



**The University of Sydney**  
**FACULTY OF LAW**  
Undergraduate



# Unit of Study Descriptions 2009

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*Revised: 16 July 2009*

## 1. COMPULSORY UNITS OF STUDY

### LAWS2002 Administrative Law

8 Credit Points

Professor Mary Crock

**Offered:** Semester 1 **Classes:** 2x2hr seminars/wk

**Assessment:** 1x3500wd essay (35%) and 1x2hr exam (65%)

This unit of study involves a study of the relationships of individuals and organisations with government decision makers. It examines the legal principles which apply to those relationships with the aim of developing an understanding of the extent to which decision-makers within the executive branch of the government are accountable to parliament, to the courts and to other administrators, such as ombudsmen and merits review tribunals. The unit provides an overview of relevant legal principles and encourages an understanding of how values of openness, fairness and participation may be promoted. By adopting a critical perspective, the unit 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.

*NB: Available to candidates proceeding under the old LLB resolutions.*

### LAWS2010 Administrative Law

6 Credit Points

Ms Nicola Franklin

**Corequisite:** LAWS2011 **Prerequisite:** LAWS1021

**Prohibition:** LAWS2002 **Offered:** Semester 1

**Classes:** 1x2hr seminar and 1x1hr seminar/wk

**Assessment:** 1x 2,500wd essay (35%) and 1x 2hr exam (65%)

Administrative Law is a study of the relationships of individuals and organisations with government. This unit examines the legal principles which apply to those relationships with the aim of developing an understanding of the extent to which government decision-makers are accountable to the public, to parliament, to the courts and to other administrators such as ombudsmen and merits review tribunals. The unit focuses principally on the grounds of judicial review. The unit encourages the development of a critical perspective on these grounds of review, and their theoretical underpinnings. This 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. The unit develops perspectives on how the values of openness, rationality, fairness and participation may be promoted through Administrative Law.

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

### LAWS1014 Civil and Criminal Procedure

6 Credit Points

Professor Mark Findlay

**Prerequisite:** LAWS1006 **Prohibition:** LAWS1001,

LAWS1007, LAWS3002, LAWS3004 **Offered:**

Semester 1 & Semester 1b **Classes:** 2x2hr seminars/wk (combined), 3x4hr seminars a week for 3 weeks followed by 1x3hr seminar in week 13 (graduate)

**Assessment:** 1x tutorial assessment (25%) and 1x 2hr final exam (75%)

This unit of study aims to introduce students to civil and criminal procedure. It is concerned with the procedures relating to civil dispute resolution and

criminal justice which are separate to the substantive hearing. The unit will consider the features of an adversarial system of justice and its impact on process. Recent reforms to the adversarial system of litigation will be explored. The civil dispute resolution part of the unit will cover alternative dispute resolution, the procedures for commencing a civil action, case management, gathering evidence and the rules of privilege. Criminal process will be explored by reference to crime and society, police powers, bail and sentencing. International dispute resolution will also be introduced. The course focuses on practical examples with consideration of ethics, and contextual and theoretical perspectives.

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

### LAWS1002 Contracts

8 Credit Points

Dr Gregory Tolhurst

**Prerequisite:** LAWS1000 or LAWS1006 **Prohibition:**

LAWS1015, LAWS2008 **Offered:** Semester 1

**Classes:** 2x2hr lectures or seminars/wk. Students must attend classes for LAWS1015 **Assessment:** class participation (10%), 1x assignment (30%) and 1x2hr exam (60%)

Contract law provides the legal background for transactions involving the supply of goods and services and is, arguably the most significant means by which the ownership of property is transferred from one person to another. It vitally affects all members of the community and a thorough knowledge of contract law is essential to all practising lawyers. In the context of the law curriculum as a whole, Contracts provides background which is assumed knowledge in many other units. The aims of the unit are composite in nature. The central aim is to provide an understanding of the basic principles of the common law, equity and statutes applicable to contracts. A second aim is to provide students an opportunity to critically evaluate and make normative judgments about the operation of the law. As Contracts is basically a case law unit, the final aim of the unit of study is to provide experience in problem solving through application of the principles derived from decided cases. Successful completion of this unit of study is a prerequisite to the elective unit Advanced Contracts.

*NB: Available to graduate law candidates proceeding under the old LLB resolutions.*

### LAWS1015 Contracts

6 Credit Points

Dr Greg Tolhurst

**Prerequisite:** LAWS1006 **Prohibition:** LAWS1002,

LAWS2008 **Offered:** Semester 1, Summer Late &

Semester 1b **Classes:** Combined: 2x2hr lectures or

seminars/wk; Graduate: 3x4hr seminar/wk for 3 weeks and 1x3hr seminar in week 13. **Assessment:** class participation (10%) and 1x2hr exam (90%)

Contract law provides the legal background for transactions involving the supply of goods and services and is, arguably the most significant means by which the ownership of property is transferred from one person to another. It vitally affects all members of the community and a thorough knowledge of contract law is essential to all practising lawyers. In the context of the law curriculum as a whole, Contracts provides background which is assumed knowledge in many other units. The aims of the course are composite in nature. The course examines the rules that regulate the creation, terms,

performance, breach and discharge of a contract. Remedies and factors that may vitiate a contract such as misrepresentation are dealt with in Torts and Contracts II. The central aim of the course is to provide an understanding of the basic principles of contract law and how those principles are applied in practice to solve problems. Students will develop the skills of rules based reasoning and case law analysis. A second aim is to provide students an opportunity to critically evaluate and make normative judgments about the operation of the law. Successful completion of this unit of study is a prerequisite to the elective unit Advanced Contracts.

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

#### LAWS2008      **Contracts**

6 Credit Points

Dr Gregory Tolhurst

**Prerequisite:** LAWS1006 **Prohibition:** LAWS1002, LAWS1015 **Offered:** Semester 1 **Classes:** 2x2hr lectures or seminars/wk. Students must attend classes for LAWS1015 **Assessment:** class participation (10%), 1x assignment (30%) and 1x2hr exam (60%) Unit description as for LAWS1002.

*NB: Available to Combined Law candidates proceeding under the old LLB resolutions.*

#### LAWS2003      **Corporate Law**

8 Credit Points

Mr Saul Fridman

**Prohibition:** LAWS2014 **Offered:** Semester 2 **Classes:** 2x2hr seminars/wk. Students must attend classes for LAWS2014. Additional classes will be scheduled during the semester. **Assessment:** 1x mid-semester quiz and 1x exam

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.

*NB: Available to candidates proceeding under the old LLB resolutions.*

#### LAWS2014      **Corporations Law**

6 Credit Points

Prof Jennifer Hill

**Prohibition:** LAWS2003 **Offered:** Semester 2 **Classes:** 2x2hr seminars/wk for 10 weeks **Assessment:** 1 x in-class quiz (30%) and 1 x 2hr open book exam (70%).

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

legislative policy and underpinning theory.

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

#### LAWS1003      **Criminal Law**

8 Credit Points

Prof Mark Findlay

**Prerequisite:** LAWS1000 or LAWS1006 **Prohibition:** LAWS1016, LAWS2009, LAWS3001 **Offered:** Semester 2 **Classes:** 2x2hr seminars/wk. Students must attend classes for LAWS1016. **Assessment:** class participation, 1x 2000wd problem, 1x2000wd essay and 1x 2hr exam

This unit of study is designed to introduce the general principles of criminal law and process as they operate in NSW, and to critically analyse these in their contemporary social context. In order to achieve these goals, the unit will consider a range of socio-legal literature, and will focus on particular substantive legal topics. Although the topic structure is necessarily selective, it is intended that students will gain a broad understanding of crime and justice issues, as well as of the applications of the criminal law. Students will encounter problem-based learning and will be encouraged to challenge a range of conventional wisdom concerning the operation of criminal justice. This unit of study is designed to assist students in developing the following understandings:

- (1) A critical appreciation 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 and their application.
- (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 knowledge of how the criminal law operates in its broader societal context.
- (5) Through following the process of proof in a criminal prosecution and its defense, to understand the determination of criminal liability. The understandings referred to in the foregoing paragraphs will have a critical focus and will draw on procedural, substantive, theoretical and empirical sources. The contradictions presented by the application of legal principle to complex social problems will be investigated.

