussion and debate and through a study of primary and secondary materials, with emphasis on decided cases and statutory interpretation.

LAWS 3034 International Human Rights Law

8 credit points

Ms Wright

Prerequisite: International Law. **Offered:** July. **Classes:** 2 x 2hr seminars per week. **Assessment:** One essay (60%), take home exam (40%).

This unit of study will explore various issues in the area of international human rights, including civil and political rights, social and economic rights and rights of peoples.

Students should have completed International Law.

LAWS 3035 Jessup International Law Moot

8 credit points

Prof. Shearer

Prerequisite: International Law. **Offered:** March. **Classes:** 2 x 2hr seminars per week. **Assessment:** Class participation, memorial writing, mooting, team participation.

The unit of study is based on the Jessup International Law Moot Competition conducted annually among law schools throughout the world. Students in the unit work as a team preparing written memorials on a problem of current interest in international law. Mooting usually takes place over three days at the Australian Regional Rounds held in Canberra during February.

Assessment is based on a short paper dealing with an issue in the moot problem, memorial writing, mooting and team participation. Previous problems have dealt with the law of the sea, Antarctica, international environmental law and trade law, though always emphasising basic principles of public international law.

Enrolment in this unit will be only on the invitation of the course coordinator. A quota will be applied in accordance with the rules of the competition. The course requires students to consult individually with other team members and the lecturer with no formal classes scheduled. Offered between December and February each year.

Jurisprudence

The Jurisprudence units of study available offer a variety of different, alternative approaches to the theoretical study of the nature, function, source, techniques and precepts of law, and to legal thinking and law-making. These approaches are distinguished as analytic, philosophical, sociological, historical, international and comparative; they are also expressed in the singling out of specific and central issues of major social and ideological concern, such as human rights and Marxist/Socialist legal theory and legal structures and provisions.

Students interested in undertaking a further Jurisprudence unit as an option may choose one of the strands outlined below which is not the strand already selected as their strand for the compulsory Jurisprudence/Table 2 unit.

Description of contents of units: Jurisprudence strands offered are outlined under Optional Units of Study. Further descriptions will be available at the beginning of the year in Jurisprudence Syllabuses and Information.

Jurisprudence/Table 2 requirement for the LLB degree: Faculty has resolved that students may fulfil the Jurisprudence/Table 2 requirement for the LLB degree by successfully completing any 8-unit unit of study offered in the Department of Law and approved by the Faculty for that purpose.

The following units of study have been approved for that purpose:

- Critical Legal Studies
 - The Holocaust, Moral Responsibility and the Rule of Law
 - Law and Gender
 - Law and Social Justice
 - Chinese Laws and Chinese Legal Systems
 - Cricket and the Law
 - Law and Economics
 - Law, Communications, Culture and Global Economies
 - Thinking Through the Body of the Law
- See entries under optional units of study.
- Strand A - Sociological Jurisprudence
 Strand B - Contemporary Analytical Jurisprudence
 Strand C - Comparative Constitutionalism
 Strand D - Post Communist Law and Legal Theory
 Strand E - Philosophy of Human Rights
 Strand F - International/Comparative Jurisprudence.

JURS 3001 Jurisprudence Strand A - Sociological

8 credit points

Assoc. Prof. Ziegert

Offered: July. **Classes:** 2 x 2hr seminars per week. **Assessment:** One oral exam (40%) and one 6000w research paper (60%).

The unit of study will introduce the student to the basic concepts of sociological theory and methodology and will show how these concepts can be applied to the observation of the functioning of law. On the basis of such a primary understanding of how societies organise themselves and their law it will become possible for the student to appreciate and evaluate critically the efforts of socio-legal research and the conceptions of some major contributors to the sociological theory of law.

The first part of this unit will look at what sociological theory and research can offer today in the description of social life, the explanation of how societies are organised, why people do what they do. Elementary sociological concepts like norm, role, group, power, class, social structure and social system will be related to the operation of the law. Concepts like these provide the tools which make it possible to examine and study systematically and carefully the social organisation and structure of legal systems, the operation and the social environments in which and in relation to which they are operating.

The second part of this unit will introduce the student to the methodological and practical issues of empirical socio-legal research. It will focus on the design and on the practical conducting of study on the role and operations of the courts in the legal process. This part of the unit will back up methodologically the 'Court Watch' program by making court observation a practical research task which will be assessed as a research assignment.

Completion of this unit of study fulfils the Jurisprudence/Table 2 requirement for the LLB in the Faculty of Law.

JURS 3002 Jurisprudence Strand B - Contemporary Analytical Jurisprudence

8 credit points

Assoc. Prof. Ziegert

Offered: Not offered in 1999. **Classes:** 2 x 2hr seminars per week. **Assessment:** One exam and one 4000w essay.

Strand B will concern itself, in the first place, with the logical analysis of the concept of a legal system and of basic legal concepts such as rights and duties. It will then discuss the fundamental concepts of traditional analytical jurisprudence, e.g. property, possession, fault, contract, etc. in the context of a rapidly changing society and of new and different demands made on law, lawyers and the judicial process.

Completion of this unit fulfils the Jurisprudence/Table 2 requirement for the LLB in the Faculty of Law.

JURS 3003 Jurisprudence Strand C - Comparative Constitutionalism

8 credit points

Prof. Sadurski

Offered: Not offered in 1999. **Classes:** 2 x 2hr seminars per week. **Assessment:** One exam, one 4000w essay.

This unit of study will examine the rise and spread of constitutions and constitutionalism throughout the modern world and the extent to which these have transformed or affected modern and modernising societies.

In the 200 years since the Declaration of Rights of Man and the Citizen in France and the coming into force of the first U.S. Constitution, monarchies have fallen, colonies have become independent, countries have become socialist or revolutionary communist and new states have been formed, in Europe, the Americas, Asia, Africa, Pacific and the Indian Ocean. In the past five to ten years, momentous events have taken place in the People's Republic of China, the U.S.S.R. and Eastern and Central Europe which have direct impact on the constitutions and constitutionalism of these countries, giving aspects of this unit of study heightened significance and new perspectives.

The unit will examine the constitution-making and constitutional reform that have accompanied these developments, their nature, presuppositions and their relation to the social and legal culture on which constitutions depend for their effectiveness in restraining governments and protecting rights. In the process it

will distinguish unitary, federal, parliamentary and presidential models, different attitudes to the separation of power and locus standi in appealing against government breaches, entrenched clauses and the protection of human and other rights, entrenched powers and the operation of and threat posed by extra-constitutional power centres (the Army in parts of South America, Indonesia, Turkey, for instance, the Part in Communist countries, trade unions and extra-parliamentary groups in some other countries).

Attention will be focused on the constitutional and legal aspects of the unification of Germany; the history and current constitution-making processes of Poland; twentieth century China and the development of the U.S.S.R. since 1917 and its collapse and demise in 1991; special constitutional features of Malaysia, Myanmar, Vietnam, Hong Kong, etc.

Completion of this unit fulfils the Jurisprudence/Table 2 requirement for the LLB in the Faculty of Law.

JURS 3004 Jurisprudence Strand D - Post-Communist Law and Legal Theory

8 credit points
Assoc. Prof. Ziegert

Offered: Not offered in 1999. **Classes:** 2 x 2hr seminars per week. **Assessment:** One 5000-6000w essay (60%), class presentation and participation (40%).

In view of the significant changes in the political, economic and social structures of the societies of Eastern and Central Europe, new problems arise for the development of law and legal theory, particularly in these societies but also generally in our assessment of the function(s) of law in any given society. This unit of study will introduce the student to the historical context in which the changes that challenged orthodox Marxist-Leninist legal doctrine have taken place and it will analyse the consequences of these changes for the legal order of Eastern European societies.

This unit will show how systemic and ideological causes have destroyed the legal order and changed the legal culture in East European societies. It will provide an outline, in the context of the dichotomy of civil society and the state, of the modes and contents of changes in the weak democratic structures of Central and Eastern Europe, the stages in the transition of democratic state, the rule of law and the 'marketisation of the economy'. In this framework, the possibilities for the revival of law, of political stability and undistorted legal discourse will be discussed and related to a comparative perspective on the different styles of Western, Central and Eastern European legal culture.

Completion of this unit fulfils the Jurisprudence/Table 2 requirement for the LLB in the Faculty of Law.

JURS 3005 Jurisprudence Strand E - Philosophy of Human Rights

8 credit points
Prof. Sadurski

Offered: March. **Classes:** 2 x 2hr seminars per week. **Assessment:** One optional, non-redeemable 3500w essay (40%), one 2hr open book exam (60%) OR one 3hr exam (100%) OR Two essays (50% each).

The aim of this unit of study is to provide a basis for the theoretical analysis of rights, and to apply that analysis to specific legal situations in which human rights are the central issue. The emphasis will be on the philosophical and ethical foundations of human rights, and on the interconnections that exist between theory and practice. Analyses of actual cases culled from various legal systems will be used to illustrate more general propositions about the proper nature, scope and rationale of human rights. The lectures will focus on the concept of rights and the functions of the rights talk, on the alleged right to civil disobedience, the limits of legally protected liberty (including the problems of the enforcement of morals, legal paternalism and the duty to render aid), and rights to equal protection. Throughout the unit, the emphasis will be on philosophical and moral justification of various rights and not on specific legal arrangements in any particular legal system.

Completion of this unit fulfils the Jurisprudence/Table 2 requirement for the LLB in the Faculty of Law.

JURS 3006 Jurisprudence Strand F - International/Comparative Jurisprudence

8 credit points
Assoc. Prof. Ziegert

Offered: July. **Classes:** 2 x 2hr seminars per week.

The 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 is structured in four parts and it 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.

Completion of this unit fulfils the Jurisprudence/Table 2 requirement for the LLB in the Faculty of Law.

LAWS 3036 Law and Economics

8 credit points
Prof. Apps

Prohibition/other: Economic Analysis of Law. **Offered:** March.

Classes: 2 x 2hr seminars per week. **Assessment:** Class assignments (10%), 3000 word essay (30%), 3 hour exam (60%).

The aim of this unit of study is to provide an understanding of the economic analysis of law and to clarify differences between the role of legal argument and the welfare analysis of policy. The unit of study outlines the objectives of public policy defined within the framework of modern welfare economics and examines the social and economic effects of legal regimes within that framework. Particular attention is given to the definition of a competitive market as an analytical concept, and to the available empirical evidence of market failure and the need for government intervention and policy reform. Topics covered include the following:

- Concepts of social justice and the public interest: fundamental theorems of welfare economics
- Economic analysis of property law: legal concept of property and the effects of property rights assignments on wealth and bargaining power
- Contract and consumer law: trade theory, bargaining models, asymmetric information, insurance and principles of contract damages
- Family law: economics of family formation, household production, intra-family transfers and exchange, child care, discrimination, and fertility
- Tort rights and remedies: economics of insurance, asymmetric information and moral hazard, and the distinction between fault and no-fault risk
- Economics of crime: formulation of behavioral models, empirical evidence on disincentive effects of punishment, estimation problems, and case studies
- Economics of regulation: monopoly theory and the structure of oligopolistic markets; applications to environmental problems and the labour market
- Agency theory: application to corporate governance and control

Completion of this unit satisfies the Jurisprudence/Table 2 requirements for the LLB in the Faculty of Law.

LAWS 3037 Law and Gender

8 credit points
Dr Karpin

Offered: March. **Classes:** 2 x 2hr seminars per week. **Assessment:** Compulsory: class participation (15%), class presentation (25%); Optional: 6000w essay (60%), or 3000w essay (30%) and exam (30%).

This unit of study interrogates the way that law, lawyers and legal institutions are permeated by the discourses of gender. We will ask how does the conceptual framework of law depend on conventional gendered assumptions? The unit critically examines feminist legal theories of equality, subordination and power and the intersection of oppressions. Specifically, we will consider the intersection between law and gender and race (including ethnicity), sexuality, class and disability. The unit will be grounded in an examination of several key areas where the interplay of law and gender is significant.

Topics to be addressed include:

- The regulation of motherhood and reproduction,
- laws dealing with equality in the workplace,
- legal responses to gendered violence,
- the regulation of sexuality,
- the regulation of pornography and sexually explicit material,
- the impact of new information and bio-technologies.

This unit challenges law's disciplinary boundaries and is informed by critical crossdisciplinary and transdisciplinary approaches.

Completion of this unit fulfils the Jurisprudence/Table 2 requirement for the LLB in the Faculty of Law.

JURS 3008 Law and Social Justice

8 credit points

Prof. Sadurski

Offered: Not offered in 1999. Classes: 2 x 2 hr seminars per week. Assessment: One 3500w essay (40%), class participation and essay presentation (20%) and one open book exam (40%), OR two essays (40% each) and class participation and essay presentation (20%).

The unit of study will explore main contemporary theories of social justice with special emphasis on the conflicting ideologies that attempt to provide foundations for a conception of distributive justice compatible with the ideal of the rule of law. The main focus will be on the notion of desert and its central role in a theory of just distribution; also the idea of distribution according to basic human needs will be explored. In the course of the discussion of these substantive issues, some modern philosophies of justice will be assessed: Rawls's 'justice as fairness', Nozick's 'entitlement theory', Walzer's 'pluralist' theory of distributive justice, communitarian and feminist critiques of liberal theories of justice, etc.

Completion of this unit fulfils the Jurisprudence/ Table 2 requirement for the LLB in the Faculty of Law.

LAWS 3039 Law, Communications, Culture and Global Economies

8 credit points

Dr McMahon & Dr Karpin

Offered: July. Classes: 2 x 2hr seminars per week. Assessment: Class participation/presentation (35%), 6500w essay (65%).

This unit of study introduces students to communications law in the context of its impact on social and cultural production. Specifically its effect on law and legal institutions and our notion of community, the public sphere and the nation state. The regulatory framework, such as the ownership and control of licences, the cross-media and Australian content rules and competition law will be examined in the context of global trends towards the privatisation of public assets and deregulation. Throughout the unit we will place communications law within the framework of the massive economic, political, cultural and technological transformation of our media environment. For instance, we consider whether communications law has or can respond to the introduction of new communication technologies and the move towards the globalised marketplace? We consider how concepts such as the "virtual city" challenge our traditional understanding of regulatory boundaries and cultural identity. This unit will also examine the development of a cyberculture, which, while resisting government attempts to regulate "decency" and censorship, has introduced new and different forms of informal justice.

Students undertaking this unit will obtain an understanding of the efficacy of communications law in light of technological innovation and its impact on our perception of Australian culture, democracy and legal institutions.

Completion of this unit satisfies the Jurisprudence/Table 2 requirement for the LLB in the Faculty of Law.

LAWS 3059 Media Law

8 credit points

Dr Loughlan, Dr Magnusson, Ms McDonald

Offered: March. Classes: 2 x 2hr seminars. Assessment: Open book exam and an essay.

In this unit of study, students will examine and analyse a number of important legal and policy issues affecting the freedom of the media and others to collect and publish factual and fictional

material in all forms of media. This unit will concentrate on common law and statutory privileges and restrictions on the conduct of the media and other parties engaged in the arts, publication or performance. Civil and criminal sanctions will be examined as will the role of the courts, parliament and other organisations in the regulation of the media. The unit will also include an introduction to the licensing and regulation of ownership and control of media organisations. Students will be expected to be able to identify and apply the current legal rules and to evaluate their efficacy in protecting and balancing various interests in society: freedom of speech, protection of reputation, privacy, freedom from harassment, protection of confidential information, the right to a fair trial, public interest in the due and open administration of government and justice.

Topics to be covered include:

1. Freedom of expression and the role of the media in society.
2. The licensing and regulation of media ownership and control of media organisations.
3. Defamation and the media.
4. Privacy and the media.
5. The media and court proceedings: contempt, suppression orders; access to the courts.
6. Offensive and prohibited communications.
7. Classification schemes and codes of practice.
8. Special issues relating to the Internet.

LAWS 3046 Medical Law

8 credit points

Dr Bennett, Dr Magnusson

Offered: July. Classes: 2 x 2hr seminars per week. Assessment: One optional essay, one take home exam.

This unit of study aims to provide students with an introduction to the legal issues that arise in modern health care. Issues to be covered in the course include: consent to treatment, negligence by health professionals, confidentiality, dispute resolution, legal implications of reproductive technologies, euthanasia and end-of-life decision-making, and organ transplantation. By the end of the unit of study students will be expected to be familiar with the application of case and statute law to health care and to be able to discuss the relevant ethical principles which may arise. Student participation in class discussion will be expected.

LAWS 3045 Migration Law

8 credit points

Dr Crock

Prerequisite: Administrative Law. Offered: March. Classes: 2 x 2hr seminars per week. Assessment: One exam, one 3500w essay or moot exercise and tribunal observation exercise/classwork.

The aim of this unit of study is to introduce students to the legal and policy framework governing immigration control in Australia. Of all the sub-specialities of applied Administrative Law, Migration Law stands out for the breadth of interest and the depth of emotions it excites in members of the broader community. Statistics suggest that one in four of today's Australians were either born overseas or have a foreign-born parent. In spite of this, resentment persists of the immigration program in general and of uninvited migrants in particular both unlawful non-citizens and on-shore refugee claimants. By placing the current mechanisms for controlling migration in their legal, social, historical and economic contexts, students will be given the opportunity to explore the 'big' issues raised by migration and to look at why the subject has assumed such a central role in Australia's identity as a nation.

On a practical level, the unit seeks to develop in students:

(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, gained in the examination and synthesis of court decisions and rulings by the three major administrative review bodies: the Immigration Review Tribunal; the Refugee Review Tribunal; and the Administrative Appeals Tribunal; and

(c) Oral and writing skills, through class presentations and the preparation of a major research paper or participation in a moot.

More generally, the unit aims to encourage students to think clearly about the issues involved in immigration control and about the methods adopted by the government to achieve its policy objectives.

LAWS 3047 Personal Taxation

8 credit points

Mr Burns, Assoc. Prof. Apps

Offered: March. **Classes:** 2 x 2hr seminars per week. **Assessment:** Semester 1: one exam (70%), one assignment (20%), class participation (10%); Semester 2: one exam (70%), one assignment (30%) (optional/ redeemable).

Personal taxation and more particularly reform of current tax law is one of the dominant legal, political and social issues of our times. This unit of study will seek to provide students with an understanding of why taxation is of such fundamental concern in modern democratic societies and why it is an inherently complex problem (especially at the legal level), not susceptible to easy solution.

At the same time students will be provided with a knowledge of the current law, particularly as it affects individuals. Many of the legal principles discussed in the unit are of general application and not confined to individuals. This unit therefore serves as an introduction to tax law and the principles upon which it is based.

The unit consists of a study of the federal income tax system (including the capital gains tax and fringe benefits tax) mainly as it affects individuals. The course will also cover important issues of tax policy thereby allowing students to make a critical examination of the Australian tax system.

This unit is a prerequisite for Business Taxation. Students interested in the interaction of the tax and social security systems (including more detailed treatment of superannuation) should consider enrolling in Social Security Law.

LAWS 3048 Policing Crime and Society

8 credit points

Assoc. Prof. Stubbs

Prerequisite: Criminology. **Offered:** July. **Classes:** 2 x 2hr seminars per week. **Assessment:** One 5000w essay/research paper (50%), one take home exam (50%).

The unit of study aims to encourage students to further develop their skills and knowledge in criminology and its critical analysis through an examination of in depth theoretical and policy issues within contemporary criminal justice. Critical attention will be paid to policing (in its widest sense) and other criminal justice institutions. The unit of study will cover advanced theory, methodology and policy analysis. A significant component of the unit of study will be devoted to the analysis of specific criminal justice issues of current relevance. Students will examine: crime and crime control within a social and political context; institutions and processes of criminal justice in the light of contemporary research and policy debates; the major theoretical frameworks within which crime and criminal justice policy are constructed and analysed; methods of undertaking research and policy analysis; and the theoretical assumptions underpinning criminal justice policy.

LAWS 3015 Private International Law

8 credit points

Mr Anderson

Prerequisite: International Law. **Prohibition/other:** Conflict of Laws. **Offered:** July. **Classes:** 2 x 2hr seminars per week. **Assessment:** 3000w assignment (50%), 2 hour examination (50%).

Private international law (or conflict of laws) is the part of local or municipal law which is concerned with questions which contain a foreign element. A foreign element in a legal question may consist of a relevant connection between a fact or party and a foreign legal system. For example, private international law issues may require consideration if a question arises in New South Wales concerning the distribution on death of the New South Wales property of a person domiciled in Greece whose last will was executed in New York or the validity of a mortgage of shares in an Indonesian corporation executed by the mortgagor in Hong Kong as security for a loan made by an Australian bank.

This unit is a study of selected theoretical and applied aspects of private international law which seeks 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.

LAWS 3062 Product Liability Law

8 credit points

Prof. Harland

Prerequisite: Contracts, Torts. **Offered:** March. **Classes:** 2 x 2hr seminars per week. **Assessment:** Class participation (10%), 5000w essay (50%), open book exam (40%).

This unit of study examines recent developments towards imposing stricter liability on manufacturers of defective goods which cause death or personal injury and, in some cases, damage to other property. The focus of the unit is the regime of strict liability introduced into the Trade Practices Act 1974 (Cth) in 1992. This regime is based on that adopted by the European Communities in 1985. Attention will be given to arguments raised for and against the introduction of strict liability, the previous Australian law and the law reform process leading to the 1992 reform. There will be consideration of developments in product liability law in the United States and Europe, and of the influence outside Europe of the EC Directive (especially in the Asia/Pacific region).

Particular issues to be examined include:

- the concept of 'defect'
- the concept of 'product' and its distinction from 'services'
- causation
- defences (especially that of 'development risks')
- liability of co-defendants (and market share theory)
- limitation periods.

LAWS 3049 Regulation of Financial Markets

8 credit points

Ms Kingsford Smith

Prerequisite: Corporations Law, Equity, Administrative Law.

Offered: March. **Classes:** 2 x 2hr seminars per week. **Assessment:** 4000w research essay (40%), open book or take-home exam (40%), class participation (20%).

This unit of study studies a number of concepts which are fundamental to the regulation of a financial market. The most established and most closely studied of all financial markets are those in corporate securities, and this unit will study rules and techniques which govern securities markets. But those rules and techniques have developed important differences when employed in other financial markets, such as those for futures and derivatives, interests in a superannuation fund, unit trusts, life insurance linked investments or markets with a substantial international element. In any particular semester each of the fundamental concepts covered by the unit will be studied, but taking into account regulatory developments in markets other than for corporate securities.

The unit will introduce the student to the institutions and practices of financial markets. The unit will then consider some of the literature from economics which explains the purposes of financial markets, how they work and why they may require regulation. The rest of the unit will be spent considering the juristic nature of financial regulation, its creation, the style of enforcement and the most important regulatory techniques adopted eg disclosure, licensing, control of ownership, control of business form, prudential requirements and other issues such as enforcement powers and internationalisation.

A particular feature of the unit is a visit to the business of a financial intermediary (where possible) in the first week and contributions from financial regulators and legal professionals practising in the area of the markets under study.

LAWS 3052 Roman Law

8 credit points

Justice Emmett

Offered: March. **Classes:** 2 x 2hr seminars per week. **Assessment:** One exam (80%), one 2000w essay (20%).

This unit of study is a general introduction to all aspects of Roman law both public and private. It consists of an historical sketch of Roman life and institutions from the earliest times until

the time of Justinian, together with an introduction to Roman legal history and the development of Roman legal concepts. The Roman law of persons, property, obligations (both contractual and tortious) and succession are dealt with in depth and students are expected to know in some detail the Institutes of Justinian, the fundamental text to be studied. The unit is dealt with in a fairly flexible manner, so that students may choose which parts of the unit to study in detail and which parts to study in general outline only. Roman law is studied as a subject partly because of its great intrinsic worth, partly because Roman law has always been, and still is, of great historical importance; and partly, and probably most importantly, because it provides a means of comparing Roman law and the common law with each other and thereby gives a yardstick by which both the virtues and the shortcomings of our own common law can be appreciated.

LAWS 3055 Social Security Law

8 credit points

Prof. Carney

Offered: March. **Classes:** 2 x 2hr seminars per year. **Assessment:** One 5000w research paper (50%), one take home exam (40%), class participation (10%) (Postgraduate students will have different markings and requirements).

This unit of study assesses the development and operation of the law and policy of the social security system as an instrument of social policy (the redistribution of income and wealth, poverty alleviation, fostering of social integration). It combines policy and legal analysis, built around the Social Security Act 1991 (Cth). The unit canvasses material on the nature of poverty and the current and alternative responses to poverty; the operation of social security as it affects particular groups (the unemployed, the ill or disabled, the sole or 'intact' family), and will consider various ways of judging consistency of outcomes, including by reference to 'citizenship theory', 'lifecycle' approaches, and the implications of 'contractualism'. The administration and social impact of the system is an important theme (including the operation of review and appeal systems).

This unit is open to postgraduate students.

LAWS 3056 Succession

8 credit points

Assoc. Prof. Atherton

Offered: July. **Classes:** 2 x 2hr seminars per week. **Assessment:** One exam (60%), one 4000w research essay or moot or take-home exam (40%).

The aim of this unit of study is to provide a knowledge of the rules of devolution of property on death in Australia and an understanding of the context in which those rules emerged and in which they now operate. The concept of testamentary freedom is taken as the pivot around which the rules relating to wills and family provision are discussed and assessed.

LAWS 3057 Sydney Law Review

8 credit points

Dr Bennett, Ms Bird

Offered: March & July. **Classes:** 2 x 2hr seminars per week.

Assessment: One 2000w essay, and drafting, editing and reviewing articles.

The unit of study is offered annually under the supervision of the Editor of the Sydney Law Review, who is a member of the full-time teaching staff. The unit is limited to approximately 18-24 students per year, who are selected on the basis of their academic results. Preference may be given to students in their fifth year in the selection of students for the unit.

Each student will complete a range of tasks with respect to the Review, including the following:

(a) an initial reading of one or more allocated articles, etc. submitted to the Review, and the preparation of a written recommendation to the Editor as to whether the article should be accepted for publication;

(b) checking articles which have been accepted for accuracy and completeness;

(c) assisting in the editing and proofreading of accepted articles in the production process;

(d) writing for submission to the Review one item (usually a case note or a book review essay) on a subject approved by the Editor.

Students selected for this unit must be prepared to serve for six months so that duties may extend beyond the end of formal teaching and assessment, or commence before formal teaching.

Classes on editing, research and writing will be provided, and students will also meet regularly with members of The Editorial Board.

CHAPTER 4

Table of undergraduate units of study

Unit of Study	Credit Points	A) Assumed Knowledge C) Corequisite	P) Prerequisite N) Prohibitions and other information	Offered
LAWS 3005 Aboriginal Peoples and Australian Legal Systems	8			July
LAWS 2002 Administrative Law	8			July
LAWS 3006 Advanced Administrative Law	8	P) Administrative Law.		Not offered in 1999
LAWS 3027 Advanced Constitutional Law	8	P) Constitutional Law.		March
LAWS 3007 Advanced Contracts	8	P) Contracts.		July
LAWS 3008 Advanced Corporate Law	8	P) Corporate Law.		July
LAWS 3009 Advanced Public International Law	8	P) International Law.		July
LAWS 3100 Advanced Real Property and Legal Drafting (Seminar)	8	P) Real Property.		July
LAWS 3051 Advanced Torts	8	P) Torts. N) Remedies for Defamation and Personal Injury		March
LAWS 3011 Advocacy, Interviewing and Negotiation	8	C) Litigation.		July
LAWS 3012 Anti-Discrimination Law	8			July
LAWS 3101 Banking and Financial Instruments (Seminar)	8			March
LAWS 3013 Business Taxation	8	C) Personal Taxation.		July
LAWS 3014 Chinese Laws and Chinese Legal Systems	8			March
LAWS 3018 Clinical Environmental Law	8	P) Environmental Law.		Not offered in 1999
JURS 3007 Comparative Law	8			July
LAWS 3016 Competition Law	8			March
LAWS 1002 Contracts	8			July
LAWS 2000 Contracts	8	N) Unit is part of the Combined Law program		March
LAWS 3017 Conveyancing	8	P) Real Property.		July
LAWS 2003 Corporate Law	8			March

Unit of Study	Credit Points	A) Assumed Knowledge C) Corequisite	P) Prerequisite N) Prohibitions and other information	Offered
LAWS 1003 Criminal Law	8			<i>March</i>
LAWS 2001 Criminal Law	8	N) Unit is part of the Combined Law program		<i>July</i>
LAWS 3020 Criminology	8			<i>March</i>
LAWS 3021 Critical Legal Studies		P) Constitutional Law, Contracts. N) Students who have already completed either Collective Employee Relations or Individual Employee Relations will not be permitted to enrol in this unit. Similarly, students who elect to take this unit will not be permitted to enrol in either Collective Employee Relations or Individual Employee Relations.		<i>July</i>
LAWS 3022 Dispute Resolution	8			<i>July</i>
LAWS 3023 Employment and Industrial Law	8	P) Federal Constitutional Law, Contracts.		<i>July</i>
LAWS 3024 Environmental Law	8			<i>March</i>
LAWS 2004 Equity	8			<i>July</i>
LAWS 3025 External Placement Program	8			<i>March & July</i>
LAWS 3026 Family Law	8			<i>March</i>
LAWS 1004 Federal Constitutional Law	8			<i>July</i>
LAWS 3000 Federal Constitutional Law	10	N) Unit is part of Combined Law program		<i>March</i>
LAWS 3030 Independent Research Project	4	N) 8 credit point Independant Research Project.		<i>March & July</i>
LAWS 3031 Independent Research Project	8	N) 4 credit point Independant Research Project.		<i>March & July</i>
LAWS 3033 Intellectual Property	8			<i>March & July</i>
LAWS 3034 International Human Rights Law	8	P) International Law.		<i>July</i>
LAWS 2005 International Law	8			<i>March</i>
LAWS 3035 Jessup International Law Moot	8	P) International Law.		<i>March</i>
JURS 3001 Jurisprudence Strand A - Sociological	8			<i>July</i>
JURS 3002 Jurisprudence Strand B - Contemporary Analytical Jurisprudence	8			<i>Not offered in 1999</i>
JURS 3003 Jurisprudence Strand C - Comparative Constitutionalism	8			<i>Not offered in 1999</i>
JURS 3004 Jurisprudence Strand D - Post-Communist Law and Legal Theory	8			<i>Not offered in 1999</i>
JURS 3005 Jurisprudence Strand E - Philosophy of Human Rights	8			<i>March</i>
JURS 3006 Jurisprudence Strand F - International/Comparative Jurisprudence				<i>July</i>

Unit of Study	Credit Points	A) Assumed Knowledge C) Corequisite	P) Prerequisite N) Prohibitions and other information	Offered
LAWS 3036 Law and Economics	8		N) Economic Analysis of Law	March
LAWS 3037 Law and Gender	8			March
JURS 3008 Law and Social Justice	8			Not offered in 1999
LAWS 1001 Law, Lawyers and Justice in Australian Society	8			July
LAWS 1007 Law, Lawyers and Justice in Australian Society	6		N) Unit is part of the Combined Law program.	July
LAWS 3039 Law, Communications, Culture and Global Economies	8			July
LAWS 1000 Legal Institutions	8			March
LAWS 1006 Legal Institutions	6		N) Unit is part of the Combined Law program.	March
LAWS 1008 Legal Research	0			March & July
LAWS 1009 Legal Writing	0			March
LAWS 2006 Litigation	8			July
LAWS 3059 Media Law	8			March
LAWS 3046 Medical Law	8			July
LAWS 3045 Migration Law	8		P) Administrative Law.	March
LAWS 2201 Personal Property	4			July
LAWS 3047 Personal Taxation	8			March
LAWS 3048 Policing Crime and Society	8		P) Criminology.	July
LAWS 3015 Private International Law	8		P) International Law. N) Conflict of Laws	July
LAWS 3062 Product Liability Law	8		P) Contracts, Torts.	March
LAWS 2007 Real Property	8			March
LAWS 3049 Regulation of Financial Markets	8		P) Corporations Law, Equity, Administrative Law.	March
LAWS 3052 Roman Law	8			March
LAWS 3055 Social Security Law	8			March
LAWS 3056 Succession	8			July
LAWS 3057 Sydney Law Review	8			March & July
LAWS 1005 Torts	8			March
LAWS 3001 Torts	10		N) Unit is part of the Combined Law program	July

Resolutions covering the undergraduate degree

Resolutions of the Senate

At present there are two sets of Resolutions of the Senate governing the Bachelor of Laws degree.

The 1998 Resolutions of the Senate apply to a candidate who first enrolled in the Combined Law program or the Graduate Law program after 1 January, 1998, or had completed no more than the unit/s of study Legal Institutions or Legal Institutions I and Legal Institutions II before that date.

The 1988 Resolutions of the Senate apply to a candidate who first enrolled in the Combined Law program or the Graduate Law program before 1 January, 1998, and had completed more units of study than Legal Institutions or Legal Institutions I and Legal Institutions II before that date.

1998 Resolutions of the Senate Bachelor of Laws

Units of study

1. A unit of study consists of such lectures, seminars, tutorials, written assignments, moots, experiential learning, and any other method of instruction or assessment as may be prescribed by the Faculty.
2. A prerequisite unit of study means a unit of study which must have been completed with a result of Pass or better prior to a candidate enrolling in another unit of study for which it is a prerequisite.
3. A corequisite unit of study means a unit of study which must be taken concurrently with the unit of study for which it is a corequisite.
4. The head of department or Dean may vary the entry requirements for units of study for particular candidates in special circumstances.
5. All units of study for the degree will be of semester length.

Grades of award

6. The degree is awarded in two grades: pass and honours.
7. In the honours grade there are two classes: first class honours and second class honours.
8. A candidate who qualifies for the award of first class honours, and whose work is of outstanding merit in the opinion of the Faculty, may be considered for the award of a University medal.

Requirements for the degree

9. To qualify for the degree, candidates must complete units of study to the value of 144 credit points, made up of the following:
 - i) 96 credit points of the following compulsory units of study:
 - Legal Institutions
 - Law, Lawyers and Justice in Australian Society
 - Federal Constitutional Law
 - Torts
 - Criminal Law
 - Contracts
 - Administrative Law
 - Litigation
 - Real Property
 - Equity
 - Corporate Law
 - International Law; and
 - ii) 48 credit points of the following optional units of study:

- a) a maximum of 40 credit points from the units of study listed in Table 1, and
- b) a minimum of 8 credit points from the units of study listed in Table 2.

10. No unit of study may be credited more than once for the degree.
11. Except with the express permission of the Faculty, candidates may not take more than 24 credit points in any one semester.

Sequence of units of study

12. Except with the express permission of the Faculty, candidates who are combining their study with the Bachelor of Arts, Bachelor of Economics, Bachelor of Economics (Social Sciences), Bachelor of Commerce, or Bachelor of Science must successfully complete Legal Institutions and Law, Lawyers and Justice in Australian Society before enrolling in any other Bachelor of Law units of study.
13. Candidates for the Bachelor of Laws who are combining their study with the Bachelor of Arts, Bachelor of Economics, Bachelor of Economics (Social Sciences), Bachelor of Commerce, or Bachelor of Science must complete the law units of study in the following annual sequence:

Year	Unit of study	Credit points
Combined Law 1	Legal Institutions	6
	Law, Lawyers & Justice in Australian Society	6
Combined Law 2	Contracts	8
	Criminal Law	8
Combined Law 3	Federal Constitutional Law	10
	Torts	10

On completion of the requirements for the degree of Bachelor of Arts, or Economics, or Economics (Social Sciences), or Commerce, or Science, then (except as provided in Resolution 15):

Year	Unit of study	Credit points
Combined Law 4	Administrative Law	8
	Corporate Law	8
	Equity	8
	International Law	8
	Litigation	8
	Real Property	8
Combined Law 5	optional units of study selected from Table 1 and Table 2 as required in Resolution 9(ii)	

14. Candidates for the Bachelor of Laws who have been admitted on the basis of having completed the requirements of a degree at the University of Sydney, or other such institution as approved by the Faculty, must complete their Law degree in the following sequence:

Year	Unit of study	Credit points
Graduate Law 1	Legal Institutions	8
	Law, Lawyers and Justice in Australian Society	8
	Contracts	8
	Criminal Law	8
	Federal Constitutional Law	8
	Torts	8
	Graduate Law 2	Administrative Law
Graduate Law 2	Corporate Law	8
	Equity	8
	International Law	8
	Litigation	8
	Real Property	8
	Graduate Law 3	optional units of study selected from Table 1 and Table 2 as required in Resolution 9(ii)

15. Candidates may be permitted to enrol in a maximum of two optional units of study selected from Table 1 and Table 2 in Year 4 for Combined Law and year 2 for Graduate

Law instead of Corporate Law and/or International Law. In such cases, candidates must enrol in Corporate Law and/or International Law in the final year of their candidature.

Satisfactory progress

16. The Faculty will require candidates to show good cause why they should be allowed to re-enrol in the Faculty of Law if, in the opinion of the Faculty, they have not made satisfactory progress towards fulfilling the requirements of the degree.
17. Satisfactory progress cannot be defined in all cases in advance, but a candidate who:
- does not pass at least 24 credit points in any year of enrolment, or
 - has failed a compulsory unit of study more than once, shall normally be presumed not to have made satisfactory progress. Therefore a candidate must normally remain enrolled in at least 24 credit points each year, except when they need fewer than 24 credit points to complete the requirements for the degree.
18. Where the Faculty permits the re-enrolment of a candidate whose progress has been presumed to be unsatisfactory, it may require the completion of specified units of study or a specified number of credit points in a specified time. If the candidate fails to comply with these conditions, he or she may again be presumed not to have made satisfactory progress.
19. Except with the express permission of the Faculty, a candidate must complete the requirements for the award of the degree within ten calendar years of admission to candidature.

Suspension of study

20. A candidate must re-enrol each calendar year unless Faculty has approved suspension of candidature. Candidature lapses if a candidate has not obtained approval for suspension and does not re-enrol. Candidates whose candidature has lapsed must be selected for admission again before they can re-enrol.
21. Suspensions will not be approved for more than two years, unless the Dean is satisfied that there are exceptional circumstances.

Credit for previous units of study

22. A candidate may be granted credit for up to 64 credit points for units of study completed during a previous candidature in an award course of the University of Sydney or at an equivalent institution recognised by the Faculty.
23. Non-specific credit may be granted for up to 24 of these 64 credit points for units of study not sufficiently related to units of study in Table 1 or Table 2.
24. A candidate will not be granted credit toward the degree for any units of study:
- for which the result is a Terminating Pass, Conceded Pass or the equivalent;
 - which were completed more than nine years before admission to candidature for the degree; or
 - upon which the candidate has relied to qualify for another degree or academic qualification.

Variation of requirements for the degree

25. The Dean may vary these resolutions for a particular candidate in exceptional circumstances.

Transitional provisions

26. All candidates who first enrolled prior to 1st January, 1998,
- will be required to complete the unit of study Personal Property unless they complete both revised units of study in Torts and Real Property after 1st January, 1998; and
 - must comply with all other 1988 resolutions for the Bachelor of Laws degree.

27. From 1st January, 1998, all candidates who have completed Legal Institutions or Legal Institutions 1 and Legal Institutions II, and who have not completed any other Bachelor of Laws units of study, will be transferred to the new degree resolutions.

Optional units of study

Table 1

Unit of study	Credit points	Pre/Corequisites
Aboriginal Peoples and the Australian Legal Systems	8	
Advanced Administrative Law	8	P: Administrative Law
Advanced Constitutional Law	8	P: International Law
Advanced Contracts	8	P: Contracts
Advanced Corporate Law	8	P: Corporate Law
Advanced Public International Law	8	P: International Law
Advanced Real Property	8	P: Real Property
Advanced Torts	8	P: Torts
Advocacy, Interviewing and Negotiation	8	C: Litigation
Anti-Discrimination Law	8	
Business Taxation	8	C: Personal Taxation
Clinical Environmental Law	8	P: Environmental Law
Comparative Law	8	
Competition Law	8	
Conveyancing	8	P: Real Property
Criminology	8	
Dispute Resolution	8	
Employment and Industrial Law	8	P: Constitutional Law P: Contracts
Environmental Law	8	
External Placement Program	8	
Family Law	8	
Independent Research Project	8	
Indonesian Law	8	
Intellectual Property	8	
International Human Rights Law	8	P: International Law
Jessup International Law Moot	8	P: International Law
Law and Social Justice	8	
Media Law	8	
Medical Law	8	
Migration Law	8	P: Administrative Law
Personal Taxation	8	
Policing Crime and Society	8	P: Criminology
Private International Law	8	P: International Law
Product Liability Law	8	P: Contracts P: Torts
Regulation of Financial Markets	8	P: Corporate Law P: Equity P: Administrative Law
Remedies	8	P: Contracts P: Torts P: Equity
Roman Law	8	
Sale of Goods and Consumer Protection	8	P: Contracts
Social Security Law		
Succession		
Sydney Law Review Seminar *		

Table 2

Unit of study	Credit points	Pre/Corequisites
Chinese Laws and Chinese Legal Systems	8	
Comparative Constitutionalism	8	
Contemporary Analytical Jurisprudence	8	
Cricket and the Law	8	
Critical Legal Studies	8	
International/Comparative Jurisprudence	8	
Law and Economics	8	
Law and Gender	8	
Law, Communications, Culture and Global Economies	8	
Philosophy of Human Rights	8	
Post Communist Law and Legal Theory Seminar*	8	
Sociological Jurisprudence	8	
The Holocaust, Moral Responsibility and the Rule of Law	8	
Thinking Through the Body of the Law	8	

*Seminar units of study may be offered with the approval of the head of department to bring together research interests of staff and students or to permit a visiting staff member to teach in their area of expertise.

