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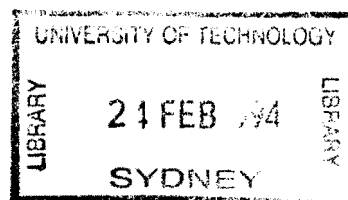
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Law and Legal Practice
Faculty Handbook 1994



Law and Legal Practice Faculty Handbook 1994

This handbook should be read in conjunction with the UTS Calendar and Student Information Guide. The University attempts to ensure that the information contained in the handbook is correct as at 22 September 1993. The University reserves the right to vary any matter described in the handbook at any time without notice.



UNIVERSITY OF TECHNOLOGY, SYDNEY

ADDRESSES AND TELEPHONE NUMBERS

POSTAL ADDRESS

PO Box 123
Broadway
New South Wales 2007 Australia

Telephone – all campuses except School of
Legal Practice: (02) 330 1990
International: +61 2 330 1990
Fax: (02) 330 1551
Telex: AA 75004

STREET ADDRESSES

City Campus

- Broadway
No. 1 Broadway, Ultimo
- Haymarket
Corner Quay Street and Ultimo Road,
Haymarket, Sydney
- Blackfriars
Blackfriars Street, Chippendale
- Smail Street
3 Smail Street, Ultimo
- Wembley House
839-847 George Street, Sydney

Balmain Campus

(Being replaced by a new building in
Harris Street, Ultimo, end 1994)
Corner Mansfield and Batty Streets
Balmain

Kuring-gai Campus

Eton Road
Lindfield
(PO Box 222, Lindfield, NSW, 2070)

St Leonards Campus

- Dunbar Building
Corner Pacific Highway and Westbourne
Street, Gore Hill
- Clinical Studies, Centenary Lecture
Theatre and West Wing
Reserve Road, Royal North Shore Hospital
- Gore Hill Research Laboratories
Royal North Shore Hospital
- School of Legal Practice (College of Law)
Corner Chandos and Christie Streets
St Leonards
Telephone: (02) 965 7000

Yarrowood Conference and Research Centre

Hawkesbury Road
Yarramundi 2753

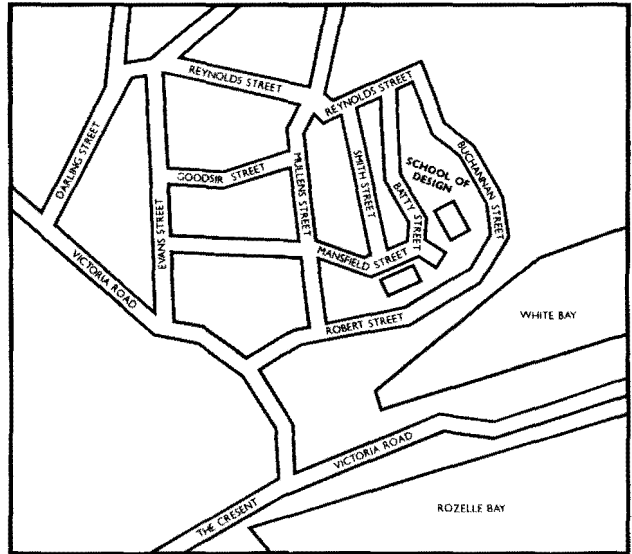
Stroud

Lot AFP 161894
The Bucketts Way
Booral 2425

CAMPUS MAPS

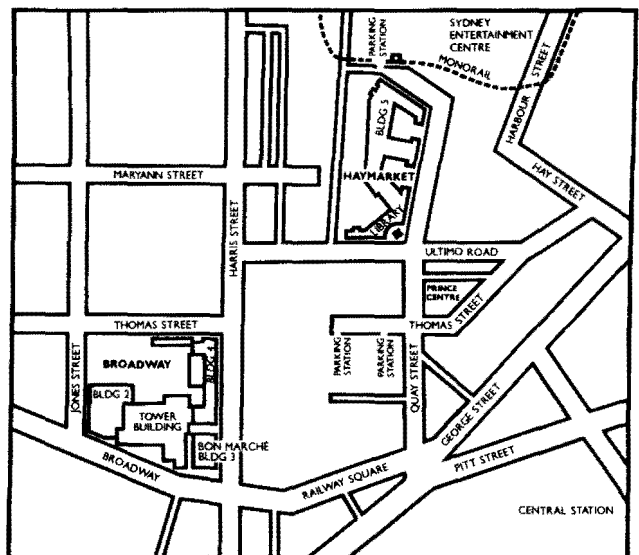
Balmain Campus

Corner Mansfield and Batty Streets
Balmain



City Campus

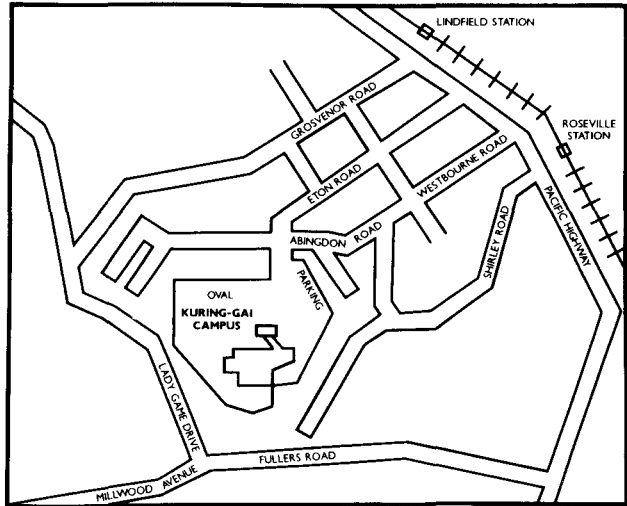
- Broadway
No.1 Broadway, Ultimo
- Haymarket
Corner Quay Street and Ultimo Road
Haymarket, Sydney
- Small Street
3 Small Street, Ultimo
- Wembley House
839-847 George Street
Sydney



CAMPUS MAPS

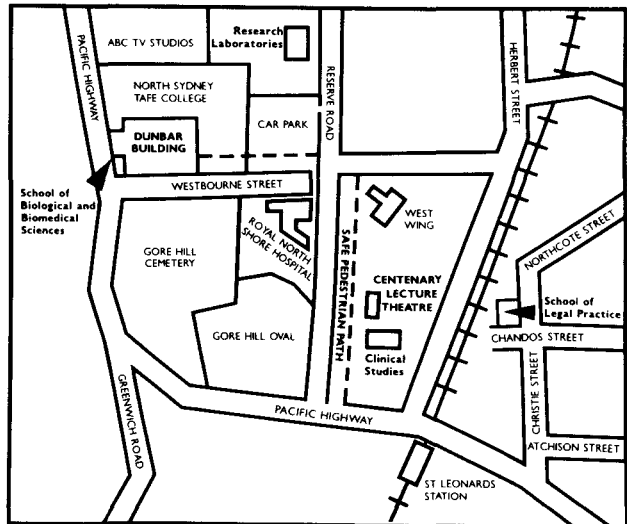
Kuring-gai Campus

Eton Road
Lindfield



St Leonards Campus

- School of Biological and Biomedical Sciences
Dunbar Building
Corner Pacific Highway and Westbourne Street
Gore Hill
- Clinical Studies,
Centenary Lecture Theatre and West Wing
Reserve Road, Royal North Shore Hospital
- Gore Hill Research Laboratories
Royal North Shore Hospital
- School of Legal Practice
(College of Law)
Corner Chandos and Christie Streets
St Leonards



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ENQUIRIES

Correspondence should be addressed to

The Faculty of Law and Legal Practice
University of Technology, Sydney
PO Box 123
Broadway NSW 2007
Telephone: 330 1990
DX: 11560 Sydney
Down Town

The Faculty Office is located at

City campus
Haymarket
Quay Street
Ultimo NSW 2007
Telephone: 330 3444
Fax: 330 3421

The School of Law is located at

City campus
Haymarket
Quay Street
Ultimo NSW 2007
Telephone: 330 3444
Fax: 330 3421

and

Kuring-gai campus
Eton Road
Lindfield NSW 2070
Telephone: 330 5459
Fax: 330 5175

The School of Legal Practice – the College of Law is located at

2 Chandos Street
St Leonards NSW 2065
Telephone: 965 7000
Fax: 436 1265

PREFACE

This handbook is one of a suite of ten publications comprising the *University Calendar* and nine faculty handbooks: Business; Design, Architecture and Building; Education; Engineering; Law and Legal Practice; Mathematical and Computing Sciences; Nursing; Science; and Social Sciences. Each handbook provides general information about the faculty as well as detailed information on the courses and subjects offered.

The *Calendar* contains the University By-law, which all students should read. It also contains a list of the University's courses, giving the name, abbreviation and title as indicated on the testamur. Copies of the *Calendar* are held in the University Library and in faculty offices, and may be purchased at the Co-op Bookshop.

The University also publishes a *Student Information Guide*, copies of which are provided free to students at enrolment. You should make sure that you read the student rules published in the guide. Information on the rights and responsibilities of students and on the services and facilities available is also given. The guide will assist you in your dealings with the University's administration and tell you whom to contact if you have a problem or need advice. Other publications providing information of a general nature are the *UAC Guide*, and the *UTS Undergraduate and Postgraduate Studies Guides*, all of which are available from the UTS Information Service.

For further information not provided in any of the publications mentioned, you should contact the UTS Information Service or your Faculty office. The latter will provide additional information on courses, methods of assessment, book lists and other faculty-specific information. If in doubt, don't hesitate to ask.

It is University policy to provide equal opportunity for all, regardless of race, sex, marital status, physical ability, sexual preference, age, political conviction or religious belief. The University also has an ethnic affairs policy to ensure that the University community is sensitive to the multicultural nature of Australian society and the cultural diversity within the University.

We hope you will enjoy your time as a student at UTS and wish you well in your studies.

MESSAGE FROM THE DEAN

In welcoming new and re-enrolling students, I should briefly describe our Faculty. The Faculty of Law and Legal Practice consists of two schools, the School of Law in the City and at Kuring-gai, and the School of Legal Practice, the College of Law, at St Leonards.

The School of Law had its beginnings in 1975 when the then New South Wales Institute of Technology was invited by the New South Wales Government to offer an undergraduate course in law. That course has stood the test of time, and may be distinguished in a number of aspects from other law degrees. These include the skills program, a particularly strong professional core, and features which indicate the Faculty's willingness to accommodate itself to the needs of mature students, particularly those in employment. The School has since developed joint degree programs with the Faculty of Business and Faculty of Science and also offers graduate programs, including the LLM (by coursework), a Graduate Diploma in Industrial Property, and a new doctoral program, the first in Australia, the SJD (Doctor of Juridical Science).

Through its International and Commercial Law Centre, the School publishes both *Lawasia* and the *Australian International Law News*.

In 1990, as a result of the merger of the University of Technology, Sydney with the Kuring-gai College of Advanced Education, the Departments of Business Law in the City, and of Legal Studies at Kuring-gai were incorporated with the School. This meant that the new School would also undertake supply programs in other faculties, particularly the Faculty of Business. In addition, a new relationship resulted with the College of Law, which had been founded in 1972, and was subsequently affiliated with Kuring-gai. The College has over the years achieved an international reputation as the provider of practical legal training. It became, in 1990, the School of Legal Practice within the new Faculty of Law and Legal Practice.

I have particular pleasure in welcoming new students, and re-enrolling students to the School and the Faculty. On behalf of the staff, academic and administrative, I would wish to assure you that it is our wish to see your stay with us is as pleasant as possible, and that you successfully complete your academic program.

David Flint
Dean, Faculty of Law and Legal Practice

FACULTY MISSION STATEMENT

The Faculty of Law and Legal Practice provides higher education with a professional perspective in the discipline of law at the undergraduate, graduate and postgraduate levels.

The Faculty is concerned to further the intellectual development and professional skills of students by initiating and encouraging critical analysis of legal institutions, legal theories and reasoning, principles and practices; their utilisation and their impact upon the rights and obligations of individuals, government, business, professional practice and the interests of a wider society. It is committed to the furtherance of scholarship and research into legal issues and practice and participation in discussion and debate concerned with legal theory, legal procedures and the rule of law, the effectiveness of the legal system in societies and with the dissemination and publication of its contribution in these areas.

The Faculty is concerned to initiate and respond to critical developments and challenges; in particular those posed by new technologies and their interpretation and application in legal contexts, to familiarise academic staff, members of the profession and students with the changing technological environment and equip them to utilise new methods and tools for information gathering, storage, retrieval and analysis.

The Faculty provides specialist law teaching in diverse law programs in order to build upon skills, knowledge and expertise in the discipline of law and in other professional disciplines which need to understand the legal implications and environment of their professional practice.

The emphasis is upon practical legal education and the enhancement of professional practice. It provides formal training and professional qualifications on behalf of the relevant admitting authority to applicants seeking admission to practice as solicitors.

PRINCIPAL DATES FOR 1994 ¹

AUTUMN SEMESTER

January

- 5 School of Legal Practice enrolment day at St Leonards campus
- 10 Release of HSC results
- 14 Formal supplementary examinations for 1993 Spring semester students
- 17 Closing date for changes of preference to the Universities Admissions Centre (UAC) from 1993 NSW HSC applicants (by 4.30 pm)
- 20-31 Enrolment of students at City campus
- 26 Australia Day
- 28 Public school holidays end

February

- 1-17 Enrolment of students at City campus
- 2-7 Enrolment of new undergraduate students at City campus - includes UAC and direct applicants
- 7 Enrolment of all Teacher Education students at Kuring-gai campus
- 21 Enrolment of School of Biological and Biomedical Sciences students at St Leonards campus
- 28 Classes begin

March

- 11 Last day to enrol in a course or add subjects
- 11 Last day to change to upfront HECS payment
- 25 Last day to apply for leave of absence without incurring student fees/charges
- 31 HECS Census Date
- 31 Last day to withdraw from a subject without financial penalty

April

- 1 Public school holidays begin
- 1 Good Friday
- 4 Easter Monday
- 5-8 Vice-Chancellors' Week (non-teaching)
- 6 Graduation period begins
- 8 Public school holidays end
- 8 Last day to withdraw from a subject without academic penalty²

- 8 Last day to withdraw from a course without academic penalty²
- 22 Graduation period ends
- 25 Anzac Day
- 30 Last day to apply to graduate in Spring semester 1994

May

- 31 Closing date for undergraduate/postgraduate applications for Spring semester

June

- 13 Formal examination period begins
- 27 Public school holidays begin

SPRING SEMESTER

July

- 1 Formal examination period ends
- 4 School of Legal Practice enrolment day at St Leonards campus
- 4-8 Vice-Chancellors' Week (non-teaching)
- 8 Public school holidays end
- 22 Release of Autumn semester examination results
- 22 Formal supplementary examinations for Autumn semester students
- 25-29 Confirmation of Spring semester programs
- 26-27 Enrolment of new and readmitted students and students returning from leave/concurrent study

August

- 1 Applications available for undergraduate and postgraduate courses
- 1 Classes begin
- 4 Last day to withdraw from full-year subjects without academic penalty²
- 12 Last day to enrol in a course or add subjects
- 12 Last day to change to upfront HECS payment
- 26 Last day to apply for leave of absence without incurring student fees/charges (Spring enrolments only)
- 31 HECS Census Date
- 31 Last day to withdraw from a subject without financial penalty
- 31 Last day to apply to graduate in Autumn semester 1995

September

- 9 Last day to withdraw from a subject without academic penalty²
- 9 Last day to withdraw from a course without academic penalty²
- 26 Public school holidays begin
- 26 Graduation period begins
- 26-30 Vice-Chancellors' Week (non-teaching)
- 30 Closing date for undergraduate applications via UAC (without late fee)
- 30 Closing date for inpUTS Special Admission Scheme applications
- 30 Closing date for postgraduate applications (*to be confirmed*)
- 30 Graduation period ends

October

- 7 Public school holidays end
- 31 Closing date for postgraduate research and course award applications
- 31 Closing date for undergraduate applications via UAC (with late fee)
- 31 Closing date for undergraduate applications direct to UTS (without late fee)

November

- 14 Formal examinations begin

December

- 2 Formal examinations end
- 19 Public school holidays begin
- 23 Release of Spring semester examination results

¹ Information is correct as at 5 November 1993. The University reserves the right to vary any information described in Principal Dates for 1994 without notice.