*NB: Available to candidates proceeding under the old LLB resolutions.*

#### LAWS1016      **Criminal Law**

6 Credit Points

Prof Mark Findlay

**Prerequisite:** LAWS1006, LAWS1014 **Prohibition:** LAWS1003, LAWS3001, LAWS2009 **Offered:** Semester 2 **Classes:** Combined: 2x2hr seminar/wk; Graduate: 3x4hr seminar/wk for 3 weeks and 1x3hr seminar/wk in week 13. **Assessment:** class participation (10%), 1x 2000wd problem (40%) and 1x 2hr exam (50%)

This unit of study is designed to introduce the general principles of criminal law in context as they operate in NSW, and to critically analyse these in their contemporary social and political relevance. In order to achieve these goals, the unit will consider a range of theoretical literature as well as critical commentary, and will focus on particular substantive legal topics in problem-centred contexts. Although the topic structure is necessarily selective, it is intended that students will gain a broad understanding of crime and justice issues, as well as of the applications of the criminal law. Students will encounter problem-based learning and will be encouraged to challenge a range of conventional wisdom concerning the operation of

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

(1) A critical appreciation 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 and their application. (3) A preliminary knowledge of how the criminal law operates in its broader societal context. (4) Through following the process of proof in a criminal prosecution and its defense, to understand the determination of criminal liability. The understandings referred to in the foregoing paragraphs will have a critical focus and will draw on procedural, substantive, theoretical and empirical sources. The contradictions presented by the application of legal principle to complex social problems will be investigated.

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

#### LAWS2009 Criminal Law

6 Credit Points

Prof Mark Findlay

**Prerequisite:** LAWS1006 **Prohibition:** LAWS1003, LAWS1016 **Offered:** Semester 2 **Classes:** 2x2hr seminars/wk. Students must attend classes for LAWS1016. **Assessment:** class participation, 1x 2000wd problem, 1x2000wd essay, and 1x 2hr exam Unit description as for LAWS1003.

*NB: Available to Combined Law candidates proceeding under the old LLB resolutions.*

#### LAWS2004 Equity

8 Credit Points

Mr Mark Leeming

**Prohibition:** LAWS2015 **Offered:** Semester 2 **Classes:** 2x2hr seminars/wk **Assessment:** 1x mid-term test (30%) and 1x exam (70%) An appreciation of equitable principles and remedies is fundamental to understanding the Australian legal system. This unit of study explains the origins of the equitable jurisdiction and examines its role today. A substantial part of the unit is dedicated to study of the law of trusts, including remedial constructive trusts. Other topics include dealings with property in equity, fiduciary obligations, the doctrines of undue influence and unconscionable dealing, estoppel and equitable remedies.

*NB: Available to candidates proceeding under the old LLB resolutions*

#### LAWS2015 Equity

6 Credit Points

Professor Joellen Riley

**Prohibition:** LAWS2004 **Offered:** Semester 2 **Classes:** 2x2hr seminars/wk for 10 weeks **Assessment:** 1x mid-term exam (50%) and 1x final exam (50%) An appreciation of equitable principles and remedies is fundamental to understanding the legal system and the law of property, taxation and obligations. This unit of study explains the origins of the equitable jurisdiction and examines its role today. A substantial part of the unit is dedicated to study of the law of trusts, including remedial constructive trusts. Other topics include fiduciary obligations, breach of confidence, the doctrines of estoppel, undue influence and unconscionable dealing, and a study of the equitable remedies of the injunction, an account of profits and equitable compensation.

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

#### LAWS2016 Evidence

6 Credit Points

Dr Rita Shackel

**Prerequisite:** LAWS1006 Foundations of Law and LAWS1014 Civil and Criminal Procedure **Prohibition:** LAWS2006 **Offered:** Semester 2 **Classes:** 2x2hr seminars/wk for 10 weeks **Assessment:** 1x interim exam (30%) and 1x 2 hr final exam (70%)

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

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

#### LAWS1004 Federal Constitutional Law

8 Credit Points

Dr Peter Gerangelos

**Prerequisite:** LAWS1000 **Prohibition:** LAWS2011, LAWS3000, LAWS3003 **Offered:** Semester 1 **Classes:** 2x2hr seminars/wk for 10 weeks. Students attend classes for LAWS2011 **Assessment:** 2 x mid-semester assignments or exam and 1x final exam This unit of study aims to achieve an understanding of the principles of Australian constitutional law. The unit commences with an overview of the Commonwealth Constitution within the Australian legal and political framework. Substantive topics include, but are not confined to: the defence power, the marriage power, the external affairs power, federalism (including state constitutions and the relationship between Commonwealth and state laws); economic and fiscal power and relations (including the corporations power, the trade and commerce power, freedom of interstate trade, and excise); the judicial power of the Commonwealth; express and implied constitutional rights and freedoms; and principles of constitutional interpretation. Other topics may be covered, especially if a constitutional power becomes controversial or topical. The unit aims to develop a capacity to evaluate the principles of constitutional law critically, from the perspective of both doctrine and policy.

*NB: Available to Graduate Law candidates proceeding under the old LLB resolutions.*

#### LAWS2011 Federal Constitutional Law

6 Credit Points

Dr Peter Gerangelos

**Prerequisite:** LAWS1021 **Prohibition:** LAWS1004, LAWS3000, LAWS3003 **Offered:** Semester 1 **Classes:** 2x2hr seminars/wk for 10 weeks, optional tutorials **Assessment:** 1x mid-term assessment and 1x final examination

The main objective of the course is to impart an understanding of the fundamentals of federal

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

The course also aims to:

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

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

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

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

#### LAWS3000 **Federal Constitutional Law**

10 Credit Points

Dr Peter Gerangelos

**Prerequisite:** LAWS1006 **Prohibition:** LAWS1004, LAWS2011, LAWS3003 **Offered:** Semester 1

**Classes:** 2x2hr seminars/wk for 10 weeks. Students attend classes for LAWS2011 **Assessment:** 2 x mid-semester assignments and 1x final examination

Unit description as for LAWS1004.

*NB: Available to Combined Law candidates proceeding under the old LLB resolutions.*

#### LAWS3003 **Federal Constitutional Law**

12 Credit Points

Dr Peter Gerangelos

**Prerequisite:** LAWS1006 **Prohibition:** LAWS1004, LAWS2011, LAWS3000 **Offered:** Semester 1

**Classes:** 2x2hr seminars/wk for 10 weeks. Students attend classes for LAWS2011 **Assessment:** 2 x mid-semester assignments and 1x exam

Unit description as for LAWS1004.

*NB: Available to Combined Law candidates proceeding under the old LLB resolutions.*

#### LAWS1006 **Foundations of Law**

6 Credit Points

Professor David Kinley (Combined), Mr Fady Aoun (Graduate)

**Prohibition:** LAWS1000 **Offered:** Semester 1

**Classes:** Combined: 1x1hr lec and 1x2hr seminar/wk; Graduate: The unit is taught to Graduate Law 1 students on an intensive basis over four weeks. The aim of this is to give students a good grounding in the basic legal skills needed for law studies before undertaking other Semester 1 units. The course commences one week prior to the start of semester in the University calendar. Preparation for and attendance at the intensive is essential for completion of the course. No other law classes are taught for the duration of the intensive. **Assessment:** Combined:

class participation (20%), case analysis (30%), essay (50%); Graduate: class participation (20%), 1x1000wd essay (10%), 1x1800wd case assignment (20%) and 1x3000wd essay (50%)

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 course will introduce students to issues such as: (i) the development of judge made and statute law; (ii) the relationship between courts and parliament; (iii) the role and function of courts, tribunals and other forms of dispute resolution; (iv) understanding and interrogating principles of judicial reasoning and statutory interpretation; (v) the relationship between law, government and politics; (vi) what are rights in Australian law, where do they come from and where are they going; (vii) the development and relevance of international law.

#### LAWS1018 **International Law**

6 Credit Points

Dr Timothy Stephens (Combined), Mr Ross Anderson (Graduate)

**Prerequisite:** LAWS1006 **Prohibition:** LAWS2005

**Offered:** Semester 1 (combined) & Semester 2 (grad)

**Classes:** 1x2hr lecture and 1x1hr tutorial/wk (combined), 3x4hr seminars/wk for 3 weeks and

1x3hr seminar in week 13 (graduate) **Assessment:**

Combined: 1x1,500wd assignment (30%), 1x2hr final exam (70%), Tutorial Presentation (Pass/Fail).

Graduate: 1x1hr class test (30%) and 1x2hr exam (70%).

The unit of study is a general introduction to private international law and public international law and the relationship between these disciplines. The following private international law topics receive detailed treatment: (1) Nature, function and scope of private international law; (2) Jurisdiction, including discretionary non-exercise of jurisdiction; (3) Substance and procedure; (4) Proof of foreign law; (5) Exclusionary doctrines; and (6) Choice of law in tort. The following public international law topics receive detailed treatment: (1) Nature, function and scope of public international law, including the relationship between public international law and municipal law; (2) Sources of public international law; (3) State jurisdiction, including civil and criminal jurisdiction and jurisdictional immunities; and (4) State responsibility, including diplomatic protection, nationality of claims and exhaustion of local remedies. Available to candidates proceeding under the new LLB resolutions.