1988 Resolutions of the Senate Bachelor of Laws

1. (1) These resolutions shall apply—
 - (a) to persons who commence their candidature after 1 January 1988; and
 - (b) to persons who commenced their candidature prior to 1 January 1988 and who elect to proceed under these resolutions subject to:
 - (i) the approval of the Dean of the Faculty;
 - (ii) any direction of the Faculty; and
 - (iii) the availability of the appropriate units of study.
- (2) A candidate who elects to complete the requirements for the degree in accordance with section 1(1)(b) shall receive credit for and complete such units of study for the degree as the Faculty may prescribe.
2. (1) The 1980 resolutions governing candidature for the degree of Bachelor of Laws shall cease to operate after 31 December 1994.
- (2) Subject to section 9(2), a candidate who does not elect to complete the requirements for the degree in accordance with section 1(1)(b) and who does not complete the requirements for the degree by 31 December 1994, shall complete the requirements for the degree under these resolutions and such additional conditions as the Faculty may prescribe.
3. In the case of any candidates who might be prejudiced by any change in the curriculum the Dean of the Faculty may, subject to any resolutions of the Faculty, give such directions as to attending lectures and passing examinations and give such credit for units of study completed as the circumstances may require.

Five-year Combined Law courses

4. (1) This resolution shall apply to the following candidates:
 - (a) candidates for the degrees of Bachelor of Arts and Bachelor of Laws under the provisions of the resolutions of Senate relating to combined Arts/Law degrees;
 - (b) candidates for the degrees of Bachelor of Economics or Bachelor of Economics (Social Sciences) or Bachelor of Commerce and Bachelor of Laws under the provisions of the resolutions of Senate relating to combined Economics/Law, Economics (Social Sciences)/Law or Commerce/Law degrees;
 - (c) candidates for the degrees of Bachelor of Science and Bachelor of Laws under the provisions of the

resolutions of Senate relating to combined Science/Law degrees.

(2) Such candidates shall complete in the Faculty of Law in the sequence prescribed

(a) while also enrolled for the degree of Bachelor of Arts or Economics or Economics (Social Sciences) or Commerce or Science, the following units of study:

Year	Unit of study
Combined Law I	Legal Institutions* Legal Research and Writing
Combined Law II	Constitutional Law Torts Criminal Law†
Combined Law III	Contracts Administrative Law Criminal Law†

*For Combined Law students Legal Institutions is a prerequisite for all other law units of study, except with the permission of the Dean.

†Criminal Law may be taken in either year but should be completed before the student proceeds to Combined Law IV.

(b) having completed the requirements for the degree of Bachelor of Arts or Economics or Economics (Social Sciences) or Commerce or Science, the following units of study:

Year	Unit of study
Combined Law IV	International Law Equity Personal Property Corporate Law 12 to 20 optional credit points
Combined Law V	Litigation Jurisprudence 28 to 36 optional credit points

All units of study for the degree will be semester length. Candidates must complete 48 credit points in optional units of study to qualify for the degree.

5. This section on the Four Year Law Course has been omitted as it is of no relevance to current students.

Three-year Graduate Law course

6. (1) This resolution shall apply to candidates for the degree of Bachelor of Laws who are admitted to candidature on the basis of: either
 - (a) having completed the requirements for a degree of the University of Sydney; or
 - (b) being members of such class of graduates of such universities as may be approved by the Faculty of Law; or
 - (c) being graduates not mentioned in subsections (a) or (b) of this resolution, but who are granted equivalent status by the Faculty of Law.
- (2) Such candidates shall complete the following units of study for the degree of Bachelor of Laws:

Year	Unit of study
Graduate Law I	Legal Institutions I and II Legal Research and Writing Constitutional Law Torts Criminal Law Administrative Law Contracts
Graduate Law II	Real Property Equity Personal Property International Law Corporate Law 12 to 20 optional credit points
Graduate Law III	Litigation Jurisprudence 28 to 36 optional credit points

The optional units of study and their credit point values are those prescribed by the Faculty in Table 1 and Table 2 of the 1998 Resolutions of the Senate. Candidates must complete 48 credit points in optional units of study to qualify for the degree.

Compulsory units of study

7. (1) The credit point values of the compulsory units of study for the degree of Bachelor of Laws shall be:

Unit of study	Credit points
Legal Institutions I and II	6 each
Legal Research and Writing	0
Constitutional Law	8
Torts	8
Criminal Law	8
Administrative Law	8
Contracts	8
Real Property	8
Personal Property	4
Equity	8
Corporate Law	8
International Law	8
Jurisprudence	8
Litigation	8

(2) The following prerequisites and corequisites apply:

Units of study	Prerequisite (P) or Corequisite (C)
Equity	(P) Contracts (P) or (C) Real Property
Corporate Law	(P) Contracts (P) or (C) Equity
Litigation	(P) Contracts, Torts, and Criminal Law

Optional units of study

8. (1) Candidates for the degree of Bachelor of Laws proceeding in accordance with the requirements of sections 4, 5 or 6 shall select options as are available from those options prescribed by the Faculty.

(2) On the recommendation of the Dean and Heads of Departments, the Faculty may determine which of the optional units of study will be offered in any particular year.

(3) (a) A candidate may not select a Jurisprudence option which is substantially equivalent to the strand in the compulsory unit of study in Jurisprudence which that candidate has completed or in which that candidate is enrolled.

(b) A candidate may not enrol in a strand in the compulsory unit of study in Jurisprudence which is substantially equivalent to a Jurisprudence option which that candidate has completed.

9. (1) This resolution shall apply to all candidates proceeding in accordance with the provisions of sections 4, 5 and 6. Any such candidate except with the permission of the Dean

(a) shall not progress to the next year until such candidate has completed all the units of study of the preceding year, provided that such candidate shall be permitted to enrol in such units of study as would be sufficient to satisfy minimum progress requirements;

(b) shall be required to complete all the requirements for the degree of Bachelor of Laws within ten years from the date of first enrolment as a candidate.

(2) Candidates enrolled prior to 1988, notwithstanding the resolutions of the Senate under which their candidatures are progressing, shall be required to complete all requirements for the degree of Bachelor of Laws by 31 December 1997.

10.(1) The Dean may, subject to such conditions as the Faculty may prescribe, allow a candidate credit towards the requirements for the degree:

(a) (i) for any unit of study completed under a previous curriculum of the Faculty of Law in the University of Sydney;

(ii) for any unit of study deemed to be equivalent to a unit or units of study offered by the Faculty of Law in the University of Sydney,

and the Dean shall in allowing such credit designate in respect of which unit or units of study credit is allowed

(b) for any unit of study completed other than at the University of Sydney and deemed to be not equivalent to any unit of study offered by the Faculty of Law in the University of Sydney, and the Dean shall in allowing such credit determine the equivalent credit point value of any such unit of study.

(2) Unless the Faculty otherwise prescribes, credit shall not be granted for any unit of study commenced more than ten years before the year in which credit is sought.

11.(1) First class or second class honours may be awarded at graduation.

(2) First class honours candidates whose work is, in the opinion of the Board of Examiners, of sufficient merit shall receive a bronze medal.

Resolutions of the Faculty

The Faculty has passed a number of resolutions governing the degree of Bachelor of Laws. Some of these are reproduced below.

Optional units of study

Please refer to Table 1 and Table 2 in the 1998 Resolutions for optional units of study. Students will satisfy the Jurisprudence requirement by completing any unit of study shown in Table 2.

Standardisation of grades

Faculty has resolved that standardisation apply to all units of study and all groups within a unit of study and that the objectives and tolerances be as follows:

Grade	Objective	Tolerance
High Distinction		+ 3%
Distinction	20%	±5%
Credit	50%	+ 10%

[The guidelines applying to standardisation may change in 1999.]

Reassessment

That there be no supplementary examinations but that, in exceptional circumstances, a candidate may be reassessed where, in the opinion of the Dean, the performance of the candidate at the final examination has been impaired by illness or misadventure. In such circumstances, the Dean may authorise reassessment provided that such reassessment must be completed prior to the meeting of the Board of Examiners at the end of the semester in which the unit/s of study to be reassessed was undertaken. Wherever practicable, such reassessment shall be completed no later than the end of the week succeeding the last examination in the Faculty of Law in a semester.

Honours

In the calculation of honours, units of study are weighted in accordance with their unit value. In calculating weighted average marks in Combined Law, all units of study will be weighted equally. Where students are selected to participate in exchange programs, while credit may be given towards the completion of the degree program at the University of Sydney, the marks received at the other institution will not be converted for the purpose of the calculation of weighted average marks, unless the exchange program is a Faculty-specific exchange program negotiated between the Faculty of Law and the other institution.

Credit transfer

While credit may be given for units of study completed elsewhere, you must complete at least 80 credit points in the Faculty of Law at the University of Sydney.

Jurisprudence requirement for the LLB degree

You may fulfil the Jurisprudence requirement for the LLB degree by successfully completing any 8 credit point unit of study offered in the Department of Law and approved by the Faculty for that purpose. In the 1998 Resolutions of the Senate, such units of study are set out in Table 2.

Enrolment instructions

These are the special requirements for all candidates for the Bachelor of Laws degree.

Dates

Combined first year students will be required to enrol on the Broadway Campus in early February. Graduate Law first year students will be required to enrol at the St James campus (Law School). Re-enrolling students will receive instructions on re-enrolment with their pre-enrolment forms in late September.

Late enrolment

You may be permitted to enrol late, but a late fee will be payable and your choice of units of study and classes will be restricted.

Confirmation of enrolment

All the information provided when you enrol is added to the University's computerised student record system. This includes the degree, academic year and the units of study being taken. It is important that this information is recorded correctly at the beginning of the year and amended should any variation of enrolment be made. You should be aware that with the Higher Education Contribution Scheme (HECS), any unit of study enrolment has a financial implication.

To enable you to see what enrolment data have been recorded, you will be given or sent a 'confirmation of enrolment' in January or shortly after completion of enrolment. This should be checked carefully. If die information is correct, the form should be kept as a record of current enrolment. Should the enrolment be incorrect in any detail, application should be made to the Faculty's Student Administration as soon as possible to have the record amended. A new confirmation will then be prepared and sent to you.

You will also receive, about two months after the beginning of each semester, a statement showing your HECS assessment for that semester. If there appears to be an error in this assessment, the directions for correction of the assessment, which are included on the statement, should be followed.

If you wish to -

- change a unit in which you are enrolled,
 - discontinue a unit,
 - discontinue your enrolment totally,
- you should apply to the Faculty's Student Administration, St James Campus, to obtain the appropriate approval. However, Main Campus students must apply at the Arts, Economics or Science Faculty Offices, as appropriate. Your enrolment record at the University will not be correct unless the correct procedures are followed. *It is not sufficient to tell the lecturer or tutor that you have discontinued a unit.*

Unless an enrolment change is approved formally it will not be accepted by the Faculty or University. This means that you may incur additional financial liability under HECS and may either have a failure recorded in units in which you are recorded as being enrolled, or not be permitted to sit for examinations in units in which you are not recorded as being enrolled.

Enrolment in any law unit is not permitted after the end of the second week of each semester without the written consent of the lecturer concerned.

Progression through the degree

You are required to take units of study in the order specified in the relevant Senate resolutions, as detailed earlier in this chapter.

To pass a unit: throughout the Faculty, 50 per cent represents a passing grade. Some standardisation of results may occur in accordance with the policies of the Academic Board in order to achieve a reasonable distribution of marks above the pass grade.

Time limits

A time limit of ten years for completion of the Law degree applies to students who enrolled in Law for the first time in 1988 or later. This time limit is, however, subject to the Faculty's rules on minimum progress and suspension of candidature.

If you are enrolled in combined Arts/Law, Economics/Law, Economics (Social Sciences)/Law, Commerce/Law or Science/Law units you should note that there is also a time limit of ten years for completion of all the requirements of the Arts, Economics, Economics (Social Sciences), Commerce and Science degrees.

Change of address or name forms

These forms are available from the Faculty's Student Administration as well as from the Student Centre on main campus.

Withdrawal, discontinuation with permission and discontinuation

You must be aware of the important differences between a withdrawal, a discontinuation with permission and a discontinuation.

When you withdraw from a unit of study, the unit does not appear on your academic transcript and you are not charged with HECS. If you discontinue with permission or discontinue a unit, the unit will appear on your transcript with the date when the change was made. However, an Associate Dean (Undergraduate) may determine that a discontinuation of enrolment after the due date should be recorded as 'Discontinued with Permission' on the grounds of serious ill health or misadventure.

Withdrawal from a unit or discontinuation with permission is not considered as a failure for the purposes of the resolutions relating to exclusion from a course or the Faculty. However, discontinuation is equivalent to a failure in a unit and is taken into account for the purposes of exclusion. If you do not present for the final examination you will be recorded as 'Absent Fail' in the unit concerned.

The following table sets out the dates by which variations of enrolment must be made in 1999.

	March Semester unit of study	July Semester unit of study
Withdraw by:	31 March	31 August
Discontinue with permission by:	23 April	10 September
Discontinue by:	11 June	5 November

Resolutions of the Senate governing discontinuation of enrolment and re-enrolment after discontinuation - undergraduate

Further details concerning withdrawal and discontinuation will be found in the following extract from these resolutions.

1. A candidate for a degree of bachelor who ceases attendance at classes must apply to the faculty, college board or board of studies concerned and will be presumed to have discontinued enrolment from the date of that application, unless evidence is produced (i) that the discontinuation occurred at an earlier date, and (ii) that there was good reason why the application could not be made at the earlier time.
2. A candidate for a degree of bachelor who at any time during the first year of attendance discontinues enrolment

in all units of study shall not be entitled to re-enrol for that degree unless the faculty, college board or board of studies concerned has granted prior permission to re-enrol or the person is reselected for admission to candidature for that degree

3. Subject to paragraphs (i) and (ii) of section 1, no candidate for a degree of bachelor may discontinue enrolment in a unit of study or year after the end of lectures in that unit of study or year.
4. The Dean, Pro-Dean or a Sub-Dean of a Faculty, Director or Deputy Director of a College or the Chairperson of a Board of Studies, may act on behalf of that Faculty, College Board or Board of Studies in the administration of these resolutions unless the Faculty, College Board or Board of Studies concerned decides otherwise.
5. A candidate for a degree of bachelor who discontinues enrolment in a full year or March Semester unit of study on or before 30 March in that year shall be recorded as having withdrawn from that unit of study.
6. A candidate for a degree of bachelor who discontinues enrolment in a July Semester unit of study on or before 30 August in that year shall be recorded as having withdrawn from that unit of study.
7. (1) A discontinuation of enrolment in a unit of study shall be recorded as 'Discontinued with Permission' when the discontinuation occurs after the relevant withdrawal period, and
 - (a) on or before the Friday of the first week of July Semester for a full year unit of study, or
 - (b) up to the last day of the seventh week of teaching in a one semester unit of study.
- (2) A discontinuation of enrolment in a unit of study shall be recorded as 'Discontinued' when the discontinuation occurs,
 - (a) after the Friday of the first week of July Semester for a full year unit of study, or
 - (b) after the last day of the seventh week of teaching in a one semester unit of study.
- (3) Notwithstanding subsection (2) the Dean, Pro-Dean or Sub-Dean of the Faculty, Director or Deputy Director of the College or Chairperson of the Board of Studies concerned may determine that a discontinuation of enrolment should be recorded as 'Discontinued with Permission' on the grounds of serious ill health or misadventure.

Suspension of candidature for the LLB degree: readmission and re-enrolment after suspension

The following procedures concerning suspension of candidature apply to all students enrolled in the Bachelor of Laws degree, namely, students undertaking law units of study as part of combined degrees and students studying law full time at the Law School.

You are permitted to suspend your candidature for the degree for one year but you must inform the Faculty of Law in writing of your decision to do so.

In exceptional circumstances, the Faculty may approve a suspension of candidature beyond one year. If you wish to do so you are advised to arrange an interview with an Associate Dean (Undergraduate) before making your application.

Applications for re-enrolment after any suspension of candidature must be lodged with the Faculty's Student Services by 1 November in the year prior to the planned re-enrolment.

If you discontinue or fail due to absence each of the law units of study in which you have enrolled in any one year you will be deemed to have suspended your candidature for the LLB degree.

If you fail to enrol in the law units specified for the combined degrees under the Senate resolutions governing the LLB degree you will also be deemed to have suspended your candidature for the LLB degree.

Your candidature for the LLB degree will lapse if you have suspended or been deemed to have suspended candidature for more than one year without the approval of the Faculty. If your

candidature has lapsed you can not re-enrol as a candidate for the LLB degree unless successful in applying for admission to the degree in competition with all other qualified applicants.

If you discontinue enrolment in all units during the first year of attendance you shall not be entitled to re-enrol for the degree unless the Faculty has granted you prior permission to re-enrol or you are reselected for admission to candidature for the degree.

Applications for special consideration

In general, applications for special consideration due to illness or misadventure must be made on the special consideration form obtainable from the Student Centre, the University Health Service or the St James Campus (Law School), Level 12.

Supporting documentation required with applications for special consideration

Medical certificates

Medical certificates must:

- (a) be submitted and signed by your own medical practitioner and indicate the dates on which you sought attention;
- (b) certify unambiguously a specified illness or medical disability for a definite period; and
- (c) indicate the degree of your incapacity and express a professional opinion as to the effect of your illness on your ability to take an examination or complete an essay.

Certificates in connection with examinations should be submitted prior to the examination. If the illness or misadventure takes place during the examinations, the evidence must reach the Faculty within three working days of the affected examination. If an application is being made for reassessment, documentation should be submitted as soon as practicable and certainly no later than the close of the examination period.

Consideration on grounds of misadventure

For consideration on grounds of misadventure, your application must include a full statement of the circumstances and any available supporting evidence. Should you find it embarrassing to state your difficulties in writing you should make an appointment to discuss them with an Associate Dean (Undergraduate) or the Undergraduate Adviser.

The need to seek early advice

Many students in need of advice fail to make full use of the assistance available to them. If you believe that your performance during a unit of study or your preparation for your examinations has been adversely affected by medical, psychological or family circumstances, you should seek advice as early as possible. The Associate Deans (Undergraduate), the Undergraduate Adviser and members of the teaching staff, the University Counselling Service and the University Health Service are all available for consultation and can give advice on appropriate action to take.

The Faculty of Law's method of dealing with applications for special consideration

The way in which the Law Faculty deals with applications for special consideration depends on the time when your performance was affected and the length of time during which your performance was affected. Some examples of the way in which such applications may be dealt with are given below,

- (i) Applications relating to relatively short periods of time during the semester (or academic year in the case of a full-year unit) will normally only be relevant to assessment prior to the final examination in the units. It is therefore essential, if you are affected, to approach the lecturers in the units concerned for extensions of time or other special arrangements with regard to such assessment,
- (ii) Applications relating to a significant part of the semester or academic year may not only be relevant to the assessment before the final examination but also to the final examination itself. If this is the case, you should submit a 'Special Consideration' form. Such applications will be

referred to the examiners in the units concerned. While the examiners will exercise their judgement on what effect, if any, such applications should have on the results in the final examination, it must be appreciated that examiners will find it difficult to equate a particular illness or misadventure with specific marks. In general, examiners are only likely to refer to such applications to assist them in determining borderline cases in any category of grade and especially borderline cases of Pass/Fail.

- (iii) Where continuing illness or misadventure has had a serious effect on your performance, consideration should be given to approaching an Associate Dean (Undergraduate) for permission to discontinue a unit or units. Only in the most exceptional cases will it be possible to seek permission to discontinue a unit after an examination has been attempted and marked.
- (iv) Where the application relates to illness or misadventure during the examination period, or possibly during the study vacation, it may be appropriate for the student to apply for reassessment in a unit of study or units. Details relating to applications for reassessment are given in the following section. If you do not wish to apply for reassessment, the application will be referred to the examiners in the units concerned for their consideration, as outlined in (ii) above. It is not possible for you to apply for reassessment on the ground that illness or misadventure during the examination period prevented you from effectively undertaking the final examination in a unit and also to ask that the examination paper be marked to see if it deserves a Pass. A choice must be made between an application for special consideration and an application for reassessment.

Taking of examinations early

Students are required to be available during the whole of the scheduled examination period at the end of each semester to take their examinations on the dates specified in the examination timetable or, in the case of examinations arranged 'in department' or as take-home examinations, on the dates specified by the examiners. The dates of the scheduled examination periods are set out in pre-enrolment information sent to each student and on Faculty notice boards.

In exceptional circumstances, an Associate Dean, after consultation with the examiner, may give permission for a student to take an examination earlier than the date specified for that examination. Although it is not possible to define exhaustively in advance the exceptional circumstances which may justify permission being given to take an examination early, such circumstances will invariably be confined to cases of illness (eg. the need for a surgical operation on the date specified for the examination) or other compelling external necessity (eg. the need to accompany a university representative sporting or debating team on an overseas tour or to commence a University of Sydney sponsored exchange program at an overseas university). Private travel arrangements, including visiting family overseas, employment related reasons and attending courses other than as part of a University of Sydney sponsored exchange program do not constitute exceptional circumstances.

Applications for reassessment

There are no supplementary examinations in the Faculty of Law. This applies to law units of study taken on campus as part of Combined Law degrees as well as to units taken in the Faculty of Law.

In exceptional circumstances, you may be reassessed where, in the opinion of the Associate Dean, your performance at the examination has been impaired by illness or misadventure. In such circumstances, the Associate Dean may authorise reassessment provided that such reassessment must be completed prior to the meeting of the Board of Examiners at the end of the semester in which the unit to be reassessed was undertaken. The method of reassessment may or may not take the same form as the affected examination. It may, for example, take the form of an oral examination, closed book

examination, or a take-home examination. Wherever practicable, such reassessment shall be completed no later than a week after the last examination in the Faculty of Law in a semester.

Reassessment will only be authorised where you have completed all other requirements in a unit of study, including regular attendance at class, but you are prevented by illness or misadventure (for example, injury in an accident) from effectively undertaking the final examination. In such a case you would have to show that you were unable to sit for the examination or sat but was unable to make a proper attempt.

If you wish to apply for reassessment, an application must be received by an Associate Dean (Undergraduate) within three working days of the affected examination. The application must be supported by independent evidence such as medical certificates and a full explanation of the circumstances relevant to the request for reassessment. It is not sufficient simply to submit a special consideration form for this purpose. In addition, telephone contact must be made with the Faculty of Law on the day of the affected examination with either an Associate Dean (Undergraduate) or the Undergraduate Adviser. The application will be considered by an Associate Dean (Undergraduate).

Since reassessment will be permitted only in exceptional circumstances, it is most important that if you encounter difficulties during the semester you seek the advice of an Associate Dean (Undergraduate) or the Undergraduate Adviser. If you are unable to meet unit of study requirements or to prepare for the final examination because of serious illness or misadventure, the appropriate solution is to apply for a 'Discontinuation with Permission'. Extensions or other special arrangements with regard to assessment prior to the final examination, e.g. essays, etc., are matters for the teachers in the units concerned.

Disclosure of assessment and examination results

In 1989 the Faculty approved the following procedure for the disclosure of assessment and examination results:

- (1) That within a reasonable time of the completion of the marking of interim assessment (essay, assignment, case-note or take-home examination) in a unit of study, the unit coordinator makes available to students in the unit the work they have submitted displaying the mark awarded, together with the examiner's comments if any.
- (2) That within a reasonable time following publication of the results of the final examination in any unit, there be made available for collection at the Law School by students who wish to obtain them, each student's examination scripts, displaying the addition of the marks awarded in interim assessment.
- (3) That on receipt of a request by a student for information regarding his or her assessment, whether interim or final, in a particular unit of study,
 - (a) a request concerning final assessment (including interim non-redeemable examinations) be referred to the lecturer responsible for the class or the marking of the assessment; and
 - (b) the unit coordinator or lecturer discuss with the student, in a personal interview if the student wishes, the calculation of the assessment and the reason for the assessment; and
 - (c) where appropriate, the unit coordinator refer the student to an individual examiner in the unit for further discussion to clarify any part of the assessment.

Procedures for requesting the return of examination scripts will be published at the end of the March and July semesters.

With respect to unclaimed scripts, Faculty resolved as follows on 6 March 1990:

That unclaimed assignments, essays and exam scripts may be destroyed no earlier than three months from the date on which the final results of the examinations are published following the relevant Board of Examiners Meeting.

Further to this, the Academic Board resolved on 10 June, 1998:

That examination scripts and other forms of summative assessment (other than secure databanks) are held for up to six months for review by students.

Exclusion

If you fail to gain credit for at least half of a standard full-time enrolment in any year (24 credit points) or you fail a unit of study more than once, you render yourself liable for exclusion from the Faculty.

In such cases, you are asked to *show good cause* why you should be permitted to enrol in the degree and your case is considered by a Faculty Committee. There are mechanisms for appeal.

In cases where the Faculty permits the re-enrolment of a student whose progress has been deemed unsatisfactory, the Faculty may require the completion of specified units of study in a specified time or impose other conditions.

Student misconduct - Chapter 13 of the by-laws

Chapter 13 of the University's by-laws, which is entitled 'Discipline of Students' covers aspects of student misconduct, which includes:

- (a) misconduct on the part of a student which is prejudicial to the good order and government of the University or impairs the reasonable freedom of other persons to pursue their studies or research in the University or to participate in the life of the University; and
- (b) refusal by a student to give satisfactory particulars of the student's identity in response to a direction to do so by a prescribed officer and any other form of wilful disobedience to a reasonable direction of a prescribed officer.

Misconduct can thus cover a very wide range of misbehaviour, from damaging University property to cheating in examinations.

There have been a number of cases of misconduct in the University emerging from the classwork context rather than examinations. These have included students being found guilty of plagiarism in essays and of copying other students' assignments.

The University recognises that there is a difference between innocent and deliberate plagiarism and the former can usually be dealt with within the department or faculty, without reference to the Registrar. Some cases of plagiarism arise from lack of knowledge as to what constitutes plagiarism and the student may be unaware that the practice is unacceptable.

In such cases staff have a duty to correct students and direct any required remedial work to be undertaken. Such plagiarism, whilst it is unacceptable, is not misconduct in terms of Chapter 13 of the by-laws, nor is the correction of it a penalty.

Blatant plagiarism, where it appears there is a deliberate intention to deceive or where a student has copied another student's work, is a serious matter and may attract penalties ranging from a reprimand to failing a course. In extreme cases an offender may be failed in all units of study and suspended from the University. Such penalties can only be legally applied by following the Chapter 13 procedures.

Interviews with staff members

It is the policy of the Faculty that the Dean, Pro-Deans, Associate Deans, and members of staff generally should be available to the students for interviews and advice. The following suggestions are made for the guidance of students:

Routine matters

Enquiries about routine arrangements, for example, the place and time of lectures, should be made at Student Administration, St James Campus, Level 12, or for Combined Law students, the counter on Level 3 in the Old Teachers' College building.

Study problems

Enquiries about study problems arising within a particular unit of study should be addressed to the teachers of the unit. If you have a general study problem you may, of course, seek advice from anybody likely to be helpful; in particular, such problems

may always be discussed with the Associate Deans (Undergraduate), the Pro-Deans or, if necessary, the Dean.

Disabilities

If you have a medical or physical disability of a kind likely to impair your working program you should place this on record, accompanied where appropriate by medical evidence. This will make it easier to accommodate your needs in the lecture room and at examination time. The Faculty's adviser for students with disabilities is located in the Law School building in the city, but any law student, whether a combined law student studying on campus or a law student studying law full-time at the Law School, who has a disability which should be drawn to the attention of Law School staff, should contact the adviser. A handbook for students with disabilities is also available from the Student Centre and the Student Administration counters at the St James Campus and the Old Teachers' College building.

Resolutions

Enquiries which involve the application of the Senate or Faculty resolutions should be made to the Undergraduate Adviser.

Appointments

In general, you are requested to direct your enquiries as indicated above. If you wish to see the Dean you should make an appointment with his secretary. Appointments may also be made to see an Associate Dean (Undergraduate) but they make themselves available to see students without an appointment at particular times. The hours during which students may contact the Faculty's Student Administration will be published on Level 12 at the St James Campus and the counter, Level 3 in the Old Teachers' College building.

Postgraduate study

Background to the postgraduate courses of study

Sydney Law Faculty educates more than half of all Australia's postgraduate students in law, whether by full thesis, or by coursework. It offers more courses and programs of study than any other Australian Law School. It also offers leading-edge programs in interdisciplinary fields: programs open to lawyers and non-lawyers alike. Specialised programs, providing in-depth treatment of particular areas, are available in addition to generic programs such as the LL.M which allow for more scope and diversity in subject (ie. unit of study) choice.

Sydney Law Faculty has been in the business of postgraduate education since its outset. Established in 1855, it soon made provision for a *Doctor of Laws* by thesis and in 1950 added the degree of *Master of Laws by thesis*. Soon after, Faculty offered its now highly popular *Master of Laws by coursework*. Practitioners, overseas and interstate graduates alike are attracted to the quality and breadth of the program.

In 1966 Faculty added the PhD (normally 3-4 years full time). Then, in 1991 we pioneered in Australia the 'Structured, Supported doctorate', the *Doctor of Juridical Studies*, allowing doctoral study by a combination of major thesis and coursework. The *Master of Criminology by thesis* was introduced in 1994.

Postgraduate study at Sydney provides opportunities to work with academics, practitioners and visiting scholars who are leaders in their fields. Capitalising on its 'gateway' location, Sydney has deliberately sought to internationalise its offerings. Because of its long history in the field, Sydney is also able to provide flexibility in the courses of study on offer. Coursework programs are now sequenced, allowing suitable candidates to take single unit enrolments, and build them into Graduate Diplomas (4 units of study) or full Master's degrees (8 units of study). Increasing numbers of units of study in these courses may be taken as 'intensives' over a period of four to five days. The richness of the current program reflects our long tradition as a provider of postgraduate education.

Sydney University is also a leader in the establishment of specialist Master's programs. These include:

- *Master of Criminology* (including a minor dissertation option);
- *Master of Taxation*, catering both to lawyers and to accountants and others working in the field;
- *Master of Labour Law and Relations* (1991), open to those working in labour law and relations as well as those seeking to specialise in employment or industrial law;
- *Master of Environmental Law* (1993), a degree offering a wide range of internationally and domestically-focused units open to lawyers and those from other disciplines, (and supported by the Australian Centre for Environmental Law [Sydney]).
- *Master of Jurisprudence* (1993), providing specialist qualifications in jurisprudence and legal theory, including sociological theories of law;
- *Master of Administrative Law and Policy* (1996), providing an interdisciplinary approach to understanding the relationship between law and the analysis and implementation of public policy;
- *Master of Health Law* (1996), providing a range of subjects exploring contemporary legal and social issues about health care;

- *Master of Asian and Pacific Legal Systems* (1997), focusing on the legal cultures, legal systems and business environments of countries in the Asia-Pacific Region, as well as business, tax and investment laws and regulations in individual systems;
- *Master of International Taxation* (1998), allowing further specialisation in taxation and reflecting the internationalisation of the Sydney University postgraduate program and economic globalisation
- *Master of International Law* (1999), providing for specialisation in international law, both public and private, and building on Faculty of Law's global reputation in international law.

Graduate Diploma courses have been a part of the Sydney University program as well, since graduate diplomas in *Jurisprudence* and *Criminology* were set up in 1964. Other well established programs include such courses as the *Graduate Diploma of Law*. Over the period 1998/1999 these programs were joined by six new programs, the:

- Graduate Diploma in Commercial Law
- Graduate Diploma in Corporate, Securities and Finance Law
- Graduate Diploma in Environmental Law
- Graduate Diploma in International Business Law
- Graduate Diploma in International Law
- Graduate Diploma in Taxation

The postgraduate program is administered by the Faculty's Postgraduate Studies Committee. In the extracts of the University Regulations (Resolutions of the University Senate or of the Faculty of Law), this is often abbreviated to 'the Committee' for simplicity.

Doctorates

Doctor of Laws

The degree of Doctor of Laws (LLD) is awarded, on the recommendation of the Faculty of Law, for published work that has been recognised by scholars in the field concerned as a distinguished contribution to knowledge. Persons contemplating the submission of work for the Doctor of Laws should first consult the Dean of the Faculty. Only a mature scholar would be likely to present work meeting this requirement and the degree has been awarded on only a few occasions. The degree may also be awarded on an honorary basis in recognition of distinguished achievement.

Doctor of Philosophy

The degree of Doctor of Philosophy (PhD) is awarded by the University on the basis of a thesis which is regarded by the examiners as a substantially original contribution to the area in which it is written. Candidates are required to submit a thesis of approximately 100,000 words, which is undertaken under supervision. The full text of the regulations governing the degree may be found in the University's *Calendar 1998, Vol. I: Statutes and Regulations*. The following is a summary of the requirements.

1. Admission

What are the requirements for admission?

1.1 There are two main conditions of admission, namely (1) academic qualifications, and (2) suitability of the proposed course of study and research.

An applicant for admission to candidature for the degree of Doctor of Philosophy (PhD) must submit to the Faculty of Law a proposed program of advanced study and research. The applicant must also submit satisfactory evidence of training and ability to pursue the proposed program and, if required, pass a special examination.

(1) Academic qualifications. The normal requirement is that the applicant has:

- (a) completed one of the following degrees in Law of the University of Sydney:

- (i) Master of Laws, or
 - (ii) Bachelor of Laws with First or Second Class Honours; or
 - (b) qualifications which the University's Committee for Graduate Studies considers equivalent.
- (2) Proposed program of study. The proposal must be (a) suitable in scope and standard for the PhD, (b) one which the applicant is competent to undertake, and (c) one for which supervision and facilities can be properly provided.

How do I apply for admission?

1.2 Applications should be made on the appropriate form to the Faculty. Applicants who have not qualified for a degree from this University must enclose with the application form an original transcript of the complete academic record.

Applicants who have qualified for a degree but have not yet graduated, will have to supply evidence in due course of the conferral of the degree.

Before lodging an application, applicants should discuss the proposed research topic with the Associate Dean (Research), in person or by correspondence as appropriate.

A successful applicant is informed in writing by the Faculty of the terms of admission to candidature. (In the case of applicants who are not graduates of the University of Sydney, the Academic Board approves the terms of admission.)

When will I be admitted on a probationary basis?

1.3 Applicants may be admitted to PhD candidature on a probationary basis. Probationary candidates are required to submit appropriate written work (e.g. in the form of an empirical or literature review or a draft chapter) within nine months of commencement. The Postgraduate Studies Committee of the Faculty of Law may confirm or terminate the candidature on the basis of this work. Probationary candidature must not exceed a period of twelve months.

2. Course requirements

What are the course of study requirements?

2.1 A candidate must complete a thesis and such research units of study as are required by the Faculty of Law from time to time.

- (a) Thesis. The degree is examined on the basis of a thesis, of approximately 100,000 words, which is regarded as a substantially original contribution to the field in which it is written.
- (b) Units of study in legal research. Following changes to the PhD resolutions in 1996, the Faculty now requires that candidates enrolled for the PhD undertake the three postgraduate legal research units of study offered by the Faculty (Legal Research 1-3). This requirement may be waived in special circumstances.

3. Credit for other study

Can I credit time spent in other research degrees?

3.1 Candidates enrolled for at least one semester as a candidate for a Master's degree by research (i.e. not by coursework) who are admitted to candidature for the PhD degree, may be credited for time spent towards the Master's degree, provided that the research was directly related to the proposed research for the PhD degree.

3.2 Candidates enrolled at this University for at least one semester as a candidate for a Doctor of Juridical Studies degree who are admitted to candidature for the PhD degree, may be credited for time spent towards the Doctor of Juridical Studies degree, provided that the research was directly related to the proposed research for the PhD degree.

4. Course progress

How long do I have to write my thesis?

4.1 The minimum period of full-time candidature is three years except where the qualifying degree is that of Master's by research, in which case it is two years.

Except with the permission of the Faculty, the maximum period is five years. For members of the full-time academic staff of the University the maximum period is seven years.

4.2 The Faculty may admit to part-time candidature an applicant who, in the opinion of the Faculty, is substantially free to carry out study and research for the degree.

The maximum part-time candidature is seven years. The minimum, to be recommended by the Faculty in each case, is not less than three years.

The Academic Board has approved the following guidelines for admission of part-time PhD candidates to the Faculty of Law:

- (a) An applicant should be able to devote at least 20 hours per week to the candidature.
- (b) An applicant should be able to attend the University for at least one day each week over the year, or for an equivalent period made up in blocks.
- (c) The applicant's intended research should be planned by the applicant in consultation with the proposed supervisor and carried out by the applicant. The arrangements for supervision should be such that the research is under the control of the University. A supervisor will be appointed from within the University.

5. Submission and examination of thesis

What are the obligations with respect to my thesis?

5.1 The requirements for the submission of theses are applicable generally across the University. The complete resolutions are available in the Calendar 1998, Vol. I: Statutes and Regulations.

Doctor of Juridical Studies

The degree of Doctor of Juridical Studies comprises both a coursework and a thesis component. Candidates are required to submit a thesis of approximately 75,000 words, which is undertaken under supervision and is examined on the same criteria as the Doctor of Philosophy, namely that it amounts to a substantially original contribution to the area in which it is written. There are two main conditions of admission, namely academic qualifications and suitability of the proposed course of study and research.

Resolutions of the Senate for the Doctor of Juridical Studies

The text below is a much simplified draft consolidation for consideration for adoption by Faculty and the University during 1999. The current text of the existing resolutions from which it is drawn is printed in Volume 1 of the University Calendar and the 1997 Faculty Handbook.

In these resolutions unless the context or subject matter otherwise requires:

- 'degree' means the degree of Doctor of Juridical Studies;
'course of study' means the course of study towards the degree; and
'Faculty' means the Faculty of Law.

Admission

1. An applicant may be admitted to candidature for the degree if the applicant holds such qualifications and at such levels of achievement as may be determined from time to time by the Faculty in accordance with policies and resolutions of the Academic Board.

Course requirements

2. A candidate admitted to the degree shall pursue a program of advanced study and research comprising
 - (a) units of study as the Faculty may prescribe from time to time; and
 - (b) a thesis which, in the opinion of the examiners, is a substantially original contribution to the field in which it is written.

Credit for other study

3. A candidate may be given credit for units of study or a period of candidature completed towards a degree or diploma at the University of Sydney or an equivalent

provider of tertiary education on such terms and conditions as the Faculty may prescribe from time to time.

Course progress

4. A candidate shall complete all the requirements for the degree within such time limits as the Faculty may prescribe from time to time.

Resolutions of the Faculty for the Doctor of Juridical Studies

The text below is a much simplified draft consolidation for consideration for adoption by Faculty and the University during 1999. The current text of the existing resolutions from which it is drawn is printed in Volume 1 of the University Calendar and the 1997 Faculty Handbook

In these resolutions unless the context or subject matter otherwise requires:

'Committee' means the Postgraduate Studies Committee of the Faculty;

'degree' means the degree of Doctor of Juridical Studies;

'course of study' means the course of study towards the degree;

'Program Coordinator' means the person in the Faculty in charge of the relevant course of study; and

'Faculty' means the Faculty of Law.

1. Admission

What are the admission requirements?

- 1.1 An applicant may be admitted to candidature for the course of study if

- (a) the applicant -
- (i) has completed a degree of Bachelor of Laws with First or Second Class Honours;
 - (ii) has completed a degree of Master of Laws by coursework at a level of attainment prescribed by the Committee; or
 - (iii) is a person accepted by the Faculty and by the Academic Board as having standing equivalent to that required of a law graduate who is qualified for admission to candidature for the course of study;
- (b) the Committee approves of the proposed program of advanced study and research, including both the area of the proposed thesis and proposals for related coursework units of study; and

Can I study on a part-time basis?

- 1.2 An applicant may be admitted as either a full-time or part-time candidate for the degree.

How do I apply for admission?

- 1.3(1) Applications for admission to candidature shall be made in writing to the Faculty by the time and in the manner laid down by the Faculty from time to time. Such applications will be referred to the Committee.
- (2) An applicant for admission to part-time candidature shall submit with the application a written undertaking that the applicant will -
- (a) have sufficient time available to satisfy the requirements of section 4.1(c);
 - (b) be able to complete the requirements of the degree within the time limit specified in section 4.1(b); and
 - (c) be able to attend at the University at such times and on such occasions for purposes of consultation and participation in departmental activities, as may be required on the recommendation of the Head of Department concerned or the Associate Dean (Postgraduate).

What is the required proficiency in English?