² HECS/postgraduate course fees will apply after the HECS Census Date.

THE FACULTY OF LAW AND LEGAL PRACTICE

The Faculty of Law and Legal Practice was formally established in 1975 and began teaching in 1977. The Faculty consists of the School of Legal Practice (the College of Law), an affiliated body situated at St Leonards campus, and the School of Law, located at the City (Quay Street) and Kuring-gai campuses, which offers a variety of undergraduate and postgraduate courses. The School also supplies subjects in Business Law and Legal Studies. The LLB course provides opportunities for full- and part-time study to those wishing to obtain professional qualifications in law. The course is structured to ensure that graduates will satisfy the basic academic requirements of the Supreme Court of NSW for admission as a solicitor (following the completion of the practical legal training course offered by the College of Law), or as a barrister subject to the completion of the elective skills subjects – Legal Ethics A and B.

COURSES AVAILABLE

School of Law

Doctor of Philosophy (PhD) (LL54)
 Doctor of Juridical Science (SJD) (LL53)
 Master of Laws (by thesis) (LLM) (LL51)
 Master of Laws (by coursework) (LLM) (LL52)
 Master of Dispute Resolution (MDR) (LL59)
 Master of Taxation (MTax) (LL58)
 Graduate Diploma in Australian Law (Grad Dip Aust Law) (LL57)
 Graduate Diploma in Industrial Property (Grad Dip Ind Prop) (LL55)
 Graduate Certificate in Japanese Law and Business (LL60)
 Graduate Certificate in Corporate Law (LL61)
 Graduate Diploma in Corporate Law (GDCL) (LL62)
 Master of Comparative Law (MCL) (subject to final approval)
 Bachelor of Laws (LLB) (P/T) (LL01)
 Bachelor of Laws (LLB) (F/T) (LL02)
 Graduate Certificate in Comparative Law (LL56)

Joint degrees

Bachelor of Arts and Bachelor of Laws (BA LLB) (LL05) (subject to final approval)
 Bachelor of Business and Bachelor of Laws (BBus LLB) (B004)
 Bachelor of Science and Bachelor of Laws (BSc LLB) (LL04)

School of Legal Practice

Graduate Diploma in Legal Practice (Grad Dip Leg Prac) (LP50)

NOTICES

Official University notices are displayed on the noticeboards on Level 1 of the School of Law, and Level 6 on the Kuring-gai campus, and students are required to be acquainted with the contents of those announcements which concern them. Misreading or misunderstanding of official information will not be accepted as a reason for a student being unaware of matters so notified.

PARKING

At the Haymarket campus the car park in Quay Street, opposite the Library, may have limited parking space available for students after 3 pm. Kings car park and the Apple car park offer discounted student parking. Student parking is available on the Kuring-gai campus. There is no parking provided at the St Leonards campus.

LAW STUDENTS' SOCIETY

The Law Students' Society is a voluntary association of law students. The Society's objectives, as stated in its constitution, are as follows:

- to represent its members in all matters affecting their interests;
- to promote the social and intellectual life of the Society;
- to promote and enhance the general well-being of members; and
- to afford a recognised means of communication between the Society and other law associated bodies.

The Society is governed by a Council of 12 student members, elected at the Society's Annual General Meeting in the Autumn semester each year. The Council elects the Executive. The Council meets on a monthly basis every semester.

A primary function of the Society is to provide representation for its members in matters affecting their welfare as students. Membership is available to all students enrolled with the School of Law, for a nominal membership fee. Membership fees, set annually by the Council, are currently \$10 per annum.

Social activities are organised on a regular basis, and admission at discounted prices is available to members. These functions provide a means whereby students can discuss the course and their problems in a relaxed atmosphere. A feeling of isolation is common among part-time students, and the society encourages its members to discuss their problems with their fellow students or celebrate the successful finish of a semester at the Annual Law Students' Ball in June and the Law Harbour Cruise in December.

The Society operates a secondhand bookshop through which members may buy and sell textbooks.

The Society is often requested to provide students' views on matters related to the course. Any student wishing to discuss any matter, or who seeks the assistance of the Society, should contact a Council member. A list of Council members and their telephone numbers appears on the Society's noticeboard on Level 1 of the Law School on the wall outside the Law Students' Society Room, B112.

Details of activities and functions, and other matters of interest to members, are displayed on the Society's noticeboard, and students should inspect the noticeboard on a regular basis.

Justice Mary Gaudron of the High Court of Australia is one of two patrons, the other being Professor David Flint, Dean of the Faculty of Law and Legal Practice. With their encouragement, the Society will continue to serve its members and the Faculty.

All law students are encouraged to join the Law Students' Society and to participate in its activities.

SCHOOL ASSEMBLY

A School Assembly is called in each semester by the School of Law. All students are requested to attend the Assembly where discussions of matters of student interest take place. The Law Students' Society president is normally in the chair.

PRIZES

An annual prize ceremony is held at the School of Law in May of each year in recognition of the academic achievements of students.

The following is a list of prizes awarded for the LLB degree. These prizes may be awarded each semester but will only be awarded if there is a candidate who reaches a level of academic achievement acceptable to the Faculty Board in Law and Legal Practice.

<u>Donor/name of prize</u>	<u>Value</u>
The Dean's Special Prize ¹ Awarded for outstanding contribution and service to the School of Law	\$200
The Law Society of New South Wales Prize Proficiency in Skills Seminar 3 (Conveyancing)	\$100 and Certificate
The Australian Securities Commission Prize Best performance in Corporate Law	\$100 and Certificate
Freehill Hollingdale and Page Prize Best performance in Commercial Transactions	\$250 and Certificate
Gross Prize in Family Law Best performance in Family Law	\$100 and Certificate
Gross Prize in Human Rights Best performance in Human Rights	\$100 and Certificate
Karen Morton Memorial Prize ¹ Best performance in Industrial and Intellectual Property	\$100 and Certificate
Abbott Tout Russell Kennedy Prize Best performance in Local Government	\$100 and Certificate
Ebsworth and Ebsworth Prize Best performance in Law of Insurance	\$200 and Certificate
Veronica Pike Prize ¹ Best performance by a female student in Law of Evidence	\$100 and Certificate

The following prizes may be awarded to students enrolled in the LLM and SJD postgraduate programs.

CCH Book Prize for Air Law	
Second highest mark in Air Law	Book
Phillips Fox Prize for Air Law	
Highest mark in Air Law	\$200
Butterworth Book Prizes are offered as awards of academic merit.	

¹ Prize awarded annually.

SCHOLARSHIPS

There are presently two scholarships available for the LLB degree. These are the Phillips Fox Scholarship in Law, and the Tress Cocks and Maddox Scholarship in Law, tenable for one year only. Information is available from the School of Law.

SCHOOL OF LAW

UNDERGRADUATE COURSES

Bachelor of Laws

COURSE INFORMATION AND ENQUIRIES

Administrative Officer

Mrs Philippa Williams
Room B209, City campus – Haymarket
Telephone: 330 3415 or 330 3444.

Administrative Assistant – undergraduate

Mr Michael Fenaughty
Room B210, City campus – Haymarket
Telephone: 330 3416 or 330 3444.

Administrative Secretary – undergraduate

Miss Debbie Margaritis
Room B213, City campus – Haymarket
Telephone: 330 3419 or 330 3444
Facsimile: 330 3421.

Academic advice may be obtained from

Mrs Alexis Goh
Director of Undergraduate Programs
Room B303, City campus – Haymarket
Telephone: 330 3426 or 330 3444
(Please contact Miss Anna Ciudad, Secretary, telephone 330 3425, to make appointments to see the Director.)

Mr Wayne Covell

Associate Director of Undergraduate Programs
Room B306, City campus – Haymarket
Telephone: 330 3429 or 330 3444
(Please contact Ms Nancy Mitchell, Secretary, telephone 330 3444, to make appointments to see the Associate Director.)

COURSE OBJECTIVES

The objective of the Bachelor of Laws course is to enable students to reach a stage of creativity at which they have sufficient knowledge and sufficient ability to seek their own solutions to legal problems, solutions which they can justify in legal terms by using the legal materials at their disposal in a professional way.

Australia has a highly complex legal system and, as society has developed, so has the role of the lawyer. The range of knowledge and skill which lawyers now require is extensive. Today lawyers are increasingly called upon to act as negotiators to settle matters, to advise and counsel parties. The function of the lawyer also includes foreseeing problems and preventing the incident of

disputation as well as resolving disputes when they cannot be avoided. The course is concerned with the total range of functions of lawyers in the community. A preventative emphasis will also be apparent in the teaching of the various subjects throughout the course. Consideration will be given to how people can organise their affairs so as to anticipate and avoid potential disputes. In this regard, consideration will be given to the application of more than one and sometimes conflicting rules to a particular set of facts.

The primary object is not to produce specialists in any particular field of law. Although a degree of specialisation is allowed for in the provision of elective subjects, the view taken is that specialisation is something which comes later. The aim of the law course is to provide a basis upon which subsequent specialisation can be built.

The subjects have been selected on the basis of two criteria: to provide (a) an overview of the legal system as a whole, and (b) an opportunity for the student to practise legal skills in differing contexts. The subjects are introductions, not to the law as a whole, but to the relevant branch of the law. They are designed to provide an understanding of the conceptual framework involved, their development and a consideration of areas of current controversy. It is in the latter area that the opportunity will be provided for students to develop their skill in the handling of legal material and thus reach the stage of independent legal creativity.

COURSE STRUCTURE ¹

The duration of the LLB course is four years in the full-time attendance mode and six years in the revised part-time attendance mode. The course is arranged in stages on a semester basis, except for three subjects of two semesters' duration in Stages 1 and 2.

The Autumn semester commences in March and the Spring semester commences in August.

Students must complete 17 core subjects (115 credit points), 12 skills seminars (28 credit points) and seven electives (49 credit points). A total of 192 credit points is required for course completion.

¹ Changes to the sequence of subjects taught in the Law programs are foreshadowed and further information may be obtained from the School of Law.

COURSE PROGRAM

FULL-TIME ATTENDANCE MODE

The course structure is as follows. Credit point values are shown in brackets. Timetable constraints may require attendance at daytime and evening classes.

Stage 1

70113	Legal Process and History ¹ (5cp)
70211	Law of Contract ¹ (4cp)
70311	Law of Tort ¹ (4cp)
70212	Criminal Law (7cp)
70100	Skills – Legal Research and Writing (2cp)

Stage 2

70113	Legal Process and History ¹ (5cp)
70211	Law of Contract ¹ (4cp)
70311	Law of Tort ¹ (4cp)
70611	Federal Constitutional Law (7cp)
70200	Skills – Case Analysis and Statutory Interpretation (2cp)

Stage 3

70312	Real Property (7cp)
70612	Administrative Law (7cp)
70514	Family Law (5cp)
70513	Succession (4cp)
70400	Skills – Computerised Legal Research (2cp)

Stage 4

70411	Commercial Transactions (7cp)
70412	Corporate Law (7cp)
70511	Equity and Trusts (7cp)
70300	Skills – Conveyancing (3cp)
70500	Skills – Drafting (2cp)

Stage 5

71114	Remedies and Restitution (7cp)
71115	Insolvency (3cp)
71211	Law of Evidence (7cp)
70600	Skills – Pleadings (2cp)
70705	Skills – Litigation (4cp)
71201	Skills – Alternative Dispute Resolution (2cp)

Stage 6

71112	Conflict of Laws (7cp)
71212	Revenue Law (7cp)
70900	Skills Moot (3cp) Elective (7cp)

Stage 7

Electives (21cp)
<i>and</i>
Elective Skills (4cp)

Stage 8

Electives (21cp)
<i>and</i>
Elective Skills (2cp)

¹ Indicates year-long subject totalling 8cp or 10cp.

PART-TIME ATTENDANCE MODE

Timetable constraints may require attendance at daytime and evening classes.

The course structure is as follows:

Stage 1

70113	Legal Process and History ¹ (5cp)
70211	Law of Contract ¹ (4cp)
70311	Law of Tort ¹ (4cp)
70100	Skills – Legal Research and Writing (2cp)

Stage 2

70113	Legal Process and History ¹ (5cp)
70211	Law of Contract ¹ (4cp)
70311	Law of Tort ¹ (4cp)
70200	Skills – Case Analysis and Statutory Interpretation (2cp)

Stage 3

70212	Criminal Law (7cp)
70312	Real Property (7cp)
70400	Skills – Computerised Legal Research (2cp)

Stage 4

70411	Commercial Transactions (7cp)
70611	Federal Constitutional Law (7cp)
70300	Skills – Conveyancing (3cp)

Stage 5

70612	Administrative Law (7cp)
70514	Family Law (5cp)
70513	Succession (4cp)

Stage 6

70412	Corporate Law (7cp)
70511	Equity and Trusts (7cp)
70500	Skills – Drafting (2cp)

Stage 7

71114	Remedies and Restitution (7cp)
71115	Insolvency (3cp)
70600	Skills – Pleadings (2cp)
70705	Skills – Litigation (4cp)

Stage 8

71112	Conflict of Laws (7cp)
71212	Revenue Law (7cp)
70900	Skills – Moot (3cp)

Stage 9

71211	Evidence (7cp)
71201	Skills – Alternative Dispute Resolution (2cp)
	Electives (7cp)

Stage 10

	Electives (14cp)
	<i>and</i>
	Elective Skills (2cp)

Stage 11

	Electives (14cp)
	<i>and</i>
	Elective Skills (2cp)

Stage 12

	Electives (14cp)
	<i>and</i>
	Elective Skills (2cp)

¹Indicates year-long subject totalling 8cp or 10cp.

SKILLS SEMINARS

Skills seminars are designed to develop the ability of students to apply their theoretical knowledge in practical situations. They are not concerned with the teaching of the skills of practice, but rather with providing the student with an opportunity to learn the law in a realistic context. The skills seminars will cover a variety of topics including research and opinion writing, legal interpretation and drafting, office management, meeting procedures, computerised legal research, as well as a mooting program, simulated trials and practice in pleading, negotiation and settlement. Nine compulsory skills seminars and three elective skills seminars must be completed in the course.

ELECTIVES

Students are required to complete seven electives. The School offers a wide variety of electives, the aim of which is to allow students to pursue specific interests and to develop a degree of specialisation. All electives have a credit point value of seven credit points equivalent to three semester hours of attendance per week over a semester.