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

#### LAWS2005 **International Law**

8 Credit Points

Dr Ben Saul

**Prohibition:** LAWS1018 **Offered:** Semester 1

**Classes:** 2x2hr seminars/wk. Students attend classes for LAWS1018. 2 days of intensive classes will be scheduled during the semester. **Assessment:**

1x3,000w assignment (30%), 1x2hr final exam (70%)

The unit of study is an introduction to the general problems, sources and techniques of private international law and public international law. 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, and choice of law in tort. 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, and law on the use of force.

*NB: Available to candidates proceeding under the old LLB resolutions.*

#### **LAWS2012 Introduction to Property and Commercial Law**

6 Credit Points

Ms Patricia Lane

**Prohibition:** LAWS2004, LAWS2007 **Offered:** Semester 1 **Classes:** 2x2hr seminars/wk for 10 weeks **Assessment:** 1x interim assessment and 1x final examination

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

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

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

#### **LAWS1001 Law, Lawyers and Justice**

8 Credit Points

Dr Rita Shackel

**Prerequisite:** LAWS1000 **Prohibition:** LAWS1007, LAWS3002, LAWS3004, LAWS2013 **Offered:** Semester 1 **Classes:** 2x2hr seminars/wk. Students attend classes for LAWS2013 The Legal Profession. **Assessment:** class participation, 1x2500wd assignment, 1x assignment, and 1x open book exam Law, Lawyers and Justice has a distinct intellectual focus. It is the only unit in the curriculum that concentrates on the regulation of the legal profession and legal practice. Part 1 of Law, Lawyers and Justice examines the nature and structure of the legal profession, historical struggles to regulate the profession, and the current regulatory regime in New South Wales. Part 2 explores specific forms of legal practice, highlights the major cultural and economic forces that challenge attempts to regulate the profession and canvasses alternative ways of organising legal practice and providing legal services. Part 3 investigates the adversary system and considers its advantages and limitations. More specifically, the material in Part 3 addresses how the adversary system moulds lawyers' behaviour within and outside the judicial process and analyses current regulatory measures aimed at curbing the undesirable

aspects of an adversarial culture. Part 4 evaluates the way clients are treated by lawyers and suggests strategies to change their conduct in the interests of both equality and effective communication.

Furthermore, it examines lawyers' duties to their clients and the ways in which the rules and principles of confidentiality, legal professional privilege and conflicts of interest shape the advice and representation lawyers provide for their clients.

*NB: Available to Graduate Law candidates proceeding under the old LLB resolutions.*

#### **LAWS3002 Law, Lawyers and Justice**

10 Credit Points

Dr Rita Shackel

**Prerequisite:** LAWS1006 **Prohibition:** LAWS1001, LAWS1007, LAWS2013, LAWS3004 **Offered:** Semester 2 **Classes:** 2x2hr seminars/wk. Students attend classes for LAWS2013 The Legal Profession. **Assessment:** class participation, 1x2500wd assignment, 1x assignment, and 1x open book exam Unit description as for LAWS1001.

*NB: Available to Combined Law candidates proceeding under the old LLB resolutions.*

#### **LAWS3004 Law, Lawyers and Justice**

12 Credit Points

Dr Rita Shackel

**Prerequisite:** LAWS1006 **Prohibition:** LAWS1001, LAWS1007, LAWS2013, LAWS3002 **Offered:** Semester 2 **Classes:** 2x2hr seminars/wk. Students attend classes for LAWS2013 The Legal Profession. **Assessment:** class participation, 1x2500wd assignment, 1x assignment, and 1x open book exam Unit description as for LAWS1001

*NB: Available to Combined Law candidates proceeding under the old LLB resolutions.*

#### **LAWS1013 Legal Research I**

0 Credit Points

Mr Graeme Coss

**Corequisite:** LAWS1006 **Prohibition:** LAWS1008 **Offered:** Semester 1 & Semester 2 **Classes:** Combined Law: 6x1hr seminars **Assessment:** Satisfactory attendance, WebCT-based quizzes and 1x in-class test

This is a compulsory unit taught on a pass/fail basis. The aim of the unit is to introduce you to finding and citing primary and secondary legal materials and introduce you to legal research techniques. These are skills which are essential for a law student and which you will be required to apply in other units.

*NB: Available to candidates proceeding under the new LLB resolutions. Semester 1 classes are for Combined Law candidates in the faculties of Arts, Engineering and Science. Semester 2 classes are for Combined Law candidates in the Faculty of Economics & Business.*

#### **LAWS1019 Legal Research II**

0 Credit Points

Mr Graeme Coss

**Prerequisite:** LAWS1013 **Prohibition:** LAWS1008, LAWS1022 **Offered:** Semester 1 & Semester 2 **Classes:** Combined Law: 3x2hr seminars **Assessment:** Satisfactory attendance and 1x assignment

This is a compulsory unit taught on a pass/fail basis. It is a continuation of Legal Research I and covers advanced searching techniques and the use of Lexis.com, Westlaw and other complex commercial databases. The purpose of this unit is to further

develop the skills you will need as a law student and to introduce you to the legal research skills you will need after graduation.

*NB: Available to candidates proceeding under the new LLB resolutions. Semester 1 classes are for Combined Law candidates in the faculties of Arts, Engineering and Science. Semester 2 classes are for Combined Law candidates in the Faculty of Economics & Business.*

#### **LAWS1022 Legal Research I & II**

0 Credit Points  
Mr Graeme Coss

**Corequisite:** LAWS1006 **Prohibition:** LAWS1008, LAWS1013, LAWS1019 **Offered:** Semester 1  
**Classes:** 6x2hr seminars **Assessment:** Satisfactory attendance, WebCT-based quizzes, 1x assignment and 1x in-class test

This is a compulsory unit taught on a pass/fail basis. The aim of the first part of the unit is to introduce you to finding and citing primary and secondary legal materials and introduce you to legal research techniques. These are skills which are essential for a law student and which you will be required to apply in other units. The second part of the unit covers advanced searching techniques and the use of Lexis.com, Westlaw and other complex commercial databases. The purpose of this part of the unit is to further develop the skills you will need as a law student and to introduce you to the legal research skills you will need after graduation.

*NB: Available to graduate law candidates proceeding under the new LLB resolutions*

#### **LAWS2006 Litigation**

8 Credit Points  
Dr Rita Shackel

**Prohibition:** LAWS2016 **Offered:** Semester 2  
**Classes:** 2x2hr seminars/wk. Student are required to attend classes for LAWS2016 and addition classes will be scheduled. **Assessment:** 1x interim exam and 1x 2 hr final exam

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 the law of civil procedure and the law of evidence. 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.

*NB: Available to candidates proceeding under the old LLB resolutions.*

#### **LAWS1021 Public Law**

6 Credit Points  
Assoc Prof Anne Twomey (Combined), Ms Nicola Franklin (Graduate)

**Prerequisite:** LAWS1006 **Offered:** Semester 2, Summer Late & S2 Late IntB **Classes:** 2x2hr seminars/wk for 10 weeks (combined), 3x4hr seminars/wk for 3 weeks and 1x3hr seminar in week 13 (graduate) **Assessment:** 1x3000wd assignment (40%) and 1x2hr exam (60%)

Public Law will examine the fundamental tenets of constitutionalism and constitutional principle essential to an understanding of the system of representative and responsible government as manifested in the Australian constitutional context, at both Federal and

State level. As an introduction to the units Administrative Law and Federal Constitutional Law, it will cover both introductory topics and substantive topics directly relevant to those units. Topics covered include: Constitutionalism and the Rule of Law; Representative and Responsible Government; Amendment of the Commonwealth and State Constitutions; Separation of Powers; Judicial Power and implications derived from Chapter III of the Constitution; the Executive and its Powers; Accountability of the Executive to Parliament, Courts and Tribunals; and Administrative Rule-making.

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

#### **LAWS2007 Real Property**

8 Credit Points  
Dr Fiona Burns

**Prohibition:** LAWS2017 **Offered:** Semester 1  
**Classes:** 2x2hr seminars/wk **Assessment:** 1x2500-3000wd optional mid-semester assignment (30%) and 1x2hr (70%); OR 3hr exam (100%)

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. After a brief historical introduction, we consider the nature of the various interests in land, the law of co-ownership (joint tenancies and tenancies in common), priorities between competing interests in land, and the legislation governing the registration of instruments affecting land. We also consider the *Mabo* and *Wik* cases and concepts of native title. Because of its significance in Australian land law, we spend some time considering the Torrens system. We also consider in some detail the law relating to easements and covenants, and provide an introduction to the law of mortgages and leases.