- 1.4 The Faculty may require the production of evidence to its satisfaction of a proposed candidate's proficiency in English before it accepts such a candidate for enrolment in the course of study and it may require a proposed candidate successfully to undertake a specialised program of study in English as a prerequisite to enrolment.

2. Course requirements

What are the general course requirements?

- 2.1 (a) Candidates shall pursue an approved program of advanced study and research comprising:
- (i) coursework units of study as approved by the Faculty from time to time which have a total of 18 credit points, which relate to the thesis referred to in (iii) below;
 - (ii) the following postgraduate research units of study: Legal Research 1
Legal Research 2
Legal Research 3; and
 - (iii) a thesis,
- (b) The Committee may approve a variation in a candidate's program of study and research.

What are the course requirements if I enrolled before 1996?

- 2.2 Candidates who enrolled for the course of study before 1996, or who were enrolled in the Master of Laws before 1996 and prior to enrolling for the Doctor of Juridical Studies had completed coursework units of study having a total of 36 credit points at an approved level by 1995, shall pursue an approved program of advanced study and research comprising:

- (a) postgraduate coursework units of study offered for the course of study of Master of Laws at the University of Sydney having a total of 48 credit points, of which 36 are in units of study related to the thesis referred to in (c) below and completed in accordance with the resolutions governing that course of study;
- (b) a unit of study in either *Legal Education* or *Legal Research 1*; and
- (c) a thesis.

What are the thesis requirements?

- 2.3(a) The Committee shall appoint a member of the academic staff of the University as supervisor of each candidate. The Committee may appoint an associate supervisor or co-supervisor.
- (b) The candidate shall present a thesis of approximately 75,000 words in length, which shall be a substantially original contribution to the subject concerned.
- (c) The topic of the thesis shall be approved by the Committee.

3. Credit for other study

How can I get credit for other study?

- 3.1(a) Applications for credit for other study are to be made to the Committee.
- (b) Such other study may include
- (i) study prior to enrolment; and
 - (ii) study during enrolment.

Can I credit postgraduate units of study offered towards another degree?

- 3.2 The Committee may grant a candidate credit for:
- (a) completion of postgraduate coursework units of study totalling at most 18 credit points and postgraduate research units of study totalling at most 18 credit points in respect of units of study offered towards the Master of Laws in this Faculty;¹
 - (b) completion of postgraduate coursework units of study totalling at most 12 credit points in respect of units of study in another faculty of this University or at an equivalent provider of tertiary education;

The following conditions apply to such credit:

- (i) no unit of study for which credit is granted has been a basis for the award of any other degree;
- (ii) the unit or units of study were passed at a level or with such additional assessment or other requirements as may be determined by the Committee in each case;
- (iii) the unit or units of study were completed within the six years immediately preceding the commencement of candidature for the Doctor of Juridical Studies;
- (iv) each unit of study falls within the scope of the approved program of study and research under sections 2.1 and 2.2.

Can I credit undergraduate units of study towards the degree?

- 3.3 A candidate may be granted credit for units of study for the degree in either an undergraduate unit of study offered by this Faculty or in another Faculty of this University or at another University, provided that:
- (a) the unit of study has an equivalent credit point value of at least 6;
 - (b) no more than 6 credit points may be granted;
 - (c) no unit of study for which credit is granted is the basis for the award of any other degree;
 - (d) the unit of study is passed at a level and on terms as may be determined by the Committee in each case;
 - (e) a research paper be completed constituting not less than 60% of the grade and that it be marked at postgraduate level.

Can I credit time spent on a Master of Laws or Doctor of Philosophy?

- 3.4 The Committee may grant credit for the whole or any part of a period of candidature undertaken for the course of study of Master of Laws by thesis or the course of study of Doctor of Philosophy, provided that:
- (a) the candidate has abandoned candidature for the course of study for which credit is sought; and
 - (b) the period of candidature for which credit is sought:
 - (i) involved a program of advanced study and research related to the candidate's proposed program of advanced study and research for the course of study of Doctor of Juridical Studies;
 - (ii) was taken within six years immediately preceding the commencement of the course of study of Doctor of Juridical Studies.

4. Course progress

What are the time constraints for the degree ?

- 4.1 Except in special circumstances and with the approval of the Committee:
- (a) a full-time candidate shall complete all the requirements for the degree not earlier than the third and not later than the end of the fifth year of candidature, or in the case of candidates enrolled prior to 1996, not earlier than the second and not later than the fourth year of candidature, excluding any period of approved suspended candidature;
 - (b) a part-time candidate shall complete all the requirements for the degree not earlier than the fourth and not later than the end of the fifth year of candidature, or in the case of candidates enrolled prior to 1996, not earlier than the third and not later than the fourth year of candidature, excluding any period of approved suspended candidature;
 - (c) all candidates shall complete a minimum of two semesters of full-time candidature over a period of time approved by the Committee.

How often do I need to report my progress ?

- 4.2(a) A candidate shall prepare annually, before enrolment, a statement of the work done by the candidate towards completion of the requirements for the course of study.
- (b) The supervisor shall also prepare annually a report on the work done by the candidate, which shall be shown to the candidate for comment.
 - (c) Both reports shall be lodged with the Faculty prior to referral to the Associate Dean (Research).

What if my progress is unsatisfactory?

- 4.3 Where, in the opinion of the Committee, a candidate has not made satisfactory progress towards completing the requirements for the degree the Committee may call upon the candidate to show cause why the candidature should not be terminated for lack of satisfactory progress.

5. Assessment and Grades

How is the thesis examined?

- 5.1(a) The thesis is examined according to the standard prescribed by the University for the examination of the degree of Doctor of Philosophy.

- (b) The Committee will appoint examiners for the thesis.

There shall be not less than two examiners, of whom at least one (and normally both) must be an external examiner.

How is the result of my candidature determined?

- 5.2 The Committee shall recommend the result of the candidature:
- (a) upon completion of the coursework units of study at the level of attainment prescribed by the Committee,² and
 - (b) after consideration of the reports of the examiners on the thesis.

How should the thesis be presented?

- 5.3(a) The candidate shall state the sources from which the information is derived, the extent to which the work of others has been made use of, and the portion of the work the candidate claims as original.
- (b) A candidate may not present as the thesis any work which has been presented for a degree at this or another university, but the candidate will not be precluded from incorporating such work in the thesis, provided that, in presenting the thesis, the candidate indicates the part of the work which has been so incorporated.
 - (c) A candidate shall submit three copies of the thesis through the Faculty in a form prescribed by the Committee.
 - (d) The thesis shall be accompanied by a certificate from the supervisor stating whether, in the supervisor's opinion, the form of presentation of the thesis is satisfactory.
 - (e) When the degree has been awarded, a copy of the thesis incorporating any required emendations and revisions shall be lodged in the University Library.

Masters' Degrees and Graduate Diplomas

The Faculty offers a broad range of Masters' degrees and Graduate diplomas, including the Master of Laws (LLM) and Graduate Diploma of Law (GradDipLaw) and a range of specialist programs of study. The Master of Laws and Master of Criminology degrees are available by thesis or by coursework.

The Diplomas are based on programs of 24 credit points of study; the Masters' Degrees on 48 credit points of study. Most units of study are worth 6 credit points. The units of study available for each degree or diploma are listed in the Appendix to the Resolutions of the Faculty.

Master of Laws (LLM)/Graduate Diploma of Law (GradDipLaw)

The Master of Laws may be undertaken by thesis or by coursework. The Master of Laws by thesis is awarded on the basis of a thesis which is approximately 50,000 words, is undertaken under supervision and is a substantial contribution to the area in which it is written. The Master of Laws by coursework and the Graduate Diploma in Law offer a broad range of choice across the whole field of postgraduate units of study in the Faculty.

Master of Administrative Law and Policy (MALP)

The Master of Administrative Law and Policy provides a specialist postgraduate qualification in administrative law and public policy. The curriculum is designed to offer comprehensive coverage of the legal, economic and policy issues arising in the context of public administration.

Master of Asian and Pacific Legal Systems (MAPLS)

The Master of Asian and Pacific Legal Systems provides comprehensive and interdisciplinary coverage of the legal cultures, legal systems and, business and investment regimes in the countries of the Asia-Pacific region.

Master of Criminology (MCrim)/Graduate Diploma in Criminology (GradDipCrim)

The Master of Criminology may be taken by thesis or by coursework. The Master of Criminology by thesis is awarded on the basis of a thesis which is approximately 50,000 words, is undertaken under supervision and is a substantial contribution to the area in which it is written. The Master of Criminology by coursework offers a comprehensive coverage of contemporary criminology and criminal justice issues. The Graduate Diploma in Criminology offers students a choice of units of study from a comprehensive range of units related to contemporary criminology and criminal justice issues.

Master of Environmental Law (MEL)/ Graduate Diploma in Environmental Law(GradDipEnvLaw)

The Master of Environmental Law provides a specialist postgraduate qualification through comprehensive coverage of contemporary issues in environmental law and policy. The Graduate Diploma in Environmental Law provides a shorter specialist postgraduate qualification in environmental law.

Master of Health Law (MHL)

The Master of Health Law degree provides a specialist postgraduate qualification in health law providing a wide-ranging interdisciplinary coverage of the contemporary legal and social debates about health care.

Master of Jurisprudence (MJur)/ Graduate Diploma in Jurisprudence (GradDipJur)

The Master of Jurisprudence provides a specialist postgraduate qualification in jurisprudence and legal theory, including sociology of law. The Graduate Diploma in Jurisprudence requires completion of units of study totalling 24 credit points from the range of units of study offered by the Department of Jurisprudence, plus a research project relating to a problem within the subject matter contained in one of the units of study undertaken.

Master of Labour Law and Relations (MLLR)

The Master of Labour Law and Relations is an interdisciplinary program taught jointly by the University's Department of Law and Department of Industrial Relations.

Master of Taxation (MTax)/Graduate Diploma in Taxation (GradDipTax)

The Master of Taxation provides a specialist postgraduate qualification in taxation. The program will expose students to both policy issues and the operation of the tax system in practice. The Graduate Diploma in Taxation provides a shorter specialist postgraduate qualification in taxation.

Master of International Taxation (MIntTax)

The Master of International Taxation provides a specialist postgraduate qualification in taxation and caters especially for students concerned with issues of economic globalisation and for international students being taught both in Australia and abroad.

Master of International Law (MIL)/Graduate Diploma in International Law (GradDipIL)/Graduate Diploma in International Business Law (GradDiplntBusL)

The Master of International Law provides a specialist postgraduate qualification through comprehensive coverage of contemporary issues in international law, policy and international relations. The Graduate Diploma in International Law provides a shorter specialist postgraduate qualification in international law. The Graduate Diploma in International Business Law provides an opportunity to specialise in international business law units within a short program.

Graduate Diploma in Commercial Law (GradDipCommLaw)

The Graduate Diploma in Commercial Law allows students to choose from a wide range of units of study specialising in commercial law areas.

Graduate Diploma in Corporate, Securities and Finance Law (GradDipCorpLaw)

The Graduate Diploma in Corporate, Securities and Finance Law allows students to choose from a range of units of study related to financing, taxation, business law including international business law, financial regulation and corporate governance.

Resolutions of the Senate for Masters' Degrees and Graduate Diplomas in the Faculty of Law

The text below is a much simplified draft consolidation for consideration for adoption by Faculty and the University during 1999. The current text of the existing resolutions from which it is drawn is printed in Volume 1 of the University Calendar and the 1997 Faculty Handbook.

In these resolutions unless the context or subject matter otherwise requires:

- 'Committee' means the Postgraduate Studies Committee of the Faculty;
- 'degree' means the degree of Master of Administrative Law and Policy, Master of Asian and Pacific Legal Systems, Master of Criminology, Master of Environmental Law, Master of Health Law, Master of International Law, Master of International Taxation, Master of Jurisprudence, Master of Labour Law and Relations, Master of Laws or Master of Taxation;
- 'diploma' means the Graduate Diploma in Commercial Law, Graduate Diploma in Corporate, Securities and Finance Law, Graduate Diploma in Criminology, Graduate Diploma in Environmental Law, Graduate Diploma in International Business Law, Graduate Diploma in International Law, Graduate Diploma in Jurisprudence, Graduate Diploma in Taxation or Graduate Diploma of Law;
- 'course of study' means the course of study towards the relevant degree or diploma; and
- 'Faculty' means the Faculty of Law.

Graduate programs available

1. The following Masters' degrees and Graduate diplomas are available within the Faculty of Law:

Master of Administrative Law and Policy - MALP
 Master of Asian and Pacific Legal Systems - MAPLS
 Master of Criminology - MCrim
 Master of Environmental Law - MEL
 Master of Health Law - MHL
 Master of International Law - MIL
 Master of International Taxation - MIntTax
 Master of Jurisprudence - MJur
 Master of Labour Law and Relations - MLLR
 Master of Laws - LLM
 Master of Taxation - MTax
 Graduate Diploma in Commercial Law - GradDipCommLaw
 Graduate Diploma in Corporate, Securities and Finance Law - GradDipCorpLaw
 Graduate Diploma in Criminology - GradDipCrim
 Graduate Diploma in Environmental Law - GradDipEnvLaw
 Graduate Diploma in International Business Law - GradDiplntBusL
 Graduate Diploma in International Law - GradDipIL
 Graduate Diploma in Jurisprudence - GradDipJur
 Graduate Diploma of Law - GradDipLaw
 Graduate Diploma in Taxation - GradDipTax

Admission

2. An applicant may be admitted to candidature in the particular degree or diploma if the applicant holds such qualifications at such levels of achievement as may be determined from time to time by the Faculty in accordance with policies and resolutions of the Academic Board.
3. In the Master of Laws an applicant may be admitted to candidature as either a candidate for the Master of Laws by coursework or the Master of Laws by thesis on such terms and conditions as may be determined from time to time by the Faculty.
4. In the Master of Criminology an applicant may be admitted to candidature as either a candidate for the Master of Criminology by coursework or the Master of Criminology by thesis on such terms and conditions as may be determined from time to time by the Faculty.

Course Requirements

Coursework degrees and diplomas

5. A candidate admitted to a Master's degree by coursework or to a Graduate diploma must:
 - (a) enrol in accordance with the procedure prescribed by the University;
 - (b) comply with the attendance requirements of the Faculty;
 - (c) satisfactorily undertake such examinations, research papers or other assessments as the Faculty requires or permits; and
 - (d) if eligible, be permitted to enrol for an Honours dissertation.

Thesis degrees

6. A candidate admitted to the Master of Laws by thesis or to the Master of Criminology by thesis must present a thesis which, in the opinion of the examiners, is a substantial contribution to the subject concerned.

Credit for other study

7. A candidate may be given credit for units of study completed towards a degree or diploma at this university or an equivalent provider of tertiary education on such terms and conditions as the Faculty may prescribe from time to time.

Course progress

8. A candidate shall complete all the requirements for the degree or diploma within such time limits as the Faculty may prescribe from time to time.

Assessment and grades

9. The degrees may be awarded as either a Pass degree or an Honours degree (Class I or Class II) on such conditions as the Faculty may prescribe from time to time. (At the time of going to press a recommendation that Honours be abolished was under consideration.) The diplomas may be awarded only on a Pass basis.

Resolutions of the Faculty for Masters' Degrees and Graduate Diplomas

The text below is a much simplified draft consolidation for consideration for adoption by Faculty and the University during 1999. The current text of the existing resolutions from which it is drawn is printed in Volume 1 of the University Calendar and the 1997 Faculty Handbook.

In these resolutions unless the context or subject matter otherwise requires:

- 'Committee' means the Postgraduate Studies Committee of the Faculty;
- 'degree' means the degree of Master of Administrative Law and Policy, Master of Asian and Pacific Legal Systems, Master of Criminology, Master of Environmental Law, Master of Health Law, Master of International Law, Master

of International Taxation, Master of Jurisprudence, Master of Labour Law and Relations, Master of Laws or Master of Taxation;

- 'diploma' means the Graduate Diploma in Commercial Law, Graduate Diploma in Corporate, Securities and Finance Law, Graduate Diploma in Criminology, Graduate Diploma in Environmental Law, Graduate Diploma in International Business Law, Graduate Diploma in International Law, Graduate Diploma in Jurisprudence, Graduate Diploma in Taxation or Graduate Diploma of Law;
- 'course of study' means the course of study towards the relevant degree or diploma;
- 'Program Coordinator' means the person in charge of the relevant course of study; and
- 'Faculty' means the Faculty of Law.

1. Graduate programs

What is the range of programs available?

1.1 Applications may be made to the Faculty for candidature for:

- (a) the following Masters' Degrees by coursework:
 - Master of Administrative Law and Policy (MALP)
 - Master of Asian and Pacific Legal Systems (MAPLS)
 - Master of Criminology (MCrim)
 - Master of Environmental Law (MEL)
 - Master of Health Law (MHL)
 - Master of International Law (MIL)
 - Master of International Taxation (MIntTax)
 - Master of Jurisprudence (MJur)
 - Master of Labour Law and Relations (MLLR)
 - Master of Laws (LLM)
 - Master of Taxation (MTax)
- (b) the following Master's Degrees by thesis:
 - Master of Laws (LLM)
 - Master of Criminology (MCrim)
- (c) the following Graduate Diplomas:
 - Graduate Diploma in Commercial Law (GradDipCommLaw)
 - Graduate Diploma in Corporate, Securities and Finance Law (GradDipCorpLaw)
 - Graduate Diploma in Criminology (GradDipCrim)
 - Graduate Diploma in Environmental Law (GradDipEnvLaw)
 - Graduate Diploma in International Business Law (GradDiplntBusL)
 - Graduate Diploma in International Law (GradDipIL)
 - Graduate Diploma in Jurisprudence (GradDipJur)
 - Graduate Diploma in Taxation (GradDipTax)
 - Graduate Diploma of Law (GradDipLaw)

2. Admission

General

How do I apply for admission ?

2.1 Applications for admission to candidature must be made in writing to the Faculty by the time and in the manner laid down by the Faculty from time to time. Such applications will be referred to the Committee.

What is the required proficiency in English?

2.2 The Faculty may require the production of evidence to its satisfaction of a proposed candidate's proficiency in English before it accepts such a candidate for enrolment in the course of study and it may require a proposed candidate successfully to undertake a specified program of study in English as a prerequisite to enrolment.

Can I study on a part-time basis?

2.3 An applicant may be admitted as either a full-time or part-time candidate for the degree or diploma.

Coursework candidates

What are the admission requirements for Masters' degrees and Graduate diplomas?

- 2.4 An applicant may be admitted to candidature for a Masters' degree or Graduate Diploma if
- the applicant has completed a degree of Bachelor of Laws; or
 - the applicant has completed with sufficient merit all the examinations of the Joint Examinations Committee of the Supreme Court of New South Wales.

What if I do not have a legal qualification?

- 2.5 An applicant may be admitted to candidature for a Masters' degree or Graduate Diploma (excluding the Master of Laws, Graduate Diploma of Law and Graduate Diploma in Commercial Law) if
- the applicant is the holder of a degree or completed qualification which is, in the opinion of the Committee, equivalent to an undergraduate degree; and
 - that degree or completed qualification has been obtained at a level of merit which is, in the opinion of the Committee, sufficient to enable the candidate to undertake the course of study.
 - Candidates without a legal qualification will be required to attend a short, intensive bridging course on law and legal methodology in the following degrees and diplomas:
 - Master of Administrative Law and Policy
 - Master of Asian and Pacific Legal Systems
 - Master of Environmental Law
 - Master of Health Law
 - Master of International Law
 - Master of Labour Law and Relations
 - Graduate Diploma of Environmental Law
 - Graduate Diploma of International Business Law
 - Graduate Diploma of International Law

Thesis candidates

How are applications for admission to candidature for the Master of Laws by thesis and for the Master of Criminology by thesis assessed?

- 2.7 Applications for admission to candidature for the Master of Laws by thesis or for the Master of Criminology by thesis will be assessed on the basis of:
- suitability of prior qualifications;
 - suitability of proposed topic; and
 - availability of appropriate supervision.
- 2.8(a) Applications should be made on the appropriate form to the Faculty. Applicants who have not qualified for a degree from this University must enclose with the application form an original transcript of the complete academic record. Applicants who have qualified for a degree but have not yet graduated, will have to supply evidence in due course of the conferral of the degree. Before lodging an application, applicants should discuss the proposed research topic with the Associate Dean (Research), in person or by correspondence as appropriate. A successful applicant is informed in writing by the Faculty of the terms of admission to candidature. (In the case of applicants who are not graduates of the University of Sydney, the Academic Board approves the terms of admission.)
- The Committee shall appoint a member of the academic staff of the University or in exceptional cases another suitably qualified person as supervisor of each candidate.

3. Course requirements

Coursework candidates

What are the general course requirements for Masters' degrees by coursework and Graduate diplomas?

- 3.1 (a) Subject to the requirements for particular courses of study referred to in sections 3.2-3.22, a candidate for a Master's degree by coursework must attend classes in units of study totalling 48 credit points chosen from the units of

study prescribed by the Faculty as units of study leading to the degree and pass the assessments in those units of study.

- (b) Subject to the requirements for particular courses of study referred to in sections 3.2-3.22, a candidate for a diploma must attend classes in units of study totalling 24 credit points chosen from the units of study prescribed by the Faculty as units of study leading to the diploma and pass the assessments in those units of study.

What are the particular requirements for the Master of Criminology and the Master of Jurisprudence?

- 3.2 A candidate for the Master of Criminology by coursework must either
- attend classes in units of study totalling 48 credit points chosen from the units of study prescribed by the Faculty as units of study leading to the degree and pass the assessments in those units of study; or
 - complete a research project worth 12 credit points on a topic approved by the Program Coordinator and attend classes in units of study totalling 36 credit points chosen from the units of study prescribed by the Faculty as units of study leading to the degree and pass the assessments in those units of study.
- 3.3 (a) A candidate for the Master of Jurisprudence must
- attend classes in units of study totalling 36 credit points chosen from the units of study prescribed by the Faculty as units of study leading to the degree and pass the assessment in those units of study; and
 - complete a research project worth 12 credit points within the subject matter of the course of study as approved by the Head of the Department of Jurisprudence.
- (b) With the permission of the Head of Department of Jurisprudence, a candidate for the Master of Jurisprudence may complete up to 24 credit points of the coursework requirement in (a) by undertaking a unit or units of study prescribed for one of the other Masters' degrees offered by the Faculty of Law.

What are the particular requirements for the Master of Administrative Law and Policy?

- 3.4(a) The units of study for the Master of Administrative Law and Policy may be prescribed by the Faculty, by the Department of Government and Public Administration and by the Department of Social Work and Social Policy as units of study leading to the degree.
- (b) Of the optional units of study prescribed by the Faculty of Law for the degree, not including *Public Sector Policy 2*, candidates must attend classes in units of study totalling at least 12 but no more than 24 credit points.

What are the particular requirements for the Master of Labour Law and Relations?

- 3.5 (a) Unless varied by the Committee, all labour relations units of study shall be selected from units of study comprising the syllabus for the courses of study for the Graduate Diploma in Industrial Relations or the Master of Industrial Relations in the Faculty of Economics (hereafter 'Faculty of Economics units of study') subject to the following conditions and restrictions:
- All Faculty of Economics units of study shall be counted as units of study of 6 credit points for the purposes of the course of study,
 - Candidates must comply with all regulations, charges, attendance and assessment requirements of the Faculty of Economics units of study (which override these resolutions where inconsistent).
 - Candidates shall not enrol in any labour relations units of study unless either the candidate has completed (or is concurrently enrolled in) the unit of study *Australian Industrial Relations* or written permission has been given by the Head of the Department of Industrial Relations (or of the Coordinator of Postgraduate Courses in that department) to substitute another unit of study on the basis that the candidate has already completed an equivalent undergraduate unit of study.

(b) Normally half of the credit points for a candidate enrolled in the Master of Labour Law and Relations shall be in the area of labour relations and half in the area of labour law. In special circumstances such as where prior undergraduate studies mean that there are insufficient remaining suitable labour relations units of study, the Program Co-ordinator may, after consulting the Head of the Department of Industrial Relations, approve a written application by a candidate to take 30 credit points of labour law units of study and 18 credit points of labour relations units of study.

What are the particular requirements for the Environmental Law and Taxation programs?

3.6 A candidate for the Master of International Taxation, Master of Taxation or Graduate Diploma of Taxation may, subject to the approval of the Committee on the recommendation of the Program Coordinator and up to the limit prescribed from time to time by the Committee, take any coursework unit of study or seminar offered by a member of the Consortium of Australian Tax Schools (CATS) towards the degree requirements

7.7 A candidate for the Master of Environmental Law or the Graduate Diploma of Environmental Law may, subject to the approval of the Committee on the recommendation of the Program Coordinator and up to the limit prescribed from time to time by the Committee, take any coursework unit of study or seminar offered by institutions which are members of the Australian Centre for Environmental Law (ACEL).

What are the particular requirements for the Master of International law?

7.8 A candidate for the Master of International Law must (a) attend all classes in units of study totalling 36 credit points chosen from units of study prescribed by the Faculty as units of study leading to the degree and pass the assessment in those units, including one unit of study totalling 6 credit points from units offered in the Master of International Studies as prescribed by the Faculty of Law and approved for the Master of International Law; and (b) complete a research project worth 12 credit points within the subject matter of the course of study as approved by the Program Coordinator.

What are the particular requirements for the Graduate Diploma in International Law and Graduate Diploma in International Business Law?

7.7A candidate for the Graduate Diploma in International Law must attend classes in units of study totalling 24 credit points, of which:
(a) one unit of study comprises the core unit 'International Law and Australian Institutions';
(b) at least two further units of study may be selected from the core units of study for the Master of International Law; and
(c) one unit of study may be selected from nominated optional units of study for the Master of International Law. A candidate for the Graduate Diploma in International Business Law must attend classes in units of study totalling 24 credit points, of which:
(a) at least two units of study are nominated from core units; and
(b) the remaining units of study may be selected from nominated core units or optional units of study.

What are the units of study I can/must undertake?

3.10 The units of study prescribed by the Faculty as leading to the degree or diploma are set out in the Appendix to these resolutions.

3.11 Not all units of study offered within the Faculty may be available at a particular time.

3.12 Any special graduate seminar unit offered within the Faculty may be approved as a unit of study by the Head of Department, subject to meeting any time limits and conditions of approval laid down in Faculty policies.

3.13 Any unit of study available in the Faculty may be included amongst the units of study prescribed for a

particular degree or diploma (not including the Master of Laws or Graduate Diploma of Law) with the approval of the relevant Program Coordinator.

3.14 The Committee may place restrictions on the units of study to be taken by coursework candidates either generally or in any particular case.

Can I get exemption for a compulsory unit of study?

3.15 In exceptional cases, candidates who, through previous tertiary study or a combination of such study with work experience, can demonstrate competence in one or more of the compulsory units of study may be exempted from the requirement to undertake the compulsory unit or units of study. In cases where exemption from a compulsory unit or units of study has been granted, an optional unit or units of study should be substituted for such unit(s) of study. A candidate must still complete units of study of the credit point value required for completion of the course of study.

What do the credit points mean?

3.16 All units of study offered shall be assigned a credit point value. A unit of study of 6 credit points requires attendance of approximately 26 hours of classes. A unit of study of 12 credit points requires attendance of approximately 52 hours of classes.

What are the rules concerning research papers?³

3.17 Every candidate for a Master's degree by coursework (excluding the Master of Jurisprudence) must write a research paper in at least one unit of study and may, subject to any policies issued by the Program Coordinator, write a research paper in additional units of study up to a value of 48 credit points.

3.18 Every candidate for a Graduate Diploma may, with the approval of the Program Coordinator, write a research paper in any unit of study in which the candidate is enrolled.

3.19 (a) The topic of any research paper to be submitted shall be nominated by the candidate and approved by the lecturer in the unit of study concerned. When nominating a topic the candidate shall outline briefly the matter to be dealt with in the research paper.

(b) The length of any research paper for a unit of study shall be 6,000-10,000 words for a unit of study of 6 credit points and 12,000-20,000 words for a unit of study of 12 credit points at the discretion of the lecturer in charge of the unit of study concerned.

What are the rules concerning research projects (Master of Criminology by coursework and Master of Jurisprudence only)?

3.20 (a) The topic of the research project in the Master of Criminology by coursework and the Master of Jurisprudence may be related to any unit of study undertaken by the candidate as part of the course of study.

(b) The topic of the research project to be submitted shall be nominated by the candidate after consultation with and approval by the lecturer in charge of the unit of study concerned.

(c) The research project is assigned a value of 12 credit points.

3.21 (a) For students enrolled in the Master of Criminology by coursework choosing to complete a research project but not an Honours dissertation, the length of the research project shall be approximately 15,000 words.

(b) For students enrolled in the Master of Jurisprudence, the length of the research project shall be approximately 15,000 words.

What are the rules concerning Honours dissertations?

(*^{**} At the time of going to press, it is proposed that Honours be abolished for candidates first enrolled after 1 January, 1999.
**)

3.22 (a) A candidate for a Master's degree by coursework (excluding the Master of Criminology by coursework and the Master of Jurisprudence) will be invited to enrol for an Honours dissertation if the candidate obtains an average mark of 75 or above, determined from the best 36 credit points.

(b) The Committee may allow a candidate to enrol for the Honours dissertation before all required units of study have been completed.

(c) The topic of the dissertation shall be nominated by the candidate and approved by the Committee after receipt of a recommendation from the Program Coordinator. When nominating a topic the candidate shall outline briefly the matter to be dealt with in the dissertation.

(d) The Committee shall appoint a full-time member of the academic staff of the University to act as supervisor of each candidate enrolled for an Honours dissertation.

(e) The dissertation shall be approximately 20,000 words in length.

(f) The dissertation shall, for the purposes of calculating the final grade for Honours, have a value of 24 credit points.

(g) The dissertation shall be at a standard determined by the Committee.

What are the rules concerning Honours dissertations in the Master of Criminology by coursework?

(** See annotation at 3.22 **)

3.23 (a) A candidate who first enrolls for the Master of Criminology by coursework in 1993 or later will be invited to enrol for an Honours dissertation if

(i) the candidate has not chosen to complete a research project and obtains an average mark of 75 or above determined from the best 36 credit points; or

(ii) the candidate has chosen to complete a research project and obtains an average mark of 75 or above determined from the best 24 credit points.

(b) The Committee may allow a candidate to enrol for the Honours dissertation before all required units of study have been completed.

(c) The topic of the dissertation shall be nominated by the candidate and approved by the Committee after receipt of a recommendation from the Program Coordinator. When nominating a topic the candidate shall outline briefly the matter to be dealt with in the dissertation.

(d) The Committee shall appoint a full-time member of the academic staff of the University to act as supervisor of each candidate enrolled for an Honours dissertation.

(e) For those candidates not choosing to complete a research project, the Honours dissertation shall be approximately 20,000 words.

(f) For those candidates choosing to complete a research project, the Honours dissertation and the research project shall be submitted in the form of a single dissertation of approximately 30,000 words in length.

(g) The dissertation will, for the purposes of calculating the final grade for Honours, have a value of 24 credit points.

(h) The dissertation shall be at a standard determined by the Committee.

What are the rules concerning Honours dissertations in the Master of Jurisprudence?

(** See annotation at 3.22 **)

3.24 (a) A candidate will be invited to enrol for an Honours dissertation if the candidate obtains an average mark of 75 or above determined from the marks obtained in the best 24 credit points and the research project.

(b) The Committee may allow a candidate to enrol for the Honours dissertation before all required units of study have been completed.

(c) The topic of the dissertation shall be nominated by the candidate and approved by the Committee after receipt of a recommendation from the Program Coordinator. When nominating a topic the candidate shall outline briefly the matter to be dealt with in the dissertation.

(d) The Committee shall appoint a full-time member of the academic staff of the University to act as supervisor of each candidate enrolled for an Honours dissertation.

(e) The dissertation shall be approximately 20,000 words in length.

(f) The dissertation, for the purposes of calculating the final grade for Honours, will have a value of 24 credit points.

(g) The dissertation shall be at a standard determined by the Committee.

Thesis candidates

What are the rules concerning theses?

3.25 A thesis candidate shall present to the Faculty a thesis in the subject approved by the Committee. To obtain award of the degree the thesis shall, in the opinion of the examiners, be a substantial contribution to the subject concerned.

3.26 A thesis candidate shall personally consult with such supervisor or supervisors as the Committee may appoint on a regular basis and in accordance with University and Faculty policies about supervision practices. These requirements may be adapted to meet special geographic or other circumstances.

3.27 Before each re-enrolment a thesis candidate shall submit to the Associate Dean (Postgraduate) a short statement of the work done by the candidate in the preceding twelve months.

3.28 (a) A full-time thesis candidate shall present three copies of the thesis not less than one year and not more than two years after the date of admission to candidature.

(b) A part-time thesis candidate shall present the thesis not less than two years and not more than four years after the date of admission to candidature.

(c) These periods may be varied by the Committee on the application of the candidate.

4. Credit for other study

How can I get credit for other study?

4.1 (a) Applications for credit for other study are to be made to the Committee.

(b) Such other study may include
(i) study prior to enrolment; and
(ii) study during enrolment.

Coursework candidates

Can I get credit for units of study offered towards another degree or diploma?

4.2 A candidate for a Master's degree by coursework or a Graduate diploma may be granted credit for completion of units of study offered towards another degree or diploma in this university or an equivalent provider of tertiary education. The following conditions apply to such credit:

(a) credit may not be given for units of study taken outside the Faculty having a total credit point value more than half of that required for completion of the course of study;

(b) credit may be given for units of study taken in the Faculty subject to Faculty fee or other policies;

(c) credit may not be given for units of study which are credited towards the award of another degree or diploma;

(d) the candidate may not take units of study in the curriculum for the course of study which are substantially similar to the units of study for which credit has been given;

(e) the subject of the units of study for which credit is sought must be sufficiently relevant to the course of study;

(f) the work completed for the other degree or diploma must, in the opinion of the Committee, be of a sufficient standard;

(g) credit may not be given for work done in another faculty of this university or at an equivalent provider of tertiary education as satisfying the requirements (if any) for a dissertation.

Can I get credit for non-law units of study?

4.3 The Master of Labour Law and Relations and the Master of Administrative Law and Policy prescribe non-law units as part of the degree. These are referred to in the course requirements for each degree.

4.4 A candidate for all other Masters' degrees by coursework and Graduate diplomas may, if the committee thinks fit, be

granted credit for non-law units of study provided that credit may not be given for the completion of non-law units of study totalling more than 12 credit points in the case of a Masters' degree and 6 credit points in the case of a Graduate diploma.

Can I get credit for undergraduate units of study?

4.5 A candidate for a Master's degree by coursework or a Graduate diploma may credit toward the degree or diploma units of study totalling at most 12 credit points in the case of a Master's degree and 6 credit points in the case of a Graduate diploma from designated undergraduate law units of study as approved and offered by the Faculty, provided that the candidate has complied with such special unit of study assessment requirements as are specified for candidates for the course of study. It will normally be specified for postgraduate students undertaking an undergraduate unit of study for credit that a research paper be required constituting not less than 60% of the grade and that it be marked at postgraduate level. Approval of such credit may be given by the Committee on the recommendation of the Associate Dean (Postgraduate).

Can I get credit for single unit enrolment?

4.6 A candidate who has completed a unit of study in the Faculty as a single unit enrolment may be granted credit for such unit towards a degree or diploma on such terms as the Committee may prescribe from time to time.

Thesis candidates

Can I count work done in an uncompleted PhD towards a Master of Laws by thesis or a Master of Criminology by thesis?

4.7 The Committee may deem time spent or work done towards the degree of Doctor of Philosophy by a candidate before admission to candidature for the Master of Laws by thesis or the Master of Criminology by thesis to be time spent or work done after admission, provided the candidate has ceased to be a candidate for the Doctor of Philosophy.

5. Course progress

What are the time constraints for the degree or diploma?

- 5.1(a) For a Master's degree by thesis -
- (i) a full-time candidate shall complete all the requirements for the degree within a period of not more than two years and not less than one year from the date of first enrolment as a candidate;
 - (ii) a part-time candidate shall complete all the requirements for the degree within a period of not more than four years and not less than two years from the date of first enrolment as a candidate.
- (b) For a Master's degree by coursework -
- (i) a full-time candidate shall complete all the requirements for the degree within a period of not more than three years and not less than one year from the date of first enrolment as a candidate;
 - (ii) a part-time candidate shall complete all the requirements for the degree within a period of not more than six years and not less than two years from the date of first enrolment as a candidate.
- (c) For a Graduate Diploma -
- (i) a full-time candidate shall complete all the requirements for the degree within a period of not more than two years and not less than six months from the date of first enrolment as a candidate;
 - (ii) a part-time candidate shall complete all the requirements for the degree within a period of not more than three years and not less than one year from the date of first enrolment as a candidate.
- (d) Years of suspended candidature shall not be counted in the time period within which a degree or diploma shall be completed.
- (e) In special circumstances and with the approval of the Associate Dean (Coursework), a candidate may complete a degree or diploma outside the time periods specified in (a) and (b).

What are the rules concerning suspension, deferment and termination of candidature?

- 5.2 The Associate Dean (Coursework) may -
- (a) on written application by a candidate grant a suspension of candidature on such grounds and on such conditions as the Associate Dean (Coursework) thinks fit; any period of suspension of candidature so granted shall not be counted towards any period of time within which the course of study would otherwise have been required to be completed;
 - (b) on written application permit a candidate who has been admitted to candidature but has not enrolled for a first time to defer enrolment for a period of one year;
- 5.3 (a) Where either:

- (i) a candidate has not completed all the requirements of the degree or diploma within the time specified in section 5.1; or
 - (ii) in the case of a thesis candidate, the annual review of progress concludes that the candidate is not making adequate progress; or
 - (iii) in the case of a candidate for a Master's degree by coursework, the candidate has obtained failures in any two units of study or two failures in one unit of study; or
 - (iv) in the case of a candidate for a Graduate Diploma, the candidate has obtained a failure in any unit of study; the Committee may call upon the candidate to show cause why the candidature should not be terminated by reason of unsatisfactory progress,
- (b) The Committee may, where in its opinion the candidate does not show good cause why the candidature should not be terminated, terminate the candidature.

Coursework candidates

What are the attendance requirements?

- 5.4(a) A coursework candidate whose attendance record at classes in a unit of study in which the candidate is enrolled is unsatisfactory may be refused permission to take the annual assessments in that unit of study. A candidate refused such permission shall be deemed to have discontinued the unit of study with permission,
- (b) For the purpose of this resolution, attendance at less than 70 per cent of scheduled classes shall be deemed to be an unsatisfactory attendance record.

Thesis candidates

6. Assessment and grades

What are the requirements before sitting an examination?

- 6.1 In exceptional circumstances, the Committee may waive any or all of the unit of study attendance, practical, research or written work requirements normally required before a candidate can present himself or herself at an annual examination of a unit of study for any Master's degree or Graduate diploma, and may do so upon such conditions as it deems fit.

What are the grades applicable to units of study?

- 6.2(a) Each unit of study will be assessed in grades of High Distinction, Distinction, Credit and Pass. The range of marks for each grade shall be as follows:

Grade	%
High Distinction	85-100
Distinction	75-84
Credit	65-74
Pass	50-64

- (b) An Order of Merit in each unit of study shall be published.

How much is a research paper worth?

- 6.3 Where a coursework candidate elects to write a research paper for a unit of study, the research paper shall be worth at least 60% of the assessment for the unit of study but may be worth up to 100% at the discretion of the lecturer in charge of the unit of study concerned.

In what grades is a Master's degree by coursework awarded?
 (** See annotation at 3.22 **)

- 6.4(a)** The grades in which a Master's degree by coursework may be awarded shall be determined as follows:
- (i) Pass may be awarded where a candidate has completed units of study prescribed by the Faculty,
 - (ii) Honours may be awarded to candidates who have, in addition to completing the requirements in (i), submitted an Honours dissertation in accordance with these resolutions and who have in those units of study and the dissertation achieved a satisfactory standard as determined by the Faculty.
- (b) A candidate who has failed one unit of study twice or who has failed two units of study shall not be eligible for Honours.
- (c) Any explanations offered for a failure and claimed to be relevant in deciding the award of Honours shall be put to the Committee by the candidate as soon as possible after the occurrence of the failure.

How are Honours awarded in Masters' degrees by coursework (excluding the Master of Criminology by coursework and the Master of Jurisprudence)?

(** See annotation at 3.22 **)

- 6.5(a)** Honours may be awarded to a candidate for a Master's degree by coursework (excluding the Master of Criminology by coursework and the Master of Jurisprudence) who has completed all units of study required for the course of study and the Honours dissertation and will be calculated using the marks from the best 36 credit points and the dissertation or the marks from the best 48 credit points and half the dissertation, whichever is the higher.
- (b) In special circumstances, Honours may be awarded to a candidate who has failed a unit of study by calculating the final grade by taking the average of the candidate's 48 best credit points and half the dissertation.

How are Honours awarded in the Master of Criminology by coursework?