CORE SUBJECTS

70113	Legal Process and History
70211	Law of Contract
70212	Criminal Law
70311	Law of Tort
70312	Real Property
70411	Commercial Transactions
70412	Corporate Law
70511	Equity and Trusts
70513	Succession
70514	Family Law
70611	Federal Constitutional Law
70612	Administrative Law
71112	Conflict of Laws
71114	Remedies and Restitution
71115	Insolvency
71211	Law of Evidence
71212	Revenue Law

ELECTIVE SUBJECTS

77001	Comparative Law A
77003	Comparative Law B
77004	Administration of Criminal Justice
77006	Public International Law
77007	Human Rights
77008	Jurisprudence
77011	Industrial and Intellectual Property
77012	Criminology
77014	Law and Computers
77015	Labour Law
77016	Advanced Taxation Law
77017	Strata Titles and Community Schemes
77022	Law of Insurance
77023	Deceptive Trade Practices and Product Liability
77024	Environmental Law
77026	Local Government Law
77027	Trade Practices Law
77028	Advanced Company Law
77029	Land Dealings
77037	Advanced Criminal Law
77039	Jessup International Moot
77040	Research Project 4
77042	Communications Law
77044	Advanced Family Law
77045	Law and Medicine
77046	Women and the Law
77047	Advanced Contracts
77048	Citizenship and Immigration Law
77049	Transport Law – Selected Problems
77050	Research Project 5
77051	International Trade Law
77052	Dispute Resolution
77053	Industrial Law
77054	Advanced Public Law
77057	Japanese Law

COMPULSORY SKILLS

70100	Skills – Legal Research and Writing
70200	Skills – Case Analysis and Statutory Interpretation
70300	Skills – Conveyancing
70400	Skills – Computerised Legal Research
70500	Skills – Drafting
70600	Skills – Pleadings
70705	Skills – Litigation
70900	Skills – Moot
71201	Skills – Alternative Dispute Resolution

ELECTIVE SKILLS

71000	Elective Skill – Law of Meetings
71001	Elective Skill – Advanced Computerised Legal Research
71002	Elective Skill – Legal Ethics A
71101	Elective Skill – Office Management

71102	Elective Skill – Legal Ethics B
71103	Elective Skill – Second Moot
71104	Elective Skill – Advanced Legal Research
71200	Elective Skill – Special Project

For the purpose of admission to the Bar, and if students wish to seek exemption from the College of Law, students must complete 71002 Elective Skill – Legal Ethics A and 71102 Elective Skill – Legal Ethics B.

ELECTIVE SUBJECTS

In order to assist students to perceive the interrelationship of the various electives and their general orientation, and to make informed choices, the electives are classified into the groups indicated below.

Criminal Law, administration of criminal justice, human rights, criminology.

Commercial Law, industrial and intellectual property, law and computers, advanced taxation, law of insurance, deceptive trade practices and product liability, law and society, trade practices law, advanced company law, transport law – selected problems, dispute resolution, advanced contracts.

Environmental Law, environmental law, local government.

Technology, industrial and intellectual property, law and computers, communications law.

International Law, public international law, human rights, environmental law, transport law – selected problems, international trade law, Jessup international moot.

Research, Research Projects 4, 5.

Labour and Industrial Relations, labour law, industrial law.

Land Law, strata titles and community schemes, environmental law, local government, land dealings.

Legal Theory and Perspective Subjects, comparative law, human rights, jurisprudence, law and the arts, women and the law, law and medicine, citizenship and immigration law, advanced public law, Japanese law.

NON-LAW ELECTIVES

Students may study up to 14 credit points of non-law electives. Students must obtain the permission of the Head of School (or nominee) if they wish to enrol in non-law subjects, as offered by other faculties of the University, or other universities.

In addition to seeking the approval of the Head of School it is necessary to approach the faculty in which the non-law subjects are to be studied to obtain approval and also to ensure that any necessary prerequisite or corequisite is satisfied.

Among the non-law electives available from 1994 are those in Aboriginal Studies set out in the following list. Details may be obtained from the School of Adult and Language Education.

- T5110 Aboriginal Cultures and Philosophies (8cp)
- T5115 Introducing Aboriginal Cultures and Philosophies (6cp)
- T5114 Aboriginal Studies (4cp)
- 54230 Aboriginal Social and Political History (8cp)
- T5111 Issues in Aboriginal Education (8cp)
- T5112 Aboriginal Initiatives in Education: Towards Community Control (8cp)
- T5113 Teaching Aboriginal Studies (8cp)
- 54231 Aboriginal People and the Media (8cp)
- 54330 The Politics of Aboriginal History (8cp)
- 54331 Aboriginal Forms of Discourse (8cp)

SUBJECTS OPEN TO OTHER FACULTIES

Students enrolled in other faculties in the University may apply for approval to enrol in law subjects. This approval will be subject to the meeting of prerequisites and class sizes. Applications are to be made prior to enrolment to the Associate Director of Undergraduate Programs of the Law School.

NON-AWARD STUDENTS

Application may be made by persons not enrolled in the University to enrol in law subjects as non-award students. Applications should be directed to the Non-Award Studies Officer, Tower Building, Broadway.

MISCELLANEOUS STUDENTS

Law students who have completed the course may enrol as miscellaneous students in subjects they were not able to complete while enrolled. Applications should be directed to the Non-Award Studies Officer, Tower Building, Broadway.

THE SUMMER PROGRAM IN LAW

The School offers a Summer program to enable law students to undertake an elective and/or elective skill (if offered) at the conclusion of Spring semester 1994. The Summer program will consist of eight teaching weeks in January and February 1995. The results are recorded and official notification given in the Assessment Notice for Autumn semester 1995.

Students who obtain a weighted average mark (WAM) of at least 55 per cent (determined by the School) for subjects undertaken in Autumn semester 1994 and have no failures recorded for any subject undertaken in Spring semester 1994 may be permitted to enter the Summer program if the subject prerequisites are met.

Students must apply to the Administrative Officer for enrolment in the Summer program **on or before 31 October 1994**. No application received after this date will be considered. Applications from students who are or become ineligible to enter the Summer program are automatically eliminated.

Students may apply to be enrolled in one elective (7cp) or one or two skill subjects (6cp). In cases of exceptional merit, permission to enrol in one elective and one skill subject may be given.

COMPUTER LABORATORY WITHIN THE FACULTY

Computers are available for student use at the School of Law. Enquiries for booking the use of these machines should be directed to Mr A Mowbray, the Faculty's Computer Law Consultant.

RECOMMENDED READING PRIOR TO ENTRY

A Career in Law, Federation Press, may be purchased from the Sydney Law Co-operative Bookshop, Butterworths or the Law Book Company.

GRADUATE EMPLOYMENT AND SUMMER CLERKSHIP PROGRAMS

Students wishing to apply to enter the programs must do so in their penultimate year of study. The School of Law participates in the Graduate Employment and Summer Clerkship programs which are conducted by many of the law schools of New South Wales in conjunction with the major Sydney law firms and government departments. Many of the firms will only employ graduates through the programs.

The application closing date for the programs is normally set in May/June of each year, and interested students are advised to watch the noticeboards as the deadlines imposed are strictly adhered to. Ms Margaret Harvey is the Academic Coordinator to be contacted with regard to these programs.

ASSESSMENT

While assessment varies from subject to subject, students may be required to do one or more of the following: final examinations, informal examinations, take-home examinations, assignments, research work, class participation, presentation of seminar papers or a *viva voce*.

Coordinating examiners will advise students of the mode of assessment for their subjects by notice on the noticeboard by the end of the third week of the semester.

LODGEMENT OF ASSIGNMENTS

Students are required to retain a copy of any assignment lodged in the assignment box.

Students who are handing in written work must submit it with an assignment coversheet attached, in the assignment box located in the General Papers Office on Level 1, Haymarket (Room B101). The assignment box is cleared daily at 9 am and assignments are stamped as arriving on the previous day. **Assignments submitted by DX or by fax will not be accepted by the Faculty.**

FORMAL REQUIREMENTS

Essays and other written work should be prepared in accordance with the guidelines laid down in the School of Law's *Guide To Essay Writing* which may be obtained from the General Papers Office – cost \$2.00.

All work submitted for assessment should bear an assignment coversheet available from the General Papers office.

If required by the lecturer concerned, the work must be typed.

The work must be properly written with due regard to spelling, punctuation, grammar and syntax.

Unless otherwise instructed by the lecturer concerned, all written work should include footnotes or endnotes and a bibliography in the manner set out in the *Guide To Essay Writing*.

Any piece of written work which does not comply with these requirements may be:

- required to be re-written in proper form;
- penalised in marks; or
- rejected without assessment.

LATE WORK

Any work submitted after the date for submission may be penalised in marks or rejected without assessment.

PLAGIARISM

Any acts of plagiarism will be penalised. Such penalties may include, depending upon the seriousness and nature of the offence:

- a requirement that the assignment be rewritten *de novo*;
- a penalty in the reduction of marks awarded to the work, which may include a reduction to zero, or a sharing of the mark awarded to the document amongst its apparent authors;
- a fail result in the subject concerned; and
- a referral of the matter to the Head of School or other appropriate body.

WEIGHTED AVERAGE MARK (WAM)

The WAM will only be used by the Faculty for the determination of entry to the Summer program.

$$\text{WAM} = \frac{\text{S}(\text{CP} \times \text{Mark})}{\text{SCP}}$$

Where CP = subject credit points (determined by Academic Board)

Mark = subject assessment (per cent)

PROGRESSION AND ACCELERATION POLICY

The following policy will apply to progression and accelerations:

Students will be permitted to enrol in subjects totalling up to 28 credit points per semester with the leave of the Head of School or nominee, if:

- there is no timetable clash;
- prerequisites and corequisites are satisfied;
- class size ceilings are not exceeded;
- the student's academic record indicates he or she is capable of performing satisfactorily when accelerating; and
- the student can demonstrate that his/her work and other non-study commitments permit him/her to accelerate without detriment to his/her studies.

The School of Law is unable to guarantee that there will be no timetable clash or no final examination clashes where students do not progress normally.

All students, whether full-time or part-time, who wish to enrol in any combination of subjects other than that which is normal progression are required to submit a Progression Variation Form prior to enrolment or re-confirmation of program.

EXEMPTIONS

Subject to the approval of the School Board in Law it is possible for students to obtain exemptions for both law and non-law subjects.

Law subjects

Students may be able to obtain an exemption from a law subject if they are able to satisfy the School Board that a comparable course of study had been successfully undertaken as an LLB subject within the Law Faculty of a recognised university. As a general rule, exemptions will not be given if the subject was studied more than six years ago. The period in the 'six-year rule' shall be calculated from the date on which the subject in which the exemption is sought was successfully completed, to when it is due to be undertaken in the School of Law. However, the School Board shall always retain a discretion to waive the strict application of the rule in cases where there

is additional evidence of work or study experience. Indeed, in subjects where there have been significant recent changes in the law, an exemption may not be granted even though the subject was successfully completed less than six years ago.

The School Board must be satisfied that the student has successfully completed a comparable subject elsewhere. To verify this the student must produce a transcript of his or her academic record and a copy of the relevant institution's handbook containing a detailed description of the subject together with the reading guide that was current at the time of study.

Exemption for law subjects will only be granted to students who have studied law in a recognised law school. Students who have studied law through the Law Extension Committee of the Supreme Court will not be granted exemptions.

Non-law subjects

It is possible to obtain exemptions for non-law electives if students have completed a degree, diploma or associate diploma course from a recognised tertiary institution.

The maximum exemptions which can be granted on the basis of having completed a course are as follows:

- a degree course (3 years full-time) – 28 credit points
- a diploma course (3 years full-time) – 21 credit points
- an associate diploma course (2 years full-time) – 14 credit points

Students wishing to study non-law electives within their law degree, in either other faculties of the University or within a degree course at another university, may be granted approval to undertake up to 14 credit points.

Part-completed courses

No exemptions can be sought for a part-completed diploma or associate diploma course.

Students entering the School of Law with a part-completed degree, either as transfer students from another faculty of the University or from another university, may be granted up to a maximum of 14 credit points.

Students who wish to undertake subjects at another university and receive accreditation for them must apply in writing to the School Board in Law.

In addition, exemption is granted to holders of the following:

- Diploma in Criminology (*DipCrimSyd*): exemption granted – 77012 (Criminology) + 7 credit points of non-law electives
- Diploma in Jurisprudence (*DipJurisSyd*): exemption granted – 77008 (Jurisprudence) + 7 credit points of non-law electives
- Diploma in Labour Relations and The Law (*DipLabRelSyd*): exemption granted – 77015 (Labour Law) + 7 credit points of non-law electives

Students who are seeking exemptions should complete an Application for Exemptions form, which is available from the General Papers Office. It is recommended that all students seeking an exemption should make an application early in the course. Enquiries should be directed to the Administrative Officer, School of Law.

COURSE COMPLETION

Students deemed to have completed the requirements for the degree may obtain a letter from the Academic Registrar to this effect, on the afternoon of the day the Examination Review Committee meets. These letters will be available for collection after 4.00 pm on that day from the General Papers office in the School of Law at Haymarket. Letters also stating successful completion of the subjects 71002 and 71102 Legal Ethics A and B will also be issued. These subjects currently satisfy the Supreme Court of New South Wales for admission to the Bar and for those who seek exemption from the College of Law.

AWARD

The degree is designated Bachelor of Laws (LLB) and is awarded as follows:

- LLB (with First Class Honours)
- LLB (with Second Class Honours)
- LLB

The degree with Honours will be awarded to those students who successfully complete the whole course at a sufficiently meritorious level in accordance with the Honours Rules.

THE UNIVERSITY MEDAL

The University may award a medal to students who have achieved outstanding academic merit throughout their undergraduate degree course.

ADMISSION TO PRACTICE

The Supreme Court of New South Wales controls the admission of barristers and solicitors to practice in New South Wales. A person may gain entry to the profession by satisfying the requirements of the University of Technology, Sydney, LLB degree and fulfilling certain other conditions prescribed by the Admission Rules of the Supreme Court.

A student wishing to become a solicitor must, after successful completion of the LLB, undertake a course of practical legal training at the School of Legal Practice (College of Law) and meet specific requirements before being admitted as a solicitor, unless an exemption certificate has been obtained from the Law Society of NSW. The subjects 71002 and 71102 Legal Ethics A and B must be completed to obtain an exemption certificate.

A student wishing to become a barrister must complete a course in Legal Ethics prescribed by the Barristers and Solicitors Admission Board. This latter requirement can be met by students successfully completing within their degree 71002 Legal Ethics A and 71102 Legal Ethics B; or by successful completion of the practical legal training course at the School of Legal Practice in the College of Law. Most graduates will also read in chambers with an experienced barrister. This allows a newly admitted member of the Bar to acquire essential practical knowledge by observing and assisting an experienced barrister in his or her daily work.

REGULATIONS OF THE SCHOOL OF LAW

The following regulations relating to research projects, Honours and Summer school refer only to the Bachelor of Laws program in the School of Law.