*NB: Available to candidates proceeding under the old LLB resolutions.*

#### **LAWS2017 Real Property**

6 Credit Points  
Dr Fiona Burns

**Prerequisite:** LAWS2012 **Prohibition:** LAWS2007 **Offered:** Semester 2 **Classes:** 2x2hr seminars/wk **Assessment:** As this is a new unit of study, the assessment is still being finalized. At the time of printing the likely assessment was an optional 1500-1800wd optional mid-semester assignment (30%) and a 90 minute (70%) exam; OR 2hr exam (100%). Land law (or the law of "real property") has always played an important role in the economic, social and political life of Australia. Australian real property law draws much of its principle from English real property law; but over the last 100 years in particular, Australian real property law has begun to develop its own unique character. This is particularly evident in two key aspects of modern Australian law: the Torrens system of land registration (which forms a large part of this unit of study) and the developing law of indigenous title to land (which is studied in Introduction to Property and Commercial Law, but which may surface occasionally in parts of this unit also).

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

land (joint tenancies and tenancies in common); leases and licences; easements; covenants; mortgages.

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

### **LAWS2013 The Legal Profession**

6 Credit Points

Dr Rita Shackel

**Prohibition:** LAWS1001, LAWS3002, LAWS3004

**Offered:** Semester 1 **Classes:** 2x2hr seminars/wk for 10 weeks **Assessment:** class work/participation(10%), 1x2500wd assignment 40%), 1x open book exam (50%)

The Legal Profession concentrates on the regulation of legal practice and its practitioners. Part 1 of The Legal Profession examines the nature and structure of the legal profession, historical struggles to regulate the profession, and the current regulatory regime in New South Wales. Developments towards national legal practice are also examined. Part 2 explores specific forms of legal practice, highlights the major cultural and economic forces that challenge attempts to regulate the profession and canvasses alternative ways of organising legal practice and providing legal services. Part 3 evaluates the way clients are treated by lawyers and suggests strategies to change their conduct in the interests of both equality and effective communication. Furthermore, it examines lawyers' duties to their clients and the Court, and the ways in which the rules and principles of confidentiality and conflicts of interest shape the advice and representation lawyers provide for their clients.

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

### **LAWS1012 Torts**

6 Credit Points

Mr Ross Anderson (Graduate), Assoc Prof Barbara McDonald (Combined)

**Prerequisite:** LAWS1006 **Prohibition:** LAWS1005, LAWS1010, LAWS3001 **Offered:** Semester 1 & Semester 2 **Classes:** Combined: 1x2hr lectures and 1x1hr seminars/wk; Graduate: 3x4hr seminar/wk for 3 weeks and 1x3hr seminar in week 13.

**Assessment:** Graduate: 1x1hr class test (30%) and 1x2hr exam (70%); Combined: 2500w assignment (30%), tutorial participation (10%) and 1x2hr exam (60%)

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

Particular topics on which the unit will focus include:

- (a) The relationship between torts and other branches of the common law including contract and criminal law;
- (b) The role of fault as the principal basis of liability in the modern law;
- (c) Historical development of trespass and the action on the case and the contemporary relevance of this development;
- (d) Trespass to the person (battery, assault, and false imprisonment);
- (e) Trespass to land and private nuisance;
- (f) The action on the case for intentional injury;
- (g) Defences to trespass, including consent, intellectual disability, childhood, necessity and contributory negligence;
- (h) Development and scope of the modern tort of

negligence, including detailed consideration of duty of care and breach of duty and causation and remoteness of damage with particular reference to personal and psychiatric injury;

- (i) Compensation for personal injuries, including special and alternative compensation schemes;
- (j) Injuries to relational interests, including compensation to relatives of victims of fatal accidents;
- (k) Defences to negligence.

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

### **LAWS3001 Torts**

10 Credit Points

Assoc Prof Barbara McDonald

**Prerequisite:** LAWS1006 **Prohibition:** LAWS1005, LAWS1010, LAWS1012 **Offered:** Semester 2

**Classes:** 1x2hr lecture and 1x1hr seminar/wk **Assessment:** 2500w assignment (30%), tutorial participation (10%) and 1x2hr exam (60%)

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

Particular topics on which the unit will focus include:

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

*NB: Available to Combined Law candidates who commenced prior to 2001 and have previously enrolled in LAWS1007.*

### **LAWS1017 Torts and Contracts II**

6 Credit Points

Assoc Prof Barbara McDonald (Combined), Mr Ross Anderson (Graduate)

**Prerequisite:** (LAWS1010 or LAWS1012) and LAWS1015 **Offered:** Semester 2 & Semester 2b

**Classes:** 1x2hr lecture and 1x2hr tutorial/wk (combined), 3x4hr seminars/wk for 3 weeks, and 1x3hr seminar in week 13 (graduate) **Assessment:** 1x1hr class test (30%) and 1x2hr exam (70%) (Graduate); 1x 3000 word assignment (30%), tutorial participation (10%) 1x 2 hour exam (60%).

The laws of tort and contract frequently overlap in practice and are increasingly regulated by statute. This unit aims to develop the integrated study of the law of obligations and remedies. It builds on the introduction to tort and contract law which students

have acquired in Torts and Contracts. It will include the study of more advanced topics in both areas and the impact of related statutory liability and remedies. Topics:

- (a) Concurrent, proportionate and vicarious liability;
- (b) The role of statutory duties and powers in tort law;
- (b) Liability for misrepresentation in tort, contract and under statute (eg statutory duties, s 52 Trade Practices Act 1974 (Cth));
- (c) Liability for economic loss in tort, including some comparative study;
- (d) Detailed consideration of causation and remoteness of damage in tort and contract;
- (e) Damages for breach of contract;
- (f) Unfair dealing in contracts and vitiating factors: mistake, misrepresentation, duress, undue influence, unconscionable conduct. This topic includes a study of equitable principles and statutory rights.

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

## 2. ELECTIVE UNITS OF STUDY

### LAWS3007      **Advanced Contracts**

8 Credit Points

Mr Robertson

**Prerequisite:** LAWS1002 or LAWS2008 or LAWS1015

**Offered:** Semester 2 **Classes:** 2x2hr seminars/wk

**Assessment:** 1 x essay (33.3%), 1x take-home exam (66.6%).

This unit aims to build on the level of knowledge students gained in the core contract unit. To give the course a focus, particular areas of contract are concentrated on, however, by the end of the course most of the core contract course will be revisited at a higher level of sophistication. In addition, the course will draw upon and develop the knowledge students gained in the core equity and property courses. This course is broken into general units of study, which may vary in any given year. For example, topics covered may include restitution following discharge of contract, the assignment of contractual rights, good faith in contract law, and sale of goods.

### LAWS3008      **Advanced Corporate Law**

8 Credit Points

Mr Saul Fridman

**Prerequisite:** LAWS2003 **Offered:** Semester 1 & Summer Early **Classes:** 2x2hr seminars/wk

**Assessment:** 1x10,000wd research paper (100%) or 2x5000wd research papers (100%) or combination of research paper and presentation (100%)

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

### LAWS3009      **Advanced Public International Law**

8 Credit Points

Assoc Prof Chester Brown

**Prerequisite:** LAWS2005 or LAWS1018 **Offered:** Semester 1 **Classes:** 2x2hr seminar/wk

**Assessment:** 1x 5000 wd research paper (50%), 1x2 hour exam (50%)

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 public international law to deepen their knowledge of public international law, and widen their research experience in this field, by reference to selected issues of contemporary relevance. Students will be invited to engage with some of the particular challenges of legal practice in the public international law arena, as well as with some of the leading scholarly debates in the field. Emphasis will be placed throughout the course on the legal analysis of contemporary international issues. These may include: the role of non-state actors in public international law; legal responses to some of the political and economic challenges of globalisation; new developments in the law on peace and security; the changing role of international organizations; and the fragmentation of international law.

### LAWS3010      **Advanced Real Property**

8 Credit Points

Assoc Prof Patricia Lane

**Prerequisite:** LAWS2007 or (LAWS2017 and LAWS2012) **Prohibition:** LAWS3100, LAWS3203

**Offered:** Semester 2 & Summer Late **Classes:** 2x2hr seminars/wk **Assessment:** 1x research essay (40%), 1x end of semester take-home exam (60%)

The course in Real Property gave an introduction to the legal framework within which rights and interests in land are created and transferred. The Advanced Real Property course deals in greater depth with some of the issues studied in Real Property. This course will concentrate on issues raised by recent developments in property law, with particular emphasis on the role of legislation in allocating and regulating property rights. These themes will be considered in three areas:

1. The law and jurisprudence of the recognition of native title by the High Court in the Mabo case (Mabo v State of Queensland (No 2) (1992) 175 CLR 1) and the Native Title Act 1993;
2. Constitutional and legislative protection of property rights, and the balance between private and public interests in property, including new forms of resource-based proprietary rights;
3. The constraints on government exercise of power to abrogate, or regulate, rights in land, the relationship between environmental regulation and private property rights, and including the High Court decision Hillpalm Pty Ltd v Heaven's Door Pty Ltd (2004) 220 CLR 472;

In considering these issues, the course will examine the influences of property theory on the development of the law, including the tripartite classification of property relationships of Professor Kevin Gray, and other theoretical perspectives.