(** See annotation at 3.22 **)

- 6.6(a)** Honours may be awarded to a candidate for the Master of Criminology by coursework who has completed all units of study required for the course of study and the Honours dissertation.
- (b) Where a candidate has not chosen to complete a research project, the average mark for the calculation of Honours shall be determined by reference to:
- (i) the candidate's 36 best credit points and the dissertation; or
 - (ii) the candidate's 48 best credit points and half the dissertation, whichever is the higher.
- (c) Where a candidate has chosen to complete a research project, the average mark for the calculation of Honours shall be determined by reference to:
- (i) the candidate's 24 best credit points and the combined mark of the research project and the dissertation; or
 - (ii) the candidate's 36 best credit points and half the combined mark of the research project and dissertation, whichever is the higher.
- (d) In special circumstances, Honours may be awarded to a candidate who has failed a unit of study by calculating the final grade by taking the average mark of the candidate's 48 best credit points and
- (i) half the dissertation mark if the candidate has not chosen to complete a research project; or
 - (ii) half the combined mark for the research project and dissertation if the candidate has chosen to complete a research project.

How are Honours awarded in the Master of Jurisprudence?

(** See annotation at 3.22 **)

- 6.7(a)** Honours may be awarded to a candidate for the Master of Jurisprudence who has completed all units of study required for the course of study, the research project

referred to in section 3.4 and the Honours dissertation and will be calculated using the marks of the candidate's 24 best credit points, the research project and the dissertation.

- (b) In special circumstances, Honours may be awarded to a candidate who has failed a unit of study by calculating the final grade by taking the average mark of the candidate's 36 best credit points, the research project and half the dissertation.

How are the grades First Class Honours, Second Class Honours and Pass awarded?

- 6.8(a)** First Class Honours may be awarded where a coursework candidate's average mark is 85 per cent or above, with a discretion in the Committee to award First Class Honours in special cases where a candidate's average mark is below 85 per cent.
- (b) Second Class Honours may be awarded where a coursework candidate's average mark falls within the range 78-84 per cent, with a discretion in the Committee to award Second Class Honours in special cases where a candidate's average mark is below 78 per cent.
- (c) A Pass degree may be awarded where a coursework candidate's average mark falls within the range 50-77 per cent.
- (d) A coursework candidate's average mark shall be the mark determined in accordance with sections 6.5-6.7.

How are theses examined?

- 6.9** The Committee, in accordance with the policies determined by the Faculty from time to time, shall appoint such examiners as it deems fit to examine a thesis candidate.
- 6.10** The grade at which the degree shall be awarded to a successful thesis candidate shall be determined by the Committee in the light of the reports of the examiners in each case.

7. Single unit enrolment

- 7.1** A person may be permitted to enrol in any unit or units of study if the Committee or its nominee approves of the application.

1. In the case of a candidate enrolled before 1996, credit may only be given for 24 credit points of coursework units for the purpose of section 2.2
2. The Committee has resolved that the minimum level of attainment will be an average mark of 75% in the best 24 credit points, while the Committee retains a discretion in cases falling below that average. In the case of candidates enrolled before 1996 the minimum level of attainment is an average mark in the best 36 credit points.
3. Candidates for a Master's degree by coursework (except the Master of Criminology by coursework and the Master of Jurisprudence) who first enrolled prior to 1991 are not required to write a research paper.
4. The requirement to complete an Honours dissertation was introduced in 1993.

Units of study offered within the Faculty⁵

Master of Laws, Graduate Diploma of Law

Candidates may choose from the full range of units of study offered by the Faculty excluding *Criminal Liability*.

Master of Administrative Law and Policy

Compulsory units of study

Administrative Law⁶
Public Sector Policy 1
Public Policy Making: Structure and Processes (or any other unit of study of 6 credit points prescribed by the Department of Government and Public Administration)

Optional units of study

Environmental Impact Assessment Law
Government Regulation, Health Policy and Medical Ethics
Judicial Review: Principles, Policy and Procedure
Law, Ageing and Disability
Privacy, Surveillance and Fair Information Practices
Public Sector Policy 2
Tax Administration

Master of Asian and Pacific Legal Systems

Compulsory unit of study

Law and Legal Culture in Asia and the Pacific (12 credit points)⁷

Optional units of study

Asia Pacific Environmental Law
Asia Pacific Environmental Law Journal
Asian Pacific Tax Systems
Australian International Taxation
Australian Tax Treaties
Chinese Laws and Chinese Legal Systems (12 credit points)
Chinese Legal System and Foreign Investment Law
Comparative Environmental Law
Law and Society in Indonesia
Law and Business in Indonesian

Master of Criminology by coursework, Graduate Diploma in Criminology

Compulsory units of study

Crime, Research and Policy 1
Explaining Crime

Optional units of study

Advanced Criminal Law⁸
Advanced Forensic Psychiatry (Prerequisite: Forensic Psychiatry)
Australian Police Systems
Child Protection Law
Contemporary Crime Issues
Crime Control

Crime, Research and Policy 2 (Prerequisite: Crime, Research and Policy 1)
Criminal Liability⁹
Criminal Procedures
Criminalisation
Drugs, Drug Policy and the Law
Forensic Psychiatry
Gender, Race and Legal Relations
Juvenile Justice
Privacy, Surveillance and Fair Information Practices
Sentencing and Punishment

Master of Environmental Law, Graduate Diploma in Environmental Law

Optional units of study

Asia Pacific Environmental Law
Asia Pacific Environmental Law Journal
Biodiversity Law
Comparative Environmental Law
Dispute Resolution in Australia
Environmental Dispute Resolution
Environmental Economics/Public Sector Policy 1
Environmental Impact Assessment Law
Environmental Law and Policy¹⁰
Environmental Planning Law
Hazard Substances and the Law
Heritage Law
International Environmental Law
Local Government Law
Natural Resources Law
Pollution Law
Protection of the Antarctic Environment
Sustainable Development Law in China

Master of Health Law

Compulsory units of study

Government Regulation, Health Policy and Ethics
Health Care and Professional Liability
Information Rights in Health Care¹¹

Optional units of study

Advanced Forensic Psychiatry
Child Protection Law
Dispute Resolution in Australia
Drugs, Drug Policy and the Law
Forensic Psychiatry
Law, Ageing and Disability
Legal Issues in Health Care and Technology
Privacy, Surveillance and Fair Information Practices
Reproduction and the Law

Master of International Law

Compulsory Units of Study

International Law and Australian Institutions
International Law Research Project (12 cp, MIL only)

5. All units of study have a value of 6 credit points unless otherwise specified.

6. Except in special circumstances, candidates who have completed the post graduate unit of study Administrative Law previously offered by the Faculty may not enrol in the unit of study Administrative Law. Candidates who have satisfactorily completed the postgraduate unit of study Administrative Law previously offered by the Faculty will be exempted from the requirement to undertake the compulsory unit of study Administrative Law. Units of study totalling 48 credit points must still be completed for the course of study. Candidates who have satisfactorily completed the postgraduate unit of study Administrative Law previously offered by the Faculty and who transfer from the Master of Laws to the Master of Administrative Law and Policy will be awarded 6 credit points towards the MALP.

7. Candidates who have satisfactorily completed this postgraduate unit previously offered by the Faculty and who transfer from the Master of Law to the Master of Asian and Pacific Legal Systems, will be

awarded 12 credit points towards the MALPS and exempted from the requirement to undertake the compulsory unit of study.

8. This unit is only available to candidates who have completed an undergraduate unit of study in criminal law or its equivalent.

9. Candidates who do not hold a law degree or LPAB/SAB/BAB qualification will be required to undertake this unit. Candidates who hold a law degree or LPAB/SAB/BAB qualification may not undertake this unit.

10. Except in special circumstances, candidates who have not completed a tertiary unit of study in environmental law, or a unit of study judged by the Associate Dean (Postgraduate) to be substantially similar, may not enrol in units of study offered for the course of study unless the candidate has completed or is concurrently enrolled in the unit of study Environmental Law and Policy. Except in special circumstances, candidates who have completed a tertiary unit of study in environmental law, or a unit of study judged by the Associate Dean (Postgraduate) to be substantially similar, may not enrol in the unit of study Environmental Law and Policy.

Core Units of Study*Law Program*

International Business Law
 International Commercial Arbitration
 International Criminal Law
 International Dispute Resolution
 International Environmental Law
 International Human Rights
 International Law and Use of Armed Force
 International Trade Regulation
 International Transport Law
 Law of the Sea
 Protection of the Antarctic Environment
 Theories of International Law

International Studies Program

Forces of Change in International Politics
 Asian Pacific Politics
 International Organisations
 International Politics of Human Rights
 International Security
 Politics of International Economic Relations

Optional Units of Study

Asia Pacific Environmental Law
 Asia Pacific Taxation
 Australian Tax Treaties
 Comparative Environmental Law
 Chinese Legal Systems & Foreign Investment
 Comparative International Tax
 European Union Law 1
 Maritime Law
 Law & Society in Indonesia
 Law & Business in Indonesia
 US International Taxation

Graduate Diploma in International Law*Compulsory Unit of Study*

International Law and Australian Institutions

Optional Units of Study

selected from units shown as core and optional units for the MIL

Graduate Diploma in International Business Law*Core Units of Study*

International Business Law
 International Commercial Arbitration
 International Trade Regulation
 International Transport Law

Optional Units of Study

Asia Pacific Taxation
 Australian Tax Treaties
 Chinese Legal Systems & Foreign Investment
 Comparative International Tax
 European Union Law 1
 Maritime Law

11. Candidates who have satisfactorily completed the postgraduate unit of study *Law and Medicine* previously offered by the Faculty or an equivalent unit of study elsewhere may apply for exemption with respect to this unit. Units of study totalling 48 credit points must still be completed for the course of study.

12. Except in special circumstances and with permission of the Associate Dean (Postgraduate) candidates may not enrol in units of study offered for the course of study unless the candidate has completed or is concurrently enrolled in this unit of study.

13. Unless and until otherwise approved by the Committee, all candidates shall first complete this unit of study before enrolling in any other law unit of study, provided that a full-time candidate may enrol in other law units of study concurrently with this unit of study.

14. Except in special circumstances and with permission of the Associate Dean (Postgraduate) candidates may not enrol in units of study offered for the course of study unless the candidate has completed or is concurrently enrolled in this unit of study.

Law & Society in Indonesia
 Law & Business in Indonesia
 US International Taxation

Master of International Taxation*Compulsory unit of study*

Comparative International Taxation¹²

Optional units of study

Asian Pacific Taxation
 Australian Income Tax System
 Australian International Taxation
 Australian Tax Treaties
 Comparative Corporate Taxation
 Comparative Income Tax
 Controlled Foreign Companies, Foreign Investment Funds and Transferor Trusts
 Goods and Services Tax
 OECD Model Tax Convention on Income and on Capital
 Tax Administration
 Taxation and Social Policy
 Transfer Pricing in Taxation
 US International Taxation

Master of Jurisprudence, Graduate Diploma in Jurisprudence*Optional units of study*

Applied Research on the Family in Law and Society
 Constitutional Theory
 Freedom of Speech and Freedom of Religion
 Aspects of Law and Justice (12 credit points)
 Aspects of Law and Legal Culture in Asia and the Pacific
 Aspects of Law and Social Control (12 credit points)
 Legal Reasoning (12 credit points)
 Constitutional Theory
 European Union Law 1
 European Union Law 2
 Freedom of Speech and Freedom of Religion
 Law and Legal Culture in Asia and the Pacific
 Theory of the Family in Law and Society

Master of Labour Law and Relations*Compulsory unit of study*

Labour Law¹³

Optional units of study

Advanced Employment Law
 Comparative Industrial Law
 Discrimination in the Workplace
 Dispute Resolution in Australia
 Labour Law Reform
 Trade Union Law
 Workplace Bargaining
 Work Safety

Master of Taxation, Graduate Diploma in Taxation*Compulsory unit of study*

Australian Income Tax System¹⁴

Optional units of study

Asian Pacific Taxation
 Australian International Taxation
 Australian Tax Treaties
 Capital Gains Tax Problems in Practice
 Comparative Income Tax
 Comparative International Taxation
 Comparative Corporate Taxation
 Corporate Taxation
 Controlled Foreign Companies, Foreign Investment Funds and Transferor Trusts
 Goods and Services Tax
 Income Transfer Payments Law
 OECD Model Tax Convention on Income and on Capital
 Tax Administration
 Taxation and Social Policy
 Taxation of Business and Property Income

Taxation of Financial Institutions and Financial Transactions
Taxation of Partnerships and Trusts
Taxation of Remuneration
Taxation of Superannuation and Insurance
Transfer Pricing in Taxation
US International Taxation

Graduate Diploma in Commercial Law

Optional units of study

Advanced Financing Techniques
Chinese Legal System and Foreign Investment Law
Competition Law and Policy
Consumer Protection Law - Regulation of the Unfair Marketing Practices
Consumer Protection Law - Post-Sale Consumer Protection
Corporate Fundraising
Corporate Insolvency
Dept Financing
Equity Financing
International Business Law
International Commercial Arbitration
International Trade Regulation
International Transport Law
Issues in the Law of Copyright
Maritime Law
Modern Corporate Governance
Privacy, Surveillance and Fair Information Practices
Regulation of Collective Investments
Regulation of Derivatives, Products and Markets
Restitution for Unjust Enrichment
Restitution for Ineffective Contracts
Takeovers and Reconstructions

Graduate Diploma in Corporate, Securities and Finance Law

Optional units of study

Advanced Financing Techniques
Corporate Fundraising
Corporate Taxation
Dept Financing
Equity Financing
International Business Law
Modern Corporate Governance
Regulation of Collective Investments
Regulation of Derivatives, Products and Markets
Takeovers and Reconstructions
Taxation of Financial Institutions and Financial Transactions

Admission and enrolment

Candidates and intending candidates should distinguish clearly between admission to candidature, enrolment and re-enrolment.

1. Admission to candidature

Applications for admission to candidature must be lodged with the Faculty Office on the prescribed form by all intending candidates who have not previously been admitted to candidature.

1.1 Enrolment

An applicant for admission to candidature will be informed whether the application has been successful. The successful applicant must then enrol in person on the enrolment day and pay tuition fees.

1.2 Confirmation of enrolment

All the information provided when you enrol is added to the University's computerised student record system. This includes your course of study, academic year and the units of study you are taking. It is important that this information is recorded correctly at the beginning of the year, and amended should a change occur in any of the details during the year.

To enable you to see what enrolment data have been recorded, you will be given or sent a confirmation of

enrolment shortly after completion of enrolment. You should check this carefully. If the information is correct you should keep the form as a record of your current enrolment. Should the form be incorrect in any detail, you should notify the Faculty Office as soon as possible to have your record amended. A new confirmation will then be prepared and sent to you.

Advice about fees for units of study (or HECS assessments) for each semester will be forwarded separately. If a mistake has been made, you should follow the directions for correcting the error. Policies about when fees are due, the way they may be paid, and what happens to pre-paid fees if you change your mind, will also be set out in the letter. (Fees for 1999 coursework units reflect changes in Government policies which require full-cost recovery for postgraduate coursework programs, without any government contribution.)

If you wish to:

- change a unit of study in which you are enrolled
 - discontinue a unit of study
 - discontinue enrolment totally,
- you should apply at the Faculty Office to obtain the appropriate approval. Your record at the University will not be correct unless you do this. *It is not sufficient, for instance, to tell the lecturer that you have discontinued a unit of study.* Unless an enrolment change is approved formally at the Faculty Office, it will not be accepted and in most cases you will incur a financial liability in accordance with the University's fee refund policy.

1.3 Fee Refund Policy

The university's refund policy is as follows:

- **withdrawal from course before the start of semester but subsequent to enrolment** - 90% of fees and 100% of all compulsory subscriptions refunded;
- **withdrawal from course after the commencement of semester but before 31 March (March Semester) or 31 August (July Semester)** - 50% of fees and 100% of all compulsory subscriptions refunded;
- **withdrawal from course after 31 March (March Semester) or 31 August (July Semester)** - no refund.

Student misconduct

Chapter 13 of the University by-laws, which is entitled 'Discipline of students' covers aspects of student misconduct, which includes:

- (a) misconduct on the part of a student which is prejudicial to the good order and government of the University or impairs the reasonable freedom of other persons to pursue their studies or research in the University or to participate in the life of the University; and
- (b) refusal by a student to give satisfactory particulars of the student's identity in response to a direction to do so by a prescribed officer, and any other form of wilful disobedience to a reasonable direction of a prescribed officer.

Misconduct can thus cover a very wide range of misbehaviour, from damaging University property to cheating in examinations, for example.

There have been a number of cases of misconduct in the University emerging from the classwork context rather than examinations. These have included students being found guilty of plagiarism in essays and of copying other students' assignments.

The University recognises that there is a difference between innocent and deliberate plagiarism and the former can usually be dealt with within the department or faculty, without reference to the Registrar. Some cases of plagiarism arise from lack of knowledge as to what constitutes plagiarism and the student may be unaware that the practice is unacceptable. Plagiarism involves a failure to acknowledge (by quotation marks) words copied from another source; a failure to attribute authorship to any words copied in this way; and failure to acknowledge key concepts and ideas which have been rephrased by the student.

In such cases staff have a duty to correct students and direct any required remedial work to be undertaken. Such plagiarism, whilst it is unacceptable, is not misconduct in terms of Chapter 13 of the by-laws, nor is the correction of it a penalty.

Blatant plagiarism, where it appears there is a deliberate intention to deceive or where a student has copied another student's work, is a serious matter and may attract penalties ranging from a reprimand to failing a unit of study. In extreme cases an offender may be failed in all units of study and suspended from the University. Such penalties can only be legally applied by following the Chapter 13 procedures.

International students

Enrolment

Students from overseas countries are very welcome in the Faculty. If you wish to undertake postgraduate study in the Faculty of Law you should be advised that many of the subjects in the Masters' and Graduate Diploma programs presuppose a common law background and a knowledge of the Australian constitution. Some of the subjects require detailed study and analysis of highly technical and lengthy statutes. The language of instruction is English *and fluency* in spoken *and written* English is essential for all units of study. If English is not your first language, you will have to satisfy the requirements of the University of Sydney with respect to English language proficiency and provide evidence of having met the standard in accepted tests (TOEFL score at min. 600 plus a TWE score at 4.5, or an IELTS at 7.0 overall). The Faculty can also offer helpful advice as to the selection of a suitable program of study.

International graduates in law are advised that it is not possible to qualify for admission to legal practice in New South Wales by undertaking postgraduate law studies at this or any other university in the state. Any international law graduate or overseas legal practitioner hoping to enter local legal practice should ascertain from the Legal Practitioners' Admission Boards (Supreme Court Building, Queens Square, Sydney 2000, tel. 02 9230 8713) what further examinations must be taken and what other conditions must be fulfilled in order to satisfy the requirements for admission to practice in the state of New South Wales. Generally, a substantial number of additional examinations must be taken since little credit can be accorded, for admission purposes, for law studies completed or partially completed in a number of overseas countries. Foreign nationality is no longer a barrier to admission to practice as a lawyer in New South Wales, provided the educational and other requirements of the Legal Practitioners Admission Board are met.

Assistance

You may be eligible for assistance towards your study. You should enquire through the Ministry of Education of your government about such international cooperation plans and scholarship schemes as the Scheme of Commonwealth Cooperation in Education, the Special African Assistance Program, and the Commonwealth Scholarship and Fellowship Plan. The United Nations and some of its specialised agencies, such as FAO, WHO, UNDP and UNESCO, as well as other international bodies such as the OECD, the World Bank and the Asian Development Bank, also have awards under which financial assistance may be available for postgraduate study at this university. Two Australian Government scholarship schemes which currently provide scholarships to suitably qualified international students are the John Crawford Scholarship Scheme and the Overseas Postgraduate Research Scholarship (OPRS). Further information can be obtained from the International Education Office, University of Sydney, tel. (02)93514161.

Fees

All private international students are required to pay full tuition fees. Fees are determined annually by the University, but provided you complete your course of study in the

minimum time allowed, you only have to pay an annual fee fixed at the rate payable when you first enrol. Detailed information about fees, payment procedures and refunds are available from the University's International Office, phone (02) 9351 4161 or the Postgraduate Assistant, Faculty of Law. If you are accepted for postgraduate study in the Faculty you will be required, under Australian Government regulations, to pay half the annual fee in advance, upon receipt of which the University will issue you with a visa document known as an acceptance advice form. This document should be submitted to the nearest Australian diplomatic mission for visa processing.

Students will be admitted twice a year, for March or July semester, depending upon the resources in the Faculty, the availability of units of study and the wishes of the student.

The University will provide an orientation program and students will be advised by the University's International Student Services Unit of appropriate dates and times.

The International Students Centre (ISC)

The University has established the ISC to assist international students. The ISC consists of the International Office (IO) and the International Student Services Unit (ISSU) and is located in the Margaret Telfer Building, corner of Arundel and Seamer Streets, just across the Parramatta Road footbridge at the University's Camperdown Campus.

The IO has been designated as a drop-in centre for all international students and provides assistance in a variety of ways, ranging from providing information on programs of study in the University to sorting out difficulties with fee payments or visa documentation. It is important that international students keep in contact with the IO and notify them of any change in their enrolment or of any personal circumstance which would affect the maintenance of accurate records, for example, change of address. The IO can be contacted on (02) 9351 4161 or (02) 9351 4079.

The ISSU provides welfare and counselling services, together with pre-departure, orientation and re-entry programs, for all international students enrolled at the University of Sydney and their families. Any student experiencing difficulties is encouraged to contact the ISSU by telephoning to make an appointment on (02) 9351 4749 or calling in personally between 9.00 am and 5.00 pm Monday to Friday.

Academic year

The academic year in Australia runs from late February to early December. It is stressed that international students undertaking coursework courses of study may not, in any circumstances, enrol for an academic year of any unit of study later than the beginning of the March semester. Thesis candidates may commence candidature either in March or August.

Examinations are held in June and November. Students must ensure that they are available during the advertised examination periods.

Interviews with staff members

If you wish to speak with a member of the academic staff, you may make contact with the member of staff directly (phone (02) 9351 2222 and nominate the person you wish to speak to) or via the Faculty Office on Level 12 of the Law School. Staff may also be contacted by email (email addresses are found on the Faculty home page at <http://www.law.usyd.edu.au/>).

Subscriptions

As a postgraduate student you will be required to join, and pay membership charges to, the University of Sydney Union and (unless you are a member of this University's staff) the Sydney University Postgraduate Representative Association (SUPRA).

If you have already paid five years' subscription to the Union you will not have to pay further subscriptions and may be eligible for life membership.

Details of subscription levels will be provided to you with enrolment information.

Sponsorship of postgraduate programs

The postgraduate programs are supported through sponsorship of Chairs in the Faculty and sponsorship of specific units of study. The sponsored Chairs in the Faculty are:

- Abbot Tout Chair of Litigation and Dispute Resolution (Professor Hilary Astor)
- Blake Dawson Waldron Chair of Industrial Law (Professor Ron McCallum)
- Dunhill Madden Butler Chair of Women and the Law (Professor Reg Graycar)

The sponsored units of study are:

Tax units

Greenwoods and Freehills provide up to \$10,000 per year in sponsorship for tax units.

The Faculty gratefully acknowledges the generosity of our sponsors in support of our postgraduate programs.

Postgraduate units of study

A significant number of units of study will be offered in alternate years only. Students should seek confirmation of unit offerings before planning their programs of study.

Candidates for the Master of Laws may not claim credit for:

- (a) more than 36 credit points in the field of jurisprudence;
- (b) more than 36 credit points in the field of labour law;
- (c) more than 36 credit points in the field of environmental law.

Candidates for Graduate Diploma of Law may not claim credit for:

- (a) more than 18 credit points in the field of jurisprudence;
- (b) more than 18 credit points in the field of labour law;
- (c) more than 18 credit points in the field of environmental law.

Not all of the units listed are available to candidates for the:

- Master of Administrative Law and Policy
- Master of Asian and Pacific Legal Systems
- Master of Criminology
- Master of Environmental Law
- Master of Health Law
- Master of International Law
- Master of International Taxation
- Master of Jurisprudence
- Master of Labour Law and Relations
- Master of Taxation
- Graduate Diploma in Commercial Law
- Graduate Diploma in Corporate, Securities and Finance Law
- Graduate Diploma in Criminology
- Graduate Diploma in Environmental Law
- Graduate Diploma in International Law
- Graduate Diploma in International Business Law
- Graduate Diploma in Jurisprudence
- Graduate Diploma in Taxation.

Intending candidates should refer to the relevant pages of this Handbook for information on the units which may be counted towards the requirements of the above degrees and graduate diplomas.

Variation in units on offer

The large scale and international profile of the graduate program means that units on offer, teaching arrangements and assessment regimes may alter at short notice to take advantage of visitors, collaborative teaching opportunities, or the need to staff other units in high demand. Faculty attempts to limit the number of such changes in order to provide maximum program stability. Advance information about such variations may also be obtained by consulting the web page <http://www.law.usyd.edu.au/>.

Semester dates

The official University semester dates are shown in the front of this Handbook. The commencing dates of each unit are shown on the lecture timetable obtainable from the Faculty

Office from October. Lectures in some postgraduate units are offered in intensive or non-standard semester format.

Student notes

Faculty issues bound copies of course materials in an increasing proportion of its postgraduate units. These may be obtained free of charge from Student Administration on Level 12, or (for a nominal charge) by mail-order. Any supplementary material is normally distributed free of charge in class.

Acts and regulations of the Australian Parliament are obtainable from:

Australian Government Publications and Inquiry Centre
120 Clarence Street
Sydney N.S.W. 2000

Acts and regulations of the N.S.W. State Parliament are obtainable from:

Government Information and Sales Centre
55 Hunter Street
Sydney N.S.W. 2000
(the State Lotteries Building).

Dissertation

Candidates for a Masters degree who wish to attempt to obtain Honours are required to complete a dissertation. Details as to length, time for submission, etc. may be found in the resolutions, which are reproduced in Chapter 10 of this Handbook.

Those candidates intending to take up the invitation to do an honours dissertation will need to submit a brief synopsis of their proposed research which will need to be approved by the Postgraduate Studies Committee for appointment of an appropriate supervisor. They will then be advised of the relevant starting/enrolment date.

Seminars

Seminar units are marked (Seminar). Postgraduate seminar units are units which are usually taught by Visiting Professors or experts in the area. They are usually 'one-off' units taught for one semester only. Seminars are approved Faculty units and are assessed like other postgraduate units offered within the Faculty. Candidates may enrol in these seminars and have them credited toward their LLM degree. In the case of specialist Masters' degrees the seminar will be available for credit only if it relates to the area of specialisation of the degree. Students should check with the Postgraduate Adviser for clarification.

Cross-institutional enrolment

Candidates may undertake units in postgraduate programs at other universities subject to approval by the Associate Dean (Postgraduate), prior to enrolment in that unit. Applications to take units at overseas universities will also be considered.

A formal application, detailing the academic content, attendance and assessment requirements of the unit/s proposed to be completed, should be made to the Associate Dean (Postgraduate) before enrolling with the other institution.

Administrative Law

6 credit points

Prof. Allars

Assessment: one 7500w essay or two 3750w essays.

The aim of the unit is to develop a critical perspective upon the accountability of government decision-makers. The unit examines theoretical frameworks for analysis of a range of issues concerning accountability, with reference to relevant principles of administrative law. Part 1 of the unit examines the concept of administrative discretion, alternative theories of the rule of law, human rights, ethics and managerialism. Part 2 of the unit is concerned with the accountability of the executive branch of government. It includes analysis of separation of powers and the doctrine of ministerial responsibility, merits review tribunals, investigative tribunals and tribunal procedure. Part 3 of the unit

examines theories of participatory democracy and theories of open government, with reference to relevant legal principles drawn from procedural fairness, rules of standing and consultation requirements in rule making. Part 4 examines theories of open government, with reference to statutory duties to give reasons for decisions and freedom of information legislation. Part 5 examines the proper scope of administrative law by discussion of the issue of its extension to government business enterprises which are corporatised, privatised or contracted out.

Advanced Criminal Law

6 credit points

Not offered in 1999

Assoc. Prof. Findlay

Assessment: class presentation (20%), in-class test (10%), research paper (30%), exam (40%).

This unit explores selected issues in criminal law of current theoretical and practical significance. The principles of criminal law are critically analysed, their application reviewed against current practice, and the place of criminal law within criminal justice is explored. Principle themes in the course are the history and contemporary philosophy of the criminal law, recent developments in the institutions and processes of criminal justice, and particular features of current criminal law agendas. The topics may include corporate crime, fraud, corruption, drug offences, transnational and globalised crime, developments in capacity and specific defences, post-colonial crime and justice, and new investigation processes. The contemporary issues of the unit will be set to reflect current reform and critical comment.

Advanced Employment Law

6 credit points

Vice President Iain Ross

Co/prerequisite: Labour Law (other than for LLM candidates).

Classes: July Semester Intensive. **Assessment:** class participation (20%), research paper (80%).

This advanced course of study examines what may be regarded as the individual aspects of labour law. There is a discussion of contract law, of implied terms and of employer and employee duties. There is an analysis of federal and New South Wales legislation and case law on unfair contracts. A major study concerns termination of employment, at common law, pursuant to federal and New South Wales termination law, and having regard to anti-discrimination statutes. The course concludes with an examination of employee privacy.

Advanced Financing Techniques

6 credit points

Ms Haskew (Coordinator). This unit will be taught by a number of practitioners expert in their fields. **Assessment:** one exam or 4500w essay, classwork.

This unit will assume a general knowledge of corporate Finance, though neither of the other two units will formally be a prerequisite. The focus of the unit is on commonly used finance structures and techniques for large financings. Topics include:

- loan syndication;
- takeover finance;
- lending to a trust;
- finance leasing;
- Eurocurrency financing;
- bills and notes;
- swaps;
- securitisation;
- public/private infrastructure finance;
- joint venture finance and limitation of recourse;
- derivative finance products.

Advanced Forensic Psychiatry

6 credit points

Dr Shea

Prerequisite: Forensic Psychiatry. **Quota: 20. Assessment:** one 5000w essay, classwork.

This unit builds on the areas covered in Forensic Psychiatry. Topics covered include: the mental health and cognate legislation; the mental illness defence; diminished responsibility; the relationship between mental disorders, criminal behaviour and

dangerousness; specific topics, including homicide, violence and sociopathy. The unit is a seminar-type unit and all students are expected to read a number of articles each week and be prepared to engage in an in-depth discussion of those articles in class.

Applied Research on the Family in Law and Society (Jurisprudence)

6 credit points

Not offered in 1999

Assoc. Prof. Ziegert

In spite of far-reaching changes in social life the family has remained the most important societal phenomenon in societies of the advanced industrial type, both in the East and in the West. Its dominant position in the functioning of society is acknowledged by the special attention given to the family by both constitutional and family law in modern societies. The aim of this unit is to bring out the functions of the family in society, the way in which law seeks to secure a stable family life, and the place of the state in organising the functioning of families. Special attention will be given to the fact that the relations between family, law, state and surrounding society are not stable and fixed but a result of constant change. Accordingly the unit will deal with family dynamics and legal change, starting from very abstract concepts progressing to the concrete social and legal forms found in our societies today.

This unit consists of lectures on research in family studies and comparative family law, and allows students to conduct their own supervised research in these fields and present it for discussion

Asia Pacific Environmental Law

6 credit points

Not offered in 1999

Prof Boer, Ms Lyster, Assoc. Prof. Rothwell

In this unit, the environmental legal systems and environmental management regimes of selected countries and groups of countries in the Asia Pacific will be studied against the background of relevant international and regional environmental law and administration.

Unit topics will be divided into four sub-regions:

- Pacific Island Developing Countries
- South East Asia Region (ASEAN and Mekong countries)
- North Asian Region (Japan, People's Republic of China)
- West Asian Region (South Asian Association of Regional Cooperation [SAARC] countries)

In relation to each region, the implications of the international and regional environmental law framework will be explored followed by case studies involving issues such as:

- biodiversity, natural resources and environmental planning
- industrial pollution
- environmental impact assessment
- climate change
- legal and institutional arrangements for environmental management

Asia Pacific Environmental Law Journal

6 credit points

Prof. Boer, Assoc. Prof. Rothwell

Quota: 6. Assessment: country report/case note (70%), editorial work (30%).

This unit is offered each semester under the supervision of the Editor-in-Chief and the Book Review Editor of the Asia Pacific Journal of Environmental Law. The unit is initially limited to 6 students per semester, who are selected on the basis of their academic performance. Preference is given to students enrolled in the Master of Environmental Law or the Graduate Diploma in Environmental Law, but students enrolled in the Master of Laws will also be eligible to enrol. It is highly desirable for applicants to have completed, or to be concurrently enrolled in, Asia Pacific Environmental Law (according to availability).

The unit commence with seminars assessing the development of environmental law in the Asia Pacific region. Specific consideration is given to the development of international, regional,

subregional and domestic environmental law throughout the region. The seminars are held over the first 4 weeks of the unit.

Following completion of the seminars, students move into the journal phase of the unit in which they will be engaged in editorial tasks and the research and writing of a Country Report, Case Note or Book Review.

Each student is expected to complete a range of tasks with respect to the Journal, including the following:

- an initial reading of one or more allocated articles etc. submitted to the Journal, and the preparation of a written recommendation to the Editor as to whether the article should be accepted for publication;
- checking articles which have been accepted for accuracy and completeness;
- assisting in the editing or proof-reading of accepted articles in the production process;
- writing for submission to the Journal one item (usually a Country Report, Case Note, or Book Review) on a subject approved by the unit coordinators.

Asian Pacific Taxation

6 credit points
Not offered in 1999
Mr Burns

Assessment: exam (70%), classwork (30%).

The goal of this unit is to provide a detailed understanding of the tax system of several different countries from the Asia and Pacific regions. Countries for examination will be selected each year from the following list: Singapore, Malaysia, Indonesia, China including Hong Kong, New Zealand, Papua New Guinea, Thailand and Fiji. The unit will provide a basic introduction to the tax system of the countries chosen, including their international tax rules. The unit will assist students to assess the likely outcomes of proposed dealings both within the countries and between Australia and the countries. The comparative framework also provides an opportunity for identifying a broader range of options for taxing income and assessing the appropriateness of the options chosen by Australia.

Upon successful completion of this unit the student should have:

- a thorough grasp of the basic foundations upon which the tax systems of the countries are built;
- an understanding of the tax treatment of key types of income likely to be earned by foreign investors, and how this treatment compares with their treatment in Australia; Principal topics examined in the unit include:
 - Legal considerations influencing investment in Asia
 - Principal features of the domestic tax systems, including tax rules for foreign investors and investment incentives
- Tax administration in Asia

Aspects of Law and Justice 1 - The General Theories (Jurisprudence)

6 credit points
Not offered in 1999
Dr Birch

Assessment: class presentation (30%) and 5000w essay (70%), or 7500w research essay (100%).

This unit will examine the principal theories of justice developed by contemporary moral philosophy and analytical jurisprudence. These theories will be examined as groundwork for the analysis of legal doctrine undertaken in Aspects of Law and Justice 2. The unit will also examine rational action theory, social choice theory and game theory as alternative frameworks for analysing the nature and function of law.

Aspects of Law and Justice 2 - The Analysis of Legal Doctrine (Jurisprudence)

6 credit points
Not offered in 1999
Dr Birch

Assessment: class presentation (30%) and 5000w essay (70%), or 7500w research essay (100%).

The philosophical analysis of substantive legal doctrine has become a central area of study in contemporary analytical jurisprudence. This unit will examine a number of primary legal doc-

trines from both the civil and criminal law in the light of this recent scholarship. The aim is to understand the rules and principles of law as the implementation of fundamental theories of justice or rational action theory. Aspects of Law and Justice 1 and 2 are designed to constitute a full year's program but either part may be taken alone.

Aspects of Law and Social Control (Jurisprudence)

6 credit points
Not offered in 1999
Assoc. Prof. Ziegert

Assessment: 6-7000w research paper (100%).

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

Aspects of Legal Reasoning 1 (Jurisprudence)

6 credit points
Dr Birch

Assessment: class presentation (30%) and 5000w essay (70%), or 7500w research essay (100%).

This unit will examine the doctrine of precedent from the viewpoint of logic and modern theories of rationality. Dworkin's theories of legal reasoning as rational justification will be examined in detail. The unit will also examine issues relating to language and law including statutory and constitutional interpretation in light of modern semantic and linguistic theory. The implications of computing and information theory for legal knowledge will also be considered.

Aspects of Legal Reasoning 2 (Jurisprudence)

6 credit points
Dr Birch

Assessment: class presentation (30%) and 5000w essay (70%), or 7500w research essay (100%).

The unit will examine theories of substantive legal reasons, in particular the role of moral reasons and moral values in legal reasoning. Human rights theory as a source of legal reasons will be considered. The second part of the unit will examine legal reasoning about facts, including issues relating to causation, and the nature of mental events such as belief and intention. The unit will also examine the debates surrounding the application of probability theory to legal reasoning. Legal Reasoning 1 and 2 are designed to constitute a full year's program in legal reasoning but either part may be taken alone.

Australian Income Tax System

6 credit points
Prof. Vann

Assessment: exam or research essay (60%), class work (30%), research exercise (10%).

This unit is designed to explore in detail the fundamental principles of the income tax, fringe benefits tax and capital gains tax. Upon successful completion of this unit a student should have an advanced understanding of the policies underlying the choice of income as a tax base, as well as a detailed knowledge of the foundational principles of law applicable to income taxation. Emphasis is given to tax reform.

A second object is to equip students with the necessary research skills to master the volume of printed and electronic material available on taxation in Australia and internationally.

Because of the far-reaching changes to the tax system in recent years, recent legislation and cases will be given prominence. In particular, the unit will focus on the tax legislation and drafts produced by the Tax Law Improvement Project.

1. Research into the Australian Tax System - basic tools of legal research; tax research.

2. Economists' Definitions of Income and the Australian Tax System - criteria for judging tax systems and the current Aus-

tralian tax system; Haig Simons definition of income and tax expenditures; optimal tax theory and the expenditure tax.

3. Interpretation of Tax Legislation and Tax Avoidance - interpretation of tax legislation focusing on recent Australian cases; tax avoidance and anti-avoidance legislation; redrafting the tax legislation: the Tax Law Improvement Project (TLIP).

4. The Structure of the Australian Income Tax System - structure of the legislation, interaction mechanisms, derivation; multi-step transactions; deferred payments, expense characterisation, calculation of cost; valuation, conditions of employment, reimbursements, apportionment of deductions; CGT-dissecting receipts; CGT-part disposals, deemed disposals, cost base write down, creation of liabilities; reimbursement/recovery of expenses and claim of right; public policy and income tax rules.

Australian International Taxation

6 credit points

Mr Blaikie, Mr Burns, Mr Morsen

Assessment: exam or research essay (70%), class work (30%).

This unit is designed to explore in detail the fundamental principles of Australia's international taxation regime. The unit will examine both the issues of tax design and policy, and the relevant provision in the legislation, cases and rulings. Upon successful completion of the unit, students will have an advanced understanding of the policies underlying Australia's rules for taxing international transactions, as well as a detailed knowledge of the foundation principles of law applicable to the taxation of inbound and outbound transactions.

The unit includes a study of:

- Principles of international taxation
- Rules for determining residence and source
- Domestic rules for the taxation of residents' foreign income (foreign tax credits, accruals taxation of foreign income and exemption of foreign income)
- Domestic rules for the taxation of non-residents' Australian source income (finance transactions, business income, royalties)
- Foreign exchange and transfer pricing
- International taxation of entities

Australian Police Systems

6 credit points

Not offered in 1999

Assoc. Prof. Findlay

Assessment: class presentation (20%), in-class test (10%), research paper (30%), exam (40%).

This unit traces the development of civil policing in Australia. Policy is viewed both within and beyond the state. Certain unique features of contemporary police practice are highlighted and critical consideration is given to the community framework within which the police now operate. Current issues in policy are discussed and debated in a context of justice, and the inextricable connection with policing. The principle themes of the course are: concepts of policing; the history and contemporary philosophy of policing, and current issues in the institutions and processes of policing in Australia. The topics around which the seminars are constructed juxtapose crucial features of police-work such as discretion, accountability, culture and authority, against contemporary challenges such as malpractice, professionalism, community policing, and police powers.

Australian Tax Treaties

6 credit points

Mr Norman, Prof Vann

Assessment: exam or research essay (70%), class work (30%).

This unit is designed to provide an advanced study of Australia's international tax treaties, both as regards inbound and outbound investment, and to examine in depth several current practical issues of international taxation arising from tax treaties. Upon successful completion of this unit a student should have an advanced understanding of the policies underlying the Australian tax treaty position in relation to the taxation of various kinds of income, as well as a detailed knowledge of the law applicable to interpretation of Australia's treaties.

The unit includes a study of:

- principles of double tax treaties
- interpretation of tax treaties
- impact of tax treaties on investing into Australia
- impact of tax treaties on investing overseas, including a study of selected overseas countries' international tax systems
- entities and tax treaties

Biodiversity Law

6 credit points

Mr Preston

Classes: March Semester Intensive. **Assessment:** 10,000w research paper (100%)

Human society is and has been dependent on biodiversity. Biological resources feed and clothe us and provide houses, medicines and spiritual nourishment. However, increased and unsustainable utilisation of wildlife and wildlife products, as well as loss of habitat and other pressures, have led to the extinction of species and a loss of biological diversity. Increasingly, society is looking to law to provide a framework to regulate the sustainable use of the natural environment.