Research Project regulations

1. The regulations apply to the following elective subjects:
 - 77040 Research Project 4
 - 77050 Research Project 5

2. A student undertaking a research project is required to demonstrate:
 - (a) a high level of understanding of the law relevant to the topic;
 - (b) the capacity to research and analyse legal material;
 - (c) the ability to use research tools and skills; and
 - (d) the ability to present the results of the research in a coherent and comprehensive form.
3. A student shall not complete more than one research project.
4. Assessment is based on a dissertation to be submitted by students which will normally be expected to lie within the following range:
 Research Project 4 15,000–20,000 words
 Research Project 5 19,000–25,000 words.
5. Where research related to Research Project has been done for another purpose either in the School of Law or elsewhere, full disclosure of that prior research must be made at the time the topic is submitted for approval. If the topic is approved notwithstanding such prior research then that research shall not form part of the work completed for the research project and shall be excluded from the final assessment. The student shall provide further information concerning that research as may be requested by the Supervisor, the examiners or the Subject Coordinator.
6. The examiners of Research Project may require the student to undergo a *viva voce* examination, in which case the *viva voce* shall form part of the assessment of the subject.
7. The Faculty Board in Law and Legal Practice has ultimate control over all aspects of Research Projects. Any student, the Subject Coordinator or the Head of School has the right to approach the Board on any issue arising out of these regulations, a research project or assessment.
8. There shall be a Subject Coordinator for Research Projects who shall be appointed at the first School Board meeting in the School of Law each year and shall hold office until the first School Board meeting the following year. During the absence of the Subject Coordinator, the Director or Head of School may act in his or her stead.
9. A student may enrol in the subject Research Project only if that student has:
 - (a) successfully completed Stages 1-9 of the part-time program; and
 - (b) successfully completed any core subject or elective subject relevant to the topic.
10. A student wishing to undertake Research Project shall submit a written proposal to the Subject Coordinator on the form available from the General Papers Office. The proposal shall include the name of the topic of the proposed Research Project and the name of the Supervisor and must be signed by the Supervisor. Copies of these proposals shall be circulated by the Subject Coordinator to all members of the full-time academic staff of the School of Law and, if no objection to the application is received by the Subject Coordinator within seven days of such circulation, the Subject Coordinator may approve the application, including the topic and the Supervisor. **Approval must be granted before enrolment is allowed.**
11. If the Subject Coordinator does not approve the application it shall be submitted to the next meeting of the School Board which may approve the application on such terms as it thinks fit, or disapprove the application.
12. A student is required to enrol in the Research Project subject no later than the beginning of the semester following that in which the Subject Coordinator or the School Board approved the proposed Research Project.
13. (a) Supervisors have the day-to-day control and supervision of research projects and students are required to meet with their supervisors regularly.
 (b) Any amendments to the Research Project proposal may be approved by the Supervisor if the Project remains within the same substantial area as previously approved. However, any substantial amendments to the student's approved proposal shall be proposed in writing to the Supervisor and Subject Coordinator. Copies of the proposed amendment shall be circulated by the Subject Coordinator to all members of the School's full-time academic staff and if no objection to the application is received within seven days of such circulation, the amendment is deemed to be approved.

14. A Research Project shall normally be taken over one semester and the dissertation shall be lodged with the Subject Coordinator not later than 5.00 pm on the Friday of the 15th week of the semester.
15. Upon the student's written request the Head of School may, after consultation with student's Supervisor and the Subject Coordinator, grant the student an extension of time for the submission of the dissertation or permit the subject to extend over more than one semester. The dissertation must comply with the following format rules:
 - (a) Two copies of the dissertation shall be presented. One of these copies will be returned to the student after examination.
 - (b) The dissertation shall be written in English in good quality typescript on one side of the paper only. In the body of the dissertation, one and one-half spacing is preferred, but double spacing is permissible. Single spacing may only be used for appendices, footnotes and quotations.
 - (c) The paper used shall be good quality medium weight white stock, sufficiently opaque for normal reading.
 - (d) The size of the paper shall be I.S.O. A4 (297 mm x 210 mm).
 - (e) The margins on each sheet shall be not less than 40 mm on the left hand side, and 20 mm on the right hand side, top and bottom.
 - (f) The dissertation shall be accompanied by an abstract of not more than 400 words.
 - (g) Both copies of the dissertation shall be presented in a permanent and legible form and if not bound, then suitable for future binding.
 - (h) Each copy of the dissertation shall be enclosed in a stiff cover.
16. For Research Projects 4 and 5, there shall be two examiners, appointed by the School Board. If there are any unresolved differences of opinion on any matter relevant to a student's assessment such differences shall be resolved by an umpire appointed by the Head of School.
17. Prior to final assessment of a Research Project the examiners may require the student to rewrite and resubmit the

dissertation in whole or in part and in such a case the examiners shall provide details of the parts of the dissertation that require amendment, and their reasons for requiring such amendment. When a student is required to rewrite and resubmit the dissertation that student shall be permitted to extend the subject over two semesters and shall re-enrol in the subject for a second semester.

Honours regulations

The following regulations are subject to final approval of the Faculty Board in Law and Legal Practice.

1. Definitions

1.1 In these regulations 'subject' means any Law subject other than a Skills Seminar.

2. Awards

2.1 Awards of the degree shall be classified as follows:

- (a) degree (with First Class Honours);
- (b) degree (with Second Class Honours); and
- (c) degree.

2.2 Award of the degree with Second Class Honours shall not be graded.

3. Requirements of Honours

3.1 To qualify for an award of the degree with Honours a student shall:

- (a) successfully complete not less than 128 credit points of subjects and Skills Seminars (including not less than 16 credit points of Skills) within the School of Law;
- (b) successfully complete either the subject 77040 Research Project 4 or 77050 Research Project 5;
- (c) obtain an Honours mark calculated in accordance with Regulation 5 hereof, of or above that prescribed herein, namely,
 - (i) for First Class Honours – 75 per cent
 - (ii) for Second Class Honours – 67.5 per cent

3.2 In exceptional circumstances the Faculty Board in Law and Legal Practice may modify or dispense with the requirements of Regulation 3.1 (a).

4. Effect of Failure

4.1 Subject to Regulations 4.2 and 6 hereof, a student shall not be awarded the degree with Honours if he or she fails any subject or Skills Seminar.

4.2 In exceptional circumstances, and in particular if failure in a subject or Skills Seminar is occasioned by a student's illness or other personal difficulties beyond the student's control, the Faculty Board in Law and Legal Practice may award the degree with Honours notwithstanding any such failure.

5. Calculation of Honours marks

5.1 No marks awarded in Skills Seminars shall be taken into account when assessing a student's Honours mark.

5.2 In the calculation of Honours marks, 'Total Subject Mark' means in relation to a student the sum of **the student's marks in all subjects, discounting the lowest marks in his or her six worst subjects.**

5.3 A student's Honours mark shall, subject to Regulation 5.4, be obtained by application of the following formula, namely,

$$\frac{\text{Total Subject Mark}}{\text{Number of subjects}} \%$$

5.4 A student's Total Subject Mark shall include the mark obtained by that student in the subject 'Research Project' notwithstanding that such mark would not otherwise be included in the Total Subject Mark.

6. Relation of Stage 1 to Honours

6.1 Any failure or failures in subjects or Skills Seminars prescribed for Stage 1 of the program for the degree of Bachelor of Laws shall be disregarded for all purposes and shall in no way operate to preclude a student under Regulation 4.1 from being awarded the degree with Honours.

Regulations for Summer Program in Law

1. Time

The Summer program in Law will consist of eight teaching weeks in January and February 1995.

2. Enrolment

2.1 A student may make application by the end of October prior to the Summer program in Law to the Head of School for enrolment in no more than one subject in the Summer program in Law provided that the Head of School may, where a student is in the opinion of the Head of School performing at an exceptional level and appears to have sufficient time to undertake more than one subject, permit that student to undertake no more than two subjects totalling eleven credit points.

2.2 The Head of School may approve an application for enrolment if the Head is satisfied that the student's previous academic performance is satisfactory. Without prejudice to the provisions of Regulation 2.3, a student's previous academic performance will normally be regarded as not satisfactory where the student's WAM as determined by the School is the preceding Autumn semester is less than 55.

2.3. A student may request and be granted a review of any refusal of enrolment by the Head of School. The review will be conducted by a committee nominated by the Head of School and approved by the Faculty Board.

2.4 Approval of enrolment shall be at the Head of School's discretion and shall be conditional upon the student passing any prerequisite prior to the commencement of the Summer program and upon there being sufficient places in the Summer program available and the student passing all subjects in which the student is enrolled in the Spring semester immediately prior to the Summer program.

2.5 A student may withdraw from the Summer program by notice in writing to the Head of School by the HECS census date or, with the approval of the Head of School, at a later date.

3. Administration

The Head of School may from time to time determine maximum and minimum sizes of classes for each subject offered in the Summer program. If the minimum size is not reached in a subject the Head of School may cancel that subject.

JOINT DEGREES

The University offers the joint degrees of BBus LLB and BSc LLB. In 1994, subject to Academic Board approval, the new joint degree of BA LLB will be offered.

The joint degrees are of five years' duration and students undertake studies full-time. Law subjects are held mostly in the evenings while classes in the other discipline are held mostly in the day time.

Within the BBus LLB degree students may major in any of the following: Accounting, Banking, Economics, Finance and Economics, Finance, Marketing, Management.

The law degree associated with the joint programs satisfies, in conjunction with the practical legal training program of the School of Legal Practice, the requirements of the Supreme Court of New South Wales for admission purposes, although it should be noted that the additional skills electives of Legal Ethics A and Legal Ethics B must be undertaken to satisfy admission to the Bar, or exemption from the College of Law.

The course structures of these programs appear below. Students must complete 240cp for the BA LLB, at least 239cp for the BBus LLB and at least 240cp for the BSc LLB. Credit point values are shown in brackets.

Bachelor of Arts/Bachelor of Laws

The 96 credit points of the arts component of the course is broadly structured as follows:

- 24cp for foundation studies in arts
- 48cp for a major
- 24cp for other arts studies, including up to 12 cp for electives from other faculties.

Stage 1

70113	Legal Process and History (5cp)
70211	Law of Contract (4cp)
70311	Law of Tort (4cp)
70100	Skills – Legal Research and Writing (2cp) BA subjects

Stage 2

70113	Legal Process and History (5cp)
70211	Law of Contract (4cp)
70311	Law of Tort (4cp)
70200	Skills – Case Analysis and Statutory Interpretation (2cp) BA subjects

Stage 3

70211	Criminal Law (7cp)
70312	Real Property (7cp)
70400	Skills – Computerised Legal Research (2cp) BA subjects

Stage 4

70411	Commercial Transactions (7cp)
70611	Federal Constitutional Law (7cp) BA subjects

Stage 5

70612	Administrative Law (7cp)
70514	Family Law (5cp)
70513	Succession (4cp) BA subjects

Stage 6

70412	Corporate Law (7cp)
70511	Equity and Trusts (7cp)
70500	Skills – Drafting (2cp) BA subjects

Stage 7

71114	Remedies and Restitution (7cp)
71115	Insolvency (3cp)
70600	Skills – Pleadings (2cp) BA subjects

Stage 8

71112	Conflict of Laws (7cp)
70300	Skills – Conveyancing (3cp) BA subjects

Stage 9

71211	Evidence (7cp)
71201	Skills – Alternative Dispute Resolution (2cp)
70705	Skills – Litigation (4cp) BA subjects

Stage 10

71212	Revenue Law (7cp) Law elective/any combination elective Skills (7cp)
70900	Skills – Moot BA subjects

Bachelor of Business/Bachelor of Laws

Stage 1

70113	Legal Process and History ¹ (5cp)
70211	Law of Contract ¹ (4cp)
70311	Law of Tort ¹ (4cp)
70100	Skills – Legal Research and Writing (2cp)
22105	Accounting A (5cp)
25110	Microeconomics (5cp)

Stage 2

70113	Legal Process and History (5cp)
70211	Law of Contract (4cp)
70311	Law of Tort (4cp)
70200	Skills – Case Analysis and Statutory Interpretation (2cp)
22205	Accounting B (5cp)
25209	Macroeconomics (5cp)

Stage 3

70212	Criminal Law (7cp)
70312	Real Property (7cp)
70400	Skills – Computerised Legal Research (2cp)
21125	Australian Business Environment (5cp)
22115	Business Information Systems (5cp)

Stage 4

70411	Commercial Transactions (7cp)
70611	Federal Constitutional Law (7cp)
21130	Organisational Behaviour (5cp)
26122	Business Statistics (5cp)

Stage 5

70612	Administrative Law (7cp)
70514	Family Law (5cp)
70513	Succession (4cp)
24105	Principles of Marketing (5cp)
25308	Financial Institutions and Markets (5cp)

Stage 6

70412	Corporate Law (7cp)
70511	Equity and Trusts (7cp)
25314	Business Finance 1 (5cp)
21215	Management and Communication Skills (5cp)

Stage 7

71114	Remedies and Restitution (7cp)
71115	Insolvency (3cp)
70600	Skills – Pleadings (2cp)
plus	BBus major subjects (10cp)

Stage 8

71112	Conflict of Laws (7cp)
70300	Skills – Conveyancing (3cp)
70500	Skills – Drafting (2cp)
plus	BBus major subjects (10cp)

Stage 9

71211	Evidence (7cp)
71201	Skills – Alternative Dispute Resolution (2cp)
70705	Skills – Litigation (4cp)
plus	BBus major subjects (10cp)

Stage 10

71212	Revenue Law (7cp)
70900	Skills – Moot (3cp)
plus	Law Elective (7cp)
plus	BBus major subjects (5cp)

¹ Indicates full-year subject totalling 8cp or 10cp.

Bachelor of Science/Bachelor of Laws

Stage 1

70113	Legal Process and History ¹ (5cp)
70211	Law of Contract ¹ (4cp)
70311	Law of Tort ¹ (4cp)
70100	Skills – Legal Research and Writing (2cp)
66013	Geology 1 (SL) (5cp)
65013	Chemistry 1 (SL) (5cp)

Stage 2

70113	Legal Process and History ¹ (5cp)
70211	Law of Contract ¹ (8cp)
70311	Law of Tort ¹ (8cp)
70200	Skills – Case Analysis and Statutory Interpretation (2cp)
65025	Chemistry 2 (SL) (5cp)
33171	Science Mathematics 1 (4cp)

Stage 3

70212	Criminal Law (7cp)
70312	Real Property (7cp)
70400	Skills – Computerised Legal Research (2cp)
68081	Physics 1 (SL) (5cp)
60301	Treatment of Scientific Data (3cp)

Stage 4

70411	Commercial Transactions (7cp)
70611	Federal Constitutional Law (7cp)
66404	Resource Management (3cp)
33172	Science Mathematics 2 (3cp)
67201	Materials Science 1 (4cp)

Stage 5

70612	Administrative Law (7cp)
70514	Family Law (5cp)
70513	Succession (4cp)
91389	Biology 1 (SL) (5cp)
67302	Polymers 1 (SL) (3cp)

Stage 6

70412	Corporate Law (7cp)
70511	Equity and Trusts (7cp)
70500	Skills – Drafting (2cp)
91390	Biology 2 (SL) (5cp)
68082	Physics 2 (SL) (5cp)

Stage 7

71114	Remedies and Restitution (7cp)
71115	Insolvency (3cp)
70600	Skills – Pleadings (2cp)
plus	Science electives (12cp)

Stage 8

71112	Conflict of Laws (7cp)
70300	Skills – Conveyancing (3cp)
plus	Science electives (12cp)

Stage 9

71211	Law of Evidence (7cp)
71201	Skills – Alternative Dispute Resolution (2cp)
70705	Skills – Litigation (4cp)
plus	Science electives (11cp)

Stage 10

71212	Revenue Law (7cp)
70900	Skills – Moot (3cp)
plus	Law Elective ² (7cp)
plus	Science electives (6cp)

¹ Indicates full-year subject.