### LAWS3088      **Animal Law (seminar)**

8 Credit Points

Ms Celeste Black

**Offered:** Semester 2 **Classes:** 2x2hr seminars/wk **Assessment:** 1x3000wd essay/research assignment (40%) and 1x5000wd take-home exam (60%)

This unit of study examines the ways in which the law defines and regulates the relationship between humans and animals. It introduces students to the key issues, debates and documents in this area whilst encouraging a critical examination of these sources. The unit begins with a discussion of the status of animals as property and the implications of this approach and then moves to providing an overview of the moral and ethical arguments supporting an animal

protection position and the case for animal rights. The focus of the unit is on the regulatory frameworks which apply to interactions between humans and animals, both domesticated and wild. The following topics will be considered: animal welfare legislation and its enforcement; issues of standing; the role of agricultural codes of practice; wildlife conservation; international law issues including whaling and free trade constraints on improved standards for animal welfare; trade in endangered species and the role of zoos; the use of animals in research (including the responsibilities of institutions and animal ethics committees); regulation of companion animals; and current issues in animal law, such as live export.

**LAWS3101 Banking and Financial Instruments**

8 Credit Points

Assoc Prof Roger Magnusson

**Offered:** Semester 1 & Summer Early **Classes:** 2x2hr seminars/wk **Assessment:** 1x1500wd compulsory assignment (35%), 1x3500wd optional essay (35%) and 1x open book exam (30 or 65%)

This unit aims to provide students with: 1. An introduction to the legal regulation and supervision of banks and other Authorised Deposit-taking Institutions (ADIs); 2. An understanding of the legal basis of the relationship between banks, ADIs and their customers, and an overview of the more common rights and duties which adhere to the banker/customer relationship; 3. An introduction to negotiable instruments; 4. An introduction to some of the legal principles regulating debt finance. The unit focuses principally (but not exclusively) on commercial banking, rather than issues relating to consumer debt. While the unit does not consider insolvency in any detail, a couple of insolvency issues will be mentioned. The aims of the course above indicate the broad themes to be covered. Specific topics are as follows: (i) Legal regulation and supervision of ADIs (banks and NBFIs); (ii) Cheques; (iii) Appropriation, Combination and Set-Off; (iv) Loans & Debt Security; An Introduction to Guarantees; (v) Secured Debt: Fixed and Floating Charges; (vi) Duties and Liabilities of Bankers & ADIs; (vii) Recent Developments in the Law of Secured Debt; (viii) Bills of Exchange).

**LAWS3013 Business Taxation**

8 Credit Points

Mr Nicholas Augustinos

**Prerequisite:** LAWS3047 **Offered:** Semester 2

**Classes:** 2x2hr seminars/wk **Assessment:** 1x mid-term quiz and 1x2hr open book exam

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 the operation of the income tax in an international environment. The taxes covered extend beyond the income tax to include stamp duties and goods and services tax, being indirect taxes usually paid by business. 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) goods and services tax; and (e) stamp duties.

**LAWS3014 Chinese Laws and Chinese Legal Systems**

8 Credit Points

Ms Vivienne Bath

**Prohibition:** LAWS3068 **Offered:** Summer L1 & Semester 2 **Classes:** Semester 2: 2x2hr seminars/wk. Session 45: Intensive mode (3 weeks). Teaching takes place in November/December in Shanghai as part of the Shanghai Winter School. The unit is assessed in the following year. Applications for the Winter School open in May and close in July.

**Assessment:** Shanghai Winter School: 1x exam (20%) and 1x4000wd essay (80%). Semester 2: 1x exam (50%) and 1x 3000wd essay (50%).

This unit of study provides an overall picture of the contemporary Chinese legal system. The unit seeks to develop an understanding of the unique character of Chinese law by tracing its role through major social epochs - its imperial origins, the reforms of the Nationalist regime, the eras of revolutionary and radical transformations, and its role in a socialist market economy. The nature and function of law in contemporary China is explored through examination of the development of various legal regimes, including constitutional and administrative law, the civil and criminal law systems, the legal profession and court system, real property law, foreign investment law and intellectual property law.

*NB: Available to Sydney LLB students proceeding under the old resolutions.*

**LAWS3006 Commercial Dispute Resolution (Seminar)**

8 Credit Points

Mr Paul Scanlan

**Prohibition:** LAWS3022 **Offered:** Semester 2

**Classes:** 2x2hr seminars/wk **Assessment:** 1x3500wd essay (45%), 3 assessable workshops worth 15% each (45% total), course participation (10%)

The rapid evolution and acceptance of alternative dispute resolution (ADR) has made it essential that practicing lawyers acquire the knowledge and skills to properly advise clients as to their options, and to be able to guide and support them through the chosen process.

All current ADR models and their variants are examined, from simple negotiation through to arbitration. Mandated ADR and the broader relationship of ADR to the functioning of the formal justice system is considered. The unit has a strong theoretical base but at the same time a clear emphasis on the practical skills needed to handle approaching conflict and resolve disputes. This course has a strong commercial focus, and employs real life commercial disputes to exemplify typical situations a practitioner will face. Students will learn and develop non-legal skills in handling difficult people and difficult situations, such as self-awareness, empathy, powerful listening and emotional intelligence. They will role-play and workshop the resolution of commercial disputes which involve issues of substantive law as well as people-handling and negotiation techniques.

Completion will not qualify students as mediators.

**JURS3003 Comparative Constitutionalism**

8 Credit Points

Assoc Prof Helen Irving

**Offered:** Semester 2 **Classes:** 2x2hr seminars/wk **Assessment:** Combination of research essay (5,000 words) or take-home exam (75%), seminar paper (2,000 words) or class participation (25%).

What is a constitution? How does it acquire authority and legitimacy? Is there an ideal constitutional model?

Can a successful constitution be 'engineered'? This unit of study explores the rise and spread of constitutions in the modern world and examines the theoretical bases upon which constitutions have been designed, interpreted, and evaluated. It considers the difference between the 'old' and the 'new' constitutionalism, with an emphasis on the issue of constitutional legitimacy, including post-regime change and in times of national emergency. It looks at a number of case-studies of constitutional design and adoption, from the United States to Iraq.

*NB: Completion of this unit satisfies the Jurisprudence/Part 2 requirement of the LLB*

#### LAWS3016 **Competition Law**

8 Credit Points  
Dr Brett Williams

**Offered:** Semester 2 **Classes:** 2x2hr seminars/wk  
**Assessment:** 1x compulsory essay (33%) and 1x2hr compulsory exam (67%)

This unit of study examines competition law and policy in Australia. The provisions of Part IV of the Trade Practices Act 1974 (Cth) will be examined together with the reforms introduced by the National Competition Policy. The framework for analysis will include a critical examination of the fundamental purposes of competition law. Some references will be made to the restrictive trade practices provisions of comparative jurisdictions. Topics include: (a) history of competition law; (b) National Competition Policy; (c) elementary economics of competition; (d) fundamental concepts of markets, competition, market power and public benefit; (e) Mergers and acquisitions; (f) horizontal arrangements affecting competition including price fixing and primary boycotts; (g) vertical arrangements which affect competition including third line forcing; (h) Misuse of substantial market power; (i) Authorizations and Notifications; (j) overview of Remedies and Enforcement. Additional topics may include resale price maintenance, access to Essential Services, exceptions relating to intellectual property.

#### LAWS3108 **Corporate and Securities Regulation (Seminar)**

8 Credit Points  
Freehills staff

**Prerequisite:** LAWS2003 **Offered:** Semester 2  
**Classes:** 2x2hr seminars/wk **Assessment:** 1x3hr exam (90%) and class participation (10%)

This unit covers the key legal framework within which a corporate lawyer operates - the securing (and resisting) of corporate control and raising money in the equity capital markets. Takeovers, schemes of arrangement, buy-backs and capital reductions will be discussed from a technical, practical and tactical viewpoint. Is there still scope for poison pills in the era of the Takeovers Panel - and where does a target cross the line in the search for white knights? Do schemes of arrangement exploit - or reward - minority shareholders? How has the rise of arbitrageurs and institutional shareholders affected the corporate playing field? The array of fundraising measures available to public companies, including initial public offerings, hybrids and raisings from an existing shareholder base, will be addressed. When is a prospectus required and how do companies manage to raise large sums of money without one? Students will be encouraged to think strategically in applying the legal principles to current topical transactions.