The aim of this unit is to provide a thorough grounding in the moral and legal issues in relation to biological diversity. The unit will examine dominant Western moral and legal attitudes to the natural environment. These traditional attitudes can be seen to underlie and mould the international and municipal legal responses to the loss of wildlife species and of biological diversity. These traditional attitudes have been challenged both on moral and legal grounds. The alternative arguments are analysed.

The unit is taught as an intensive and includes a field trip.

Business Tax Planning (Seminar)

6 credit points

Mr Hart, Mr Sekhan

Assessment: exam (60%), classwork (40%).

This unit examines ways in which investment and trading decisions are driven by taxation considerations and constrained by the legal environment. Topics include trading structures, methods of raising finance, the taxation consequences of decisions in these areas and the impact of government regulation on the commercial environment. The theory underlying commercial relationships and the practice which governs their operations are experienced. There will be a synthesis of purely commercial elements with the underlying principles of property law and trusts. Areas covered include taxation, equity and trusts, property law, banking law, stock market law, and derivatives including options and hedging contracts. This unit integrates these topics and examines them in a commercial setting. Case studies are used to analyse commercial contracts and instruments.

Capital Gains Tax Problems in Practise (Seminar)

6 credit points

Prof Vann

Assessment: exam or research essay (70%) class essay (30%)

This unit will provide an up to date account of the new provisions of the CGT and examine their consequences for the practise of legal and accounting advisors. The focus will be on transactions commonly encountered in practise which produce problems under the CGT.

The unit will cover the following topics:

- structure of the new capital gains tax system
- capital gains tax problems in business structures and transactions
- capital gains tax problems in conveyancing and real estate development
- capital gains tax problems in commercial litigation
- capital gains tax problems in drawing and administering trusts and estates

Chinese Laws and Chinese Legal Systems

12 credit points

Ms Franklin

Classes: this is a four-week intensive unit conducted in Shanghai in January. **Assessment:** one exam at the end of lectures in Shanghai and one 4000w essay due at the end of March Semester.

This unit of study provides an overall picture of the modern Chinese legal system. The unit seeks to develop a perception of

the unique character of Chinese law by tracing its role through major social epochs - its imperial origins, the reforms of the Nationalist Government, the eras of revolutionary and radical transformations, the rejection of law under the Communists, and its role in a socialist market economy. Special economic and political structures are examined as a means of understanding the function and nature of law in the contemporary Chinese society and polity. The unit goes on to illustrate these perceptions through the establishment and development of various legal regimes, including the civil law system, the legal profession, the court system, criminal law and procedure, foreign investment law, intellectual property law etc.

The unit takes place in January at the East China University of Politics and Law, Shanghai, People's Republic of China. Lectures are given in English by Chinese professors. An exam is held in Shanghai. The research essay is undertaken on return to Sydney. Students wishing to undertake the unit in Shanghai must apply to CAPLUS. The unit is also taught in Sydney.

The Chinese Legal System and Foreign Investment Law

6 credit points

Assessment: one 5000w essay, one exam; or two 5000w essays.

This unit attempts to provide students with: (1) an understanding of the modern Chinese legal system, its political, cultural and social characteristics as a necessary background for the study of the Chinese foreign investment law regime; (2) knowledge of the Chinese foreign investment law, including foreign related contract law, joint venture law, tax law, intellectual property law, dispute resolution, etc.

This unit is designed for students who are interested not only in practising law in this area, but also in doing business in China and wishing to familiarise themselves with the investment climate, legal structure and business practice in China.

Comparative Competition Law

6 credit points

Not offered in 1999

Dr McMahon, Mr Robertson

Assessment: one research essay (100%).

This unit of study examines competition law from the comparative perspective of laws operating in the United States and European Community. These comparative provisions are important for the understanding of Australian competition laws because Australian courts and regulatory authorities constantly refer to decisions from these jurisdictions for assistance in interpreting the legal and economic base of provisions of the *Trade Practices Act 1974*. The increasing globalisation of markets also demands that Australian lawyers become familiar with the competition provisions of other countries. National regulators are also entering into bilateral and multilateral enforcement agreements to coordinate international investigations of anti-competitive practices which in turn is leading to a uniform approach to the international regulation of competition law matters. Specific topics will be studied within the general themes of the legal framework and institutions, approaches to the regulation of specific anti-competitive conduct and enforcement.

Comparative Corporate Taxation

6 credit points

Not offered in 1999

Assessment: classwork (30%), examination or essay (70%).

The goal of the unit is to provide a comparison of the corporate tax systems of a number of countries of economic and cultural significance to Australia. The goal has both practical and policy aspects. The unit will provide a basic introduction to the corporate tax systems of Australia's major trading partners which will assist students in assessing the likely outcomes of proposed corporate dealings both within the countries selected for comparison and between them. A comparative framework provides an opportunity for identifying the available options for taxing corporate income and assessing the appropriateness of those options or a combination thereof. This enables an assessment of the options selected by various countries, including incompati-

bility of options, and may identify areas of corporate taxation which may be the subject of appropriate reform.

The unit will examine:

- theoretical framework and defining entities subject to corporation tax
- taxation of corporate income where derived
- taxation of corporate income where distributed
- treatment of gains/losses on the disposal of shares
- corporate formation, reorganisation and liquidation
- international taxation of corporate income

Comparative Environmental Law

6 credit points

Prof. Boer, Ms Lyster, visiting lecturers

Classes: July Semester Intensive. **Assessment:** research paper (80%), class participation (20%).

The unit examines different approaches to environmental law in various constitutional, administrative, political, judicial, social, economic and cultural contexts. It familiarises students with environmental management regimes in a range of developed and developing countries. These countries include the United States, New Zealand, Australia, South Africa, the People's Republic of China and various Pacific Island jurisdictions. Four topics focus on: Environmental Impact Assessment, Indigenous Peoples, Cultural Heritage Conservation, and the conservation of Biodiversity. The international legal and policy context is referred to throughout the course. The responses of various countries to the obligations undertaken through the United Nations Conference on Environment and Development are a theme of the unit.

Comparative Income Tax (Seminar)

6 credit points

Prof. Cooper, Prof Vann

Assessment: exam or research essay (70%) class work (30%)

The goal of the unit is to provide a comparison of the income tax systems of a number of countries of economic and cultural significance to Australia. The goal has both practically and policy aspects. The proposed unit will provide a basic introduction to the income tax systems of Australia's major trading partners which will assist students in assessing the likely outcomes of transactions both within the countries selected for comparison and between them. A comparative framework provides an opportunity for identifying the available options for taxing income and assessing the appropriateness of those options or a combination thereof. This enables an assessment of the options selected by various countries, including the incompatibility of options, and may identify areas of income taxation which may be the subject of appropriate reform.

The unit will examine:

- framework and administration of income tax
- inclusions in the tax base, including fringe benefits, imputed income, gifts and other windfalls, cancellation of indebtedness, subsidies and capital gains
- deductions including mixed personal and business expenses, educational costs, capital costs and recovery methods, and limitations on deductions and losses
- accounting including basic accounting methods, advance and deferred payments and financial transactions
- tax unit including individual and family taxation, maintenance and child support, and assignments of income.

Comparative Industrial Law

6 credit points

Prof. McCallum

Assessment: one 4000w essay, class participation, take home exam.

This unit is aimed at enabling students to compare and contrast Australian labour law with the labour laws of other comparable countries like the United Kingdom, New Zealand, the United States, Canada, Japan, Germany and Sweden. At the beginning of this unit, there is an examination of comparative law methodology, as well as an examination of international labour law, including the International Labour Organisation and other international labour law matters. The unit will focus on how other

nations are handling labour law deregulation and whether any of the approaches are beneficial or burdensome.

Comparative International Tax

6 credit points

Mr Burns

Assessment: classwork (30%), examination or research paper (70%).

Comparative International Taxation consists of a detailed study of the basic principles of international taxation. The unit is taught from a global perspective with the emphasis being on comparative analysis. It is not intended to examine any one country's international tax rules in detail, but rather to identify the core issues in developing international tax rules and study some of the 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 and critiqued. It is intended that students come away from the course with an understanding of the different approaches that countries have taken in the development of their international tax rules.

The main goal of this unit is to provide a detailed understanding of international tax in order to allow a comparative assessment of the Australian income tax system to be made. The comparative framework also provides an opportunity for identifying a broader range of options for taxing income and assessing the appropriateness of the options chose by a country.

Topics examined will include:

1. Background and Jurisdiction to Tax - policy framework and structure of international taxation; jurisdiction to tax; entity classification.
2. Taxation of Residents - residence rules; relief from international double taxation; exemption method; designing the foreign tax credit; controlled foreign companies; passive investment funds and foreign trusts.
3. Taxation of Non-residents - source rules; methods of taxing non-residents: gross verses net taxation; protecting the source country tax base.
4. Double Tax Treaties ("DTAs") - introduction to DTAs; review of the basic provisions of OECD and UN Model DTAs.
5. International Issues in Tax Administration - information collection; dispute resolution; and collection of tax.
6. Future Developments - future developments in international tax.

Competition Law and Policy

6 credit points

Not offered in 1999

Not available to students who have completed Restrictive Trade

Practices B

Dr McMahon

Assessment: one exam (100%) or research essay (100%).

This unit examines the restrictive trade practises provisions of the Trade Practises Act 1974 (Cth) from both a legal and economic perspective. Topics studied include the National Competition Policy, the concept of competition and market definition, horizontal and vertical arrangements which substantially lessen competition, resale price maintenance, misuse of market power, access to essential services and mergers.

Constitutional Theory (Jurisprudence)

6 credit points

Prof. Sadurski

Assessment: one class presentation (20%), one 4000w essay (60%), class participation (20%).

The topic of the unit is at the intersection of legal theory, political philosophy and constitutional law. It 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 rule withdraws certain areas from collective decision-making? Various theories of constitutional interpretation (including process-based and original-intent theory) and of constitutional judicial review will be explored. The unit will also discuss the question of constitutional charter of rights, different models of judicial review in

contemporary constitutionalism, theory of federalism and constitutional separation of powers, the limits of constitutionalism, constitutionalism and the rule of law, constitutionalisation of "direct democracy" (referenda and plebiscites), and the functions of constitutions in transitions to democratic systems.

The unit will follow a seminar format with emphasis on presentation of student papers and class discussion of unit materials.

Consumer Protection Law - Regulation of Unfair Marketing Practices

6 credit points

Prof. Harland

Assessment: one exam (60%), one 2500w essay (40%).

This unit involves a critical examination of aspects of recent developments granting special legal protection to consumers. The unit is concerned with the regulation of unfair and deceptive marketing practices. (This unit is complementary to Consumer Protection Law - Post-Sale Consumer Protection but each unit can be taken independently.) An assessment will be made of the effectiveness of these provisions and their impact on the general law.

This unit may not be taken by any student who has been credited with the previously offered unit, Consumer Protection Law.

The topics to be covered are:

1. Introduction (the 'consumer' concept and some policy factors leading to consumer protection developments);
2. Misleading and deceptive conduct - the general prohibition (Trade Practices Act 1974 (Cth) s 52, Fair Trading Act 1987 (NSW) s 42);
3. False and misleading representations (Trade Practices Act s 53, Fair Trading Act s 43);
4. Other prohibited types of false representation and misleading conduct (Trade Practices Act ss 53A, 53B, 55, 55A, 59, Fair Trading Act ss 45, 46, 49, 50, 54);
5. Bait advertising;
6. 'Free' gifts and promotional competitions;
7. Door-to-door selling and debt collection practices;
8. The role of codes of conduct and self-regulation in setting standards for business conduct;
9. The control of advertising - a comparative study;
10. The enforcement of marketing practices law:
 - (a) criminal liability;
 - (b) injunctions (including corrective advertising orders);
 - (c) damages and other orders;
 - (d) accessorial liability;
11. Administrative bodies (the role of the Australian Competition and Consumer Commission and parallel state/territory agencies);
12. The impact of the marketing practices legislation on the general law of contract and tort.

Consumer Protection Law - Post-Sale Consumer Protection

6 credit points

Prof. Harland

Assessment: one exam (60%), one 2500w essay (40%).

This unit involves a critical examination of aspects of recent developments granting special legal protection to consumers. The unit is concerned with aspects of the liability of suppliers of goods and services to consumers, sometimes called 'post-sale' consumer protection. (This unit is complementary to Consumer Protection Law - Regulation of Unfair Marketing Practices, but each unit can be taken independently.) An assessment will be made of the effectiveness of recent legislation in this field, and there will be some emphasis on a comparative approach with particular reference to a number of relevant European Community Directives.

This unit may not be taken by any student who has been credited with the previously offered unit, Consumer Protection Law

The topics to be covered are:

1. Introduction (the 'consumer' concept and some policy factors leading to consumer protection developments);
2. Outline of terms implied in contracts for the supply of goods and services to consumers;
3. Judicial and legislative control of exclusion clauses;

4. Unconscionable and unfair contracts (control under the general law and by statute);
5. The control of unfair contracts - a comparative viewpoint;
6. The liability of manufacturers:
 - The general law;
 - Statutory liability of manufacturers to consumers (particularly under Trade Practices Act 1974 (Cth), Part V, Division 2A);
 - Strict products liability (Trade Practices Act Part VA, with special reference to the EC Directive on products liability);
7. Product safety regulation (especially Trade Practices Act, Part V, Division 1A, with reference to the EC Directive on general product safety);
8. Consumer access to redress.

Contemporary Crime Issues

6 credit points

Assoc. Prof. Cuneen, Assoc. Prof. Stubbs

Assessment: to be advised.

The unit will focus on the application of theory and policy analysis to a range of crime related issues of topical concern. The unit will pay particular attention to the differential distribution of crime across social groups (gender, race, ethnicity, class etc), both for victims and offenders, and the consequences of such a distribution for theory and policy. The unit will also examine media constructions of crime and criminal justice policy.

Controlled Foreign Companies, Foreign Investment Funds and Transferor Trusts

6 credit points

Mr Burns and part-time lecturers

Assessment: exam (70%), classwork (30%).

The unit provides an up-to-date account of the taxation of Australian residents in respect of their interest in foreign entities under the controlled foreign company, foreign investment fund and transferor trust regimes. This area of Australia's international tax arrangements has undergone dramatic reform over the last five years. The unit will critically examine the policy underlying the reforms and undertake a comprehensive review of the detail of the rules, including comparative analysis with similar rules in other jurisdictions. The unit will evaluate whether the rules effectively achieve their policy objectives, whether they are susceptible to tax planning and what their effects are on compliance, including compliance costs.

Topics examined will include:

1. Introduction and Background - history and policy of Australia's taxation of residents in respect of their interests in foreign entities.
2. Controlled Foreign Companies - control/substantial shareholder rules; designated jurisdictions; active income test; calculation of attributable income; taxation of dividends; attribution accounts and other records.
3. Foreign Trusts - overview/general principles; foreign discretionary trusts; collective investment vehicles.
4. Foreign Investment Funds - overview/exemptions; calculation of FIF income; distributions; attribution accounts and other records.
5. Interaction among the Offshore Regimes - interactions.

Corporate Fundraising (Seminar)

6 credit points

Dr Austin, Mr Phillips and others

Assessment: open book exam.

This unit will involve detailed study of the prospectus provisions and other requirements of Pt 7.12 of the Corporations Law, with emphasis on their application to the offer of company shares for subscription or sale. Attention will be paid to additional relevant legal requirements, for initial public offerings and other raisings, such as those under the Corporations Law and the ASX Listings Rules.

Corporate Taxation

6 credit points

Mr Ferrier, Prof. Vann

Assessment: exam or research essay (70%), class work (30%).

The unit consists of a detailed examination of the tax rules applied to companies and shareholders in a domestic setting in Australia. The goals of the unit are to develop an understanding of the policies, detailed rules and current practical problems involved in the taxation of companies and shareholders and to explore why different solutions are used for these entities as compared to partnerships and trusts. Upon successful completion of this unit a student should have an advanced understanding of the policies underlying Australia's corporate tax system, as well as a detailed knowledge of technical detail of the rules for the taxation of companies and their shareholders in Australia. (Note that international issues and taxation of other entities are covered in other units.) Particular attention will be given to tax reform.

Topics to be covered are:

1. The policy and problems of taxing companies and shareholders;
2. Incorporation, reorganisation, continuation and growing companies;
3. Taxation of company distributions and dealings with interests in companies, including liquidations and share repurchases;
4. Imputation, including dividends passing through partnerships and trusts;
5. Intercorporate dividends and debt equity classification, dividend stripping, redeemable preference shares, asset revaluation dividends, scrip lending, equity swaps and convertible notes;
6. Value shifting.

Crime Control

6 credit points

This unit investigates various social control perspectives which are particularly directed against crime. Authority structures, control mechanisms and processes of decision making will be critically examined with reference to the development of crime control strategies. Crime control will be analysed and located within wider visions of social control and criminal justice. Crime control prevention and the role of the media in crime control will also be addressed.

Crime Research and Policy I

6 credit points

Assoc. Prof. Stubbs

Assessment: one exam (40%), one 3000w essay (40%), one seminar paper (20%).

This unit provides an introductory yet detailed examination of research methods in the context of criminology. The relationship between theory and methodology is explored. Sources and forms of crime data are discussed and their significance is assessed. Research design, research applications and elementary statistics are also studied.

Crime Research and Policy II

6 credit points

Assoc. Prof. Stubbs

Prerequisite: Crime, Research and Policy 1

Assessment: one take-home exam (50%), one 5000w essay (50%).

This unit has as its focus a critical analysis of the production of knowledge within the social sciences, and in criminal justice. It examines how 'problems' come to be constituted as subject to criminal justice intervention. Students are required to apply research skills to policy problems in order to appreciate the limitations and potential of any methodology. The relationship (or lack thereof) between crime control policy and research will be explored against the wider background of social policy.

Criminal Liability

6 credit points

Ms Kaye, Ms Tolmie

This unit canvasses the ways in which criminal liability is established, and the central factors governing liability. General principles of criminal law, constituent elements of particular offences and the definition of a range of defences are analysed from theoretical and practical perspectives.

Criminal Procedures

6 credit points

Mr McKillop

Assessment: one exam (60%), 3,000w essay (40%).

This unit examines the main pre-trial and trial procedures in our criminal justice system. It looks at the roles of the principal participants in the system: the police, the prosecutor, the accused, the victim, the judiciary and the jury. The focus of the unit will be the system in New South Wales, but comparisons will be made from *the* beginning with Continental European criminal justice systems. A persistent concern of the unit will be how the balance between law enforcement and human rights is being struck and how it ought to be struck.

Criminalisation

6 credit points

Not offered in 1999

Assessment: one exam, one 3000w essay.

This unit introduces the relationship between crime and the institutional process, paying special attention to the definition of crime and its applications. The position of criminal law within Australian society will be examined. Issues such as form versus content of the law, legal language and the symbolic dimensions of the criminal law are canvassed in the context of various crime topics.

Debt Financing

6 credit points

Ms Haskew (Coordinator). This unit will be taught by a number of practitioners expert in their fields.

Assessment: one exam or 4500w essay, classwork.

This unit concentrates on the debt side of corporate finance, with a particular emphasis on security and enforcement rights. Topics include:

- introduction to finance documentation;
- company charges;
- financial covenants;
- the lender/trustee relationship;
- negative pledges;
- guarantees and third party securities;
- subordinated debt;
- set-off;
- aspects of liquidation, receivership, voluntary administration, schemes and debt/equity swaps.

Discrimination in the Workplace

6 credit points

Not offered in 1999

Assessment: class participation (10%); and, essay (40%) plus exam (50%), or research paper (90%).

This unit will examine discrimination issues that are relevant to the workplace. It is intended to give an overview of theoretical perspectives on equality and discrimination, the substance of employment discrimination issues and the institutional processes of anti-discrimination enforcement. Specific topics to be discussed include: disability discrimination, HIV-Aids discrimination, race discrimination, sex discrimination, sexual harassment and dispute resolution.

Dispute Resolution in Australia

6 credit points

Prof. Astor

Assessment: research essay 3000w (50%), take-home exam (50%).

Dispute Resolution in Australia will provide students with solid foundation of doctrine, practice, policy and theory about 'alternative' dispute resolution (ADR). The range of ADR procedures and their current use in a broad range of areas of law in Australia will be examined. The reasons for the present resurgence of interest in dispute resolution will be considered, as well as the question 'Who benefits from these developments?' The unit will have a strong theoretical and critical component. The use of ADR will be considered particularly in relation to areas of doctrine in which there are specialist postgraduate programs at Sydney Law School. The unit will therefore be of relevance to a broad range of postgraduate students, and should appeal to those

who wish to gain an overview of theory and practice in relation to dispute resolution. This is not a 'skills' unit and students will not be 'trained' as negotiators or mediators. However it will assist practitioners to evaluate and advise clients about the utility (or otherwise) of various dispute resolution techniques, to brief clients who participate, and to be effective participants themselves in ADR procedures.

Drugs, Drug Policy and the Law

6 credit points

Prof. Carney

Assessment: one research paper (65%), one take home examination (25%), class participation 10% (separate weightings for diplomas).

This unit deals with the law relating to drug control policies in Australia, both at State and Federal levels (including international treaties). Background material on the nature and incidence of drug use, pharmacological and medical issues, as well as philosophical, economic, criminological and public policy literature will be considered where relevant.

The unit covers substantive topics from criminal law, civil treatment and welfare law. Topics to be covered will include:

1. The context, including: history of drug policy; State/Federal division of responsibility; nature and incidence of use of substances; international and domestic policy constraints and debates.
2. The law enforcement elements, including: detection of drug offences, special powers; investigation, prosecution; elements of drug offences -possession/use, trading, cultivation, manufacture, importation; sentencing options/directives; sentencing characterisation of levels; confiscation of assets.
3. Civil treatment, including: the history of civil commitment; the civil commitment model; a public health (detoxification) model; non-legislative options.
4. Generic welfare measures, including: income support; accommodation; health services.
5. Overview/summary, including: options and directions for change.

Energy Law (Seminar)

6 credit points

Ms Lyster

Assessment: class participation (20%), essay (80%).

This unit is ran as a seminar course in the July of 1999. It 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.

Environmental Dispute Resolution

6 credit points

Ms Lyster, Mr Preston, visiting lecturers

Classes: July Semester Intensive. **Assessment:** research essay (80%), class participation (20%); or research essay (100%).

This unit aims to explore the nature of environmental disputes and the means of resolving them. The means examined include judicial review, administrative appeals and public inquiries and non-adjudicative or consensual means such as mediation. Critical evaluation of the forms and limits of dispute resolution strategies, including appropriateness of each means in resolving different types of environmental disputes, will be explored. The unit involves the use of innovative teaching techniques: lectures will be alternated with small group workshops, mediation simulations, a public inquiry and a mock court-hearing. In addition to the lecturers, there are guest lecturers including (subject to

availability) a Land and Environment Court judge, Commissioner of Inquiry, Senior Counsel and a trained mediator from the Land and Environment Court. Participation in the practical exercises is a compulsory condition of the unit.

Environmental Economics/Public Sector Policy 1

6 credit points

Prof. Apps

Assessment: 4000w research paper or exam (60%), problem-based assignments (20%), class presentation on selected topic (20%).

Environmental Economics is offered as Public Sector Policy I. This unit will present an introduction to the following topics:

- cost-benefit analysis and its application to environmental issues;
- theory and measurement of externalities;
- economics of renewable and non-renewable resources;
- market failures and the objectives of environmental policy;
- inter-generational equity;
- uncertainty and risk;
- environmental regulation; and
- economics of sustainable development.

The aim of the unit is to encourage an interdisciplinary approach to the analysis of environmental law and policy. Emphasis will be given to the development of a broad social welfare approach to environmental policy which fully recognises costs and benefits for future generations.

Environmental Impact Assessment Law

6 credit points

Mr Dunne

Assessment: one essay (50%), take-home examination (50%).

This unit has three fundamental aims. The first is to provide a sound analysis of Environmental Impact Assessment (EIA) procedures in NSW and at the Commonwealth level. The second aim to develop a critical understanding of EIA as a distinctive regulatory device by examining its historical, ethical and political dimensions as well as relevant aspects of legal theory. The third and ultimate aim is to combine these doctrinal and theoretical forms of knowledge so we can suggest possible improvements to the current practise of EIA in Australia.

Environmental Law and Policy

6 credit points

Prof. Boer

Assessment: one essay (50%), take-home examination (50%).

The aim of the unit is to introduce students to overarching themes in environmental law and policy as a foundation to their more detailed studies for the degree of Master of Environmental Law or Graduate Diploma in Environmental Law.

This is an overview unit addressing a number of environmental issues at various levels of analysis; policy making, implementation of policy and dispute resolution. The unit covers the law and policy relating to environmental planning, environmental impact assessment, pollution and heritage. The concept of ecologically sustainable development and its implications for environmental law and policy is a continuing theme.

The unit is designed to develop multi-dimensional thinking about environmental issues and the strategies needed to address them. As the basic unit it provides a broad background of the political and economic issues in so far as they are related to the legal issues involved.

Environmental Planning Law

6 credit points

Dr Bates

Assessment: essay (50%), take-home examination (50%).

This unit examines the legal and institutional structures in New South Wales for land-use regulation and the resolution of land-use conflicts. The focus is on environmental planning, development control and environmental impact assessment under the Environmental Planning and Assessment Act 1979 (N.S.W.) and cognate legislation. The unit provides an opportunity to explore contemporary urban issues, such as urban consolidation and infrastructure funding. Federal interest in the cities is also examined.

While an important aim of the unit is to provide students with an understanding of the New South Wales environmental planning system, the unit also aims to develop the capacity to evaluate environmental policies and programs through exploring theoretical perspectives on the function of environmental planning. The unit will critically evaluate the function and design of environmental planning systems and the legal ambit of planning discretion. Significant influences, such as escalating environmental and social concerns about our cities will be discussed, together with an evaluation of processes and forums for public involvement in land-use policy- and decision making.

A good grounding in this area will be of assistance to students undertaking other units in the degree of Master of Environmental Law or Diploma of Environmental Law.

Equity Financing

6 credit points

Ms Haskew (Coordinator). This unit will be taught by a number of practitioners expert in their fields.

Assessment: one exam or 4500w essay, classwork.

This unit focuses on equity fund-raising, and in particular on the company law aspects of corporate finance. Please note that equity fund-raising by prospectus is covered in Corporate Fund-raising. Topics include:

- the role of auditors in corporate finance;
- accounts, dividends and the share premium account;
- preference shares;
- repurchase and redemption of shares, and reduction of capital;
- financial assistance;
- regulated financial transactions;
- corporate reconstruction;
- incorporated and unincorporated joint ventures; and
- aspects of international corporate finance.

European Union Law I (Jurisprudence)

6 credit points

This unit offers graduates who are, for academic, business or professional reasons, interested in the law of the European Communities an opportunity to gain familiarity with the business, constitutional and administrative law of the European Communities. The unit will try to formulate the basic philosophical interpretation Europeans employ when analysing community law, seeing law as a social instrument to foster certain freedoms which have been to a great extent suppressed by nation States even as members of the European community.

European Union Law II (Jurisprudence)

6 credit points

Ms McNaughton

This unit is designed to introduce students to the operation of the legal system of the European Community under the umbrella of the European Union. The Union is the largest component of the European Community. The Union is one of the world's largest trading blocs and one of Australia's most important trading partners: With the unification of Europe and the increasing globalisation of law, developments in European Community law already have a real impact on law in Australia and in the international arena generally. As we move into the twenty-first century, this impact will increase. It is important that lawyers in Australia, both practising and non-practising, have a basic understanding of the legal structure of the European Union and of Community law.

Students will be expected to read decisions of the European Court of Justice both in order to understand the Court's policy and to gain familiarity with civil legal methods.

Explaining Crime

6 credit points

Assoc. Prof. Cuneen

Assessment: one take-home exam, one 4500w essay, classwork.

This unit examines the relevance of theory to the process of explaining crime as a social phenomenon. It will selectively analyse the history of criminological thought. Special attention will be given to the cross-disciplinary nature of efforts to understand

crime, criminality, and their causes. A significant section of the unit will deal with contemporary approaches to criminological explanation including the influence of feminism and postmodernism. Contemporary theorists such as Foucault, Garland and Braithwaite will also be considered. The unit will endeavour to make explicit the links between criminological theory and the development of public policy.

Family Law

6 credit points

Assoc. Prof. Parkinson

The focus of the unit will be upon aspects of the law of family property and the law concerning children. The topics usually include the following:

1. Property Law
 - the economic consequences of marriage breakdown;
 - the Family Law Act and bankruptcy;
 - judicial discretion under the De Facto Relationships Act;
 - setting aside property orders;
 - the Child Support scheme: Departure and substitution orders;
 - family law and discretionary trusts.
2. Children and Family Law
 - parental responsibility and children's rights;
 - alternatives to the best interests of the child test;
 - domestic violence and children;
 - child abuse allegations in family law proceedings;
 - mediation in disputes about children.

Feminist Legal Theory and Practice

6 credit points

Not offered in 1999

Prof. Graycar

Assessment: class participation (15%), abstract and bibliography prior to approval of research paper topic (15%), research paper (70%).

This unit aims to familiarise students with some of the central debates in recent feminist legal theory. More specifically, it is aimed at assisting students to relate feminist legal theory to current issues in Australian law and, in particular, to issues in practice. Issues to be covered include central theoretical concerns such as the meaning of 'equality'; the role of distinctions such as the public/private in perpetuating the subordination of women through law; intersectionality of oppressions (the connections between issues of gender, race, class, sexuality etc); and epistemological and methodological concerns. The unit will also introduce students to cross doctrinal approaches to the resolution of legal problems (ie, eschewing the traditional boundaries of tort, crime, contract etc.). Topics to be addressed in detail might include the role of law in regulating women's sexuality and reproduction; legal responses to women's work; and injuries to women as gendered harms. A particular emphasis will be placed on the possibilities of feminist engagement with law: these will include examination of law reform strategies; litigation strategies; and questions about the value of increased participation of women as judges and other decision makers.

Forensic Psychiatry

6 credit points

Dr Shea

Assessment: one exam, one 2000w essay.

This unit explores the relevance of psychiatry for criminology. Specific consideration is given to the language of psychiatry, the psychiatric assessment and the way it is used in court, and the relationship between psychiatric illness and criminal behaviour.

Freedom of Speech and Freedom of Religion

6 credit points

Prof. Sadurski

Assessment: oral presentation of the main issues related to a class topic (20%), participation in class discussion (20%), 4000w essay (60%).

The purpose of this unit is to examine the principal philosophical issues in the constitutional protection of freedom of speech and freedom of religion - two freedoms traditionally considered as the paramount individual liberties in a liberal-democratic

state. The emphasis will be on theoretical assumptions, arguments and justifications; the illustrations will be taken mainly from Australian, American and Canadian constitutional theory and practice.

The following issues will be discussed in the segment of the unit related to freedom of speech: the meaning of 'speech' (as compared to other forms of expressive conduct) for the purposes of constitutional protection; various rationales for special protection of freedom of speech; the conceptual structure of the free speech principle (in particular: the idea of viewpoint neutralist of legal restrictions); examination of theoretical arguments in suppressing defamatory speech, pornography, racial vilification, incitement to violence, harmful or false advertising etc; freedom of speech in Cyberspace; freedom of the press; contempt of court; copyright and freedom of speech.

The part of the unit concerning freedom of religion will examine the meaning of 'religion' for the purposes of constitutional protection, and the relationship between the principle of non-establishment of religion by the state and the principle of free religious expression.

The unit will follow a seminar format with the emphasis on presentation of student papers and class discussion of unit materials.

Gender, Injury and Compensation

6 credit points

Not offered in 1999

Prof. Graycar

Assessment: class participation (15%), abstract and annotated bibliography(15%), 5-7000w research paper (70%).

This unit examines the gendered incidence of injuries and deals in detail with two types of harm. First, the unit looks at ways in which the assessment of damages for personal injury is significantly affected by gendered stereotypes and assumptions. It will demonstrate that gender can play a significant part in an area of law that tends to be seen as gender neutral. The second part of the unit focuses on gendered harms: those that happen to women because they are women. The unit introduces students to the wide array of legal doctrines that have the potential to respond to such harms: these include tort law (in particular, intentional torts); statutory remedies such as those available under anti-discrimination statutes and victims' compensation legislation; and equitable remedies such as the action for breach of fiduciary duty. Other duties that may be examined are limitation of actions legislation and the gendered impact of legal aid policies in Australia.

Gender, Race and Legal Relations

6 credit points

Assoc. Prof. Cunneen, Assoc. Prof. Stubbs

Assessment: one take-home exam, one 4500w essay, class presentation.

This unit provides a theoretical understanding of the concepts of race and gender, and of their relationship to the formulation of the law. The unit utilises both criminological and legal theory approaches to the subject matter. It also provides an understanding of the empirical data on the relationship between race, gender and the administration of the law.

The unit considers in particular Aboriginal and Torres Strait Islander people and people from non-English speaking backgrounds in Australia, and their relationship with Australian legal systems. There is also a strong comparative approach in the unit with reference made to North American, New Zealand and British literature.

Goods and Services Tax (Seminar)

6 credit points

Mr Burns

Assessment: exam or research essay (70%), class work (30%)

The object of this unit is to examine the design, operation, compliance and administration of the kind of consumption tax occasionally referred to as a goods and services tax (GST, in Australia, Canada and New Zealand) but more commonly known as a value-added tax (VAT, in Europe). The unit will examine the major foundational principles of the GST and its operation in

practise. In assessing Australian proposals comparisons will be drawn between the 2 major models of GST - the Canadian and NZ models, and the sixth Directive of the EC. The goals of the unit are to develop an understanding of the policies, detailed rules and current practical problems involved in a GST and to explore how it differs from other types of consumption tax. Upon successful completion of this subject a student should have an advanced understanding of the policies underlying a GST, as well as a detailed knowledge of technical detail of the rules for the operation and compliance with a GST.

Topics examined will include:

- Introduction to GST - different forms of VAT/GST and the relation to the income tax base.
- Obligation to register for GST.
- Basic concepts for operating the GST - supply, liability and value for tax; status of the taxable person; definitions of supplies; place of supply; goods and services; value of the consideration; treatment of imports and exports.
- Administration of VAT - treatment of input tax; mixed supplies and apportionment.
- Special issues - real property; financial institutions; government and non-profit making bodies; agriculture and mining.
- International aspects - obligation for non-residents to register; supplies by non-residents and the reverse charge; exports and imports of goods and services.
- Compliance - assessment and collection of Tax.

Government Regulation, Health Policy and Ethics

6 credit points

Prof. Allars, Dr Karpin,

Assessment: one 7500w essay (100%); or two 3750w essays (100%).

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: therapeutic goods regulation; health insurance; pharmaceutical benefits; health policy; resource allocation; ethical theories in law and medicine; human tissue legislation; discipline of health professionals; avenues for dealing with health care complaints, including investigative and adjudicative tribunals, judicial review, royal commissions and inquiries; health consumers; rights and remedies; the ethics of human experimentation; and ethics committees.

Hazardous Substances and the Law

6 credit points

Not offered in 1999

This unit covers the statutory framework governing the regulation of hazardous substances at Federal and State levels in terms of manufacture, handling, storage and transport. It also examines the responsibility for contamination, site clean up and environmental auditing. A further aspect will look at the potential for 'toxic tort' actions and the criminal enforcement of laws concerning hazardous substances.

This unit aims to provide a more specialised focus than that of Pollution Law. The unit will be of special interest to lawyers and others concentrating on various aspects of the chemical industry, but especially in the area of environmental auditing.

Health Care and Professional Liability

6 credit points

Dr Bennett

Assessment: one essay (40%) plus take-home exam (60%), or research essay (100%).

This unit examines the legal issues relating to professional liability in health care. Areas to be addressed include: principles of negligence and their application to the liability of health professionals; other forms of liability including contractual liability and breach of fiduciary duties; liability of hospitals (both direct liability and vicarious liability for the acts of employees); procedures for complaints against health professionals; and disci-

plinary proceedings. Proposals for reform of professional liability, including no-fault compensation, will also be evaluated.

Heritage Law

6 credit points

Prof. Boer

Assessment: one essay (50%), one problem-based assignment (50%).

This unit focuses on the conservation of natural and cultural heritage, including intangible heritage and underwater heritage, with a special emphasis on Australian Aboriginal heritage. The World Heritage Convention and its implications for Australia are examined and various case studies are used. National, state and local legislative regimes for heritage conservation are looked at and put into the context of broader environmental decision making.

The unit aims to bring together a range of interdisciplinary strands, in archaeology, anthropology, cultural and natural history, art, architecture and urban planning, and to weave them into a framework for the legal protection of world, national, state and local heritage. It includes a Sydney-based field trip component. Small group teaching techniques are used throughout the semester.

Income Transfer Payments (Social Security) Law

6 credit points

Prof. Carney.

Assessment: one research paper (65%), one take home examination (25%), class participation (10%).

This unit will review the principles and concepts of the law of income security payments in Australia. It covers all the major transfer schemes which provide for pensions, benefits, allowances or fringe benefits. The relationship between income transfer and income taxation, and the intersection with schemes of common law or statutory compensation will be examined. The course will also cover the principles of the law relating to the operation of income and assets test (including 'expenditure tests'), and their relationship with superannuation and retirement income policies. Payments under bilateral international agreement, the portability of Australian payments overseas, the effect of foreign income, and special rules for calculating rates where a person has not been a resident for a sufficient period will be studied, together with rules about debt recovery and administrative review disputes.

Independent Research Project

6 or 12 credit points

Assessment: 10,000w research paper (6 credit points) or 20,000w research paper (12 credit points).

The goal of this unit of study is to provide students with an opportunity to pursue advanced research in an area of their choosing, under the supervision of a Faculty staff member. The unit is only available in special circumstances and with the approval of the Associate Dean (Coursework) or his or her delegate, in consultation with the relevant program coordinator where applicable. The unit will be available as a one semester unit of study worth 6 or 12 credit points or as a full year unit of study worth 12 credit points.

Given the nature of the unit, there are no set topics. This will be determined on a case-by-case basis. The project must involve a fresh piece of research and writing. Material that has been previously submitted for assessment in any other unit of study may not form part of this project.

No more than 12 credit points of this unit may be credited towards the requirements for a Master's or SJD program in respect of any student. The unit is not available to Diploma candidates or to candidates for the Master of International Law or the Master of Criminology by coursework.

In the case of students enrolled over a single semester, the project must be submitted for assessment by the last day of classes in the semester in which the student is enrolled in this unit of study. In the case of students enrolled over a full year, the project must be submitted for assessment by the last day of classes in the second semester in which the student is enrolled in this unit of study. The project will normally be assessed by the faculty

member who acts as supervisor. However, the Associate Dean or delegate may designate an independent assessor, who may or may not be a member of the faculty.

Enrolment is contingent upon:

1. The student formulating, in advance of enrolment, a well-defined research project, including a statement of methodology to be used and availability of necessary research materials;
2. The student providing a written statement outlining the special circumstances justifying enrolment in this unit;
3. Approval in writing from a member of the faculty who agrees to serve as supervisor and assessor for the project;
4. Approval in writing from the relevant program coordinator, where applicable; and
5. Approval in writing from the Associate Dean or delegate. Approval will only be given where the Associate Dean or delegate is satisfied that:
 - the above conditions are met; and
 - no other unit of study is being offered in the year of enrolment which would permit the student to undertake study in the proposed area.

Information Rights in Health Care

6 credit points

Dr Bennett, Dr Magnusson

Assessment: one essay (40%) plus take-home exam (60%), or research essay (100%).

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

Insolvency Law(Seminar)

6 credit points

Mr Aitken

Assessment: one 5-7000W essay.

The unit will examine a number of discrete topics in the law of insolvency, the focus being on corporate insolvency with cross-references to personal bankruptcy where relevant. Topics which will be treated in detail are:

- Personal and corporate insolvency - basic issues - bankruptcy of individuals/winding up of companies;
- The principals of insolvency law - debt subordination and postponement of priorities;
- The position of the receiver and manager; his/her duties and liabilities; the enforcement of security by way of company charge; out of court receivers;
- Equitable intervention and principles in insolvency;
- The question of preferences and settlements in bankruptcy and the new corporate insolvency regime in Section 588 of the Corporations Law;
- The duties owed to unsecured creditors; the liability of directors and company controllers;
- Winding up under the Corporations Law; the duties of the liquidator; proofs in the winding up;
- The interaction of insolvency and quasi-security;
- The new administration provisions for corporate insolvency under Part 5.3 of the Corporations Law;
- Insolvency and matrimonial property;
- Set-off in insolvency;
- Part X; schemes of arrangement; compositions; assignments;
- United States theory on 'common pool' obligations and the economic value of security;
- Cross-border insolvency; new regimes in the UK and Chapter 11 in the United States.

International Business Law

6 credit points

Mr Mackenzie

Assessment: one 7500w research paper (100%).