² Law elective or any combination of elective skills.

UNDERGRADUATE SUPPLY PROGRAMS

The School of Law presents 'supply' law courses – that is, studies in various strands of the law for students who are not aiming for a legal qualification, but wish to become familiar with the law as it affects their chosen profession. Through its Supply program, the School of Law presents courses to students in the Faculties of Business and Nursing. A course for the Bachelor of Technology (Manufacturing Engineering) is also currently being formulated.

Why is an understanding of the law important?

Increasingly, the modern environment requires an understanding of legal issues. Many areas are governed by complicated laws and regulations. The purpose of the Supply program is to foster an awareness of the role of law as a key strategic tool, to equip potential executives with the knowledge to deal with the legal aspects of their particular profession. It is inevitable that anyone in a responsible position in a profession, commerce or the public service will need to develop a specialist knowledge of particular areas of law. The breach of a key legal provision could result in an otherwise advantageous arrangement being rendered totally ineffective, or worse, being penalised.

As well as undertaking 'core' law subjects as part of their major, Bachelor of Business students have the opportunity to select a Law sub-major – Business, Finance, Taxation, or Insolvency. The Law sub-majors are designed to help students develop the knowledge and skills necessary to recognise legal pitfalls and to react appropriately. Students are, of course, also taught to utilise the law to achieve legitimate success. This is particularly true in the accounting and management professions.

Sub-major in Business Law

As can be seen from the list of units offered, the Business Law sub-major affords students a wide range of areas to choose from. Units offered in the Business Law sub-major include:

- 79265 Administrative Law 1 (5cp)
- 79411 Advanced Companies and Securities Law (5cp)

- 79666 Advanced Income Taxation Law (5cp)
- 79606 Advanced Revenue Law (5cp)
- 79366 Banking Law (5cp)
- 79368 Commercial Contracts (5cp)
- 79267 Commercial Law (5cp)
- 79365 Company Law (5cp)
- 79369 Elements of Contract (5cp)
- 79667 Indirect Taxation (5cp)
- 79270 Industrial and Labour Law (5cp)
- 79360 Insurance Contracts (5cp)
- 79603 International Business Law and Regulation (5cp)
- 79503 Law and Computing (5cp)
- 79502 Law and Finance (5cp)
- 79211 Law for Marketing Management (5cp)
- 79363 Life Insurance Law (5cp)
- 79260 Property Law 1 (5cp)
- 79462 Revenue Law (5cp)
- 79264 Securities Market Regulation (5cp)
- 79466 Trade Law (5cp)

Sub-major in Finance Law

- 79366 Banking Law (5cp)
- 79502 Law and Finance (5cp)
- 79462 Revenue Law (5cp)
- 79264 Securities Markets Regulation (5cp)

Sub-major in Insolvency

- 79161 Introduction to Bankruptcy Law (5cp)
- 79662 Law of Corporate Receiverships and Deeds of Arrangement (5cp)
- 79162 Law of Bankruptcy Administration and Company Liquidation (5cp)
- 22610 Accounting for Insolvency (to be the responsibility of the School of Accounting) (5cp)

Sub-major in Taxation Law

- 79666 Advanced Income Tax (5cp)
- 79606 Advanced Revenue Law (5cp)
- 79365 Company Law (5cp)
- or
- 79468 Equity and Trusts (5cp)
- 79667 Indirect Taxation (5cp)
- 79462 Revenue Law (5cp)

In each of the sub-majors, students would be required to choose four units in addition to the core introductory unit, 79101 Law for Business or its equivalent, and the core units in their particular major.

SUPPLY SUBJECTS

The following subjects are offered by the Faculty of Law and Legal Practice to undergraduate students enrolled in the Business and Nursing degrees.

79101	Law for Business (5cp)
79169	Arts and the Law (5cp)
79211	Law for Marketing Management (5cp)
79260	Property Law 1 (5cp)
79264	Securities Markets Regulation (5cp)
79265	Administrative Law 1 (5cp)
79267	Commercial Law (5cp)
79270	Industrial and Labour Law (5cp)
79360	Insurance Contracts (5cp)
79363	Life Insurance Law (5cp)
79365	Company Law (5cp)
79366	Banking Law (5cp)
79369	Elements of Contract (5cp)
79403	Law and the Manager (5cp)
79411	Advanced Companies and Securities Law (5cp)
79462	Revenue Law (5cp)
79466	Trade Law (5cp)
79502	Law and Finance (5cp)
79503	Law and Computing (5cp)
79606	Advanced Revenue Law (5cp)
79666	Advanced Income Taxation Law (5cp)
79667	Indirect Taxation (5cp)
92125	Values in Nursing Practice (3cp)
92136	Reasoning and Judgment in Nursing Practice (3cp)
79001	Legal Issues and Disadvantaged Groups (3cp)
79002	Foetuses, Babies, Children and the Law (3cp)

UNDERGRADUATE SUBJECT DESCRIPTIONS

The subject descriptions shown below indicate the subject code and name, the number of credit points for the subject (eg, 3cp). Also shown are the prerequisites or corequisites if any, and a brief outline of the content of texts. Unless specified the latest editions are recommended.

Prerequisites are subjects which must be completed before taking the subject to which they refer. Corequisites may be completed before or taken concurrently with the subject to which they refer.

70100 SKILLS – LEGAL RESEARCH AND WRITING

(2cp)

The aim is to teach the skills of effective legal research and writing to aid both in the study of law while a student and later as an adjunct to the practice of law.

This will be done by examining the basis recognition of legal material into primary and secondary source material, then take the student through both areas using lectures, seminars and a program of class exercises.

Text

Watt R J, *Legal Research*, Federation Press.

70113 LEGAL PROCESS AND HISTORY

(10cp)

This is an introductory subject which seeks to examine the Australian legal and constitutional environment and to provide those commencing their legal studies with a basic understanding of both how and why the law has developed as it has and how and why there are certain restrictions on the law-making process of Parliament. Using a historical approach, students will examine why our legal system is so different from our regional neighbours and what are the strengths and weaknesses of our system.

At the end of the subject, students should have a fully developed understanding of the Western legal tradition, the place of the common law in that system and the ramifications of living under a Westminster Parliamentary system.

The syllabus is as follows: philosophical background to the Western legal system; the concept of law including the normative and positivist approaches; law and justice distinguished; sources of law; the British acquisition of Australia; and law in a multicultural Australia. The judicial process, including the existing Federal and State court structures, including the appeal process; the litigation process, including basic documentation, the role of judge and jury, the adversary system, rudimentary rules of evidence and enforcement; the development of the principal sources of law, including the common law, equity and the law merchant; the development of the concept of judicial review and the rise of administrative law procedures and remedies; alternatives to litigation, including negotiation, arbitration and conciliation. The constitutional process including the origins and development of Parliament; the concept of Parliamentary sovereignty; the development of the Westminster or cabinet form of government in both England and the colony of New South Wales. The Australian Constitution including its drafting 1889-1899; its division into the three functions of legislative, executive and judicial and the concept of separation of powers; the question of the independence of Australia and the rule of law.

Texts

Derham D, Maher K F and Waller L, *An Introduction of Law*, Law Book Company.
 Maher K F, *Legal Process, Commentary and Materials*, Butterworths.
 Morris G, *Laying Down the Law*, Butterworths.
 Crawford J, *Australian Courts of Law*, Oxford University Press.
 Baker J H, *An Introduction to English Legal History*, Butterworths.
 Evans M B, *Sources of English Legal and Constitutional History*, Butterworths.
 Lumb R D, *The Constitutions of the Australian States*, University of Qld Press.
 Lumb R D, *The Constitution of the Commonwealth of Australia Annotated*, Butterworths, 1986.
 Lumb R D, *Australian Constitutionalism*, Butterworths.
 Lane P, *An Introduction to the Australian Constitution*, Law Book Company.
 Morison W L, *The Systems of Law and Courts Governing New South Wales*, Butterworths.

70200 SKILLS – CASE ANALYSIS AND STATUTORY INTERPRETATION

(2cp)

corequisites 70113 Legal Process and History, 70100 Skills – Legal Research and Writing, 70311 Law of Tort

The subject will first deal with the reading and analysis of selected cases, with a view to identifying and formulating their *ratio decidendi* and *obiter dicta*. The subsequent judicial treatment of those cases will then be examined, and students will learn how cases are applied, distinguished, followed and considered. Secondly, the subject will introduce students to the skills and techniques of interpreting statutes, with reference to language, the rules of construction and the Interpretation Acts.

Texts

Pearce D C and Geddes R S, *Statutory Interpretation in Australia*, Butterworths.
 Maher K F et al, *Legal Process: Commentary and Materials*, Butterworths.
 Gifford D, *Statutory Interpretation*, Law Book Company.

70211 LAW OF CONTRACT

(8cp)

corequisites 70113 Legal Process and History, 70100 Skills – Legal Research and Writing

This subject deals with the legal principles as to when promises are binding, the difficulties arising out of their interpretation, how they may become defensible, issues relating to their performance, and how they may be discharged. Topics covered include the formation of contracts (agreement, consideration, terms), vitiating factors (capacity, mistake, misrepresentation, illegality, duress, undue influence, unconscionability), discharge by performance and non-performance of contractual obligations (breach and frustration) and contractual remedies.

Texts

Carter J W and Harland D J, *Contract Law in Australia*, Butterworths.
 Cheshire and Fifoot, *Law of Contract*, Butterworths.
 Carter J W, Harland DJ and Lindgren K E, *Cases and Materials on Contract Law in Australia*, Butterworths.
 Greig D and Davis J, *The Law of Contract*, Law Book Company.

70212 CRIMINAL LAW

(7cp)

corequisites 70113 Legal Process and History, 70100 Skills – Legal Research and Writing

The subject deals with the substantive criminal law, the doctrines and rules which define the conditions of criminal liability, and some aspects of the procedural law. Australian common law doctrine and the Crimes Act 1900 (NSW) are treated. Topics include nature of crime; doctrine of mens rea and actus reus; presumption of innocence; offences against the person; property offences; strict, vicarious and corporate liability; complicity; inchoate offences; offences against justice; criminal defences; criminal investigation and procedure.

Text

Gillies P, *Criminal Law*, Law Book Company.

70300 SKILLS – CONVEYANCING

(3cp)

prerequisite 70312 Real Property

Considers the steps in a typical conveyancing transaction for land and a dwelling house erected thereon in New South Wales and the examination of the 1992 edition of the *Contract for Sale of Land*. Topics covered include a consideration of examples of certificate of title, folio identifier, deposited plan, S.88B instrument transfer and drainage diagram; formalities for an enforceable contract for the sale of land (S.54A Conveyancing Act, 1919); open contracts; exchange of a standard form contract; employment of real estate agents to sell land; survey certificate and building certificate; Agreement for Sale of Land (1988 edition).

Text

Young P W, QC, *Contract for Sale of Land in New South Wales*, Butterworths.

70311 LAW OF TORT

(8cp)

corequisites 70113 Legal Process and History, 70100 Skills – Legal Research and Writing

The subject discusses the functions and aims of the tort, with special reference to its role in the distribution of losses in society, before examining the nature of tortious

liability in the light of a selection of specific torts, namely, trespass to the person, goods and land; the action on the case for wilful injuries; conversion; negligence; breach of statutory duty; the rule in *Rylands v Fletcher*; nuisance; occupier's liability; defamation. Reference is also made to defences, vicarious liability and contribution between tortfeasors.

Attention is drawn to the relevance of the type of conduct complained of (intentional, reckless, careless), the nature of the various interests protected (personal security, chattels, land, reputation, economic interests, domestic relations), the adaptability of tort law to changing needs and values of society (thus, the introduction, dominance, and current perceived limitations of the fault concept) and the element of policy expressed or implied in judicial decisions.

Texts

Balkin R P, and Davis J L R, *Law of Torts*, Butterworths.

Morison WL and Sappideen C, *Torts, Commentary and Materials*, 8th ed, Law Book Company.

Luntz H and Hambly A D, *Torts: Cases and Commentary*, 3rd ed, Butterworths.

Fleming J G, *The Law of Torts*, 8th ed, Law Book Company.

Gardiner D, *Outline of Torts*, Butterworths.

70312 REAL PROPERTY

(7cp)

corequisites 70113 Legal Process and History, 70211 Law of Contract, 70311 Law of Tort, 70100 Skills – Legal Research and Writing, 70200 Skills – Case Analysis and Statutory Interpretation

The law relating to real property in New South Wales. Topics include Torrens title and priorities, old system title, adverse possession, possessory title, fixtures, legal definition of land, including fixtures, concurrent ownership, easements, covenants, mortgages and leases.

Texts

Butt P J, *Introduction to Land Law*, Law Book Company.

Sappideen C M, Stein R T J, Butt P J and Certoma G L, *Cases and Materials on Real Property*, Law Book Company.

Stein R T J and Stone M, *Torrens Title*, Butterworths.

70400 SKILLS – COMPUTERISED LEGAL RESEARCH

(2cp)

prerequisite completion of Stages I and 2 of the part-time program

The subject aims to familiarise students with the basic tools available to engage in computer legal research. It includes the following: introduction to the concept of computerised researching and Boolean logic; examination of a number of on-line systems including INFO ONE, SCALE and LEXIS; Introduction to the use of CD-ROM based services such as INFO, ONES, LAW PAC, CDROMs and DISKROMs Commonwealth Statutes.

Text

Greenleaf G, Lewis D and Mowbray A, *Australasian Computerised Legal Information Handbook*, Butterworths.

70411 COMMERCIAL TRANSACTIONS

(7cp)

prerequisite completion of Stages I and 2 of the full-time program

Topics include classifications of personal property, choses in action and choses in possession; acquisition of title to goods; dispositions of personalty under the Sale of Goods Act (this is the major topic); reservation of title (Romalpa) clauses; remedies of unpaid seller; Brief treatment of relevant portions of Trade Practices Act (Cth); law of bailment; insurance; securities interests in chattels; law of negotiable instrument with particular reference to cheques. (Please note that this course does not emphasize consumer protection matters which are dealt with elsewhere in the LLB syllabus.)

Texts

Pentony B, *Materials and Cases on Commercial Transactions*, Butterworths.
Helmore B A, *Commercial Law and Personal Property in NSW*, Law Book Company.

70412 CORPORATE LAW

(7cp)

prerequisite completion of Stages I and 2 of the full-time program
corequisite 70511 Equity and Trusts

The subject is concerned with the response of the law to group activity and deals with associations formed for both profit and non-profit purposes. Approximately half of the course involves a study of company law, covering the history of company law,

the process of formation of companies, the nature of interests in companies, the duties of promoters, the legal position of members, the rights, powers and duties of directors, and other officers, legal proceedings, company contracts, liability of companies in crime and tort, and protection of minority shareholders. Other forms of association covered in detail are partnership, unincorporated voluntary association, and joint venture. Brief reference is made to incorporated associations, public corporations, trade unions, cooperatives, credit unions and building societies.