#### LAWS3020 **Criminology**

8 Credit Points  
Dr Murray Lee, Assoc Prof Gail Mason, Prof Julie Stubbs

**Offered:** Semester 1 & Semester 2 **Classes:** 2x2hr seminars/wk **Assessment:** 1x research essay (50%), 1x take-home exam (40%) and class participation (10%)

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, Indigenous people, ethnic minorities and victims of crime. The regulation of particular types of offences such as hate crime are considered. Other topical issues are covered as they arise in contemporary criminological debate. Students are expected to take part in visits to a gaol and/or a juvenile detention centre.

*NB: Completion of this unit satisfies the Jurisprudence/Part 2 requirement of the LLB.*

#### LAWS3022 **Dispute Resolution**

8 Credit Points  
Prof Hilary Astor

**Prohibition:** LAWS3006 **Offered:** Semester 1  
**Classes:** 2x2hr seminars/wk **Assessment:** 1x2500wd problem (35%), class participation (15%) and 1x3500wd research essay (50%)

Rapid growth in the use of alternative dispute resolution (ADR) in recent years means that this subject is of great practical importance for lawyers. This unit of study introduces a range of methods of resolving disputes, including negotiation, mediation, arbitration, and expert processes. The relationship of ADR to the formal justice system is considered. The application now and into the future of ADR in several areas of law and various jurisdictions is examined. The unit is theoretical, critical and evaluative, as well as having a strong emphasis on the practical skills needed to handle approaching conflict and to resolve disputes. Students will learn skills in interviewing, negotiation and mediation. Students will be required to read materials from disciplines other than law. Completion will not qualify students as mediators.

#### LAWS3023 **Employment and Industrial Law**

8 Credit Points  
Dr Shae McCrystal

**Prerequisite:** (LAWS1002 or LAWS2008) and (LAWS1004 or LAWS3000 or LAWS3003) **Offered:** Semester 1 **Classes:** 2x2hr seminars/wk  
**Assessment:** 1x1500wd essay (20%), 1x2500wd essay (30%) and 1x1.5hr exam (50%)

The aim of this unit is to introduce students to the law regulating relationships at the workplace. Traditionally, this body of law has been described as "labour law", and has fallen into two general divisions. "Employment law" deals with the individual contract between employer and employee, and "industrial law" deals with the collective aspects of the subject, including award making, enterprise bargaining and controls on industrial action. There has always been interaction and overlap between the individual and collective aspects of labour law, however the recent shift in political focus - from "industrial relations" to "workplace relations" - has brought particular challenges, which will be examined in this unit.

**LAWS3024 Environmental Law**

8 Credit Points

Dr Andrew Edgar, Ms Susan Shearing

**Offered:** Semester 1 **Classes:** 2x2hr seminars/wk

**Assessment:** 1x4000wd essay (40%) and 1x take-home exam (60%)

This unit of study introduces students to the legal and institutional implications of adopting the precepts of ecologically sustainable development, particularly for governments and corporations. The unit begins with a discussion of environmental ethics, 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.

**LAWS3025 External Placement Program (EPP)**

8 Credit Points

Mr Graeme Coss

**Offered:** Semester 1 **Classes:** 1x2hr

seminar/fortnight and the equivalent of one day per week for the semester at a pre-selected placement site **Assessment:** 1x essay (40%), seminar performance (30%), placement site evaluation (30%)  
The focus of this unit of study is 'experiential learning' - i.e. learning by doing. In this unit students are afforded the opportunity to work for one day per week during the semester in a 'public interest' placement site. In addition, students attend fortnightly seminars (8 per semester) which are designed to promote discussion and reflection on a range of issues that may arise during the course of the placement as well as seminar presentations on matters relevant to public interest externships. The unit has a public interest focus which is reflected in the selection of placement sites. At the end of the unit students should have: (i) acquired a better sense of the professional and personal responsibilities associated with the practice of law; (ii) developed an appreciation that the law is a people profession; (iii) observed and participated in a high level of problem solving flowing from real case files (where appropriate); (iv) been introduced to the basic inter-personal skills involved in the practice of law; (v) been introduced to aspects of the practice of law such as legal writing, advocacy and time management; and developed the character and habits of a reflective practitioner.

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

**LAWS3026 Family Law**

8 Credit Points

Prof Hilary Astor (semester 1), Prof Patrick Parkinson (semester 2)

**Offered:** Semester 1 & Semester 2 **Classes:** 2x2hr seminars/wk **Assessment:** Semester 1: 1x 4,000 wd essay (50%), 1 x exam (50%), Semester 2: 1x 3000wd essay (30%) and 1x exam (70%)

This unit of study will examine key aspects of Australian family law in their theoretical, social and political context. The laws and legal frameworks that regulate de facto relationships (including gay and lesbian relationships) and marriages will be covered. The strengths and weaknesses of existing law and policy and the impact of family law reform will be considered. Understanding of the law will be

supplemented by discussion of effective and sensitive practice of family law. Topics covered will include 1. The legal regulation of families 2. Resolution of family disputes 3. Violence against women 4. Children and parents 5. Property and Income on marriage breakdown.

**LAWS3081 Health Law Jurisprudence**

8 Credit Points

Professor Belinda Bennett

**Offered:** Semester 2 **Classes:** Two 2 hr seminars per week **Assessment:** Class participation (10%), Assignment (30%), Take-home exam (60%).

This unit of study analyses the theoretical bases for the rights, duties and concepts that form the foundations of health and medical law. The issues to be covered in this unit will include: whether there is a right to health; core principles of bioethics; the role of autonomy in health care and the limits of autonomy; the historical and legal evolution of informed consent; personhood and sanctity of life; justice in health care; regulatory models for health care; and property rights in health care. Readings for the course will be theoretical and interdisciplinary. Participation in class discussion will be expected.

*NB: Completion of this unit satisfies the Jurisprudence/Part 2 requirement for the LLB in the Faculty of Law.*

**LAWS3031 Independent Research Project**

8 Credit Points

**Prohibition:** LAWS3030 **Offered:** Semester 1 & Semester 2 **Assessment:** 1x10,000wd 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. Students must have a WAM of 70% or higher to be eligible to enrol in this unit.

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

**LAWS3033 Intellectual Property**

8 Credit Points

Dr David Rolph (semester 1), Dr Simon Butt (semester 2)

**Offered:** Semester 1 & Semester 2 **Classes:** 2x2hr seminars/wk **Assessment:** 1x in-class test (50%) and (1x in-class test or 1x essay) (50%)

This 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: (i) 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. (ii) 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. There will be a particular emphasis on registered trade marks and the law of copyright. 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.

**LAWS3092 International Commercial Arbitration (seminar)**

8 Credit Points

Adjunct Professor Rashda Rana

**Offered:** Semester 2 **Classes:** 2x2hr seminars/wk

**Assessment:** 2000 word assessment (40%); 2 hour limited open book exam (60%)

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

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

**LAWS3072 International Commercial Transactions**

8 Credit Points

Dr Luke Nottage

**Prerequisite:** (LAWS1002 or LAWS2008) and (LAWS2005 or LAWS1018)

**Offered:** Semester 2

**Classes:** 2x2hr seminars/wk **Assessment:** Open book mid-semester exam (40%), final research essay (40%), 1x1000wd class presentation (10% individually or [tbc] paired) and other class participation (10%)

This unit introduces a range of key legal and practical issues in conducting cross-border business. It aims to outline basic concepts and how they are applied as commerce and technology evolve; but also to explore possible tensions between pressures towards harmonisation in law and practice due to globalisation of economic relations, and the resilience of local or regional traditions. Part 1 surveys sources of law, primary institutions, and main legal vehicles now used in international trade and investment, including the WTO and FTAs. Part 2 focuses on issues in negotiating and drafting contracts, especially those governed by

the United Nations Convention on Contracts for the International Sales of Goods (acceded to by Australia in 1988, and almost all other major trading nations) and the UNIDROIT Principles of International Commercial Contracts, including related issues such as payment mechanisms, Carriage of Goods, and insurance. Part 3 introduces basic principles of cross-border dispute resolution, especially international commercial arbitration. Part 4 compares key concepts and issues in influential product liability regimes, namely those found in Europe (and increasingly in the Asia-Pacific region) and the United States. It also outlines broader product safety regulation. Part 5 introduces intellectual property rights and licensing. Part 6 provides an overview of major corporate governance regimes worldwide. These can be central to effective management of cross-border contractual relationships, as well as in decisions to set up corporate presences in offshore markets. Foreign investment regulation and basic taxation issues are also considered. By way of review, Part 7 looks at investor-state arbitrations. To link the many topics in these Parts, the course develops a hypothetical case involving mainly an Australian exporter and Japanese trading partners. The course recalls and develops material covered in other undergraduate courses, but also prepares students for advanced or postgraduate courses in more specific fields. It complements the Japanese Law course, which has a more theoretical focus.