The objective of this unit is to provide students with a sound understanding of a number of areas of international business law with a focus on those areas which have undergone significant

transformation in recent years or which hold the potential for change in coming years.

International Commercial Arbitration

6 credit points

Prof. De Ly

The purpose of the unit is to introduce students to international commercial arbitration which is increasingly becoming one of the preferred methods of resolving international commercial disputes. The unit will examine the methodology of international arbitration, the conduct of arbitration proceedings, the challenge of arbitration awards, and the procedure for the recognition and enforcement of arbitral awards. The unit will also consider how arbitrators deal with the tension between fidelity to party autonomy and the need to respect vital juridical interests.

International Environmental Law

6 credit points

Assoc. Prof. Rothwell, visiting lecturers

Classes: March Semester Intensive. **Assessment:** research paper (80%), class participation (20%).

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

International Human Rights

6 credit points

Mr Kinley

Assessment: major essay, or minor essay plus take-home exam.

The unit is intended to provide an analysis of the principal international human rights instruments, the operation of the institutions which operate them and the impact such instruments have on domestic law. To this end, the unit will follow three broad themes:

- the philosophical foundations of the concept of human rights;
- the leading international human rights instruments and institutions (global and regional);
- the various avenues by which international human rights laws are incorporated, or otherwise have effect, in Australian law.

International Law and Australian Institutions

6 credit points

Mr Opeskin, Assoc. Prof. Rothwell

This unit assesses the impact of international law upon Australian institutions at the end of the twentieth century and nearly 100 years after Federation. It provides a critical review of that impact across all levels of Australian society. Specific consideration is given to:

- The Executive
- The Legislature: Commonwealth, State and Territories
- The Judiciary: High Court, Federal Court, Family Court, State Supreme Courts and other state and territorial courts (eg. NSW Land and Environment Court)
- The Bureaucracy: Federal, State and Territorial Government Departments
- Government Institutions: HREOC, IRC, ALRC

The unit of study commences with an historical overview of how international law was received in Australia, and then assess its impact upon a range of Australian institutions. The principal focus throughout the unit of study will be on the effects produced through domestic law.

International Law and the Use of Armed Force

6 credit points

Assoc. Prof. Rothwell, Prof Shearer

The purpose of the unit is to survey and analyse the principles of customary international law, and the rules of conventional law, which apply in the case of armed conflict between states. Attention too will be given to internal armed conflict. The role of the United Nations in preventive diplomacy, peace-keeping, peace enforcement, and in the authorisation of the use of collective armed force will be included. Special emphasis will be laid on those principles and rules which limit the methods and means of combat, international humanitarian law, and the conduct of armed conflict at sea. Case studies of the situations in the former Yugoslavia, the Gulf War 1990-91, Cambodia, and Somalia, will be used by way of contemporary illustration.

International Trade Regulation

6 credit points

Dr Chukwumwerije

The unit is intended to introduce students to the contemporary policy and legal issues in international trade. The unit begins with an examination of the concept of free trade and the international structures that have been created to foster the liberalisation of international trade. It then focuses on the law and practice of the World Trade Organisation (WTO). Topics to be covered include the principles of non-discrimination in the WTO, regulation of unfair trade measures, safeguard measures, regional trading blocs, trade in services, trade-related investment measures, trade and the environment, and dispute resolution under the WTO.

Judicial Review: Principles, Policy and Procedure

6 credit points

Prof. Allars

Assessment: one 750w essay (100%), or two 375w essays (100%).

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

This unit is recommended for candidates in the Master of Administrative Law and Policy.

Juvenile Justice

6 credit points

Prof. Carney, Assoc. Prof. Stubbs

Assessment: one 4500w essay, one take home exam, class presentation.

This unit of study aims to provide a broad overview of the functioning of the juvenile justice system and its relationship to juvenile offending. There is a specific emphasis on NSW in terms of understanding the operation of a particular system, however reference is frequently made to the wider Australian and international context. The unit analyses the historical development of a separate system of juvenile justice and the system of ideas about juvenile delinquency as distinct entities separable from broader notions of criminality and criminal justice. The unit also analyses the contemporary nature of juvenile crime and specific issues in relation to policing, community-based corrections and detention centres.

Social relations which mediate between the juvenile justice system and young people will be investigated through a focus on gender, 'race' and class. The broader political determinants surrounding the operation of the juvenile justice system and moral panics in relation to juvenile offending will also be examined. The unit aims to develop a critical understanding of the link between theory and juvenile justice policy, and to develop an appreciation of the multi-disciplinary nature of criminological explanation.

Labour Law

6 credit points

Prof McCallum

Assessment: one 4000w essay, class participation, one exam.

This unit of study is now available for Master of Laws students. Its purpose is to introduce Master of Labour Law and Relations degree candidates to the principles of labour law. It is a 'perspectives' unit of study, in the sense that it seeks to introduce students to the principles which underpin labour law. There is an examination of the rule and the future of labour law in this country. The sources of labour law are examined, and these include the common law, statutes, awards and agreements and international conventions. There is an overview of the employment contract and employment termination. Australian labour deregulation is examined, along with the history and present functions of constitutional issues and of federal and State enterprise bargaining and agreement-making. The unit concludes with a brief examination of the laws on industrial conflict.

Labour Law Reform (Seminar)

6 credit points

Prof K D Ewing

Assessment: research papers and class discussion

Under the special seminar in law series, in 1999 a postgraduate unit of study will be offered titled 'Labour Law Reform'. It will be taken by Professor Keith D Ewing who is Professor of Law at King's College, University of London. Professor Ewing is one of the Commonwealth's foremost labour law scholars. In this seminar series, Professor Ewing will explore labour law reform proposals in the industrialised countries of Europe, North America and Australia.

Law, Ageing and Disability

6 credit points

Prof. Carney

Assessment: one research paper (65%), one take-home examination (25%) class participation (10%).

This unit deals with the law which is of special concern to aged and disabled people (such as younger people who are victims of brain trauma, intellectual disadvantage or premature ageing). Aged and disabled people are a rising proportion of the population, and will soon comprise one in four Australians. They have special (but distinctive) needs: for income, health care, substitute decision-making and investment/retirement planning, or assistance to participate fully in society. The law in these areas has close connections with other disciplines (social work, disability services and gerontology, investment advisers, etc.). Society is making increasing demands on lawyers to provide advice on the range of legal issues confronting aged and disabled people. This unit caters to that need.

Topics to be covered will include:

1. Context for the law, including: demography and trends; socio-medical characteristics of ageing/impairment; ethical context of ageing and disadvantage; the pattern of laws and services.
2. Income security, including: age pensions: the basic framework; assets testing; investment income.
3. Private planning of property/income, including: powers of attorney, enduring powers, warranty provisions; wills/succession; superannuation treatment/retirement incomes policies.
4. Private planning of services, including: special accommodation houses; retirement villages; hostels and nursing homes; disability services (State); disability services (Commonwealth).
6. Public accountability, including: community visitors/advocacy; statutory watch-dog agencies (e.g. Office of Public Advocate); guardianship and Administration Boards; securing legal rights to services (e.g. Disability Review tribunals in California and Victoria).

Law and Business in Indonesia

6 credit points

Not offered in 1999

Dr Ball

Assessment: exam or research essay (70%), classwork (30%).

The unit aims to provide students with an introduction to areas of Indonesian law which are of special interest to Australian or foreign companies investing in or trading with or in Indonesia. These include investment law; corporate law; taxation law; intellectual property law; labour law; credit and security law; banking law; conflict of laws; commercial dispute resolution; the Timor Gap treaty; telecommunication law; mining law; and environmental law.

The unit requires no prior knowledge of Indonesia or of any foreign language. Students will find a wealth of material in English on the Indonesian legal system in John Ball, *Indonesian Law at the Crossroads: Commentary and Materials*, 1996, and John Ball, *Bibliography of Material on Indonesian Law in the English Language*, 5th edition, 1996.

Law and Legal Culture in Asia and the Pacific (Jurisprudence)

12 credit points

Prof. Tay

Assessment: one 5000w essay (50%) and take-home exam (50%), or two 5000w essays (50% each), or, for students completing the research paper requirement as shown in the Resolutions of the Faculty, one long essay (word length to be advised).

The unit will focus on tensions between traditional societies and their social and legal or formal institutions on the one hand and modernising societies and the new social institutions created and developed to meet contemporary needs and values. The class will be asked to examine the characteristics of traditional societies and the institutions, both formal and informal, that are used to help maintain social order and resolve disputes, the conditions under which both society and institutions change and their circumstances leading to the creation of new institutions and the rise of different sets of values. They will then look at how the new institutions and ways of doing things work, question their efficacy and analyse the tensions between the old and new. The class will ask under what conditions would new institutions be successful? What circumstances or conditions militate against the success of new institutions and ways of doing things? How are the old adapted to the new and how does the old govern the new? etc.

The societies that the class will consider are, in the first instance, China, Vietnam, Myanmar, Singapore and Malaysia, the Philippines, Sri Lanka. If time permits and the knowledge required prevails students may indicate any special society they would like to consider; they may also offer to present papers on those societies.

Law and Society in Indonesia

6 credit points

Not offered in 1999

Dr Ball

Assessment: exam or research essay (70%), classwork (30%).

The unit aims to provide students with:

1. an introduction to the legal system of Indonesia, a country with which Australia has maintained a close relationship and with which increasing cultural and economic links may be expected in the future;
2. an opportunity, through the assessment regime, of acquiring a more detailed understanding of an area of Indonesian law of the student's own choosing; and
3. some general insights into the nature of Islamic law, as Indonesia has the world's largest population of Muslims.

Topics to be covered include Indonesian legal history to 1945; political, social and economic developments since independence; the 'struggle for national law' with particular reference to land law, family law, inheritance law and the law of contract; economic law reform; the roles of 'adat' law (customary law) and Islamic law in Indonesia; and constitutional and legal institutions, with particular reference to courts, lawyers and the administration of justice.

The unit requires no prior knowledge of Indonesia or of any foreign language. Students will find a wealth of material in English on the Indonesian legal system in John Ball, *Indonesian Law at the Crossroads: Commentary and Materials*, 1996 and John

Ball, *Bibliography of Material on Indonesian Law in the English Language*, 5th edition, 1996.

Law and Popular Culture

6 credit points

Dr Karpin

Assessment: research essay and class participation.

This unit begins by interrogating the apparently self-evident distinction between law and popular culture. The aim of the unit will be to explore how legal ideas, law, lawyers and legal institutions are circulated through popular cultural images and vice versa. In this unit the focus will be on particular popular cultural sites such as television, cinema, and the print media. This unit will be approached from three perspectives.

The first will consider the way popular cultural representations of the law play a part in developing and disseminating an understanding of the law. The second will look at how certain legal institutions are permeated by the grammar of popular culture. Here we will look at the classic instance of the star on trial but also at the capacity of the trial to generate celebrity status. The third perspective will explore the role of media technologies in the emergence of what might be called 'pop justice'.

Law of the Sea

6 credit points

Assoc. Prof. Rothwell, Prof. Shearer

Assessment: essay (60%), take-home exam (40%).

Students who previously completed Maritime Law are not permitted to enrol in the unit.

This unit reviews the major areas of the law of the sea in the 1982 UN Convention on the Law of the Sea, additional international conventions and agreements, and current state practice. Each of the major maritime zones are assessed in addition to a specific review of sectorial issues such as navigation rights, and the marine environment. Appropriate reference will be made to Australian law and practice.

Legal Education

6 credit points

Not offered in 1999

The unit covers the following topics:

1. Conceiving and reconceiving legal education;
2. Teaching techniques in Law School: from Socrates to Communism;
3. Theories of learning and techniques of teaching;
4. Observation and analysis;
5. New directions in legal education I: law and economics;
6. New directions in legal education II: critical legal studies;
7. New directions in legal education III: feminist legal theory;
8. The human, non-adversarial/non-litigational dimensions of law;
9. Institutional constraints on good teaching;
10. What is legal scholarship; and
11. Law for non-lawyers.

One weekly (two hour) session is devoted to each of the above topics and one additional session is reserved for a topic (or topics) selected by the class during the unit.

Legal Issues in Health Care and Technology

6 credit points

Dr Karpin

Assessment: essay (80%), class paper (20%).

This unit deals with topical issues in the area of health law and ethics. The unit content will change as new issues arise in this rapidly developing area. Initially the unit will focus on the following: law and genetics including an examination of the legal implications of mapping the human genome, genetic discrimination and the legal uses of genetic information; euthanasia including recent debates surrounding its legalisation in some states; newborns with disabilities, organ donation and living wills. The unit will consider the impact of new technologies and the adequacy of existing legal and ethical responses. In particular we will explore whether existing legal paradigms such as property, tort and contract law provide a framework for addressing the new concerns that arise.

Legal Research I

6 credit points

Prof. Carney

Assessment: one essay 4-6000W (60%), one critical analysis of another student's research strategy essay (30%), class participation(10%).

The primary goal of this unit is to develop skills in undertaking a significant piece of legal research at levels of sophistication suitable for examination (in case of thesis candidates), and/or publication. At the conclusion of the unit it is anticipated that members of the class will be able to conceptualise the issues to be researched; will be able to locate relevant legal and other materials (using both hard copy and electronic bibliographic aids); will be able to place and sustain an argument (a 'thesis'); and will be able to assess both the quality of that work and to judge the merits of other approaches to planning such research.

It is expected that students will become familiar with using comparative materials (both within the federation and international), and will gain a working familiarity with relevant research techniques of other disciplines in the social sciences. The unit aims to encourage debate about the respective merits of different approaches, ethical issues, and the hallmarks of 'quality' research.

Legal Research II

6 credit points

Prof. Carney, Dr Magnusson

Assessment: preparation of an approved 'foundation chapter' (70%), class participation (30%).

The unit will cover the following topics:

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

Legal Research III

6 credit points

Prof. Graycar, Prof. Sadurski, Prof. Vann and others

This unit will be taken under the supervision of one or more of the staff. While it will be tailored to the needs of the particular students, in consultation with their supervisors, it will usually be satisfied by the presentation of a seminar as part of the post-graduate student's work in progress Seminars. The seminar presentation is designed to focus on and informal exposition of the central argument or ideas in a thesis that is nearing completion.

The student's presentation should take the form of an oral delivery or approximately 40 minutes with the remainder of the time being devoted to discussion, comment and feedback. The seminar will be chaired by the Associate Dean (Research) or nominee, and attended by the student's supervisor and other postgraduate students.

At the completion of the seminar, the student must submit a report to the unit convenor on the process, detailing what the student learned from the formal process of presentation and discussion of their work. There will also be an attendance requirement.

Local Government Law

6 credit points

Not offered in 1999

Ms Franklin

The objectives of this unit are:

- to develop an appreciation of the potential role of local government as a political institution and the potential role of local communities in developing Ecologically Sustainable Development strategies;
- to develop an understanding of the social, economic and managerial trends that have shaped Australian local government and its recent restructuring;
- to develop, with particular reference to N.S.W., a working knowledge of the existing powers and responsibilities of Australian local government - its constitution, organisation and decision-making processes and the avenues of accountability and local government finance.

Maritime Law

6 credit points

Hon. Mr Carruthers QC

Assessment: 4000w essay (40%), open book exam (60%).

This unit of study aims to provide students with an understanding of both domestic and international law as they apply to shipping from the initial stage of ship registration to salvage and wreck. The unit will cover public law issues in ship operation within Australia, such as ownership, registration, application of the Trade Practices act, and admiralty jurisdiction. In conclusion the unit looks at both Australian and international law dealing with salvage and wreck.

Modern Corporate Governance

6 credit points

Mr Fridman, Assoc. Prof. Hill

The unit will explore a number of issues concerning the corporation and its participants, raised in contemporary corporate governance debate. Issues discussed will include the structure of corporate groups, institutional investors as 'players in the game of corporate governance', the role of employees in the modern public corporation, international developments in director and executive officer remuneration practices, and criminal liability of the corporation and its officers. These issues will be analysed against the backdrop of different models of the corporation adopted in corporate theory.

Natural Resources Law

6 credit points

Prof. Boer

Assessment: essay (50%), class paper (30%), class participation (20%).

This unit examines the conflicts over the use and conservation of natural resources and how they can be resolved through legal and other mechanisms. Commonwealth-State arrangements regarding topics such as forestry, mining, agriculture, water use, national parks, Aboriginal land rights, fisheries and tourism are selectively examined.

The unit aims to familiarise students with the debate over resource management in Australia, and the role of various governmental sectors in this debate. In pursuing the theme of ecologically sustainable development, the unit indicates the need for different economic sectors to generate individual strategies, both legal and other, to meet governmental, private sector and conservation group concerns.

OECD Model Tax Convention on Income and on Capital

6 credit points

Prof. Vann

Assessment: classwork (30%), examination or research paper (70%).

This unit is designed to familiarise students with the policy, influence and detailed operation of the Model Tax Convention on Income and on Capital developed by the Organisation for Economic Cooperation and Development. The focus will be on current international tax issues and debates (other than transfer pricing methodologies) especially the current and recent work of OECD Working Parties and the tax implications of the global economy. The unit will also consider the role the international organisations play in the development of international taxation, of the large body of shared experience in the application of tax

treaties, and of tax treaty policies of other countries. Although the focus will be on the OECD (and allied) Models, rather than the tax treaties of specific countries, students will be encouraged to study the treaty policy of a limited number of countries (other than Australia).

The unit will cover the following topics:

- Policy, background and development of the OECD Model
- Status of OECD Commentary and interpretation of tax treaties
- Scope and definitions
- Business and professional income
- Real property, international transport and capital gains
- Dividends, interests and royalties:
- Services and pension income
- Relief of double taxation
- Non-discrimination
- Administration
- Partnerships, trusts and other entities, triangular cases and conflicts of qualification
- Tax treaty overrides, non-tax treaties affecting taxation and the future of tax treaties.

Pollution Law

6 credit points

Dr Bates

Classes: March Semester Intensive. **Assessment:** essay (50%), take-home examination (50%).

This unit examines approaches to pollution prevention and control, with particular emphasis on regulation and enforcement. Compliance, deterrence and incentive strategies are evaluated, as is corporate environmental responsibility and accountability. The unit includes a study of standards, permitting and land-use controls, administrative and civil enforcement, prosecution discretion, and criminal and civil liability. Overarching themes are precaution and prevention, integrated pollution control, and community-right-to-know and community right to participate.

The legislative and administrative framework that is studied is that of New South Wales, although comparisons are made with other jurisdictions. The federal dimension, including implementation of the Inter-governmental Agreement on the Environment, in particular Schedule 4, is discussed.

Privacy, Surveillance and Fair Information Practices

6 credit points

Dr Magnusson

Assessment: one research essay 6000w (75%), one take home exam (25%).

This unit of study focuses upon the growing body of law dealing with data protection or "information privacy" (the law regulating the collection, accessing, use and disclosure of personal information). The unit will explore international standards in this area, and consider the impact of international developments upon domestic law. The unit will also consider public interests which compete with individual privacy interests, and in particular, Commonwealth and state legislation authorising surveillance, profiling and data-matching. The unit aims to consider current "privacy" politics as well as some current trends and "hot issues" relating to information privacy. The federal privacy regime, which includes the Privacy Act 1988 (Cth) will be discussed, together with the Voluntary Scheme for Fair Information Practises in the private sector. Other topics include the issuing of unique personal identifiers, profiling and data-matching by government and private organisations, and computer crimes legislation. A feature of the unit will be a more detailed consideration of information privacy issues within three sectors.

Telecommunications Sector: This module will consider Commonwealth and state interception of communications legislation in detail, within the context of the post-June 1997 telecommunications regime, administrative schemes such as the Telecommunications Industry Ombudsman, and the "co-regulatory" approach to standards development which is now operative within the telco sector. Current topics considered will include: calling line identification, unsolicited communications and direct marketing, encryption policy (Australian and international) and the "information super-highway". The unit will also consider the

financial services sector (issues include smart cards, electronic commerce, money laundering), and the health sector (non-disclosure legislation, medical networking, genetic privacy, and HIV/AIDS).

Protection of the Antarctic Environment

6 credit points

Assoc. Prof. Rothwell

Classes: July Semester Intensive. **Assessment:** research paper (80%), class participation (20%).

This unit examines the various international instruments developed under the 1959 Antarctic Treaty to protect the Antarctic environment and the surrounding southern oceans. Particular emphasis is given to the Convention for Conservation of Antarctic Marine Living Resources 1980 and the Madrid Protocol on Antarctic Environmental Protection 1991. Attention is also given to the application of municipal law by claimant and non-claimant states to their Antarctic personnel concerning scientific activities which have an environmental impact.

This unit is a specialised unit which will flow on from the unit International Environmental Law. In aiming to provide a detailed examination of the regime of legal protection of Antarctica and the Southern Ocean, the unit will be of particular interest to those working on the ecological and political issues connected with the exploitation and conservation of both living and non-living resources.

Public Sector Policy I

6 credit points

Prof. Apps

Assessment: problem-based assignments (10%), class presentation on selected topic (10%), 5000w research paper or exam (80%).

The unit outlines the role of government in a market economy and examines the effects of a range of public sector policies within the framework of modern welfare economies. The first part of the unit introduces microeconomics theory and its application to policy evaluation. Topics covered include the concept of competitive markets, the fundamental theorems of welfare economics, consumer theory, labour supply and inter-temporal choice, theory of the firm, efficiency and social welfare, economics of information and uncertainty, principal-agent problems, market failure, and the theory of second best. The unit also provides an overview of empirical methodologies used in assessing policy reforms.

Topics in public policy which are examined include the taxation of income and consumption, selected government expenditure programs, social security, cost-benefit analysis of public projects, environmental externalities, user charges and public utility pricing.

The aim of the unit is to provide an understanding of the objectives of government intervention in the economy and of analytical modelling approaches and empirical methodologies used in the analysis of the social and economic effects of policy.

Public Sector Policy II

6 credit points

Prof. Apps

Assessment: problem-based assignments (10%), class presentation of a selected topic (10%) and 5000w research paper (80%).

The unit examines selected public issues within the analytical framework of modern welfare economics and with reference to the results of empirical research. Particular attention is given to empirical evidence on the performance of private markets, the social and economic effects of market failure, and the need for government intervention in response to market failure in a wide range of areas. Topics covered include:

- empirical analysis of reforms to the tax-benefit system;
- economics of uncertainty and information; adverse selection and moral hazard;
- social security and social insurance;
- case studies of insurance programs: health and retirement incomes;
- labour market reforms and market failure;

- capital market failure: child care, education and housing as case studies;
- economics of regulation; and
- agency theory: applications in the economics of corporate governance and control.

The aim of the unit is to provide an understanding of the objectives of policy as defined in welfare economics and to encourage the acquisition of analytical and technical skills in the evaluation of policy reforms.

Regulation of Collective Investments

6 credit points

Ms Kingsford-Smith

Assessment: class paper (30%), 7000w research essay (70%).

This unit studies the regulation of the market for collective investments in Australia and the main institutions which offer investments in Australia, namely superannuation schemes, unit trusts and life insurance linked investment funds.

The unit will introduce the student to the institutions and practices of the market for collective investments. The unit will then consider some of the literature from economics and finance which explains the functions of the market in collective investments, its operation and why it may require regulation. The rest of the course will be spent considering the nature of the regulation of collective investment and its creation, and the most important regulatory techniques adopted e.g. prudential controls, disclosure, control of business form, and the regulation of intermediaries.

The unit will give special attention to areas of developing regulatory policy such as, the convergence of institutions and products offered as collective investments, the regulation of investment policy, the single "responsibility entity" debate, and the influence of the federal government's retirement incomes policy on collective investments.

Although the effects of taxation on the regulation of these institutions will be mentioned occasionally during the course, there will be no systematic consideration of tax issues in this course. For this candidates should consult the course descriptions for Taxation of Superannuation and Insurance, which is offered by this faculty.

Regulation of Derivatives Products and Markets

6 credit points

Mr JS Currie

Assessment: one 4000 word research essay (70%), class participation (30%)

This unit studies the development and the current state of regulation of derivatives products and markets in Australia. It examines both exchange-traded markets and products and "over the counter" or "OTC" markets and products. A central theme to the unit is the extent to which derivatives products and markets require special legal and regulatory treatment, by comparison to securities markets and other financial markets.

The unit aims to introduce the students to the way in which the Australian markets have developed, and how they are currently regulated, and to place Australian developments in regulation within a regional and international context.

The unit will commence with a description of the markets and a discussion of the history and themes of regulatory policy in this area, and then proceed with a detailed treatment of the regulation of futures contracts, OTC products, and product and market delineation. Australian exchange-market regulation will then be examined, as will the regulation of OTC markets in Australia, and likely reforms in this area.

The unit will give special attention to developing areas of regulation, including:

- changes to the legal concept of a "market";
- the way in which intermediaries, including brokers, advisers and market-makers are regulated;
- intermediaries' duties; and
- international and comparative law issues arising from the development of a global market and electronic trading.

Upon completion of the unit the student should have an understanding of the development, nature and current regulation of derivatives, how the Australian markets operate, their rela-

tionship to regional and global markets, and the likely direction of regulatory reform.

Reproduction and the Law

6 credit points

Dr Bennett, Dr Karpin

Assessment: class presentation and paper (20%), essay (80%).

This unit considers legal issues relating to reproduction. Topics to be covered in the unit include: wrongful birth, prenatal injury, wrongful life, abortion, the rights of the foetus, reproductive technology (including legal regulation, eligibility for treatment, access to information, research using embryos, surrogacy), sterilisation and intellectual disability. The unit will aim to situate the legal issues within their broader social context and reading materials will be interdisciplinary and comparative in nature. Student participation in class discussion will be expected.

Restitution for Unjust Enrichment

6 credit points

Ms Bird, Prof. Carter, Ms McDonald

Assessment: one compulsory essay (25%), one exam (75%).

This unit aims to provide students with an opportunity to learn about an important and expanding area of the law of obligations, developed by the courts over the last ten years. The unit analyses the concept of unjust enrichment and the relationship between restitution, equity, contract and tort. The concept of unjust enrichment is now accepted as the unifying basis for the law of restitution. A person is unjustly enriched whenever a benefit is received at the plaintiff's expense in circumstances where *the* receipt or retention of that benefit is unjust. Relevant circumstances include mistake, duress and other improper pressure, failure of consideration, or the receipt of benefits flowing wrongs such as tort, breach of contract and breaches of fiduciary duties. Both personal and proprietary claims will be considered. The expansion of the law of unjust enrichment has required a principled development of appropriate defences and the operation and availability of defences such as good consideration and change of position will be analysed. Restitution in the particular context of ineffective contracts is the subject of a separate unit following this unit.

Restitution for Ineffective Contracts

6 credit points

Not offered in 1999

Prof. Carter

Prerequisite: Restitution for Unjust Enrichment. **Assessment:** one essay (25%), one exam (75%).

This unit aims to provide a detailed examination of the concept of unjust enrichment in the context of one of the most important topics in the law of restitution, the receipt of benefits under an ineffective contract. The unit also provides an opportunity for students to develop their understanding of the law of contract and its relationship with the law of restitution: the unit will build on both undergraduate units in contract law and the postgraduate unit in Restitution for Unjust Enrichment. Topics include:

1. Unjust Enrichment;
2. Relevant claims and bases such as quantum meruit, total failure of consideration, acceptance of benefit;
3. Inherently ineffective contracts;
4. Contracts discharged for breach or repudiation;
5. Contracts discharged without breach;
6. Contracts rescinded or set aside;
7. Valuation and adjustment;
8. Defences.

Sentencing and Punishment

6 credit points

Assoc. Prof. Cuneen, Assoc. Prof. Findlay

Assessment: one 4500w essay, one take home exam, classwork.

The objective of this unit is to explore punishment and penalty in modern society, particularly through an understanding of the relationship between punishment and social structure and the significance of punishment within the social and political order.

The unit will adopt an interdisciplinary approach which draws on history, law, literature, sociology and criminology. Topics which will be covered include women in prison, juvenile im-

prisonment, inequality and punishment, privatisation, and the impact of law and order politics on punishment.

Social Security Law

12 credit points
Not offered in 1999
Prof. Carney

Assessment: one research paper (65%), one take home examination (25%), class participation 10%.

This unit assesses the development and operation of the law and policy of the social security system as an instrument of social policy (the redistribution of income and wealth, poverty alleviation, fostering of social integration). It combines policy and legal analysis, built around the *Social Security Act 1991 (Cth)*. The unit of study canvasses material on the nature of poverty and the current and alternative responses to poverty; the operation of social security as it affects particular groups (the unemployed, the ill or disabled, the sole or 'intact' family), and will consider various ways of judging consistency of outcomes, including by reference to 'citizenship theory', 'lifecycle' approaches, and the implications of 'contractualism'. The administration and social impact of the system is an important theme (including the operation of review and appeal systems).

Stamp Duties (Seminar)

6 credit points
Justice Hill

Assessment: exam (60%), class assignment (40%).

The object of this unit is to consider in detail the application of the stamp duties legislation to various commercial transactions. Particular attention will be paid to the provisions of the current redrafting of the Stamp Duties laws of the Australian States. Upon successful completion of this unit a student should have an advanced understanding of the foundational principles underlying the operation of the State stamp duties laws and detailed knowledge of the application of stamp duties to a variety of common commercial transactions.

The unit will examine the Stamp Duties legislation and the application of the provisions of those acts to various property, contractual and trust situations commonly encountered in practice.

Sustainable Development Law in China & Australia (Seminar)

12 credit points
Dr Bates, Prof. Boer, Ms Franklin, Ms Lyster, Chinese lecturers
Offered: Intensive Unit, 15-28 November 1998. Assessment: 12-15,000w research paper submitted in March Semester 1999 (100%)
This 12-credit point unit comprises an intensive series of lectures and field trips in Beijing and Wuhan or Shanghai, China, followed by supervised research designed -

- to introduce the legal and institutional framework of environmental law and policy in China, including the environmental responsibilities of foreign investors in China
- to encourage comparative and jurisprudential studies of Chinese and Australian environmental law and policy

The lectures and field trips are undertaken over a period of two to three weeks in November. The unit is taught by both Australian and Chinese academics and involves the participation of both Australian and Chinese students. Australian students are given an introduction to Chinese law and the Chinese legal system before embarking on a study of Chinese environmental law. The introductory lectures are given by Chinese Professors of Law at Tsinghua University, Beijing, or the East China University of Politics and Law, Shanghai. In Beijing, are introduced to the China Environment Protection Authority and State Land Administration. Unit assessment takes place in Sydney in March Semester.

Takeovers and Reconstructions (Seminar)

6 credit points
Justice Austin, Mr Bednall, Mr Golding, Mr Hartnell (AM), Mr Jolley
Assessment: open book exam.

This unit will involve detailed study of the requirements of Chapter 6 of the *Corporations Law* with respect to the acquisition of company shares, and also selected aspects of the law concerning corporate reconstructions where a change of control is involved (including schemes of arrangement, selective reductions of capital and other forms of compulsory acquisition of minority holdings).

Taxation

The units in taxation for 1999 are:

Australian Income Tax System
Australian International Taxation
Australian Tax Treaties
Business Tax Planning (Seminar)
Capital Gains Tax Problems in Practise (Seminar)
Comparative Income Tax
Comparative International Tax
Controlled Foreign Companies, Foreign Investment Funds and Transfer Trusts
Corporate Taxation
Goods and Services Tax (Seminar)
Income Transfer Payments Law
OECD Model Tax Convention on Income and on Capital
Stamp Duties (Seminar)
Tax Administration
Taxation and Social Policy
Tax Litigation
Taxation of Business and Investment Income
US International Taxation (Seminar)
Units are also available through the Consortium of Australian Tax Schools.

Unit descriptions are listed alphabetically.

These units are available in the Master of Laws, Master of Taxation, Doctor of Juridical Studies and Graduate Diploma of Law.

There follows a table of equivalences across units since 1990. Where students have undertaken one of the units in a previous form, they cannot take the current equivalent unit again for credit. The numbers in brackets indicate the weighting in unit values or credit points of the units.

Taxation unit equivalences since 1990

1990	1994	1999
Taxation Law 1 (2)	Taxation of Advanced Commercial System (2)	Australian Income Tax System (6cp) Taxation of Business and Investment Income (6cp)
Taxation Law 2A (1)	Taxation of Non-corporate Intermediaries (1)	Taxation of Remuneration (6cp)
Taxation Law 2B (1)	Corporate Taxation (1)	Taxation of Partnerships & Trusts (6cp)
Taxation Law 2C (1)	Taxation of Australian Industry	Corporate Taxation (6cp)
Taxation Law 3 (2)	Taxation of International Transactions (2)	Taxation of Australian Industry (6cp)
		Australian International Transactions (6cp)
Taxation Law 4 (2)	Sales Tax and State Taxes (2)	Australian Tax Treaties (6cp)
		Stamp Duties (6cp)

Tax Administration

6 credit points

Prof. Woellner

Assessment: exam (70%), classwork (30%).

The object of this unit is to examine both the theoretical and practical issues which arise in the administration of the Australian tax system, concentrating primarily on the income tax. Wherever relevant, the interaction of these issues of administration with the substantive provisions of the income tax law will be considered. Upon successful completion of this unit a student should have an advanced understanding of the foundational rules underlying the administration of the income tax laws and a detailed knowledge of the application of those laws to a variety of common dealings between taxpayers and the tax administration.

The following topics will be covered:

- Examination of the models for administration of the taxation system
- Determining liability: audit, self assessment, collection of information
- Dispute resolution: objections, appeals and challenging discretions
- Collection and recovery, including powers of investigation
- International tax enforcement

Tax Litigation (Seminar)

6 credit points

Mr Hamilton

Assessment: exam or research essay (70%), classwork (30%).

The object of this unit is to analyse the process of tax litigation in Australia as it is currently undertaken, including in relation to State revenue laws. The unit will examine the differing roles of the various professions involved in tax litigation, as well as the role of the judiciary. The unit will consider the various steps and strategic decisions involved in preparing and conducting a tax dispute in the various available forums including the AAT and Federal Court. Upon successful completion of this unit a student should have an advanced understanding of the procedural rules underlying the resolution of tax disputes as well as a sound understanding of the strategic choices common in disputes between taxpayers and the tax administration.

- Introduction; avoiding litigation; negotiated arrangements and settlements
- Commissioner's information gathering powers; search warrants; privilege
- Challenging assessment; objections; collateral attacks on assessment
- Appeals
- Pre-trial practice; information gathering
- The Hearing
- Special classes of case; discretions
- Appeals to Federal, Full Federal and High Court
- Recovery of Tax
- Mareva injunctions; Anton Pillar orders; injunctions against the Commissioner; administrative law remedies
- Taxation prosecutions, penalties and orders.

Taxation and Social Policy

6 credit points

Prof.¹ Apps

Assessment: research essay (100%).

The object of this unit is to examine alternative tax-transfer policies within the analytical framework of modern welfare economics. The aim is to provide an overview of the social objective of taxation and of the tax problem when the design and implementation of policy options are subject to recognised constraints.

Topics covered include:

- the specification of social objectives
- tax incidence
- economic efficiency and incentive effects
- distributional criteria for tax policy
- taxation of labour supply, consumption taxes and the taxation of savings
- the tax rate structure, negative taxation and welfare programs
- social security and insurance

- retirement incomes policy
- optimal taxation and tax reform

Differences between legal concepts of income, the Haig-Simons definition of income and the approach to tax problems in public economics are highlighted.

Taxation of Business and Investment Income

6 credit points

Prof. Vann

Assessment: classwork (30%), exam or research paper (70%).

The goal of this unit is to explore the policy and practical detail of the taxation of business and investment income. Tax reform will be given special attention. Upon successful completion of the unit, students will possess an advanced understanding of the current practical problems involved in the taxation of business income and property income, achieved through the analysis of a number of specific problems.

- Business income and deductions - isolated ventures; business and investing; product or sale of business; preserving and business; goodwill; business income and periodicity; treatment of leasing income, rent and lease incentive; repairs and depreciation; property development.
- Investment Income - sale or use of property; royalties; interest; debt and gearing; principal place or residence exemption.
- Tax Accounting - obligation to prepare accounts; meaning and scope of accruals accounting; accounting at death; actual and deemed costs; accounting for interest; factoring.

Taxation of Financial Institutions and Financial Transactions

6 credit points

Not offered in Sydney in 1999

Assessment: exam (70%), classwork (30%).

This unit will analyse the current law on taxation of financial transactions and institutions in Australia. Common forms of innovative financial instruments will be examined including forward and futures contracts, derivatives instruments, various forms of corporate financing including preference share financing, convertible notes and leasing. Domestic and selected wiuV holding tax issues will be examined. The unit will explore in detail impending proposals for the reform of the taxation of financial transactions. The taxation of banks and other financial institutions will also be examined including branches of foreign banks. Upon successful completion of this unit a student should have an advanced understanding of the technical rules underlying the taxation of financial institutions and certain specified financial transactions.

The unit covers:

- characterisation (capital/revenue)
- derivation and incurrence
- general principles applicable to financial institutions
- funding and debt related derivatives
- foreign exchange and forex derivatives
- preference share financing
- leasing
- selected withholding tax issues
- branches of foreign banks
- overseas comparisons

Taxation of Partnerships and Trusts

6 credit points

Not offered in Sydney in 1999

Assessment: one exam (70%), classwork(30%).

The object of this unit is to examine the policy and practical issues that arise in Australia by virtue of the rules for the taxation of income derived through unincorporated entities. The focus is on those entities (and their owners) taxed on a look-through and/or proxy basis, including partnerships, corporate limited partnerships, trusts, unit trusts, deceased estates, corporate unit trusts and public trading trusts. The goals of the unit are to develop a detailed understanding of the policies, technical rules and practical problems involved in the taxation of these arrangements and to explore why different solutions are used for these entities as compared with companies and shareholders. Upon successful completion of this unit a student should have

an advanced understanding of the technical rules underlying the taxation of partnerships and trusts in a variety of forms and in a variety of commercial situations.

(Note that international issues raised by partnerships and trusts are considered in Australian International Taxation and in greater detail in the unit Controlled Foreign Companies, Foreign Investment Funds and Transfer Trusts.)

The unit covers:

- the problems of taxing entities
- problems of taxing entities partnerships and trusts contrasted with companies;
- classification of entities for tax purposes;
- taxation of partners;
- taxation of trusts other than unit trusts and their beneficiaries;
- taxation of unit trusts and their beneficiaries
- taxation of limited partnerships.

Taxation of Remuneration

6 credit points

Not offered in Sydney in 1999

Assessment: one exam (70%), classwork (30%).

The object of this unit is to provide an advanced and specialised study of the taxation of employee remuneration and the remuneration of individuals in analogous independent contracting situations. One focus will be on the practices in packaging salaries that result from the different timing and valuation rules, and the differences of tax treatment applied to elements of a package under the income tax and fringe benefits tax. Upon successful completion of this unit a student should have an advanced understanding of the technical rules underlying the taxation remuneration derived in a variety of forms.

The unit covers:

- income tax issues of remuneration
- employee deductions
- substantiation
- fringe benefits tax
- employee share schemes
- retirement planning
- taxation of expatriate employees

Taxation of Superannuation and Insurance

6 credit points

Not offered in 1999

Assessment: classwork (30%), examination or research paper (70%).

The unit consists of a detailed examination of the effects of income taxation on the superannuation and insurance industries. Students who complete the unit will possess a detailed understanding of the policies, technical rules and current practical problems involved in the taxation of superannuation and insurance, through the analysis of specific problems discussed in each of the seminars.

Topics covered include:

- the Superannuation Industry (Supervision) Act: introduction to the policy and regulatory framework
- taxation of superannuation: overview of policy and legislative framework
- superannuation contributions: SGC, award, employment, contracting, deductions, rebates
- taxation of superannuation funds: part IX of the *ITAA*
- reasonable benefit limits
- taxation of eligible termination payments
- taxation of pensions and annuities
- taxation of general insurers
- taxation of life insurance: overview of policy and practice, general principles
- taxation of life insurance: specific issues
- taxation of life company stakeholders: shareholders, policy holders.

Theories of International Law

6 credit points

Mr Opeskin

Assessment: classwork (25%), exam or research paper (75%).

This unit aims to introduce students to the principal schools of thought relating to the theory of international law; to encourage a critical evaluation of those theories; and to investigate the ways in which the various theories inform contemporary issues and debates in international law.

The unit is divided into three parts. Part 1 examines the major jurisprudential schools in international law from the modern origins of international law in the 16th century to the present day. The topics examined in this part may include some or all of the following: natural law, positivism, sociological approaches, the policy-science approach of McDougal and Lasswell, critical legal theory, feminism and non-Western approaches to international law. Part 2 examines the relationship between international law and other disciplines, in particular international relations and international ethics. In these topics we examine whether law affects the behaviour of states, and whether there exists a system of international morality. Finally, Part 3 examines the modern state from several perspectives, each designed to focus on the moral and legal relevance of state boundaries. In particular, the unit examines the modern state as a territorial entity, exercising control over a defined population, and regulating the flow of resources across state boundaries.

Students are encouraged to examine the manner in which the various theoretical issues inform current debates in international law. To this end, a familiarity with international law and an interest in international affairs is desirable.