Texts

Fletcher K L, *The Law relating to Non-Profit Associations in Australia and New Zealand*, Law Book Company.
Higgins P F P and Fletcher K, *The Law of Partnership in Australia and New Zealand*, Law Book Company.
Australian Corporation Law, loose-leaf, Butterworths.
Ford H A J and Austin R P, *Principles of Corporation Law*, Butterworths.
Gillies P, *The New Corporations Law*, Federation Press.
Redmond P, *Companies and Securities Law: Commentary and Materials*, Law Book Company.
Tomasic R, Jackson J and Woellner R, *Corporations Law: Principles, Policy and Process*, Butterworths.

70500 SKILLS – DRAFTING

(2cp)

prerequisite completion of 70513 Succession

The principles and problems of legal drafting will be examined, discussed and analysed. Students will apply their knowledge of substantive law to given sets of facts and clients' instructions. Appreciation and understanding of the principles of good drafting will be required, including communication, clarity, originality of expression and use and adaptation of precedents. Students will draft, redraft and critically analyse various clauses and documents. Exercises will be drawn from examples such as agreements, deeds, powers of attorney, statutory declarations, articles of association and wills.

Texts

Piesse EL, *The Elements of Drafting*, Law Book Company.
Rowling C and Tamsitt G, *Hutley's Australian Wills Precedents*, Butterworths.
Dick R, *Legal Drafting*, Carswell.

70511 EQUITY AND TRUSTS

(7cp)

prerequisite completion of Stage 3;
corequisites 70411 Commercial Transactions, 70412 Corporate Law

The law of trusts and those principles of equity not dealt with in other subjects. Topics include the nature of equity; equitable estates and interests; equitable priorities; assignments in equity; fiduciary obligations; confidential information; the nature of trusts; express trusts; charitable trusts; implied trusts; constructive trusts; powers, rights and duties of trustees; rights of beneficiaries.

Texts

Evans M B, *Outline of Equity and Trusts*, Butterworths.

Meagher R P and Gummow W M C and Lehane J R F, *Equity, Doctrines and Remedies*, Butterworths.

Meagher R P, Gummow W M C, *Jacobs' The Law of Trusts in Australia*, Butterworths.

Heydon J D, Gummow W M C and Austin R P, *Cases and Materials on Equity and Trusts*, Butterworths.

Ford H A and Lee W A, *Principles of the Law of Trusts*, Law Book Company.

70513 SUCCESSION

(4cp)

prerequisite completion of Stages 1 and 2 of the part-time program;
corequisite 70312 Real Property

This subject deals with the formal and essential requirements of the wills, the provisions of the Wills, Probate and Administration Act 1898, the Family Provisions Act 1982, consequences of intestacy, admission of wills to probate and the responsibilities of administration of an estate.

Text and References

Certoma G L, *The Law of Succession in New South Wales*, Law Book Company, 1992.

Woodman, R A, *Administration of Estates*, Law Book Company.

Hardingham I J, Neave M A and Ford J A J, *Wills and Intestacy in Australia and New Zealand*, Law Book Company.

70514 FAMILY LAW

(5cp)

prerequisite completion of Stages 1 and 2 of the full-time program

The subject introduces students to the principles which govern the legal relationship between members of families when there is a breakdown in the family unit, whether the legal relationship arises out of marriage or a de facto relationship. The interaction between social issues, public policy and the relevant law is an important feature of the subject.

Topics include: family law in its social context; domestic violence; the history of divorce and related legislation; divorce and nullity; property claims and settlements (including a consideration of the application of trust concepts and equitable principles, and capital gains tax implications); spousal maintenance and financial agreements; guardianship, custody and access; child maintenance and child support; counselling, conciliation and dispute resolution; the enforcement of orders, including custody orders, and the application of the Hague Convention, and financial orders; and the role of lawyers in family law.

Texts

Dickey A, *Family Law*, Law Book Company.
Housego J M and Gurr R, *Making and Breaking, Issues for Family Law in Australia*, Federation Press (forthcoming 1994).

70600 SKILLS – PLEADINGS

(2cp)

prerequisite completion of Stages 1 to 6 of the part-time program

The principles and practice of pleading as they relate to various causes of action (such as contracts, torts, equity and Trade Practices Act cases) based on a set of given facts. Students will be expected to undertake various exercises in drafting pleadings, which will demonstrate their ability to formulate a cause of action in the context of the requirements of relevant rules of court.

Texts

Britts M M G, *Pleading Precedents*, Law Book Company.

Bullen E and Leake S M, *Precedents of Pleading*, Sweet and Maxwell.

Court Forms, Precedents and Pleadings (NSW), loose-leaf, Butterworths.

70611 FEDERAL CONSTITUTIONAL LAW

(7cp)

prerequisite completion of Stages 1 and 2 of the part-time program

The effect of the Australian Constitution on the legal and fiscal relationship of the Commonwealth and States. In order that students develop an understanding of the techniques of judicial review in the constitutional context, a range of powers given to the Commonwealth are examined. These include trade and commerce, corporations, taxation, defence, external affairs, arbitration and conciliation and family law. Other areas examined are explicit and implicit restrictions of power, the questions of inconsistency and inter-governmental relations and the general role of the High Court in Australian constitutional law.

Texts and References

Hanks P J, *Australian Constitutional Law: cases and materials*, Butterworths.

Hanks P J, *Constitutional Law in Australia*, Butterworths.

Zines L, *The High Court and the Constitution*, Butterworths.

Lane P, *A Manual of Australian Constitutional Law*, Law Book Company.

Howard C, *Australian Federal Constitutional Law*, Law Book Company.

Lee H P and Winterton G, *Australian Constitutional Perspective*, Law Book Company.

70612 ADMINISTRATIVE LAW

(7cp)

prerequisite completion of Stages 1 to 6 of the part-time program

This subject deals with the supervision of the executive arm of government by the courts and by other statutory mechanisms. Topics include the grounds of review of administrative decisions, in particular natural justice, *ultra vires*, jurisdictional error and error of law; remedies available at common law upon judicial review including the prerogative writs and equitable remedies; judicial review under the Administrative Decision (Judicial Review Act) 1976 (Cth); review of Commonwealth decisions under the Administrative Appeals Tribunal Act, 1976 (Cth); role and function

of the Ombudsman; if time permits freedom of information and privacy legislation will also be touched upon.

Texts

Hotop S D, *Cases and Materials on Review of Administrative Action*, Sydney, Law Book Company.

or

Douglas and Jones, *Cases and Materials on Administrative Law*, Federation Press.

and either

Allars M, *Introduction to Australian Administrative Law*, Butterworths.

or

Sykes E, Lanham D J and Tracey R, *General Principles of Administrative Law*, Butterworths.

70705 SKILLS – LITIGATION

(4cp)

prerequisites 70500 Skills – Drafting, 70600 Skills – Pleadings

Commences with an examination of the legislation governing the jurisdiction of the NSW Supreme Court, District Court and Local Court, and the respective rules of court, which determine the procedure to be followed by litigants in those courts. The various stages of a civil action are analysed, from the filing of originating process to the final hearing, and attention will be paid to mentions, notices of motion and interlocutory applications, drafting of affidavits, discovery and inspection of documents, interrogatories, setting matters down for hearing, state of readiness hearings, and preparation for the final hearing.

Texts

Lindsay G C, *Guide to the Practice of the Supreme Court of NSW*, Law Book Company.

Young P W, O'Leary K F and Hogan A E, *Supreme Court Civil Procedure: NSW*, Butterworths.

Young P W, *Civil Litigation: a Practical Guide for Advocates*, Butterworths.

Cairns B, *Australian Civil Procedure*, Law Book Company.

Butterworths, *Ritchie's Supreme Court Procedure: NSW*.

Taylor P W, (ed), *District Court Procedure: NSW*, Butterworths.

70900 SKILLS – MOOT

(3cp)

prerequisite 70705 Skills – Litigation

Students must participate in one moot on a point of law arising from a set of agreed facts, before a judge or barrister.

Attendance is required at two seminars, each of one hour, at the beginning of the semester, and thereafter at the moot itself. Students must present the moot judge with written submissions, including a list of authorities, at least three days before the scheduled date of the moot.

Texts

As most of the work required of students involves intensive library research and preparation, and as the relevant area of law differs from moot to moot, there are no texts or references. However, there is a Faculty Guide to Mooting, which provides basic instruction to mooters. This is available from the General Papers office.

71000 ELECTIVE SKILL – LAW OF MEETINGS

(2cp)

prerequisite completion of Stages 1 and 2 of the full-time program;
corequisite 70412 Corporate Law

The topics dealt with are: order at public meetings; role of the chair; pre-meeting procedures; motions and amendments; resolutions and rescission; formal and procedural motions; points of order; quorum; voting (including proxies); company meetings; constitution and standing orders; committees.

Texts

Taggart W J, (ed), *Horsley's Meetings Procedure, Law and Practice*, Butterworths.
Joske P E, *Law and Procedure at Meetings in Australia*, Law Book Company.
Renton N G, *Guide for Meetings and Organisations*, Law Book Company.

71001 ELECTIVE SKILL – ADVANCED COMPUTERISED LEGAL RESEARCH

(2cp)

prerequisite completion of Stage 6 in either program

Aims to give students a fuller understanding of computerised systems which can be of assistance in legal research and practice. Apart from updating and

expanding upon material presented in the earlier subject – 70400 Skills 4, the use of computer databases for in-house purposes such as litigation and precedent support is also dealt with.

Text

Greenleaf G, Mowbray A and Lewis D, *Australasian Computerised Legal Information Handbook*, Butterworths.

71002 ELECTIVE SKILL – LEGAL ETHICS A

(2cp)

prerequisite completion of Stages 1 to 8 of the part-time program

Considers the present structure, functions and role of the legal profession in Australia. Particular attention will be given to such matters as the regulation of the profession, ethics and professional conduct, together with contemporary issues, such as advertising and specialisation. A detailed examination will be made of the reports on the legal profession by the NSW Law Reform Commission and the way in which the recommendations have been carried into practice.

Texts

Riley F, *The New South Wales Solicitors Manual*, loose-leaf, Law Society of NSW.
Reports on the Legal Profession by the N.S.W. Law Reform Commission.
Articles on issues contained in the NSW Law Society Journal.

71101 ELECTIVE SKILL – OFFICE MANAGEMENT

(2cp)

prerequisite completion of Stages 1 to 8 of the part-time program

This subject is intended to develop an understanding of the principles of office management, particularly as they apply to a legal practice, so that students will be able both to manage their own office and better understand their duties when employed by a firm. The subject will examine personnel management, office design, legal accounting, computers and information processing and the use of various professional resources. In addition, it will look at how decisions are made, how decisions should be made, how clients are obtained and how clients are kept. The focus of the subject will be not simply what is done in managing a law office but why it is done.

Texts

Altman M A and Weil R I, *How to Manage your Law Office*, loose-leaf, N.Y., Matthew Bender.

Burke W J and Bradbury L W, *Accounting Systems for Law Offices*, loose-leaf, N.Y., Matthew Bender.

College of Law, *The Costing Book*, Sydney.

Donald D K, *Law Office Management and Procedures*, Sydney, College of Law.

Ennis R, *The Legal Practice Book*, Sydney, Law Society of New South Wales and College of Law.

Hutchinson H H and Dyer L S, *Interpretation of Balance Sheets*, London, Bakers Books.

English J W, *How to Organize and Operate a Small Business in Australia*, Sydney, Allen and Unwin.

Law Institute of Victoria, *Law Office Management: A Guide for Practitioners*, Melbourne, Law Institute of Victoria, 1985.

71102 ELECTIVE SKILL – LEGAL ETHICS B

(2cp)

prerequisite completion of Stages 1 to 8 of the part-time program. For the purposes of admission to the Bar or exemption from the College of Law, it is necessary for students to complete 71002 Skills – Legal Ethics A, as well as Legal Ethics B.

Prepares students for entry into the legal profession by assisting them to develop an awareness of the ethical requirements of the profession, both by statute and by custom. Students will be expected to achieve a thorough knowledge and understanding of the laws, regulations and ethical conduct relevant to practice as barristers or solicitors in New South Wales.

Texts

Disney J et al, *Lawyers*, Law Book Company.

New South Wales Bar Association Rules.
Boulton W W, *A Guide to Conduct and Etiquette at the Bar of England and Wales*, Butterworths.

College of Law, Sydney, *Professional Responsibility: The Responsibilities of Solicitors in New South Wales*, Practice Paper PR 1.

71103 ELECTIVE SKILL – SECOND MOOT

(2cp)

prerequisite 70900 Skills – Moot

Students who elect to take this subject must participate in a moot, or mock trial on a point of law arising from a set of agreed facts, before a judge or barrister. Attend-

ance is required at two seminars, each of one hour, at the beginning of the semester, and thereafter at the moot itself. Students must present the moot judge with written submissions, including a list of authorities, at least three days before the scheduled date of the moot.

71104 ELECTIVE SKILL – ADVANCED LEGAL RESEARCH

(2cp)

prerequisite completion of Stages 1 to 4 of the part-time program

Assists students to consolidate and perfect their researching skills gained in earlier skills seminars. The areas covered are Australian primary sources, being a revision; Australian and English secondary sources, concentrating on Federal law, but including selected State material; American secondary sources, including the Digest, legal encyclopaedias and Sheppard; selected primary and secondary material of Canada and New Zealand; international law; treaties.

Text

Watt RJ, *Concise Legal Research*, Federation Press.

71112 CONFLICT OF LAWS

(7cp)

prerequisite completion of Stages 1 to 4 of the full-time program

Deals with the international jurisdiction of the Australian courts, the recognition and enforcement of foreign judgements and decrees, and the problem of choice of law as it arises with respect to specific areas of law such as marriage, matrimonial causes, contract, torts, *inter vivos* property transactions and succession. The subject also deals with conflict issues as they arise between the Australian States, including questions of jurisdiction and applicable law under the cross-vesting legislation.

Texts

Sykes E I and Pryles M, *Conflict of Laws: Commentary and Materials*, Law Book Company.

Nygh P E, *Conflict of Laws in Australia*, Butterworths.

Sykes E I and Pryles M C, *Australian Private International Law*, Law Book Company.

Morris J H C., *The Conflict of Laws*, Sweet and Maxwell.

Dicey and Morris on the Conflict of Laws, Sweet and Maxwell.

71114 REMEDIES AND RESTITUTION

(7cp)

prerequisite completion of Stages 1 to 5 of the part-time program and 70612 Administrative Law

Deals with the range of court ordered remedies available to a plaintiff in civil proceedings. The more common remedies are those administered at either common law or in equity: damages; restitution; quasi-contract; equitable remedies (declarations, specific performance, injunctions, Anton Pillar orders, account, equitable damages); and statutory and common law remedies for deceptive conduct. The enforcement of remedies will also be considered.

Texts

Meagher R P, Gummow W M C and Lehane J R F, *Equity Doctrine and Remedies*, Butterworths.

Tilbury M, Noone M and Kercher B, *Remedies: Commentary and Materials*, Law Book Company.

Spry I C F, *Equitable Remedies*, Law Book Company.

Birks P, *An Introduction to the Law of Restitution*, Oxford University Press.

Burrows A, *Essays on the Law of Restitution*, Oxford University Press.

Finn P D, *Essays on Restitution*, Law Book Company.

Goff R and Jones G, *The Law of Restitution*, Sweet and Maxwell.