**LAWS3034 International Human Rights Law**

8 Credit Points

Prof David Kinley

**Prerequisite:** LAWS2005 **Offered:** Semester 2

**Classes:** 2x2hr seminars/wk **Assessment:** 1 x 4000w essay (60%), 1 x take-home exam (40%)

This unit of study introduces students to the principles and practice of international human rights law - a species of international law and policy and a field of ever-expanding dimensions. It will introduce students to some key concepts, debates, documents and institutions in this field, while encouraging critical examination of these from a variety of angles. In summary, this unit considers the question: What happens when we regard a situation or predicament as one involving a breach of international human rights law? What possibilities and problems does this entail? Addressing these questions, we will look at: (a) particular fora where international human rights law is being produced (international tribunals, domestic courts, multilateral bodies - including United Nations organs - regional agencies, non-governmental organisations, academic institutions, and the media); (b) particular settings where international human rights law is being deployed (in Australia and elsewhere); and (c) particular identities/subjects that international human rights law aspires to shape, regulate or secure.

**LAWS3076 Japanese Law**

8 Credit Points

Assoc Prof Luke Nottage (convenor) with other Australian and Japanese lecturers

**Offered:** S1 Late IntA **Classes:** intensive in Kyoto (and [tbc] Tokyo) 12-15 & 18-22 February 2009

**Assessment:** 2x1000wd reflective notes (20%), and 1x7000wd research essay (80%)

This unit aims to develop the general skills of comparative lawyers, to effectively and critically assess contemporary developments in the legal system of the largest economy in our region. It is

taught intensively in Japan by co-directors of the Australian Network for Japanese Law ([www.law.usyd.edu.au/anjel](http://www.law.usyd.edu.au/anjel)) and Japanese professors, mainly from Ritsumeikan University Law School in Kyoto, with some guest lectures by Japanese and other practitioners as well as field trips to various legal institutions. About half the students generally come from Ritsumeikan or other Japanese Law Schools; the other half come from Australian universities or other institutions. The first week in Kyoto provides an introduction to how law operates in Japanese society. After an overview of comparative law techniques, Japanese legal history and its contemporary legal system, classes explore civil and criminal justice, politics and constitutionalism, gender and law, and an introduction to business and law. The second week in Tokyo examines business law topics in more detail, such as corporate and securities law, consumer law (including product safety and financial services), insolvency, ADR, and lawyering.

**LAWS3035 Jessup International Law Moot**

8 Credit Points

Dr Timothy Stephens

**Prerequisite:** LAWS2005 or LAWS1018 **Prohibition:** LAWS3093 **Offered:** S2 Late Int **Assessment:** class participation, memorial writing & mooted and team participation

This 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 four 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, mooted and team participation. Previous problems have dealt with the law of the sea, Antarctica, international environmental law and trade law, though always emphasizing basic principles of public international law. Enrolment in this unit will be by competitive selection 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.

*NB: Enrolment in this unit of study is by special application.*

**LAWS3059 Media Law**

8 Credit Points

Dr David Rolph

**Offered:** Semester 2 & Summer Early **Classes:** 2x2hr seminars/wk **Assessment:** 1x optional problem-based assignment, 1x optional research essay, 1x open book exam

Media Law surveys the law regulating the freedom of the media to investigate and collect information and to produce, reproduce and disseminate factual and fictional material, whether in print, film, by broadcast or by electronic means. The primary focus of this unit is the legal constraints that apply to the everyday practice of journalism. Thus, the unit aims to teach the law of contempt, defamation, breach of confidence and torts which have an impact on journalism, and the limits of investigative reporting. Attention is given throughout the unit to topical and current legal issues relating to the media. 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. The unit is currently divided into three modules: (i) contempt and open justice; (ii) defamation and freedom of speech; and (iii) privacy and breach of confidence.

**LAWS3046 Medical Law**

8 Credit Points

Prof Belinda Bennett (semester 1), Assoc Prof Roger Magnusson (semester 2)

**Offered:** Semester 1 & Semester 2 **Classes:** 2x2hr seminars/wk **Assessment:** Semester 1: class participation (10%), 1x optional assignment (30%) and 1x exam (60% or 90%). Semester 2: 1 x 2,000 wd assignment (30%) and/or 1 x 3,500 wd essay (40%), 1 x open book exam (70%, 60% or 30%). 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 be able to discuss the relevant ethical principles which may arise. Student participation in class discussion will be expected.

**LAWS3045 Migration Law**

8 Credit Points

Dr Mary Crock

**Prerequisite:** LAWS2002 **Offered:** Semester 2 **Classes:** 2 x 2hr seminar/wk **Assessment:** 1 x research essay or participation in a class moot (40%); 1 x open book exam (60%)

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 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 Migration Review Tribunal; the Refugee Review Tribunal; and the Administrative Appeals Tribunal; (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.

#### **LAWS3047 Personal Taxation**

8 Credit Points

Mr Nicholas Augustinos, Ms Celeste Black

**Offered:** Semester 1 **Classes:** 2x2hr seminars/wk

**Assessment:** 1x1hr mid-semester quiz (30%),  
1x2hr open book exam (70%)

This unit provides an introduction to the Australian federal income tax system (including capital gains tax and fringe benefits tax). It introduces both the operation of the tax laws and the underlying principles which those laws seek to implement, as well as the important issues in tax policy, thereby allowing students to make a critical examination of the Australian tax system. Topics covered include the concept of income, the allowable deductions and the capital/revenue distinction, capital allowances, capital gains tax, fringe benefits tax, tax accounting principles, and legislative responses to tax avoidance. The unit also introduces the key concepts used to evaluate tax policy, including welfare economics, thereby providing students with a basic understanding of why taxation is of such fundamental concern in modern democratic societies. The general principles are introduced from the perspective of their application to individuals. However, many of the legal principles discussed in the unit are of general application and are not confined to individuals. This unit serves as an introduction to the taxation of other entities, thereby leading into the study of Business Taxation. This unit is a prerequisite for Business Taxation.

#### **LAWS3111 Philosophy of Law (Seminar)**

8 Credit Points

Prof Wojciech Sadurski

**Offered:** Semester 2 **Classes:** 2x2hr seminars/wk

**Assessment:** class participation (20%), 1x short class presentation supported by a 2000wd essay or written notes (30%) and 1x take-home exam (50%)

This unit of study will introduce students to the fundamental notions of jurisprudence understood as a theory about the aims, functions and values of law and legal systems. It will aim to provide students with the critical understanding of the central issues of philosophy of law understood as a general, abstract, normative reflection on law as such rather than an examination of a concrete, specific legal system, but the purpose will be to provide students with the conceptual means allowing them to conduct a critical scrutiny of particular legal systems and legal rules with which they are familiar. The course will have four parts. In the first part, the general notions of legal legitimacy, legal validity, obligation to obey the law, and relationship between law and politics will be discussed. The second part will focus on philosophy of human rights, with the special emphasis on the notion and functions of rights in a legal and political discourse, the justifications and limits of liberty-rights, and the understanding of equality rights, as well as relationship between the idea of rights and the idea of constitutionalism. The third part will consider the concept of justice - understood often as the principle value which legal systems should serve - and discuss some of the leading contemporary conceptions of justice. Finally, the fourth part will select one specific and controversial area of law - the law of freedom of expression - and attempt to apply the more general insights discussed in the earlier parts of the course to this particular issue. Throughout the course, the emphasis will be on a discussion and the appreciation

of the diversity of approaches and theories.

*NB: Completion of this unit satisfies the Jurisprudence/Part 2 requirement of the LLB.*

#### **LAWS3048 Policing Crime and Society**

8 Credit Points

Prof Julie Stubbs

**Offered:** Semester 1 **Classes:** 2x2hr seminars/wk

**Assessment:** 1x5000wd essay/research paper (50%) and 1x take-home exam (50%)

The unit of study aims to encourage students to further develop their skills and knowledge in criminology through the critical analysis of theoretical and policy issues within contemporary criminal justice. Particular attention will be paid to policing (in its widest sense) but the unit of study will also examine other criminal justice institutions. A significant component of the unit 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; policing and other institutions and processes of criminal justice in the light of contemporary research and policy debates; the major theoretical frameworks within which crime and criminal justice policy are constructed and analysed; methods of undertaking research and policy analysis; and theoretical assumptions underpinning criminal justice policy.