Theory of the Family in Law and Society (Jurisprudence)

6 credit points

Assoc. Prof. Ziegert

This unit is designed as a specialised introduction into comparative sociological and socio-legal research in the areas of family studies, family law and sociology of law which incorporates the latest research findings in these areas. The lectures will introduce the student to the basic sociological and comparative law concepts as they relate to the social organisation of both family systems and legal systems. Students are invited to choose their own research topics in the area which will be presented for discussion in class.

Trade Union Law

6 credit points

Not offered in 1999

Prof. McCallum

Co/prerequisite: Labour Law (other than for LLM candidates).

Assessment: one 4000w essay, class participation, one take home examination.

This unit of study examines the law relating to industrial organisation which includes trade unions and employers' associations. As there is much more law on trade unions, these latter bodies will be the primary focus of this study. There will be an examination of trade union theory; the history of trade union regulation; registration under arbitration statutes; dual legal personality issues; trade union rules; trade union expulsions; trade union elections and amalgamations; and trade union accounts. There will be an analysis of freedom of association, and of the regimes of voluntary trade unionism law which now cover this continent. The ultimate question which will be posed is what role should the law play in the regulation of these bodies.

Transfer Pricing in International Taxation

6 credit points

Not offered in 1999

Assessment: classwork (30%), examination or research essay (70%).

The goal of the unit is to provide an up to date account of transfer pricing law and practice in Australia in the area of international taxation. The release of the OECD Transfer Pricing Guidelines for Multinational Enterprises and Tax Administrations in 1995 and its update in 1996, and the substantial transfer pricing rulings program of the Australian Taxation Office currently underway, have together significantly increased the international and Australian materials available on the law and practice in

transfer pricing cases. These materials will provide the focus of the seminars.

Topics examined will include:

- history-and policy of international transfer pricing rules
- Australia's tax legislation on transfer pricing
- Australia's tax treaties and transfer pricing
- transfer pricing methodologies - comparable uncontrolled prices, cost plus and retail price; profit methods; services and intangibles; financial transactions
- branches and transfer pricing
- thin capitalisation and transfer pricing
- documentation
- advance pricing arrangements
- penalties
- international developments and transfer pricing

US International Taxation (Seminar)

6 credit points

Prof McDaniel

Assessment: exam or research essay (70%), classwork (30%).

The object of this unit is to provide an overview of the income tax system of the US and a detailed analysis of the most important legislative and treaty rules of the US in the international income tax area, especially in dealings with Australia. Upon successful completion of the unit students will have an advanced understanding of the policies of the US rules for taxing international transactions as well as a detailed knowledge of the principles of income tax law applicable to inbound and outbound transactions in the US.

This seminar unit includes a study of:

- Overview of the US income tax system
- Taxation of inbound investment in the US
- Taxation of outbound investment in the US
- Transfer pricing in the US
- US tax treaties

Vietnamese Law and Legal System(Seminar)

6 credit points

Dr Bui

Assessment: class presentation (20%), one 6-8000w essay.

This unit will introduce to students an overall picture of the modern Vietnamese legal system. It will develop a perception of its unique character and role through its feudal origins to the era of French colonisation and the legal regimes of the country during the Vietnam War, to the new role for law in the era of market economy. It will examine the perception of Vietnamese feudal codes of law and administration following Chinese domination of Vietnam from 111BC to French colonisation, to Soviet influence, to the introduction of market economy in the 1990s. The unit will trace the influence of these major social epochs and examine their special economic and political structures as a means of understanding the role, function and nature of law in contemporary Vietnamese society and polity. The unit will examine the concept of law as a political function and the implementation of law, not so much through courts as through administrative fiat and authority, making law essentially a function of politics and administration, but with little accountability and democratic control.

The unit will go on to illustrate these perceptions through the establishment and development of various legal regimes: the civil law system, the state enterprise system, the foreign economic law, the foreign contract law and the foreign investment law systems. In this part of the unit, economic and commercial needs for and use of law are also examined through the development of specific fields of legal activities, including the creation of a legal profession, the growth of a system of legal education and a court structure.

The unit will also raise questions about the character of Vietnamese post-socialist laws and how they fit into the world system of harmonised and internationalised legal regulation.

Women, Law and Family

6 credit points

Not offered in 1999

Prof. Graycar

Assessment: class participation (15%), abstract and annotated bibliography (15%), 5-7000w research paper (70%).

This unit provides an opportunity for in-depth examination of critical perspectives on the relationship between law and the maintenance of unequal relations within and among families. Key issues to be examined include ideologies of the family, and the public/private distinction. Questions about definition of family are also canvassed as are issues of the role of gender, class, race and sexuality in the construction of 'family'.

The unit examines some of these themes against the background of a number of legal doctrinal examples. These include instances focusing on women as mothers, such as tort law examples of nervous shock and wrongful birth and a brief examination of issues involving women's connection to children (custody issues; 'deviant' mothers and state 'intervention' into 'dys-functional' families). The next set of doctrinal examples looks at issues arising out of women's relationships (most particularly, marriage). It starts with a brief history of married women's legal status prior to the enactment of the married women's property legislation and then looks at modern examples such as sexually transmitted debt. Other doctrinal examples which may be covered include the legal value placed on women's work in the home, and the place of 'family' violence as a theme injudicial decision making. The unit concludes with an examination of proposals to reform legal understandings of 'family'.

Workplace Bargaining

6 credit points

Assoc. Prof. McCarry

Co/prerequisite: Labour Law. **Assessment:** one essay (70%), exam(30%).

This advanced unit examines what may be best described as the collective aspects of labour law. This unit of study covers unregistered agreements; the use of the federal labour power; other heads of constitutional power including the corporations power; enterprise bargaining under federal and New South Wales law; Australian workplace agreements; and the laws concerning industrial disputes which include common law torts, industrial statutory provisions and Trade Practices Act remedies.

Work Safety

6 credit points

Not offered in 1999

Prof. McCallum

Co/prerequisite: Labour Law. **Assessment:** one 4000w essay, class participation, take-home exam.

This unit of study is on occupational health and safety law. Its main focus is upon the Occupational Health and Safety Act 1983 (NSW), its federal and state counterparts and the relevant case law. An examination is also made of the history of safety regulation; the failure of the common law to reduce accidents; the Robens reforms; the employee and employer duties; and safety management systems.

Other Faculty information

The Law School Building, St James Campus

The floors in the building are numbered from the lowest floor, which is below ground and is Level 1. The street level is Level 4. All lifts serve Levels 4, 6, 8, 11, 12 and 13. Only two of them stop at the other levels. It is usually quicker to reach Levels 1, 2, 3 and 5 by the stairs. Access to Levels 7, 9 and 10 is restricted. The functions on various levels are as follows:

- Level 1** Lecture theatres; seminar rooms
- Level 2** Lecture theatres; seminar rooms
- Level 3** Attendants Office; lockers; toilets; car park
- Level 4** Foyer; Assembly Hall; Australian Centre for Environmental Law
- Level 5** Sydney University Union (refreshments); Sydney University Law Society (SULS) Office
- Level 6** Law Society of N.S.W. Moot Court Room; computer laboratory; staff offices
- Level 8** Law School Library
- Level 11** Staff offices; Institute of Criminology; Sydney Law Review; Continuing Legal Education
- Level 12** Dean's Office; Head, Department of Law; Student Administration; Personnel; Finance; staff offices
- Level 13** Staff Common Room; Department of Jurisprudence; staff offices
- Level 14** Squash courts.

[Subject to approval, a new structure for the Faculty of Law will be implemented in 1999 and thus some of the information above may change.]

Smoking is not permitted in the building.

Law Library

The Law School Library is a branch of the University of Sydney Library whose aim is to provide quality services and resources to support and enhance the teaching, research, creative work and scholarship of the University.

The Library occupies levels 7-10 of the building, with the entrance on level 8. It is a major research library and its collections include both print and electronic resources. It also has a large undergraduate collection consisting of multiple copies of major texts required for unit of study work. Some material in demand is placed on Closed Reserve, which is a short loan collection. Card operated photocopiers are available to patrons. The library provides a wide range of services including circulation, reference assistance and formal classes in legal research. Additional services are available to postgraduate students.

During semester the Law Library is open at the following times:

Monday-Thursday: 8.30 am - 9.30 pm
 Friday: 8.30 am - 8.00 pm
 Saturday: 9.00 am - 4.45 pm

The loan periods are:

Law Research (level 9)

Undergraduates: two weeks

Postgraduates/Academics: four weeks

Renewals are available and holds may be placed on books on loan to others.

Law Undergraduate (level 7)

One week loan for all borrowers. Renewals and holds are not available.

Law reports, periodicals, loose-leaf services and reference books are not available for loan.

Further information is available on the Law Library homepage at: <http://www.law.usyd.edu.au/~library> or by telephoning 9351 0216. E-mail messages may be sent to library@law.usyd.edu.au

Sydney Law Review

The Faculty of Law has its own legal journal, the *Sydney Law Review*, which was established in 1953. All the pre-press work on the Review is performed by the Faculty through its External Relations Unit. It is then published by the Law Book Company Ltd on behalf of the Faculty.

For the first twenty years the general editorship of the Review was the responsibility of senior members of the full-time academic staff. From 1974 until 1990, the Editorial Committee consisted entirely of students. It was then resolved that the Review would be published quarterly, beginning in 1991. A Faculty Editorial Board was established. This is assisted by a Board of Student Editors comprising students enrolled in the Law Review option. One issue per year is devoted to discussion on a particular theme, with solicited contributions.

The Review is a refereed journal. Submissions from staff and visiting academics are always welcomed and can be given to the Review's Coordinator. A Sydney Law Review Style Guide can be obtained from the Coordinator by telephoning 93510284

The Allen Allen and Hemsley Visiting Fellowship

The Allen Allen and Hemsley Visiting Fellowship was established in 1984 by an offer from Messrs Allen Allen and Hemsley, Solicitors, to provide funds for the appointment on an annual basis of a distinguished lawyer to the Department of Law. Holders of the Fellowship have been:

1985 Professor D.G.T. Williams, Rouse Ball, Professor of English, Cambridge University

1986 Professor R.M. Buxbaum, University of California at Berkeley

1987 Dr J.W. Harris, Keble College, Oxford University

1988 Professor Denis Galligan, University of Southampton

1989 Professor Misao Tatsuta, Kyoto University

1990 Professor Ewoud Hondius, University of Utrecht

1991 Professor Norbert Reich, University of Bremen

1992 Professor George Hay, Cornell University

1993 Professor Friedrich Juenger, University of California

1994 Professor Rose Bird, former Chief Justice of California

1995 Professor Ian Dennis, University College London

1996 Professor F. Monroe Price, Benjamin N. Cardozo School of Law, Yeshiva University

The fellowship is presently under review.

Centre for Asian and Pacific Law

The Centre for Asian and Pacific Law (CAPLUS) is a centre within the University of Sydney. Established in November 1993, it draws on the expertise and experience of the Faculty of Law and other faculties and institutions within the University with related interests. It also collaborates with government departments and bodies, legal and other professional organisations and institutions with shared objectives.

The functions of the Centre are:

- to promote knowledge in and understanding of the laws, legal systems, constitutions, legal culture and business laws of the countries of Asia and the Pacific;
- to provide a source of information on legal developments in the Asian and Pacific region and in Australia;
- to make reciprocal contacts with scholars and lawyers;
- to arrange exchange programs for students, scholars and lawyers from both regions;
- to provide specialised courses for students, scholars and lawyers from the Asian and Pacific region to study different aspects of law; and
- to publish and circulate work on the laws, legal systems, legal and constitutional developments, updates of business and commercial laws of these countries.

Since its inception, the Centre has been very active in providing intensive general introductory and specialised courses in law to various countries in the East Asian regions, especially Vietnam and the People's Republic of China, seminars and conferences, in Australia and outside. It has received and is receiving senior academics, scholars and officials as well as younger scholars and judicial personnel, for short and long term research projects and study/fieldwork tours.

It has undertaken to prepare for publication in Australia and Europe monographic and collection series on the laws, legal systems and legislation of the East Asian countries.

Its "Shanghai Winter School" for Australian students and lawyers in the East China Politics and Law University in Shanghai during January has become a regular feature providing an opportunity to learn about a complex and foreign legal system *in situ*.

Institute of Criminology

The Institute of Criminology is a centre established by the Senate of the University within the Department of Law. The aims of the Institute include research, teaching and public education in criminology and criminal justice policy. Its principal areas of activity involve: teaching criminology at the undergraduate and postgraduate level; publishing the journal *Current Issues in Criminal Justice*, a monograph series, occasional papers, seminar and conference proceedings and other relevant information; organising public and in-house seminars on topics of contemporary concern in criminal justice; providing service and information to its many corporate, individual and student members; coordinating and presenting a wide range of applied and theoretical research initiatives; and disseminating current information through the newsletter *the Other voice* and CRIMNET, an electronic noticeboard.

Staff associated with the Institute have a wide range of research interests and expertise, including Aboriginal people and the criminal justice system, juvenile justice, policing, violence against women, jury system, feminist and critical criminology, child abuse, hate crime, drug policy and comparative criminology. They have worked as consultants for government departments, statutory authorities and royal commissions.

The Institute has an Advisory Committee chaired by the Chief Justice of NSW and a Management Committee chaired by the Dean of the Faculty of Law.

Australian Centre for Environmental Law

The Australian Centre for Environmental Law (ACEL) was established in 1992 as a collaborative arrangement between the law faculties of the University of Sydney, the University of Adelaide and the Australian National University.

ACEL fosters an undergraduate and postgraduate program in Environmental Law offered through the Faculty of Law. The Master of Environmental Law comprises eight units of coursework. A limited number of relevant subjects can be taken from other Faculties and, with approval, subjects from Master's programs at the University of Adelaide and the Australian National University can be credited to the Master of Environmental Law. ACEL (Sydney) specialises in research in the Asian and Pacific region. Further, it makes submissions to government on law reform to protect and enhance the environment. ACEL maintains close associations with other related institutions, relevant industry and conservation groups and with lawyers practising in the field in Australia and overseas.

Staff members involved in the Environmental Law program are:

Professor Ben Boer-Asia Pacific Environmental Law; Asia Pacific Environmental Law Journal; Comparative Environmental Law; Environmental Law; Environmental Law and Policy; Heritage Law; Natural Resources Law.

Mr Bernard Dunne, Lecturer - Environmental Law; Environmental Impact Assessment Law.

Mr Brian Preston, Part-time Lecturer and Barrister - Environmental Dispute Resolution; Biodiversity Law.

Dr Gerry Bates, Senior Lecturer - Pollution Law; Environmental Planning Law; Sustainable Development Law in China and Australia.

Professor Patricia Apps - Environmental Economics.

Ms Nicola Franklin, Senior Lecturer - Local Government Law; Sustainable Development Law in China and Australia.

Associate Professor Don Rothwell - Asia Pacific Environmental Law; Asia Pacific Environmental Law Journal; International Environment Law; Protection of the Antarctic Environment.

Ms Rosemary Lyster, Lecturer - Comparative Environmental Law; Environmental Dispute Resolution; Asia Pacific Environmental Law; Sustainable Development law in China and Australia.

ACEL has links with a number of environmental law centres, including the Centre for Environmental Legal Studies, Pace University, New York, the Asia Pacific Centre for Environmental Law at the National University of Singapore, the Indonesian Centre for Environmental Law in Jakarta, the Mekong Region Law Centre in Bangkok and the Foundation in Environmental Law and Development in London.

The Centre hosts a library of Environmental and Natural Resources Law materials from all over Australia, as well as from many countries in the Asia-Pacific, Europe and North America. The library is administered by a librarian, Ms Jillian Murphy. The library is open to all undergraduate and postgraduate students in Environmental Law.

National Children's and Youth Law Centre

The National Children's and Youth Law Centre (NCYLC) was established in 1993 jointly by the University of Sydney, the University of New South Wales and the Public Interest Advocacy Centre. Located at 32 Botany St, Randwick, (Ph: 02 9398 7888 and Fax: 02 9398 7416), it provides a unique forum for the views and concerns of children and young people. Initial funding from the Australian Youth Foundation and contributions in kind from the three institutions have been superseded by funding from the Commonwealth Attorney General's Department, under the Community Legal Centres Program. The participation of children in legal and administrative processes and the improvement of legal services for children and young people are major aspects of the Centre's agenda, which focuses on the improvement of conditions and opportunities for Australian children and young people, especially the disadvantaged.

The Centre actively promotes implementation of the United Nations Convention on the Rights of the Child and facilitates a coordinated national approach to children's legal issues. It serves as an authoritative resource and referral service for those concerned with the rights of children and young people, and plays a leading role in the improvement of the law, the legal system, public administration and regulatory schemes affecting children and young people. The Centre aims to offer specialist, multi-disciplinary courses at undergraduate and postgraduate level on children, young people and the law.

Services for students

University Health Service

There is a full general practitioner service available on the Main University Campus.

Counselling Service

Level 7, Education Building, A35, phone 9351 2228

The University Counselling Service provides a free, confidential service to assist students to overcome personal and University-related problems which may arise during the course of their studies. The primary emphasis is on individual counselling with additional group programs in such areas as stress management, exam anxiety and the development of social skills.

Learning Assistance Centre

Level 7, Education Building, A35, phone 9351 3853

The Learning Assistance Centre assists students to develop the academic and language skills necessary for the acquisition and communication of knowledge and ideas in a university setting. A wide range of programs includes workshops on: written communication skills needed by undergraduate and postgraduate students, oral communication skills, learning styles and approaches to study. Special workshops are held for international students with learning disabilities.

Disability Services

Level 7, Education Building, A35, phone 9351 4554

Disability Services is the principal point of contact and support for students with disabilities. The staff in the unit work closely with staff in the administration and academic departments to ensure that the requirements of students, including arrangements relating to teaching and assessment are met.

Accommodation Service

Level 7, Education Building, A35, phone 9351 3312

The Accommodation Service assists students to find off-campus accommodation, primarily by maintaining an extensive database of suitable accommodation in suburbs close to the University.

Financial Assistance Office

Level 7, Education Building, A35, phone 9351 2416

The University has a number of loan funds to assist students who experience financial difficulties. These funds are not intended to provide the principal means of support to students, rather they are for use in supplementing other income and in cases of emergency. Loans are available for essential living and study expenses.

Casual Employment Service

Level 4, Holme Building, A09, phone 9552 2589

The Casual Employment Service helps students find casual and part-time work during their studies and in University vacations.

International Student Services Unit

Level 2, Margaret Telfer Building, K07, phone 9351 4749.

ISSU provides counselling, pre-departure, orientation and returning home programs for international students. Trips and activities programs are also available. The Unit is responsible for publishing the International Student News on a quarterly basis.

Commonwealth Government Assistance

AUSTUDY and ABSTUDY

Information booklets and application forms are available from Centrelink. The city office is at Parker Street, Haymarket, phone 132 316. The postal address is Locked Bag K710, Haymarket, N.S.W. 1238.

Employment

The Bachelor of Laws degree prepares graduates for a wide range of careers. While many graduates will enter into professional practice as a solicitor or barrister, others will obtain employment in the public sector, government departments, social justice, welfare, legal aid offices, legal services; commercial and financial enterprises such as banks, merchant banks, insurance and superannuation bodies, large corporations; trade unions; and the media.

Obtaining law qualifications

There are two principal ways of fulfilling the academic requirements to practise as a barrister or solicitor in New South Wales. One is by completing an approved law degree at a university. The other is by completing the professional law

examinations conducted by the Legal Qualifications Committee on behalf of the Legal Practitioners Admission Board. Tuition for these examinations is provided by the Law Extension Committee of the University of Sydney, by way of evening lectures and weekend schools. Students usually prepare themselves for these examinations on a part-time basis. *All* enquiries about admission to this course should be made to the Legal Practitioners Admission Board, ADC Building, Level 4, 99 Elizabeth Street, Sydney, N.S.W. 2000, phone 9392 0320.

Additional requirements to practise as a lawyer

Additional requirements must be met before a Law graduate can practise as a lawyer in New South Wales, such as the completion of a practical legal training course. Information on these requirements may be obtained from the Legal Practitioners Admission Board.

While the University's degrees have wide recognition overseas, international students should make their own enquiries as to whether the LLB degree will permit them to be admitted as lawyers in their own countries after further examination and/or practical training.

Overseas graduates in law

It is not possible for overseas graduates in law to qualify for admission to legal practice in New South Wales by undertaking postgraduate law studies at the University of Sydney. Requalification would be required by one of the methods referred to above, although it is likely that some credit would be given for earlier legal studies. Overseas graduates interested in undertaking postgraduate law studies for some purpose other than admission to practice should seek an appointment with the Associate Dean (Postgraduate) or the Faculty's Student Administration for information about entry to postgraduate courses.

Careers Centre

The Careers Centre provides career information and advice and graduate employment services. Careers advisers are available to discuss any aspect of career choice with students, prospective students and graduates. Employer interview programs and graduate vacancy services are of particular interest to final year students. The Careers Centre is in the Mackie Building, Arundel Street, Forest Lodge, (phone 9351 3481).

Overseas student exchanges

Opportunities for Sydney Law School students to study abroad are rapidly expanding. University of Sydney Student Exchange Agreements allow students to study abroad and receive full credit towards their LLB degree.

There are two types of student exchange programs available.

The first is the *University-wide programs* which are open to students from all faculties. Students who have completed at least one year of full-time study at the University of Sydney, have at least a Credit average in their studies at the time of application, have at least another year of full-time studies to complete and have the funds to support a year on exchange, are eligible to apply to participate in these programs. At present, there are exchange programs with universities in the United States, Japan and Korea. Information about these programs may be obtained from the International Office, AMA Building, 71 Arundel Street (just over the footbridge across Parramatta Road), phone 9351 4161. It should be noted that while credit is given for study undertaken, the actual marks received are not converted in Sydney University equivalent marks for the purpose of calculation of WAMS.

The second is the *Faculty-specific programs* which are limited to final year Law students. Sydney Law School has entered into Student Exchange Agreements with Queen's University in Kingston, Canada; the University of Utrecht, Netherlands; Humbolt University in Berlin; the Katholieke Universiteit in Leuven, Belgium; the Sorbonne University of

Paris; and in the United States, Duke University in North Carolina, University of Texas, Austin and Cornell University in New York. Under these agreements Sydney Law students may enrol as full-time non-degree students. Units completed at these universities will be credited to the students' Sydney LLB degrees. Applicants must have completed at least 52 credit points of compulsory law units of study and selection is made generally on the basis of academic merit. The overseas universities will not make any charge for tuition, although some incidental administrative fees will be payable. Sydney students will continue to pay tuition (at present their HECS liability) and other charges (such as student union fees) to the University of Sydney. Sydney students will be responsible for payment of their travel costs and living expenses. Information regarding application dates will be posted on Levels 2, 4 & 12 of the Law School. Students selected for these exchanges will receive credit for work undertaken and marks received will be converted to the University of Sydney equivalent for the purpose of calculation of WAMs.

Staff

Faculty staff

Dean

Jeremy Webber, BA *UBC* LLB BCL *McGill* LLM *York*

Head of the Department of Law

Mark J Findlay, BA LLB *ANU* DipCrim MSc *Edin* LLM

Head of Department of Jurisprudence

K Alex Ziegert, DPhil *Mun*

Associate Deans

Undergraduate

Donald R Rothwell, BA LLB *Qld* LLM *Alta* MA *Calg* PhD

Postgraduate

Lee Burns, BCom LLB *NSW* LLM, (Research)

Brian Opeskin, BCom LLB *UNSW* BCL *Oxf*, (Coursework)

Departments

Full-time and fractional academic staff

Jurisprudence

Wojciech Sadurski, DrJur *Warsaw*, Professor of Legal Philosophy (Personal Chair)

Alice Erh-Soon Tay, AM, PhD *ANU* HonLLD *Edin*, Challis Professor of Jurisprudence (fractional)

K Alex Ziegert, DPhil *Mün*, Associate Professor

Law

Margaret Allars, DPhil *Oxf* BA LLB, Professor

Ross Anderson, LLM *Lond* LLB, Senior Lecturer

Patricia Apps, BArch NSW Med *Yale* PhD *Camb*, ARAIA, Professor in Public Economics in Law (Personal Chair)

Craig Arnott, BA LLB *Qld* BCL PhD *Oxf*, Lecturer

Hilary Astor, BTech(Law) PhD *Brunei*, Abbott Tout Professor of Litigation and Dispute Resolution

Rosalind Atherton, PhD *NSW* AmusA *AMEB* BA LLB, Associate Professor

John Ball, DipLaw Ox/DipComparLegalStud *Camb* BA LLB PhD, Senior Lecturer

Lynette Barnes, BSocSc LLB *UNSW* GradDipLegStud *UTS*, Lecturer

Belinda Bennett, BEc LLB *Macq* LLM SJD *Wise*, Senior Lecturer

Joanna Bird, BCL *Oxf* BA LLB, Lecturer (fractional)

Bernhard W Boer, BA LLM *Melb*, Professor in Environmental Law (Personal Chair)

Lee Burns, BCom LLB *NSW* LLM, Senior Lecturer

Peter Butt, BA LLM, Associate Professor

Terry R Carney, LLB DipCrim *Melb* PhD *Monash*, Professor

John W Carter, PhD *Camb* BA LLB, Professor of Commercial Law (Personal Chair) (fractional)

Okezie Chukwumerije, LLB *Benin* LLM *UBC* DJur *York*, Senior Lecturer

Graeme Coss, GradDipInf&LibStud *Curtin* LLB LLM, Lecturer

Mary Crock, BA LLB PhD *Melb*, Lecturer

Margie Cronin, BA *Qld* LLB *UNSW* MA *UTS* MA, Level A Academic (fractional)

Christopher Cunneen, BA DipEd *NSW* MA, Associate Professor

Catherine Dauvergne, BA MA *Carleton* LLB *UBC*, Lecturer

Bernard Dunne, BA LLB *Macq*, Lecturer

Gordon B Elkington, MSc PhD *Warw* BSc LLM, Senior Lecturer (indefinite secondment to the Law Extension Committee)

Mark J Findlay, BA LLB *ANU* DipCrim MSc *Edin* LLM, Associate Professor

Nicola E Franklin, BA *Natal* LLB *Natal & Camb*

DipComparLegalStud *Camb*, Senior Lecturer

Saul Fridman, LLB *W Ontario* BCL *Oxf*, Senior Lecturer

David Fraser, LLB *Laval* LLB *Dal* LLM *Yale*, Senior Lecturer

Reg Graycar, LLB *Adel* LLM *Harv*, Dunhill Madden Butler Professor of Women and the Law

David J Harland, BCL *Oxf* BA LLB, Challis Professor

Peter Harris, LLB *Qld* LLM PhD *Camb*, Lecturer

Jennifer G Hill, BCL *Oxf* BA LLB, Associate Professor

Isabel Karpin, LLM *Harv* JSD *Columbia* BA LLB, Senior Lecturer

Miranda Kaye, BA *Camb* BCL *Oxf*, Lecturer

Dimity Kingsford Smith, LLM *Lond* BA LLB, Senior Lecturer

Patricia Loughlan, BA LLM *Tor* PhD, Senior Lecturer

Rosemary Lyster, BA LLM *Natal*, Lecturer

Therese MacDermott, BA LLB *Qld* BCL *Oxf*, Senior Lecturer (fractional)

Roger Magnusson, BA, LLB *ANU* PhD *Melb*, Lecturer

Ron McCallum, BJur LLB *Monash* LLM *Qu* Blake Dawson

Waldron Professor of Industrial Law (fractional)

Greg McCarry, BA LLM, (Hyman Lecturer in Industrial Law) Associate Professor

Les McCrimmon, BA LLB *Alta* LLM *Qld*, Senior Lecturer

Barbara McDonald, LLM *Lond* BA LLB, Senior Lecturer

Bron A McKillop, LLM *Harv* BA LLB BEc, Senior Lecturer

Kathryn E McMahon, LLB *UNSW* BEc LLM PhD, Senior Lecturer

Jenni Millbank, LLM *UBC* BA LLB, Lecturer

Brian Opeskin, BCom LLB *UNSW* BCL *Oxf*, Senior Lecturer

Patrick N Parkinson, MA *Oxf*, LLM *Ill*, Associate Professor

Gaby Ramia, MCom *W'gong*, Level A Academic

Helen Rhoades, LLM *Melb*, Level A Academic (fractional)

Joellen Riley, BCL *Oxf* LLB MA DipEd, Lecturer

Donald R Rothwell, BA LLB *Qld* LLM *Alta* MA *Calg* PhD, Associate Professor

Pearl Rozenberg, BSc LLB *Monash* LLM *York*, Lecturer (fractional)

Petra Schmidt, MA (Japanese & Chinese Studies, Law)

Marburg PhD *Hamburg* U2000 Postdoctoral Fellow, Level A Academic

Ivan Shearer, AM, LLM *Adel* SJD *Northwestern*, Challis

Professor of International Law

Diane Skapinker, BComm LLB *Witw* LLM, Associate

Professor (fractional)

Julie Stubbs, BA *W'gong* MA *Tor*, Associate Professor

Jane Swanton, LLM *Lond* BA LLB, Associate Professor

Lyndal Taylor, BA LLM *Qld* LLM *Bond* GradCertHed *UNSW*, Lecturer

Julia Tolmie, LLB *Auck* LLM *Harv*, Senior Lecturer

Richard J Vann, BA LLB *Qld* BCL *Oxf*, Professor

Jeremy Webber, BA *UBC* LLB BCL *McGill* LLM *York*, Dean of the Faculty

David Weisbrot, BA *CUNY* JD *Calif*, Professor

Shelley Wright, BA LLB *Alta* LLM *Lond*, Senior Lecturer

Challis Lecturers

The Hon Justice Arthur R Emmett, BA LLM (Challis Lecturer in Roman Law)

The Hon. Justice D Graham Hill, LLM *Harv* BA LLB (Challis Lecturer in Taxation) (*Stamp Duties*)

The Hon Justice Roderick P Meagher, BA LLB (Challis Lecturer in Equity)
 Peter B Shea, BHA GradDip(HealthAdmin) *UNSW BA*
 DipEnvStud MEnvPlan *Macq* MB BS BD MPH DipCrim
 DPM *RANZCP*, *FRANZCP*, *FRACMA*, *FAIM*, *FAFPHM*,
FACLM, *AFCHSE*(Challis Lecturer in Forensic Psychiatry)
 (*Forensic Psychiatry*), (*Advanced Forensic Psychiatry*)

Lecturers (Part-time)

The Hon Justice Robert Austin, D.Phil *Oxf BA* LLM
 (*Corporate Takeovers and Reconstruction*), (*Corporate Fundraising*)
 Dean Bell, BA LLB
 Gerry Bates, LLB(Hons) PhD *Birm* (*Environmental Planning Law, Pollution Law*)
 Christopher Birch, BA LLB PhD (*Aspects of Legal Reasoning*)
 Rosalind Haskew, BEc LLB *ANU* (*Corporate Finance*)
 Miko Kumar, BA LLB (*Litigation*)
 The Hon Justice John R F Lehane, BA LLM (*Equity*)
 Angus Mackenzie, BA LLM MBA *Melb* (*International Business Law*)
 Stephen Odgers, BA LLB *ANU* LLM *Col* (*Litigation*)
 Brian Preston, BA LLB *Macq* (*Wildlife Law, Environmental Dispute Resolution*)
 Robin H Woellner, BA LLB (*Tax Administration*)

Faculty administration

Faculty Manager

Florence Ma, BA *HKU*, DipEd *CUHK*

Secretary to the Dean and the Faculty Manager

Sally Spence

Student Administration

Christopher Peek, GradDip(HealthAdmin) *UNSW* BA,
 (Manager)

Undergraduate

Natasha De Zilva, BA MPhil
 Jonathan Crabbe, BA MTeach

Postgraduate

Sue Ng, BA *UNSW*.
 Bridget Nguyen-Ngoc
 Administrative Assistant

Matthew Ware
 Counter Officer
 Andrew Duffield

Finance and Administrative Services

Mark Molloy, BA *Macq* G Dip *JNI*, CPA, (Manager)
 Christine Tsang, MCom *UNSW*
 Ana Fairall, BA (Welfare) *UWS*
 Katrina Thomas

External Relations

Shona Smith, BA LLB GradDip(MuseumStud), (Manager)
 Pauline Moore, (Alumni and Promotions Coordinator)
 Joanna Howse, (Sydney Law Review Coordinator)
 CLE

Jennifer Littman, BA *UNE*, Dip Crim

Personnel and Academic Support Services

Patricia Manley, (Manager)
 Joel Butler, BA (fractional)
 Gail Bruton (fractional)
 Maria-Luisa Byrne (fractional)
 Nancy Dolan Brown
 Madeleine Cullen
 Edwina Kobus, BA
 Rosemary Maltos
 Francis Smithard (fractional)

Computer Systems

Matthew Geier, AssocDipElecEng *NSW TAFE* (Manager)
 Patrick Lui, BSc (Computing) *UWS*

Law Library

Margaret McAleese, BA LLB *ANU* DipLib *UNSW* (Law Librarian)
 Carolyn Kearney, DipLib *UNSW* MA DipLaw (Reader Services Librarian)

Sue Cohen, BA DipLaw *UNSW* (Technical Services Librarian)
 Grant Wheeler, BA DipIM *UNSW* (Circulation)
 Frances Stark, BA DipLib *UNSW* (Monographs)
 Michelle Daly, BA (Interlibrary Loans)
 Sue Olsen, BA DipEd *Macq* (Serials)
 Carina Tran, AssocDipArts(Library Practice) *SIT* (Serials)
 Walid Dadoun, BA MEd *Cairo* (Closed Reserve)
 Marie Chan, DipEd DipIM *UNSW* (Serials)
 Alexandra Parkes, AssocDipBus&Microcomputing Systems
 (Computer Support)
 Rebecca Lorien, BA (Admin)
 Marie Wong, AssocDipArts(Library Practice) *SIT* (Binding)
 Ross Dickinson, BA (Shelving Supervisor)

Centres

Institute of Criminology

Director

Associate Professor Julie Stubbs, BA *W'gong* MA *Tor*

Deputy Director

Associate Professor Mark J Findlay, BA LLB *ANU* DipCrim
 MSc *Edin*. LLM

Chief Investigator

Carrie Chan, BA LLB *UNSW*, Level B Academic
 Administrative Assistant

Janci Butler, BA PgDipEdPub *Macq* DipJourn *Macleay Coll*

Australian Centre for Environmental Law - Sydney

Acting Director

To be appointed

Librarian

Jillian Murphy, BAppSc (Information) *UTS*

Administrative Assistant

Rohine Jannu, BSocSc(Hons) *Macq & Newc.* (fractional)

Centre for Asian and Pacific Law in the University of Sydney

Acting Director

Associate Professor K Alex Ziegert, DPhil *Mun*

National Children's and Youth Law Centre

Law School Liaison

Professor Terry Carney, LLB DipCrim *Melb* PhD *Monash*

Membership of the Faculty

Details of the membership of the Faculty of Law may be found in the University's *Calendar 1998 Vol. 1: Statutes and Regulations*

Structure of the Faculty

Subject to University approval, a new structure for the Faculty of Law will be implemented in 1999 and thus some of the information above may change.

Scholarships and prizes

The tables on the following pages are a summary only. For full details of scholarships and prizes available, contact the Scholarships Office.

Prize or scholarship	Value \$	Awarded for
Undergraduate		
Aaron Levine Prize	350	Proficiency in Criminal Law
Andrew M. Clayton	500	Proficiency in Real Property, Personal Property and Equity
Australian Securities Commission Prize*	100	Proficiency in Corporations Law
Baker and McKenzie Prize	500	Proficiency in Advanced Constitutional Law
Baker and McKenzie Student Exchange Scholarships	varies	Academic merit, financial need
Barbara Nye Prize	100	Proficiency in Comparative Law
Bill Wallace Memorial Prize*	500	Proficiency in Sales Tax and State Taxes, or equivalent
Blake Dawson Waldron Prizes	200	Proficiency in Personal Taxation
	200	Proficiency in Business Taxation
	200	Proficiency in Environmental Law
Bruce Panton Macfarlan Prize	250	Proficiency in Sale of Goods
Butterworths Book Prizes*	subscriptions	
C A Hardwicke Prize	250	Proficiency in Constitutional Law
Caroline Munro Gibbs Prize	350	Proficiency in Torts
Christopher C Hodgekiss Prize	250	Proficiency in Competition Law
Corrs Chambers Westgarth Prizes*	500	Proficiency in Business Finance Law
	500	Proficiency in Securities Market Law
Corrs Chambers Westgarth Scholarships	to 2000	Academic merit, financial need and personal circumstances
Dudley Williams Prize	110	Honours graduand placed 2nd in order of merit
E.D. Roper Memorial Prizes (2)	220 each	Two students showing greatest proficiency in Equity and Corporate Law
E.M. Mitchell Prize	60	Proficiency in Contracts
Earle Page Constitutional Prize	175	Essay on approved topic of constitutional, political or administrative interest
Edward John Culey Prize	100	Awarded for proficiency in Real Property and Equity
George and Matilda Harris Scholarships*		
I	2500	Proficiency in Law II
IIA	1250	Proficiency in 2nd year of 3-year course
IIB	1250	Proficiency in 3rd year of 5-year course
Ivan Roberts Scholarship	5000	Most distinguished graduate in the Bachelor of Laws
J.H. McClemens Memorial Prize No. I	200	Proficiency in Criminology
John Geddes Prize	40	Proficiency in Equity
John George Dalley Prizes		
IA	400	Proficiency in final year of combined program
IB	400	Proficiency in final year of graduate program
Julius and Reca Stone Award in International Law and Jurisprudence	100	For creative achievement displayed in International Law and essays in the two subjects
Julius and Reca Stone Award in Sociological Jurisprudence	90	Essay in Jurisprudence which deals with sociological jurisprudence
Julius Stone Prize	90	Proficiency in Sociological Jurisprudence within course Jurisprudence
Justice Stanley Vere Toose Memorial Prize	70	Proficiency in Family Law
Kevin Dufty Memorial Prize	325	Proficiency in the subjects Real Property and Conveyancing
Mallesons Stephen Jaques Prize	250	Proficiency in Banking & Financial Instruments
Margaret Dalrymple Hay Prize*	50	Proficiency in Legal History
Margaret Ethel Peden Prize	100	Proficiency in Real Property
Michael Harmer and Associates People Management Law Prizes	500	Proficiency in Anti-Discrimination Law
	500	Proficiency in Employment and Industrial Law
Minter Ellison Prize	250	Proficiency in Intellectual Property
Minter Ellison Scholarship*	500	Most distinguished student commencing 4th year of the combined law degree
Mitchell Nahas Prize (People Synergy Australia)	1000	Student (female) with the highest aggregate mark in all 1st year Econ/Econ(SocSc)/Comm/Law units of study
Mitchell Nahas Prize (QBE)	1000	Student (male) with the highest aggregate mark in all 1st year Econ/Econ(SocSc)/Comm/Law units of study
Monahan Prize	100	Proficiency in Litigation
Nancy Gordon Smith Prizes	100	To first 5 candidates for LLB who obtain honours for at graduation
New South Wales Justices' Association Prize	250	Proficiency in Administrative Law
New South Wales Women Justices' Association Prize	50	Proficiency in Family Law
Permanent Trustee Company of N.S.W. Ltd Prizes (2)	500	Proficiency in Conveyancing
	500	Proficiency in Succession
Peter Paterson Prize	50	Best student contribution in the Sydney Law Review
Phillips Fox John F. Mant Memorial Scholarship	1000	Academic merit and financial need

Prize or scholarship	Value \$	Awarded for
Phillips Fox John L. Smithers Memorial Scholarship	500	Academic merit and extracurricular achievements
Pitt Cobbett Prizes	30	Proficiency in Administrative Law
	30	Proficiency in Constitutional Law
	30	Proficiency in International Law
Pitt Cobbett Scholarship	to 1000	Financial need and academic merit
Playfair Prize in Migration Law	250	Proficiency in Migration Law
R.G. Henderson Memorial Prize	250	Awarded to student gaining University Medal
Rose Scott Prize	160	Proficiency at graduation by a woman student
Sir Alexander Beattie Prize in Industrial Law	100	Proficiency in Employment and Industrial Law
Sir John Peden Memorial Prize	650	Proficiency throughout course in Legal Institutions, Constitutional Law, International Law and Real Property
Sir Peter Heydon Prize	100	Best undergraduate contribution to Sydney Law Review in Constitutional, Administrative or International Law
Sybil Morrison Prize	325	Proficiency in Jurisprudence
Thomas P. Flattery Prize	40	Proficiency in Roman Law
Tomanari Akaha Memorial Prize	500	Proficiency in Equity (international student from the Asia Pacific region)
Tress Cocks and Maddox Centenary Scholarship	2000	Academic merit, financial need and personal circumstances
Walter Ernest Savage Prize	200	Proficiency in Legal Institutions
Walter Reid Memorial Fund	to 500	Book grant for proficiency in any year except final year
Wigram Allen Scholarships*		
IA	50	Proficiency in 1st year of course for candidates not taking combined course
IB	50	Proficiency in Legal Institutions, Constitutional Law, Administrative Law, Torts, Contracts and Criminal Law by a combined law student
II	100	Best Arts graduate entering Law
Zoe Hall Scholarship	3000	Academic merit, financial need and extracurricular achievements
Postgraduate		
Alan Ayling Memorial Prize	TBA	Proficiency in Environmental Planning Law
Australian Institute of Company Directors Master of Environmental Law Prize	1000	Most proficient candidate(s) for the degree of Master of Environmental Law
Cooke, Cooke, Coughlan, Godfrey and Littlejohn Scholarship	varies	For a USyd law graduate to pursue advanced study at USyd (value is same as Australian Postgraduate Award [APA]†) or elsewhere (value is same as USyd Travelling Scholarship‡); or for a law graduate from any other university to pursue studies at USyd (value is APA)
Freehill, Hollingdale and Page Prize*	200	Master of Laws by coursework candidate who is most proficient in the unit of study Public Company Finance
Gustav and Emma Bondy Postgraduate Prize in Jurisprudence	100	Best student at the annual postgraduate examinations in the subject Jurisprudence
J.H. McClemens Memorial Prize in Criminology No 2	150	Master of Laws or Master of Criminology candidate who has achieved the highest aggregate mark in four 6-credit-point units of study in the area of Criminology
J.H. McClemens Memorial Prize in Criminology No 3	150	Most proficient candidate who completes the Diploma in Criminology
Judge Samuel Redshaw Prize	150	Proficiency in Administrative Law
Law Graduates' Association Medal	medal	Most distinguished student graduating Master of Laws in the Faculty of Law
Longworth Scholarship	TBA	Terms to be advised
Maritime Law Prize	500	Most proficient in the unit of study Maritime Law
Nancy Gordon Smith Memorial Prize	400	Most proficient candidate for the degree of Master of Laws (coursework)
Ross Waite Parsons Scholarship	varies	For full-time candidates in Doctoral or Master's awards (value is APAF but supplementary funding may be available)

For details of postgraduate scholarships, you should contact the Student Administration Manager or the Scholarships Office.