71115 INSOLVENCY

(3cp)

prerequisite completion of Stages 1 to 5 of the part-time program

This subject is in two sections. The first half deals with bankruptcy (including creditors' petitions, acts of bankruptcy, notices of demand, debtors' petitions); property available to creditors; effect of bankruptcy over property and legal proceedings; proofs of debt; meetings of creditors after bankruptcy; realisation of the bankrupt's estate; discharge; annulment and arrangements with creditors outside bankruptcy. The second half covers the winding up of insolvent companies, including deemed insolvency; s.460 notices, commencement of winding up; effect of winding up on company, directors, creditors; appointment and powers of the liquidator; challenging the liquidator's decisions; termination of winding up.

Texts

Lewis A N, *Australian Bankruptcy Law*, Law Book Company.

McDonald, Henry and Meek, *Australian Bankruptcy Law and Practice*, loose-leaf, Law Book Company.

McPherson B H, *The Law of Company Liquidation*, Law Book Company.

College of Law, *Corporate Insolvency*, Seminar Papers 91/38.

Australian Corporation Law, loose-leaf, Volume 1, Butterworths.

71200 ELECTIVE SKILL – SPECIAL PROJECT

(2cp)

prerequisite completion of Stages 1 to 8 of the part-time program

The Special Project enables students to develop legal skills in an approved area of interest to them. The project will require work equivalent to two credit points. A staff member of the Faculty will be appointed by the Head of School to supervise the student's work. Students interested in attempting this subject must consult the Director before enrolling to ensure that the proposed work is appropriate as a Special Project.

71201 SKILLS – ALTERNATIVE DISPUTE RESOLUTION

(2cp)

prerequisite completion of Stage 1 to 7 of the part-time program

The subject introduces the various types of dispute resolution, and the fundamental negotiation concepts of listening and questioning; the successful dispute resolution; the theory and techniques of negotiation with a simulation to illustrate principles and participation in a skills exercise; a brief examination of conciliation and arbitration methods, with distinctions being drawn between the main forms of dispute resolution; and examination of dispute resolution criteria prepared in the first section and formal debriefing for the simulation exercises.

References

Fisher R and Ury W, *Getting to Yes*, Penguin.

Astor H and Chinkin C, *Dispute Resolution in Australia*, Butterworths, 1992.

71211 LAW OF EVIDENCE

(7cp)

prerequisite completion of Stages 1 to 8 of the part-time program

The subject includes the following topics: types of evidence; relevance, admissibility, weight of evidence; the course of the trial; functions of the judge and jury; the burden and standard of proof; competence and compellability of witnesses; privilege; character evidence; the rule against hearsay evidence and the common law and statutory exceptions; confessions and illegally obtained evidence; presumptions and corroboration.

Texts

Byrne D and Heydon J D, *Cross on Evidence*, Butterworths.

Waight P K and Williams C R, *Evidence – Commentary and Materials*, The Law Book Company.

Australian Law Reform Commission, *Reports on Evidence*, ALR 26 and 38.

NSW Law Reform Commission, *Report on Evidence*, ALR 56.

Sutherland P, *The Use of the Letter of Request for the Purpose of Obtaining Evidence for Proceedings in England and Abroad*, 31

International and Comparative Law Quarterly, (1982) pp 784-839.

71212 REVENUE LAW

(7cp)

prerequisite completion of Stages 1 to 7 of the part-time program;

corequisite 70612 Administrative Law

After an introduction to the Federal and State taxation systems, the subject concentrates on a study of income tax law. Topics include the scheme of the Income Tax Assessment Act; concepts of income and capital; the concept of assessable income; the treatment of trading stock; allowable deductions and tax accounting; the taxation of different types of taxpayers; tax avoidance; objections, appeals and other administrative procedures; questions of source and residence; capital gains tax; imputation and fringe benefits tax.

Texts

Waineymer J, *Australian Income Tax: Principles and Policy*, Butterworths.

Woellner R H, Vella T J and Burns L, *Australian Taxation Law*, CCH.

Lehman G and Coleman C, *Taxation Law In Australia*, Butterworths.

Cooper G, Krever R and Vann R, *Income Taxation Commentary and Materials*, The Law Book Company.

Elective subjects**77001 COMPARATIVE LAW A**

(7cp)

The first section is concerned with an introduction to the major legal systems in the world. Emphasis will be placed on a study of the development of the Romano-Germanic system of law, the formation of the socialist legal system and the law of the United States of America. These legal systems will be compared with the common law system. Among the topics covered will be a study of the meaning, sources and structure of law in the legal systems under consideration. The civil law method will be illustrated by cases dealing with liability for torts (articles 1382-1386 of the French Civil Code). Other topics which will be discussed include the legal profession and the legal education in civil law as well as countries, an assessment of the adversary and inquisitorial criminal procedures, and the protection of human rights through the incorporation of customary law into domestic law.

The second section is devoted to French Administrative Law and the jurisprudence of the Conseil d'Etat.

Texts

David R and Brierley J E C, *Major Legal Systems in the World Today*, Stevens and Sons.

Certoma C L, *The Italian Legal System*, Butterworths.

Brown L N and Garner J F, *French Administrative Law*, Butterworths.

Crabb J H, *The French Civil Code*, Fred B. Rothman and Co.

de Vries H P, *Civil Law and the Anglo-American Lawyer*, Oceana Publications, Inc.

77003 COMPARATIVE LAW B

(7cp)

The subject exposes students to another legal system. It is designed to introduce students to the reception of legal systems in the countries of South and South-East Asia, with special reference to the reception of English law and Islamic law.

Texts

Lewis B, *The Arabs in History*, Hutchinsons.

Coulson N, *History of Islamic Law*, Edinburgh University Press.

Fyze A A A, *Introduction to Mohammedan Law*, Oxford University Press.

Setalvad M C, *The Common Law in India*, Stevens.

Boxer C R, *The Portuguese Maritime Empire*, Penguin.

Parry J H, *Europe and the Wider World*, Hutchinsons.

77004 ADMINISTRATION OF CRIMINAL JUSTICE

(7cp)

prerequisite 712II Law of Evidence

Topics include criminal investigation covering police interrogation, arrest, detention, search, seizure, remedies against the police, reception of confessional evidence and discretion to exclude evidence; criminal prosecution: bail, summary proceedings, committal proceedings, jury trials, discretion to prosecute, indictment, joint trials, pleas, duties of prosecutor, duties of trial judge, course of evidence, verdict, sentencing, criminal compensation, appeals.

Texts

Watson R S and Purnell H, *Criminal Law in NSW*, loose-leaf, Law Book Company.

Johnson P A, *Criminal Law and Practice*, loose-leaf, Butterworths.

77006 PUBLIC INTERNATIONAL LAW

(7cp)

prerequisite completion of Stages I to 4 of the part-time program

The following topics are selected for study in this subject with particular attention being paid to the development of the law through the machinery of the United Nations in its relationship with the state, international organisations and even the individual. The topics are: nature, characteristics and function of international law; sources of international law (including the role and characteristics of the International Court of Justice); the law of treaties; concept of state sovereignty and domestic jurisdiction; the relationship between international law, municipal law and the individual (including the international protection of human rights); statehood and sovereignty; the personality, rights and duties of states; the recognition of states and governments; state succession; territorial sovereignty of the land and the sea (with emphasis on limits); the jurisdiction of states (including

jurisdictional competence, immunity from jurisdiction, asylum and extradition); immunities and privileges in diplomatic and consular relations; international organisations (especially the United Nations); armed conflict and the settlement of international disputes.

Texts

Starke J G, *An Introduction to International Law*, Butterworths.

Brownlie I, *Principles of Public International Law*, Oxford University Press.

77007 HUMAN RIGHTS

(7cp)

prerequisite completion of Stages I to 4 of the part-time program

Concentrates on law relating to human rights. Topics include establishment and enforcement of human rights, constitutional rights, common law rights, an Australian Bill of Rights and the law; Aborigines; discrimination; the right to free speech and assembly.

Texts

Bailey P H, *Human Rights: Australia in an international context*, Butterworths.

Campbell E and Whitmore H, *Freedom in Australia*, Sydney University Press.

Flick G A, *Civil Liberties in Australia*, Sydney Law Book Company.

77008 JURISPRUDENCE

(7cp)

prerequisite 703II Law of Tort

Deals with theoretical questions which are relevant to an understanding of the notion of law (eg. What is the law of the state? Is there any other command, convention or the like which can also be called 'law'?). It also includes a discussion of different approaches to the study of law (eg, philosophical, sociological, historical, analytic, international, comparative) to determine its derivation, nature and function, as well as a discussion of the doctrines and techniques of legal analysis and evaluation. The various approaches are compared and criticised in the context of sociopolitical problems, conflicts and other phenomena. Topics here include causation and the law, sovereignty and the law, legal rights and duties, law and ideology; and their treatment in the common law will be examined. A number of theorists are considered, eg, von Savigny, Austin, de Jouvenel, Dworkin.

In conceptual terms, law is analysed as a logical system (legal), as a part of a composite system (social), and as a specific legal institution (eg, constitutional law). Constitutionalism will be distinguished from legality, and the problem of political or social revolution addressed (in other words, how can legality be justified vis-a-vis the ensuing struggle for sovereignty in the state which is always present in any revolution?).

Texts

Reisman W M and Schreiber A M, *Jurisprudence, Understanding and Shaping Law*, New Haven Press.
 Dias R W M, *Jurisprudence*, Butterworths.
 Harris J W, *Law and Legal Science*, Clarendon Press.
 Kerruish V, *Jurisprudence as Ideology*, Routledge.
 Douzinas C, Warrington R and McVeigh S, *Postmodern Jurisprudence*, Routledge.

77011 INDUSTRIAL AND INTELLECTUAL PROPERTY

(7cp)

prerequisite completion of Stages 1 to 4 of the part-time program, 705II Equity and Trusts

This subject is intended to introduce and provide an understanding of the ways in which the legal system recognises, protects and regulates the exploitation of exclusive rights in certain intangible industrial and intellectual 'property'. The basic structure will be: confidential information – trade secrets and the problem of know-how, scope of the present law, classification of type of protection, relation to patent system. Remedies available in Industrial Property. Patents: history of patents, patentable subject matter, application process, employee's inventions, patent office and third party objections, grounds of invalidity, infringement, licences, assignment, Crown use, patents of addition, extensions. Designs: subject matter, registration, invalidity, infringement, relationship to the copyright system. Trademarks and Trade Names: protection at common law, passing off and Section 52 of the Trade Practices Act 1974, unfair competition, trademark legislation and its relation to common law protection, right to apply, purpose of registration, distinctiveness, deception and confusion, defensive registration, certification marks, infringement, assignment, registered user agreement, the licensing and exploitation of

marks, non-use and use by competitors. Copyright: history of copyright protection, nature of works and subject matter in which copyright subsists, nature of exclusive rights, ownership, assignment, licensing, infringement.

Texts

Blakeney M L and McKeough J, *Intellectual Property, Commentary and Materials*, 2nd ed, Law Book Company, 1992.
 McKeough I and Stewart A, *Intellectual Property in Australia*, Butterworths, 1991.
Australian Industrial and Intellectual Property, loose-leaf, CCH.
 Lahore J C, *Intellectual Property in Australia: Copyright Law*, loose-leaf, Butterworths.
 Lahore J C, Garnsey J J, Dwyer J, Duffy A and Covell W, *Intellectual Property in Australia: Patents, Designs and Trade Marks Law*, loose-leaf, Butterworths.
 Ricketson S, *The Law of Intellectual Property*, Law Book Company.

77012 CRIMINOLOGY

(7cp)

prerequisite completion of Stages 1 to 4 of the part-time program

Issues and theories within contemporary criminology. Deals with theoretical explanations of the causes of crime, the role and effectiveness of prisons, alternatives to imprisonment, and a number of selected topics of continuing importance in criminological debate. An attempt will be made to deal with particular theories in the context of a discussion of concrete issues and subjects.

Texts

Taylor I R, Walton P and Young J, *The New Criminology: for Social Theory of Deviance*, Routledge and Kegan Paul.
 Fitzgerald M et al (eds), *Crime and Society: Readings in History and Theory*, Routledge and Kegan Paul.
 Downes D and Rock P, *Understanding Deviance*, McGraw-Hill.
 Vold G, *Theoretical Criminology*, Oxford University Press.
 Chappell D and Wilson P (eds), *The Australian Criminal Justice System The Mid-1980s*, Butterworths.

77014 LAW AND COMPUTERS

(7cp)

prerequisite completion of Stages 1 to 4 of the part-time program

An introduction to computers as they relate to the administration and practice of the law, and to specific areas of the law as they relate to computers. After an analysis of computer concepts and terminology, with basic instruction in the use of personal computers, the subject deals with legal issues raised by computer technology (eg, computer crime, software copyright and data protection), and the development of computer applications for legal use, with the major focus on leading edge technologies, such as expert systems and hypertext systems.

Text

Hughes G (ed), *Essays on Computer Law*, Longmans.

77015 LABOUR LAW

(7cp)

prerequisite completion of Stages 1 to 4 of the part-time program

The subject consists of two parts: individual aspects of the employment relationship: the formation, foundation and termination of the employment contract. Also examined is the intrusion into and the modification of the employment relationship by awards and various pieces of industrial welfare legislation. The rights and liabilities of employers and employees under common law principles and legislation including occupational health and safety law, anti-discrimination law and remedies involving reinstatement.

Texts

Macken J J et al, *Law of Employment*, 3rd ed, Law Book Company.
McCallum R et al, *Australian Labour Law: Cases and Materials*, Butterworths.

77016 ADVANCED TAXATION

(7cp)

prerequisites completion of Stages 1 to 4 of the part-time program, 71212 Revenue Law

Builds on the understanding obtained from the completion of the core subject 71212 Revenue Law, providing the student interested in a further study of taxation law, a specialised area of legal practice, with the opportunity to pursue that

interest. Topics covered include a comparative study of taxable entities: case studies, budget implications, taxation of companies: specific tax issues, imputation/franking credits, capital gains tax issues; taxation of trusts: specific tax issues, taxation of beneficiaries and trustees; taxation of partnerships: specific tax issues; taxation of superannuation funds; taxation of joint ventures; international aspects of taxation; tax planning: income splitting assignments, Part IVA and section 260; tax administration; other taxes.

Texts

Cooper G, Krever R and Vann R, *Income Taxation: Commentary Material*, Law Book Company.

Woellner R, Vella T and Chippendale T, *Australian Taxation Law*, CCH.

O'Grady G and O'Rourke K, *Manual of the Law of Income Tax*, Law Book Company.

Gribch Y et al, *Revenue Law: Cases and Materials*, Butterworths.

Rigney H, *Australian Business Taxation*, Butterworths.

Lehman G and Coleman C, *Taxation Law in Australia*, Butterworths.

77017 STRATA TITLES AND COMMUNITY SCHEMES

(7cp)

prerequisite completion of Stages 1 to 4 of the part-time program

An introduction to the laws and practices regulating strata title developments and the increasing numbers of strata leasehold and community title developments. Topics include overviews of the various schemes (including alternatives to strata, strata leasehold and community title), boundaries, subdivision procedures, local government approval, staged development, common and association property, by-laws and management statements, managing agents, management procedures, disputes, insurance, variation and termination of schemes, strata leasehold lot and common property leases, the role of the solicitor acting for a developer, vendor, purchaser and mortgagee.