#### **LAWS3015 Private International Law**

8 Credit Points

Mr Ross Anderson (semester 1), Assoc Prof Chester Brown (semester 2)

**Offered:** Semester 1 & Summer Late **Classes:** 2x2hr seminars/wk **Assessment:** 1x open book class test (30%) and 1x2hr open book exam (70%)

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 or the validity of a mortgage of shares in an Indonesian corporation as security for a loan made by an Australian bank or the enforcement in Australia of the judgment of an Austrian court. 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. The principal areas on which the unit of study will focus are (1) the concept of domicile and its role as the main personal connecting factor in common law systems; (2) renvoi and the incidental question; (3) property transactions; (4) succession; (5) marriage; (6) dissolution and annulment of marriage, including recognition in Australia of foreign dissolutions and annulments of marriage; (7) comparative choice of law in tort; and (8) the enforcement in Australia of foreign judgments.

#### **LAWS3090 Public International Economic Law (seminar)**

8 Credit Points

Dr Brett Williams

**Offered:** Semester 1 **Classes:** 2x2hr seminars/wk

**Assessment:** 1x essay (40%), 1x exam (60%)

This course is an introduction to the law of the World

Trade Organization and may also cover an introduction to Bilateral Trade Agreements and Bilateral Investment Treaties.

The largest part of the course deals with the law of the World Trade Organization and the context of economics and politics within which the law operates. This section of the course considers economic and political arguments for and against protection based on some basic economics of trade and economics of public choice. The course presents an overview of the history of the GATT-WTO system and a more detailed study of the dispute settlement system. The course analyzes some of the fundamental rules of the General Agreement on Tariffs and Trade ('GATT'): rules on customs duties, national treatment, non-tariff barriers, the MFN rule on non-discrimination and an introduction to the rules on subsidies. The course then studies the framework of rules under the General Agreement on Trade in Services ('GATS') and the Agreement on Trade-Related Aspects of Intellectual Property ('TRIPS').

The rest of the course is selected from three areas:

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

*NB: (For students going on to do a University of Sydney LLM, students who have done this course in 2009 may enrol in LAWS6249 World Trade Organization II without having to complete the normal pre-requisite unit, LAWS6063 World trade Organization Law II)*

#### LAWS3052 Roman Law

8 Credit Points

The Hon Justice Arthur Emmett

**Offered:** Semester 1 **Classes:** 2x2hr seminars/wk

**Assessment:** 1x2000wd essay (20%) and 1x3hr exam (80%)

This unit of study is a general introduction to all aspects of Roman private law. 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. Roman influence is to be found in the legal systems of all European and many South East Asian nations.

#### LAWS4061 Social Justice Clinical Course (seminar)

6 Credit Points

Prof Peter Cashman

**Offered:** Semester 2 **Classes:** 1x2hr seminars/wk and the equivalent of one day per week for the semester at a pre-selected placement site.

**Assessment:** 1 x Essay (40%), Seminar performance (30%), Placement evaluation (30%).

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

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

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

*NB. Enrolment in this unit of study is by special application*

#### LAWS3112 Social Justice Clinical Course (seminar)

8 Credit Points

Prof Peter Cashman

**Offered:** Semester 2 **Classes:** 1x2hr seminars/wk and the equivalent of one day per week for the semester at a pre-selected placement site.

**Assessment:** 1 x Essay (40%), Seminar performance (30%), Placement evaluation (30%).

As per LAWS4061.

*NB. Enrolment in this unit of study is by special application*

#### JURS3001 Sociological Jurisprudence

8 Credit Points

Assoc Prof Alex Ziegert

**Offered:** Semester 1 **Classes:** 2x2hr seminars/wk **Assessment:** 1x2000wd research note (40%) and 1x6000wd 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 a study on selected aspects of the function and operations of courts in the legal process. This part of the unit will be assessed as a research assignment.

*NB: Completion of this unit satisfies the Jurisprudence/Part 2 requirement of the LLB.*

#### **LAW3087 Sports Law (seminar)**

8 Credit Points

Mr Saul Fridman

**Offered:** Semester 2 **Classes:** 2x2hr seminars/wk

**Assessment:** Students will be offered a choice of assessment options including: written paper, examination, class presentation, moot court exercise. Sporting activity cuts across a number of disparate areas of law. Increasing professionalism, the enormous growth in the Olympic Movement and the commercialisation of sport have all contributed to the development of sport as a business, as well as a pastime. As a result there has been increasing intersection of the law with sporting activity. In this course we will examine the following:

- The economics of sports leagues
- The structure of sporting organisations
- International and national governance of sport
- The impact of administrative law on the working of disciplinary tribunals
- Industrial law and the treatment of the athlete as employee
- Labour market controls and the impact of competition law
- Player agents
- The law and policy relating to doping of athletes
- The impact of intellectual property laws on sponsorship and promotion of sporting events

#### **LAW3057 Sydney Law Review**

8 Credit Points

**Offered:** Semester 1 & Semester 2 **Assessment:** 1x2500wd essay (25%), 1x5000wd case note (50%), plus editing (25%)

This unit of study is offered annually under the supervision of the Editor of the Sydney Law Review, who is a member of the full-time teaching staff. The unit is limited to approximately 18-24 students per year, who are selected on the basis of their academic

results. Preference may be given to students in their final year in the selection of students for the unit.

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

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

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

(c) writing for submission to the Review one essay plus one case note.

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.

A class on editing, research and writing will be provided, and students will be in regular contact with the unit co-ordinator. The Student Editors' main areas of responsibility are as follows:

(1) Students perform a major editorial role in the production of the Review. All accepted submissions are edited by the students in consultation with an academic supervisor. Students then proofread the articles after they have been typeset. Students are expected to check all quotations and citations for accuracy, to impose the Sydney Law Review house style, and to consult with the academic supervisor if any substantive or stylistic changes are required.

(2) students are required to complete two pieces of written work: a 2500 word essay analysing a recent piece of law reform and a 5000 word case note. For both the law reform essay and the case note students work with an academic supervisor, selected by the student. A limited number of case notes are selected for publication, according to their merit.

*NB: Enrolment in this unit of study is by special application. For further information, please visit [www.law.usyd.edu.au/slr](http://www.law.usyd.edu.au/slr)*

#### **LAW3083 Theories of Legal Reasoning**

8 Credit Points

Dr Kevin Walton

**Offered:** Semester 1 **Classes:** 2x2hr seminars/wk

**Assessment:** 1x in-class test (30%), 1 x essay (50%) and class-participation (20%)

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

*NB: Completion of this unit satisfies the Jurisprudence/Part 2 requirement of the LLB.*

#### **LAW3089 Theories of Law (seminar)**

8 Credit Points

Dr Kevin Walton

**Offered:** Semester 1 **Classes:** 2x2hr seminars/wk

**Assessment:** 1x in-class test (30%), 1x 4000w essay (50%) and class-participation (20%)

The unit considers a single question: what is law? It explores prominent responses by both philosophers and sociologists to the problem of how law is best understood. Among the notions to which these responses refer (and on which the unit might focus)

are the following: power, authority, rules, morality, communication, rationality, adjudication, solidarity, patriarchy, race, plurality and legality.

*NB: Completion of this unit satisfies the Jurisprudence/Part 2 requirement of the LLB.*

**LAWS3086 War Law: Use of Force & Humanitarian Law**

8 Credit Points

Dr Ben Saul

**Prerequisite:** LAWS2005 **Offered:** Semester 1

**Classes:** 2x2hr seminars/wk **Assessment:** 1x4000wd research paper (60%), 1x in-class assignment (30%) and class participation (10%)

This unit explores the two key branches of international law which regulate military violence by governments or non-State actors: the law on the use of force, and international humanitarian law. The first part of the unit examines the law on the use of force, including its origins and the post-1945 framework of the United Nations Charter; the scope of the prohibition on the use of force, and the exception for self-defence; collective security through the UN Security Council; regional and bilateral security cooperation; humanitarian intervention; anti-terrorism operations; peacekeeping and peace enforcement; and conflict prevention. The second part of the unit explores the origins and purposes of humanitarian law; its scope of application; the different types and threshold of armed conflict; the permissible means and methods of warfare; the status and treatment of combatants, non-combatants and others; the protection of cultural property and the environment; the relationship to human rights law; and the implementation, supervision and enforcement of humanitarian law. By considering the two branches of law together, candidates will appreciate how and why different legal regimes developed to regulate different aspects of military violence, and understand points of convergence and divergence.