* under review

† In 1999 the value is \$16,135

‡ In 1999 the value is up to \$17,500

Student societies

Sydney Law School Foundation

The Sydney Law School Foundation was launched in 1990, the centennial year of the Law School. The President of the Foundation is Sir Laurence Street.

The Foundation's primary goals have been:

- to improve the facilities of the Law School; and
- to acquire funding for research and academic positions.

The Foundation has been generously supported by members of the legal profession and by donations from graduates and other supporters.

Membership of the Foundation is open to supporters in a wide range of categories, including student membership. For further information about the Foundation, contact the Faculty Manager on 9351 0259.

Sydney University Law Graduates' Association

The Sydney University Law Graduates' Association was formed in 1963 with the aim of coordinating, fostering and encouraging liaison between graduates, students and members of the Faculty of Law of the University of Sydney.

In recent years the main activity of the association has been to support the Master of Laws program by funding a University Medal to students of outstanding merit. It has also made donations to the Faculty, the latest being a portrait of Sir Anthony Mason.

Earlier members of the association have fond memories of the Association's luncheons and other functions and we hope to continue this tradition by providing opportunities for graduates to keep in touch and to maintain links with fellow alumni, current students and academic staff of the Law School.

Members of the Association receive information regarding Association activities, discounts, assistance with reunions and the bi-annual alumni magazine, The Sydney Law School Reports.

Life membership of Sydney University Law Graduates Association costs \$100 or an annual membership fee is \$10. All enquiries should be directed to Pauline Moore, Alumni and Promotions Coordinator, External Relations Division, University of Sydney Law School, 173-175 Phillip Street, N.S.W. 2000 or DX83 Sydney, phone +61 2 9351 0202 or fax +61 2 93510200.

Sydney University Law Society

The Sydney University Law Society (SULS) was formed in 1902. All law students, including Arts/Law, Economics/Law, Economics (Social Science)/Law, Commerce/Law and Science/Law students, are immediately members.

The Executive

The affairs of the Society are controlled by the Executive, elected in July semester of the preceding year. Positions on the Executive are as follows: President, two Vice-Presidents, Honorary Treasurer, Honorary Secretary, Social Activities Director and Sports Director.

Representative functions

As the Law School is separate geographically from the Camperdown (Main) Campus, the Society has assumed an important role in representing the interests and needs of students to the University, the Faculty of Law, the Union and the SRC. It is, as a result, one of the most important and stronger societies in the University because of its separation.

The President of SULS is a member of Faculty and is an *ex-officio* member of the SRC. The Society is asked to nominate a law student to the Affiliated Campuses Committee which endeavours to provide funds to the students of the Law School for improved general facilities. Furthermore, SULS liaises with the Sports Union in order to provide a variety of sporting services, including the organisation of interfaculty sport, the provision of sporting equipment and squash court hire.

Aims

The aims of the Executive are various, and include the creation of an enjoyable social climate and feeling of camaraderie

among the students. Furthermore SULS, through its continued sponsorship has been successful in developing a stronger relationship with the legal profession, particularly in Sydney.

Activities

The Society's activities include Orientation activities for new students coupled with an information handbook, the organisation of social events such as the Law Ball, the Law Dinner, free lunches, cocktail parties and semester parties.

SULS is ultimately responsible for the production of the Law Revue although its organisation and direction are controlled by applicants appointed by the SULS executive to those positions. The Revue is the most public arm of the Law Society and continues to be an enormous success for all those involved.

SULS is also responsible for organising guest speakers to attend lunchtime seminars on interesting and controversial topics, which provide lunch hour food for thought.

The Society runs the moot programs for both senior and junior mooters. In addition to the internal competition, the H.V. Evatt Moot is held annually between the University of New South Wales and the University of Sydney.

There is also an Australian wide Family Law Mooting Competition and the world wide Jessup International Law Mooting Competition. A team of students from Sydney University won the competition in 1996.

ALSA

The Society is a member of ALSA (the Australasian Law Students' Association). This holds its annual conferences in the half-yearly break, with an intervarsity moot competition, witness examination competition, student papers and legal seminars as its primary focus. Sydney University has always performed admirably in these competitions.

Publications

The Society publishes its own annual journal *Blackacre* which contains a variety of articles, ranging from the humorous to the historical. SULS also publishes a fortnightly newsletter called *Hearsay* which provides students with regular information about upcoming social events, lectures and interesting legal snippets. *Polemic* is a sociolegal journal also published by SULS which has a vast range of contributors from all facets of the legal profession.

Second-hand bookshop

SULS organises a bookswap in each semester which provides students with a forum in which to sell and buy second hand text books.

Location

The Society represents all law students. Members of the Executive may be contacted on Level 5 of the Law School or by telephoning 9351 0204.

Sydney Campus Undergraduate Law Society

The Sydney Campus Undergraduate Law Society (SCULS) is a Faculty society similar to, but separate from, SULS. Its role is to represent the interests and enhance the university life of all combined law students attending classes on the Camperdown (Main) Campus. Students in their first, second or third year of combined law are members. The large majority of SCULS funding is provided by Union and SRC grants.

The day to day functioning of SCULS is the responsibility of student representatives. Any member is eligible to stand for election. Three representatives from each of first, second and third year are elected at the beginning of each year. These representatives subsequently elect the Executive which is comprised of a President, two Vice Presidents, Honorary Treasurer and Honorary Secretary.

Activities

SCULS' primary focus is the social well-being of its members. Typically it provides an outlet for academic pressures by providing regular social functions like beer and pizza lunches, trivia nights, champagne breakfasts and harbour cruises. However, the exact role and choice of activity depends largely on student ideas and the choice of direction taken by the Executive.

SCULS works with SULLS to promote law student's interests. This may involve discussion and debate with university administration, the Faculty of Law, the Union and the SRC. In recent years much energy has been expended in a successful attempt to more tightly bind the relationship between SCULS, SULLS and the Faculty of Law.

Location

The most accessible point of contact with SCULS is through the elected representatives from each year. In 1996 the Faculty of Law provided office space for SCULS in Room 313 of the Old Teachers' College. This space is shared with the Faculty of Law Student Administration Division. SCULS can be contacted by telephoning 9351 7809.

Elected student representatives

There are five student representatives on the Faculty elected by students each October (the President of the Sydney University Law Society, three undergraduates and one postgraduate).

Their role is to assist students in any way possible, whether that be the alteration of Faculty policy on exams, assessment, etc. or making enquiries for any one student on an individual matter.

They are available for such things as advice on University by-laws and resolutions and representing any student before members of the Law School staff and administration.

Two of the representatives are also members of the Academic Board. They can take any matter to this body or to the wider University administration or even to the Senate.

They may be contacted by leaving a message, indicating a contact phone number, at the counter on Level 12 at the Law School, or through the Law Society.

General university information

See also the Glossary for administrative information relating to particular terms.

Admissions office

Student Centre
Ground Floor, F07 Carslaw
The University of Sydney
NSW 2006 Australia
Phone: +61 2 9351 4117 or +61 2 9351 4118. Special Admissions (including Mature Age) +61 2 9351 3615
Fax: +61 2 9351 4869

Email: admissions@records.usyd.edu.au

The Admissions Office is responsible for overseeing the distribution of offers of enrolment and can advise prospective local undergraduate students regarding admission requirements. Applicants without Australian citizenship or permanent residency should contact the International Office. Postgraduate students should contact the appropriate faculty.

Applying for a course

Prospective (intending) students must lodge an application form with the Universities Admissions Centre (UAC) by the last working day of September of the year before enrolment. Note that some faculties, such as Dentistry and Sydney College of the Arts, have additional application procedures.

Assessment

For matters regarding assessment, refer to the relevant Department.

Co-op Bookshop

Sydney University Sports and Aquatic Centre
G09, Cnr Codrington St and Darlington Rd
Phone: +61 2 9351 3705 or +61 2 9351 2807
Fax: +61 2 9660 5256
Email: sydu@mail.coop-bookshop.com.au
<http://www.coop-bookshop.com.au>
Sells textbooks, reference books, general books and software. Special order services available.

Enrolment and pre-enrolment

Students entering first year

Details of the enrolment procedures will be sent with the UAC Offer of Enrolment. Enrolment takes place at a specific time and date, depending on your surname and the Faculty in which you are enrolling, but is usually within the last week of January. You must attend the University in person or else nominate, in writing, somebody to act on your behalf. On the enrolment day, you pay the compulsory fees for joining the Student Union, the Students' Representative Council and sporting bodies. You also choose your first-year units of study, so it's important to consult the Handbook before enrolling.

All other students

A pre-enrolment package is sent to all enrolled students in late September, and contains instructions on the procedure for pre-enrolment.

Examinations

Examinations and Exclusions Office
Student Centre
Level One, F07 Carslaw
The University of Sydney
NSW 2006 Australia
Phone: +61 2 9351 4005 or +61 2 9351 5054
Fax: +61 2 9351 7330
Email: exams.office@exams.usyd.edu.au
The Examinations and Exclusions Office looks after exam papers, timetables and exclusions.

Graduations

Ground Floor, Student Centre, F07 Carslaw
The University of Sydney
NSW 2006 Australia
Phone: +61 2 9351 3199 or +61 2 9351 4009.
Protocol +61 2 9351 4612
Fax: +61 2 9351 5072
Email: k.fizzell@records.usyd.edu.au

(Grievances) Appeals

Many decisions about academic and non-academic matters are made each year and you may consider that a particular decision affecting your candidature for a degree or other activities at the University may not have taken into account all the relevant matters. In some cases the by-laws or resolutions of the Senate (see Calendar Volume 1) specifically provide for a right of appeal against particular decisions; for example, there is provision for appeal against academic decisions, disciplinary decisions and exclusion after failure.

Normally a matter should be resolved by discussing it with the academic staff member concerned, or with a senior member of staff within the department. However, a situation could arise where you wish to have a decision reviewed or to draw attention to additional relevant information. In this case you should put your case in writing to the head of department and if you're still not satisfied with the result you should contact your Dean. Only after following these steps can you appeal to the Senate.

In the case of examination results the appeal may be made to the department.

A document outlining the current procedures for appeals against academic decisions is available at the Student Centre and on the University's web site at: <http://www.usyd.edu.au/su/planning/policy/index.htm>

Parking appeals should be addressed to the Manager, Campus Services.

You may wish to seek assistance or advice from the SRC regarding an appeal; if so, contact the Education/Research Officer, SRC, Level 1, Wentworth Building. Phone +61 2 9660 5222 Legal Aid.

HECS & other fees

Student Centre
Ground Floor, F07 Carslaw
The University of Sydney
NSW 2006 Australia
HECS Enquiries
Phone: +61 2 9351 2086, +61 2 9351 5062, +61 2 9351 5499,
+61 2 9351 5659
Fax: +61 2 9351 5081
Fees Office
K07 Margaret Telfer
The University of Sydney
NSW 2006 Australia
Phone: +61 2 9351 5222
Fax: +61 2 9351 5861

General university information

Library (Fisher)

F03 Fisher Library
The University of Sydney
NSW 2006 Australia
Phone: +61 2 9351 2993 Enquiries/Information Desk
+61 2 9351 3711 Library Hours
+61 2 9351 7273 Borrowers' Cards
+61 2 9351 6692 Holds Enquiries
+61 2 9351 7277 Inter-library Loans
+61 2 9351 2265 Loans, overdue enquiries
Fax: +61 2 9351 2890 Administration
+61 2 9351 7278 Renewals
Email: loanenq@library.usyd.edu.au (loan enquiries)
reqill@library.usyd.edu.au (inter-library loans)
<http://www.library.usyd.edu.au>

Student Centre

Ground Floor
F07 Carlaw Building
The University of Sydney
NSW 2006 Australia
Phone: +61 2 9351 3023 General Enquiries
+61 2 9351 4109 Academic Records
+61 2 9351 3023 Discontinuation of Enrolment
+61 2 9351 5057 Handbooks
+61 2 9351 5060 Prizes
Fax: +61 2 9351 5081; +61 2 9351 5350 Academic Records

Part-time, full-time

Students are normally considered as full-time if they have a HECS weighting of at least 0.375 each semester. Anything under this amount is considered a part-time study load. Note that some faculties have minimum study load requirements for satisfactory progress.

Privacy and Freedom of Information

The NSW Freedom of Information (FOI) Act 1989 provides the public with a legally enforceable right of access to University documents, subject to particular exemptions. In addition, the Act enables individuals to ensure that information held about them is accurate, up-to-date and complete. The University has a number of policies permitting access by individuals to information about themselves without recourse to the Freedom of Information Act.

The University necessarily accumulates a great deal of information on individuals; within the University, access to this is restricted to staff who need the information to carry out their duties. As regards external requests for personal information, it is policy that the University will disclose information to a third party if the subject of the information has consented in writing to the disclosure, or if the University has a legal obligation to respond to a request, including a subpoena, and the request is in the appropriate written form. Enquiries should be directed to the:

Freedom of Information Coordinator and Privacy Officer
c/—Archives, A14 Main Quadrangle
Phone: +61 2 9351 4263
Fax: +61 2 9351 7304
Email: trobinso@mail.usyd.edu.au
<http://www.usyd.edu.au/su/foi>

Student identification cards

For 1999 the University is incorporating a photograph into the student identification card. This will mean that all students will have to provide a colour, passport sized, head and shoulders photograph when they attend on campus sites to have their student ID card laminated. From 1 January 1999, University student ID cards will function as transport concession cards for eligible students. This will eliminate the need for a separate concession card. The endorsement for concession travel will take the form of a hologram sticker attached to the front of the student ID card.

Student Services

Room 711, Level .7
A35 Education Building
The University of Sydney
NSW 2006 Australia
<http://www.usyd.edu.au/su/stuser/v/>

Accommodation Service

Phone: +61 2 9351 3312
Fax: +61 2 9351 8262
Email: larthur@mail.usyd.edu.au
<http://www.usyd.edu.au/su/accom>

Casual Employment

Level 4
A09 Holme Building
The University of Sydney
NSW 2006 Australia
Phone: +61 2 9552 2589
Fax: +61 2 9552 2589
Email: mross@mail.usyd.edu.au
http://www.usyd.edu.au/su/cas_emp/

Counselling Service

Level 7
A35 Education Building (Manning Road)
The University of Sydney
NSW 2006 Australia
Phone: +61 2 9351 2228
Fax: +61 2 9351 7055
Email: lpoerio@mail.usyd.edu.au

Disability and Welfare Services

Phone: +61 2 9351 4554
Fax: +61 2 9351 7055
Email: cstuckin@mail.usyd.edu.au
<http://www.usyd.edu.au/su/disability/>

Financial Assistance

Phone: +61 2 9351 2416
Fax: +61 2 9351 7055
Email: psweet@mail.usyd.edu.au
http://www.usyd.edu.au/su/fin_assist
Refer to the University of Sydney Calendar 1996, Volume 2, for a listing of all undergraduate and postgraduate sources, conditions and benefits or financial support funded by the University.

Learning Assistance Centre

Level 7
A35 Education Building (Manning Road)
The University of Sydney
NSW 2006 Australia
Phone: +61 2 9351 3853
Fax: +61 2 9351 4865
Email: lewalker@mail.usyd.edu.au
<http://www.usyd.edu.au/su/lac/>
Holds free workshops to assist undergraduate and postgraduate students wanting to improve their academic writing and communication skills at university.

Other student assistance

Careers information
Room 147, Ground Level
K01 Mackie Building (Arundel St, Forest Lodge)
The University of Sydney
NSW 2006 Australia
Phone: +61 2 9351 3481
Fax: +61 2 9351 5134
Email: info@careers.usyd.edu.au (general enquiries)
<http://www.usyd.edu.au/homepage/exterel/careers/index.htm>

Glossary

This glossary both defines terms in common use in the University and gives some useful administrative information.

Enrolment and general terms

Academic year

The period during which teaching takes place, from March to November. The academic year is divided into two semesters.

Advanced standing

(See also: Credit) Recognition of previous experience or studies, meaning that the candidate has satisfied the entry requirements for a unit. Advanced standing does not reduce the number of credit points required to complete the degree course.

Associate Diploma

The undergraduate award granted following successful completion of Associate Diploma course requirements. An Associate Diploma course usually requires less study than a Diploma course.

Assumed knowledge

The level of knowledge expected for entry to a Unit of Study. Unlike prerequisites, levels of assumed knowledge are not compulsory for entry to a Unit. Students who do not have the assumed knowledge may, however, be at a considerable disadvantage and may consider completing a bridging course prior to enrolment. Contact the Learning Assistance Centre, Mathematics Learning Centre, Language Centre or Centre for Continuing Education for further information.

Bachelor's degree

The highest undergraduate award offered at the University of Sydney (other undergraduate awards are Associate Diploma and Diploma). A Bachelor's degree course normally requires three or four years of full-time study (or the part-time equivalent).

Campus

The grounds on which the University is situated. There are eleven campuses of the University of Sydney: Burren Street (Australian Graduate School of Management), Camperdown and Darlington ('Main campus'), Camden (Agriculture and Veterinary Science), Conservatorium (Conservatorium of Music), Cumberland (Health Sciences and Nursing), Mallett Street (Nursing), Orange Agricultural College, Rozelle (Sydney College of the Arts), St James (Law) and Surry Hills (Dentistry).

Chancellor

(See also: Vice-Chancellor) The non-resident head of the University.

Combined degree course

A program consisting of two degree courses taken together, which usually requires less time than if the courses were taken separately.

Core

(See also: Elective/Option) A Unit of Study that is compulsory for the course or subject area.

Corequisite

A Unit of Study that must be taken with a given Unit. If a corequisite is not successfully completed, it becomes a prerequisite for further study in that subject area.

Course

A complete degree or diploma program.

Credit

(See also: Advanced standing) Recognition of previous studies or studies completed at another institution. If credit is granted then the number of credit points required for completion of the degree course is reduced.

Credit point

A measure of value indicating the contribution each Unit of Study provides towards meeting course completion requirements stated as total credit point value.

Dean

The head of a faculty.

Deferment of enrolment

People who have not previously attended a recognised tertiary institution are normally able to defer commencement of their candidature for one year. Applications are handled by the Admissions Office of the University. Application for deferment must be made during the UAC enrolment week at the 'Deferment' desk in MacLaurin Hall and be accompanied by the 'offer of enrolment' card.

Degree

The award conferred following successful completion of a degree course (for example Bachelor's degree or Master's degree).

Department/School

The academic unit responsible for teaching in a given subject area.

Diploma

The award granted following successful completion of Diploma course requirements. A Diploma course usually requires less study than a degree course. Graduate Diploma courses are for graduates only.

Doctorate

(See also: PhD) The Doctorate and the PhD are the highest awards available at the University of Sydney. A Doctorate course normally involves research and coursework; the candidate submits a thesis that is an original contribution to the field of study. Entry to a Doctorate course often requires completion of a Master's degree course. Note that the Doctorate course is not available in all Departments of the University of Sydney.

Elective/Option

(See also: Core) A Unit of Study that may be taken towards, but is not compulsory for, a course or subject area.

Enrolment

The process whereby an applicant officially accepts the offer of a place in a particular course. If UAC application is successful, an 'offer of enrolment' card is mailed to the applicant, along with instructions for enrolment. In most cases, the applicant must attend the University on a particular enrolment day or, if unable to attend, must appoint somebody to enrol on his or her behalf. Units of Study (for March Semester or whole of First Year) must be nominated on enrolment day. Academic records and HECS liability calculations are based on the enrolment details, so students must ensure that the Faculty holds correct enrolment information (see also: Variation of enrolment).

Entry requirement

The level of knowledge and/or experience required for entry to a particular Unit of Study.

Faculty

The administrative unit responsible for overseeing satisfactory progress during a degree or diploma course.

Full-time

A study load usually defined in terms of HECS weighting of at least 0.375 each semester.

Intermediate

Faculty of Science: Second-year level.

Junior

First-year level.

Laboratory practical

See: Practical.

Lecture

(See also: Tutorial) A class given to a large group of students, during which the lecturer speaks or presents audiovisual material and students take notes.

Major

The subject area(s) in which a student specialises at Senior level. Students usually specialise in one (single major) or two (double major) subject areas. The major is usually recorded on the testamur.

Master's degree

A postgraduate award. Master's degree courses may be offered by coursework, research only or a combination of coursework and research. Entry to the course often requires completion of an Honours year at undergraduate level.

Mature age

A category of Special Admission applicants who are 21 years or older on 1 March of the year in which they want to study and who do not have the high school qualifications normally required for entry into a course.

Minor

Subject areas in which a student studies, but does not specialise at Senior level.

Orientation period

'O Week' takes place during the week prior to lectures in March semester. During O Week, students can join various clubs, societies and organisations, register for courses with Departments and take part in activities provided by the University of Sydney Union.

Part-time

A study load usually defined in terms of HECS weighting of less than 0.375 each semester.

PhD

(See also: Doctorate) The Doctor of Philosophy (PhD) and other Doctorate awards are the highest awards available at the University of Sydney. A PhD course is normally purely research-based; the candidate submits a thesis that is an original contribution to the field of study. Entry to a PhD course often requires completion of a Master's degree course. Note that the PhD course is available in most Departments of the University of Sydney.

Postgraduate

The term used to describe a course leading to an award such as Graduate Diploma, Master's degree or PhD, which usually requires prior completion of a relevant undergraduate degree (or diploma) course. A 'postgraduate' is a student enrolled in such a course.

Practical

Similar to a tutorial, during which experiments or other relevant applied activities are carried out.

Prerequisite

A Unit of Study that must be taken prior to entry to a given Unit.

Prohibition

A Unit of Study that cannot be taken with a given Unit.

Recommended reading

Reading material that is suggested but not compulsory for a Unit of Study.

Registrar

The head of the administrative divisions of the University.

Registration

In addition to enrolling (with the Faculty) in Units of Study, students must register with the Department responsible for teaching each Unit. This is normally done during the Orientation period (O' Week). Note that unlike enrolment, registration is not a formal record of Units attempted by the student.

Resolutions of Senate

Regulations determined by the Senate of the University of Sydney that pertain to degree and diploma course requirements and other academic matters.

School

Similar to a large Department, otherwise a grouping of Departments.

Semester

A period of 14 weeks during which teaching takes place. There are two semesters each year for most faculties. Semesters are named by the month in which they start, typically 'March' and 'July'

Senior

Second-year level or higher.
Faculty of Science: third-year level.

Special Admission

Certain categories of applicants, such as mature-age applicants, students who have experienced educational disadvantage or Aboriginal or Torres Strait Islander applicants, may apply for admission to the University under one of several Special Admission schemes. Contact the Special Admissions office for further information.

Subject area

One or more Units of Study that comprise a particular field of study (eg Japanese or Chemistry).

Textbook

Reading material that the student is expected to own.

Tutorial

(See also: Lecture) A small class consisting of a tutor and up to about 25 students, during which concepts raised in lectures are discussed in detail and may be supplemented with readings, demonstrations and presentations.

UAI

The University Admissions Index (UAI) is the numerical expression of a student's performance in the NSW Higher School Certificate (HSC), which takes into account both assessment and examination results.

UAI cut-off

The UAI of the last student admitted to a course. Some courses have a minimum UAI as an entry requirement.

Undergraduate

The term used to describe a course leading to a diploma or Bachelor's degree. An 'undergraduate' is a student enrolled in such a course.

Unit of Study

A stand-alone component of a degree or diploma course that is recordable on the academic transcript.

Universities Admissions Centre (UAC)

The organisation that processes applications for most NSW undergraduate university and TAFE courses.

Variation of enrolment

The process whereby students officially notify the Faculty of changes regarding the Units of Study they are attending. This must be done by a certain deadline in each semester, to avoid penalties such as 'discontinued' results on the academic transcript (see: Results) or unnecessary HECS charges.

Vice-Chancellor

(See also: Chancellor) The administrative head of the whole University, including academic and administrative divisions.

Costs*Bursary*

A sum given to a student who has limited resources or is experiencing financial hardship, ranging from \$100 to \$1000.

Fees (full-fee undergraduate/postgraduate)

Tuition, examination or other fees payable to the University by an enrolled or enrolling student in connection with a course of study or attendance at the University and includes fees payable in respect of the granting of a degree, diploma, associate diploma or other award. It does not include annual

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subscription to organisations such as the Union or SRC, or fees payable in respect of residential accommodation.

HECS

All Australian undergraduate students are currently required to contribute to the cost of tertiary education through the Higher Education Contribution Scheme (HECS), which is administered under the Higher Education Funding Act 1988. Under HECS students pay for part of the cost of their higher education and the Commonwealth pays the rest. The amount payable is determined by the units of study a student chooses to undertake in the case of coursework awards, or the attendance (full-time or part-time) in the case of research students.

Prize

Matriculation, undergraduate and postgraduate funding automatically awarded on academic results in courses, yearly examinations or on the recommendation of the Head of Department. There are also prizes for essay writing and composition by anonymous application. Prize values range from \$100 to \$6250.

Scholarship

Matriculation and undergraduate funding by application awarded on UAI results for students enrolling in the first year of a degree course. Postgraduate funding for full-time candidates enrolled in a research degree course with scholarship conditions and benefits varying according to specific awards. The intention is to encourage and support scholarship at the University in general or in targeted areas.

Assessment, Examination, Satisfactory Progress and Graduation

Academic transcript/record

The official record of results for each student (see: Results).

Appeal

The process whereby a student may raise objections regarding results, Faculty decisions or other academic matters.

Assessment

(See also: Examination) The appraisal of a student's ability throughout the semester, by various means such as essays, practical reports or presentations, which counts towards the final mark or grade.

Candidate

Someone studying for a degree or diploma. The term may also be used to describe someone sitting for an examination.

Examination

(See also: Assessment) The appraisal of a student's ability, usually at the end of semester. Most examinations take place on campus under strictly supervised conditions but some Units make use of take-home or open-book examinations.

Exclusion

A ruling by the Faculty, which declares the student ineligible for further enrolment for reasons such as lack of satisfactory progress. Students who wish to re-enrol must show good cause why they should be allowed to re-enrol (see: Show cause and Satisfactory progress).

Grievances

See Appeals.

Grade

A category into which a student's final mark falls (see: Results).

Graduand

A person who has fulfilled the requirements of a degree but is yet to graduate.

Graduate

(See also: Postgraduate) A person who has graduated. Also a term used to describe a course leading to an award such as Master's degree or PhD or a student enrolled in such as course.

Graduation

The ceremony during which degrees are conferred and diplomas awarded.

Honours degree

A Bachelor's degree for which extra work (course work and/or thesis) has been completed, usually requiring an extra year of study.

Mark

(See also: Grade) The numerical result of assessments and/or examinations for a Unit of Study, which may be converted to a grade.

Pass degree

A Bachelor's degree.

Re-enrolment

The process by which continuing students enrol in Units of Study.

Results

The official statement of the student's performance in each unit of study attempted, as recorded on the academic transcript, usually expressed as a grade:

High Distinction (HD)

A mark of 85% or higher

Distinction (D)

A mark of 75-84%

Credit (CR)

A mark of 65-74%

Pass (P)

A mark of 50-64%

Satisfied Requirements (R)

Used in Pass/Fail only outcomes

Unit of Study Continuing (UCN)

Used at the end of a semester for units of study which have been approved to extend into a following semester. This will automatically flag that no final result is required until the end of the last semester of the unit of study.

Conceded Pass (PCON)

Use of this is restricted. A student may re-enrol in a unit of study for which the result was PCON. Each Faculty would determine and state in their course regulations what proportion, if any, may count - eg, no more than one sixth of the total credit points for a course can be made up from PCON results.

Fail (F)

A mark of 0-49%

Absent Fail (AF)

Includes non-submission of compulsory work (or non-attendance at compulsory labs etc), as well as failure to attend an examination.

Withdrawn (W)

Not recorded on external transcript. Result obtained where a student applies to discontinue a unit of study by the HECS Census Date (ie within the first four weeks of enrolment).

Discontinued with Permission (not Fail) (DP)

This result applies automatically where a student discontinues after the HECS Census Date but before the end of the seventh week of the Semester (or before half of the unit of study has run in the case of units which are not semester-length). A Faculty may determine that the result of DP is warranted after this date, if the student has made out a special case based on illness or misadventure.

Discontinued (Fail) (DISC)

Recorded on transcript. This applies from the time DP ceases to be automatically available up to the cessation of classes for the unit of study.

Satisfactory progress

A minimum standard of performance required for continuation of enrolment. Senate resolutions rule that if a student fails or discontinues a year of candidature or a Unit of Study more than once then he or she is ineligible for re-enrolment (see: Exclusion and Show cause). Note that some faculties may have alternative or additional requirements for satisfactory progress.

Show cause

The Faculty may require a student to show good cause why he or she may be allowed to continue in the degree or diploma course, where requirements for satisfactory progress have not been met (see: Exclusion and Satisfactory progress).

Special consideration

The process whereby enrolled students who have experienced significant educational disadvantage may have their assessment deadlines or grades revised.

Study Vacation (Stuvac)

The week prior to the examination period in each semester, during which no classes are held.

Supplementary examination

An extra or alternative examination taken by a student who has experienced significant educational disadvantage during semester or the examination period. Note that some faculties do not offer supplementary examinations (see also: Special consideration).

Suspension of candidature

A complete break in the studies of an enrolled student, usually for a period of one year. Applications are handled by the Faculty office. (Those wishing to postpone commencement of a course need to apply for deferment, see: Deferment of enrolment).

Testamur

The document given to the graduand at graduation.

Thesis

A substantial piece of written work (sometimes called a dissertation) by a student, normally a candidate for an Honours degree or a higher award (such as Master's degree or PhD).

Weighted Average Mark (WAM)

A numerical expression of a student's performance throughout his or her degree program, usually assigning more 'weight' to Senior or Honours years. Note that the WAM calculation may differ for purposes such as eligibility for various scholarships and will vary from faculty to faculty.

Index

This index provides a convenient way to find units of study, course requirements, regulations and other information listed in the Faculty of Law handbook. All undergraduate units are listed twice: by name and unit code. Graduate units are listed by name. (Please note that names of units of study in this index are truncated after 52 characters.)

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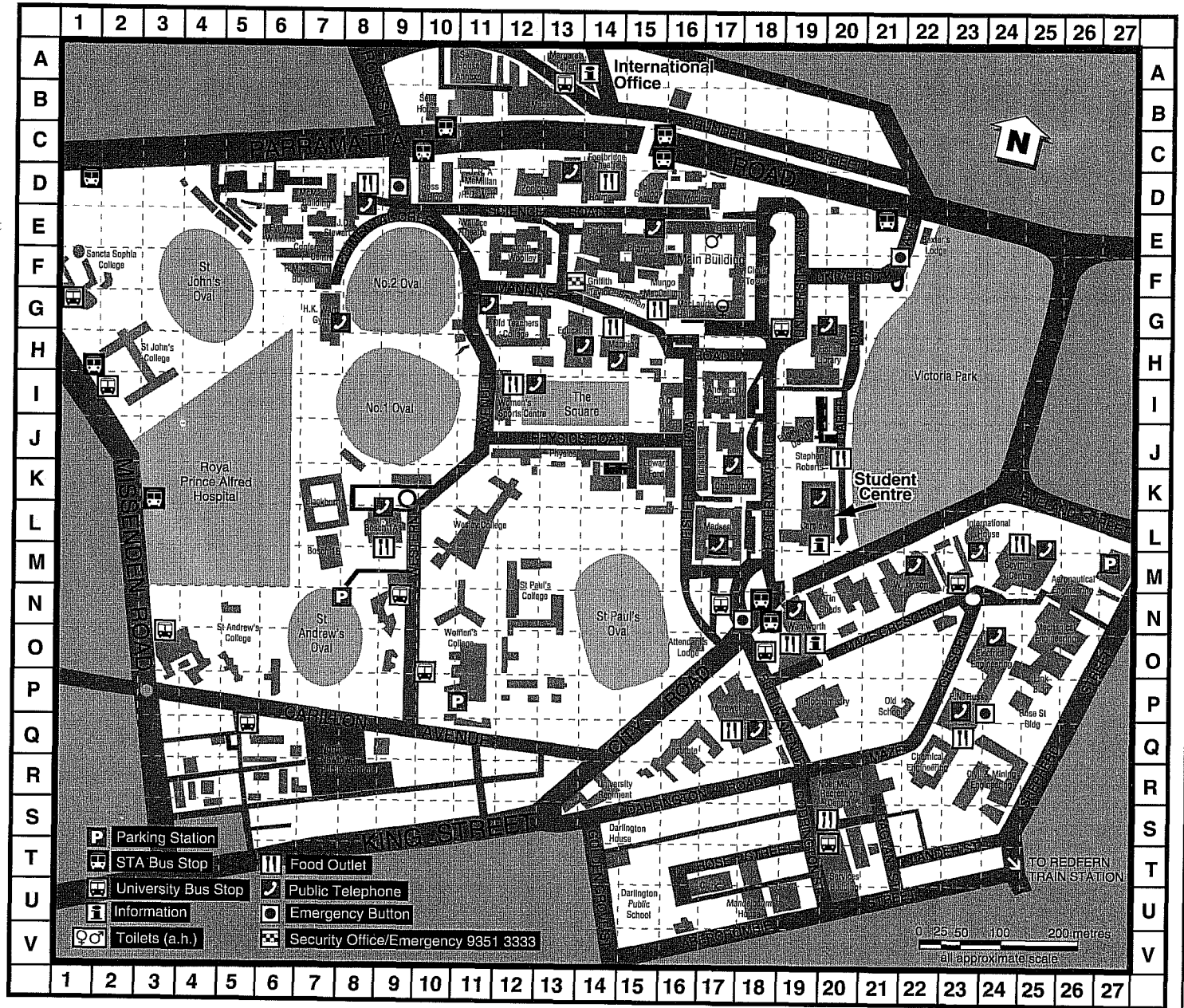
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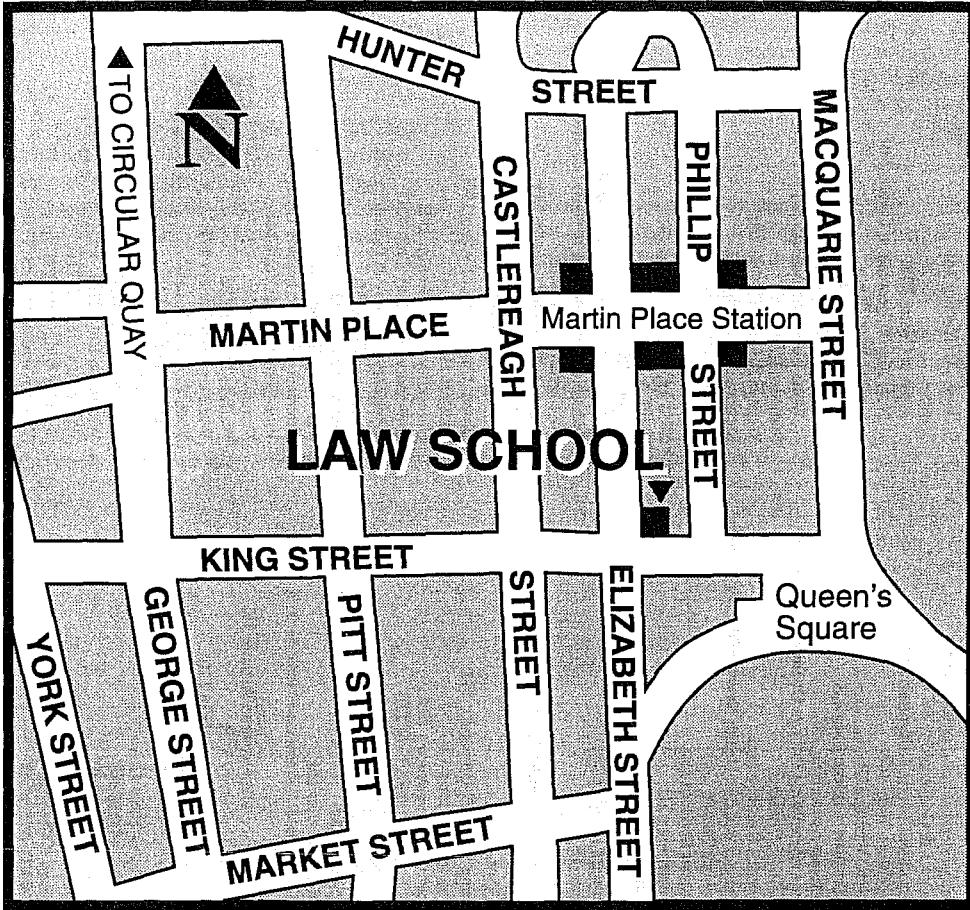


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 Prospective Students Unit **12B**
 Psychological Medicine **4K**
 Psychology **14F**
 Purchasing **13A**
 Publications Unit **16E**
 Public Health & Community Medicine **15K**
 Quadrangle **17F**
 Queen Elizabeth II Research Institute **9K**
 Regiment, University **14R**
 Religion, School of Studies in **12E**
 Research & Scholarships **16E**
 Revenue Services **13A**
 Risk Management **13A**
 Rose Street Bldg **24P**
 Ross Street Bldg **10D**
 Russell, Peter Nicol, Bldg **23P**
 St Andrew's College **50**
 St John's College **3H**
 St Paul's College **12N**

Sancta Sophia College **IF**
 Science Faculty Office **19L**
 Security & Bldg Services **14F**
 Selle House **10B**
 Semitic Studies **17F**
 Senate Room **17E**
 Services Bldg **20T**
 Seymour Theatre Centre **24M**
 Shepherd St Parking Station **27M**
 Sir Hermann Black Gallery **19N**
 Social, Policy & Curriculum Studies **13G**
 Social Work & Social Policy **151**
 Sociology **151**
 Solicitor, University **16E**
 Sports
 Aquatic Centre **20R**
 Noel Martin Recreation Centre **20R**
 Sports Union **7G**
 Tennis courts **20E**
 Ward, H. K., Gymnasium **7G**
 Women's Sports Association **121**
 Statistics Unit **16E**
 Stephen Roberts Theatre **20J**
 Stewart, J. D., Bldg **8E**
 Student Centre **19L**
 Student Services **13G**
 SRC **19N**
 SUPRA **4R**
 Surgery **7K**
 Sydney College of the Arts **Rozelle**
 Sydney Conservatorium of Music **Conservatorium**
 Tin Sheds Gallery **20M**
 Trades & Grounds Services **20T**
 Traffic Office **14F**
 Transient Bldg **16J**
 Union, University of Sydney **19N**
 Unistaff **19U**
 University Art Collection **19H**
 University of Sydney Club **15G**
 Veterinary Anatomy & Pathology **7E**
 Veterinary Clinic **6E**
 Veterinary Clinical Sciences **6E**
 Veterinary Science Conference Centre **7F**
 Veterinary Science Faculty Office **8D**
 Vice-Chancellor's Office **16E**
 Visual Arts **Rozelle**
 Wallace Theatre **HE**
 War Memorial Gallery **17E**
 Watt, R. D., Bldg **HD**
 Wentworth Bldg **19N**
 Wesley College **11L**
 Western Avenue Underground Parking Station **8N**
 Wilkinson Bldg **22M**
 Women's College **HO**
 Woolley Bldg, John **12E**
 Yeoman Bedell's Office **17E**
 Zoology **12D**



St James Campus