Texts

Bugden G F and Allen M G, *New South Wales Strata and Community Titles Law*, loose-leaf, CCH.

Bugden G F, *Strata Title Management Practice in New South Wales*, CCH.

Moses N J, Tzannes R T and Skapinker D S, *Strata Titles*, Law Book Company.

77022 LAW OF INSURANCE

(7cp)

prerequisite completion of Stages 1 to 4 of the part-time program

Concentrates on a study of the general principles of insurance law, but does not examine in detail the special rules governing each class of insurance contract. After the nature of the contract of insurance is noted, key concepts will be dealt with: insurable interest, indemnity and subrogation, risk, non-disclosure, misrepresentation, conditions, warranties, premium. Subsidiary matters such as assignment of policies, liens and reinsurance will be considered. The role of insurance intermediaries in the formation of contracts of insurance will be examined. The subject thus focuses on the legal rights and liabilities of parties to an insurance contract in the context of common law principles and statutory modification. In addition, consideration will be given to the regulatory framework within which the insurance industry operates in Australia.

Texts

Sutton K, *Insurance Law in Australia and New Zealand*, Law Book Company.

Tarr A A, Liew K L and Holligan W, *Australian Insurance Law*, Law Book Company.

Australian Law Reform Commission, *Insurance Agents and Brokers*, Report No. 16, 1980, AGPS.

Australian Law Reform Commission, *Insurance Contracts*, Report No. 20, 1982, AGPS.

Australian and New Zealand Insurance Reporter, loose-leaf, CCH.

77023 DECEPTIVE TRADE PRACTICES AND PRODUCT LIABILITY

(7cp)

prerequisite completion of Stages 1 to 4 of the part-time program

The following topics are considered: the constitutional basis of the Trade Practices Act; liability under the Trade Practices Act and Fair Trading legislation for misleading and deceptive conduct; remedies and criminal liability under the Trade Practices Act; liability for unconscionable conduct; suppliers', service providers', financiers' and manufacturers' liability for defective products (including standards and bans).

Texts

Pengilley W, *Misleading and Deceptive Conduct*, Legal Books.

Miller R V, *Annotated Trade Practices Act*, latest edition, Butterworths.

Berworth E E, *Product Liability*, Federation Press.

77024 ENVIRONMENTAL LAW

(7cp)

prerequisite completion of Stages 1 to 4 of the part-time program

Introduces students to those areas of the law which attempt to control or regulate environmental quality. It provides a comprehensive guide to the major statutory and common law controls over pollution, use of land and natural resources and heritage. Students will consider the environmental licences and approvals required, and the procedures and problems which may be encountered, for industrial development, the use of natural resources (such as mining and forestry), and developments on public land. In addition, the subject covers the jurisdictions of the Supreme Court, the Land and Environment Court and the Local Court in enforcement by criminal prosecutions and civil proceedings.

Texts

Bates G, *Environmental Law in Australia*, Butterworths.

Farrier D, *Environmental Law Handbook*, Redfern Legal Centre Publishing.

77026 LOCAL GOVERNMENT

(7cp)

prerequisite completion of Stages 1 to 4 of the part-time program

The functions, powers and duties of local government authorities, including the following topics: councils, members of council, council servants, council meetings, council powers, enforcement of local government and planning laws; control of local government authorities, administrative review, judicial review, common law actions against councils and their employees; finance, rates, valuation of land; acquisition of land; land use control, land use planning, development control; building regulation; subdivision; liquor law as it affects councils.

Text

Nott A J, *Environmental Planning and Development Law*, (NSW) Penman Press.

77027 TRADE PRACTICES LAW

(7cp)

prerequisite completion of Stages 1 to 4 of the part-time program

Topics include: introduction and economics, constitutional issues, monopolisation and relevant market analysis, mergers, anti-competitive agreements, resale price maintenance, price discrimination, exclusive dealing and international anti-trust and extraterritoriality.

Texts

Miller R V, *Annotated Trade Practices Act*, Law Book Company.

Ransom A and Pengilley W, *Restrictive Trade Practices: Judgments, Materials and Policy*, Legal Books.

Corones S G, *Competition Law and Policy in Australia*, Law Book Company.

Hurley A, *Restrictive Trade Practices: Commentary and Materials*, Law Book Company.

Neale A D and Goyder D G, *The Antitrust Laws of the USA*, Cambridge, Cambridge University Press.

77028 ADVANCED COMPANY LAW

(7cp)

prerequisites completion of Stages 1 to 4 of the part-time program, 70412

Corporate Law

Given the fluid nature of company law, it is not appropriate to list a definitive set of topics, as the content will change to reflect current developments. This subject includes the following topics: equity finance, law of maintenance of capital, law of dividends, law concerning preference shares, share buy-backs, financial assistance; debt finance, debentures, secured indebtedness, priorities, guarantees; takeovers, takeovers code, defences, corporate disclosure; securities market, regulatory theories, corporate law reform processes, the Australian Securities Commission, the Stock Exchange and the stockbroker, regulation of specific market behaviour; company management; investigations; companies in difficulty, receivership, schemes of arrangement, official management, liquidation.

Text

Ford H A J, *Principles of Corporations Law*, Butterworths.

77029 LAND DEALINGS

(7cp)

prerequisites completion of Stages 1 to 4 of the part-time program, 70312 Real Property, 70300 Skills – Conveyancing

Examines the law on conveyancing in detail. It covers the formation of an enforceable contract; agreements and deeds; open contracts; *caveat emptor*, pre-contract inquiries and vendor disclosure; auction sales; deposits; risk and duty of care pending completion; statement of title; requisitions and objections; right of rescission; defects in title; errors and misdescription; legality of use and structures; inquiries and affectations; rates and notices; vacant possession; time for completion; and remedies.

Texts

Lang A G and Skapinker D S, *Sale of Land: Commentary and Cases*, Legal Books.

Butt P J, *Standard Contract for the Sale of Land in NSW*, Law Book Company.

Rossiter C J, *Vendor and Purchaser: Commentary and Materials*, Law Book Company.

77037 ADVANCED CRIMINAL LAW

(7cp)

prerequisites completion of Stages 1 to 4 of the part-time program, 71211 Law of Evidence

The course is aimed at developing research, writing and analytical skills in developing areas of criminal law. Topics covered include issues arising out of the proposed Model Criminal Code for Australia, including attempt, strict and vicarious liability, the liability of companies and their officers, complicity, conspiracy, and the burden of proof. Developments in defences of provocation, duress and consent are analysed. Criminal liability issues such as intention, knowledge and recklessness are reviewed. Current topics such as proceeds of crime, investigative agencies' powers, Aborigines, street offences, white-collar offences, complex fraud trials and the proposed uniform evidence Bills are discussed. The role of the criminal appellate law procedure is reviewed.

Text

Johnson P and Howie R, *Criminal Practice and Procedure in New South Wales*, Butterworths.

77039 JESSUP INTERNATIONAL MOOT

(7cp)

prerequisites completion of Stages 1 to 4 of the part-time program, 77006 Public International Law and 70900 Skills – Moot

This elective encourages participation in the Jessup International Moot. This moot was founded in the United States in 1962 by the American Society of International Law and is named in honour of Professor P C Jessup, Professor of International Law and Diplomacy at Columbia, and judge of the International Court of Justice 1960-69. The moot is now organised by the Association of Student International Law Societies, which operates under the auspices of the American Society of International Law Societies, which operates under the auspices of the American Society of International Law in Washington. The competition is held annually in two divisions, viz. a USA domestic division in which more than 100 United States law schools participate, and an international division in which regional eliminations are held in approximately 25 to 30 countries. Winners of the two divisions compete in a grand final held each year in Washington for the Jessup Cup. The moot is probably the most prestigious of international moots. Australia first entered the competition in 1977 and the University first entered a team in 1983.

The workload involved is particularly demanding: the problems circulated are on complex and current issues of international law. Detailed research into both international and comparative law is essential to prepare complex pleadings for both sides with a maximum size prescribed. Equally demanding are the moots themselves, particularly when the bench interrogates the advocates, as is the custom. The work involved is certainly no less than that for a large research project. The form of assessment is arduous. The memorials are assessed by memorial judges, usually distinguished teachers of international law who do not sit in the round, and there are at least two separate assessments by benches. The bench will typically consist of law teachers, practitioners and judges.

Because of the rules of the Jessup Moot, no assessment will be available until after conclusion of the Australian finals of the Jessup Moot in each year.

77040 RESEARCH PROJECT 4

(7cp)

prerequisites completion of Stages 1 to 4 of the part-time program, any other subject relevant to the topic chosen

The Research Project enables students to develop research skills in an approved area of interest to them. A staff member of the Faculty will be appointed by the Head of School to supervise the student's work. Students will be required to secure the approval of a topic by the Subject Coordinator before enrolling in the subject.

Students may complete either 77040 Research Project 4 or 77050 Research Project 5 as an elective subject within the LLB.

The aim of the Research Project is to further develop the student's research skills. Students are required to demonstrate a high level of understanding of the law relevant to the topic; the capacity to research and analyse legal material; the ability to use research tools and skills; and the ability to present the results of the research in a coherent and comprehensive form.

Students who hope to graduate with Honours must complete one of the Research Projects. Results will be taken into account in calculating the 'Honours mark' (see Honours Regulations, above).

Experience shows that most students require two semesters to complete a Research Project and are therefore advised to commence work and submit a proposal at least 12 months before anticipated completion of the law course, and before enrolling in the subject. If the project is to continue over two semesters students must also enrol in the subject in the second semester.

Students must obtain the signed approval of the Subject Coordinator of their Research Project together with that of their proposed supervisor before they may enrol in the subject.

77042 COMMUNICATIONS LAW

(7cp)

prerequisites completion of Stages 1 to 4 of the part-time program, 70412 Corporate Law, 70612 Administrative Law

Utilises the skills and knowledge gained from constitutional, administrative and corporate law in the context of new technologies and often a constantly changing policy and regulatory framework.

In the volatile area of telecommunications (with which the subject is mainly concerned), it covers the ever expanding ways in which information is exchanged, altered and/or on-sold, and considers the policies behind the regulatory legislation against the backdrop of the very carefully structured commercial arrangements of licensees, identifying the tensions between public accountability and commercial efficiency. Controls over all media include the laws of defamation and contempt. The separate regulation of the print media will be discussed.

Topics include the framework for the regulation of electronic or electromagnetic communications; telecommunications – what it includes and how it is regulated; mass telecommunications, including national, public and commercial broadcasting regulation, as well as regulation of other services, such as pay television or services like Sky Channel. Specific topics within this area are the regulatory and policy framework; the role and functions of the Australian Broadcasting Tribunal; licensing of broadcasters; inquiry procedures; issues of ownership and control of commercial licensees; defamation; contempt; control over the print media, including the role of the Trade Practices Commission, the Australian Journalists' Association and the Press Council.

Texts

Armstrong M (ed), *Telecommunications Law: Australian Perspectives*, Globe Press.
 Armstrong M, Blakeney M and Watterson R, *Media Law in Australia: a Manual*, Oxford University Press.
 Grey M, Orr R, Hitchens L and Armstrong M, *Communications Law and Policy in Australia*, loose-leaf, Butterworths.
 Walker S, *The Law of Journalism in Australia*; Law Book Company.

77044 ADVANCED FAMILY LAW

(7cp)

prerequisites completion of Stages 1 to 4 of the part-time program, 70514 Family Law

This course will explore the legal relationships arising between members of families with particular emphasis on families involved in a breakdown of their family unit. Families constituted under the Family Law Act, 1975 and through de facto relationships will be the main focus of this

course. Other family units (eg, homosexual couples) will be referred to whenever relevant to the laws being studied.

Topics will include the financial consequences of family breakdown, child support, critical analysis of custody determinants, court process, and reform issues.

Texts

Dickey A, *Family Law*, 2nd ed, Law Book Company, 1990.
 Chisholm R and Housego J, *Australian Family Law*, loose-leaf, Butterworths.
 Hoggett B M and Pearl D S, *The Family Law and Society: Cases and Materials*, 3rd ed, Butterworths, 1991.

77045 LAW AND MEDICINE

(7cp)

prerequisites completion of Stages 1 to 4 of the part-time program, 70612 Administrative Law

Deals with those areas of law which interact with the practice and administration of medicine and other health services. It includes the following topics: professional liability and medical negligence (including the issue of patient consent); medical ethics and issues, such as abortion, euthanasia and in vitro fertilisation; medical records (access and confidentiality); expert medical evidence in criminal and civil cases; regulation of the medical profession and health services (licensing and certification, review of administrative decisions affecting doctors and health workers, health insurance, public health); legal aspects of mental health and intellectual disability (including legal capacity, the administration of the estates of the mentally ill and intellectually handicapped, and the rights of the mentally ill and intellectually handicapped generally).

Texts

Dix A, Errington M, Nicholson K and Powe R, *Law and the Medical Profession*, Butterworths.

77046 WOMEN AND THE LAW

(7cp)

prerequisites completion of Stages 1 to 4 of the part-time program, 70514 Family Law

The role of the law in constructing and dismantling inequalities between men and women, and women's place in society and within the legal profession.

Students will be expected to become familiar with the substantial body of knowledge relating to feminist jurisprudence and to conduct their own empirical research into particular areas of the law. Classes and assignments will involve the formulation of ideas and theories from relevant materials and also critical assessment of those ideas and theories. Particular attention will be paid to the relationship between women, law and the family (divorce, separation, de facto relationships, custody and domestic violence). The course deals with the role of the law in constructing and deconstructing inequalities between women and men; women and crime (women as criminals and victims of crime); women and sexuality; women and work (including women as lawyers).

Texts

Graycar R and Morgan J, *The Hidden Gender of Law*, Federation Press, 1991.
 Naffine N, *Law and the Sexes*, Allen and Unwin, 1990.
 Scutt J, *Women and the Law*, Law Book Company, 1991.
Australian Journal of Law and Society, Vol 1, 1986.

77047 ADVANCED CONTRACTS

(7cp)

prerequisites completion of Stages 1 to 4 of the part-time program, 705II Equity and Trusts, 7III4 Remedies and Restitution

Addresses the question of how contract law assists in the negotiating and enforcement of agreements, as well as the resolution of disputes arising out of agreements. It will deal with selected areas of practical relevance and legal difficulty in the application of principles of contract law to various transactions (uncertainty, the exercise of judicial discretion to fill gaps in agreements, implied terms, illegality, termination of contracts); the intervention of equity (estoppel, penalties, relief from forfeiture, restitution, unconscionability); legislative intervention (Trade Practices Act 1974 (Cth), Fair Trading Act 1987 (NSW), Contracts Review Act 1980 (NSW)); the relationship between tort law and contract law, with reference to the law of obligations.

Texts

Cheshire and Fifoot's *Law of Contract*, Butterworths.
 Greig D W and Davis J L R, *The Law of Contract*, Law Book Company.

Meagher R P, Gummow W M C and Lehane J R F, *Equity: Doctrines and Remedies*, Butterworths.

Burrows A, *Essays on the Law of Restitution*, Oxford University Press.

Tettenborn A M, *An Introduction to the Law of Obligations*, Butterworths.

77048 CITIZENSHIP AND IMMIGRATION LAW

(7cp)

prerequisites completion of Stages 1 to 4 of the part-time program, 706I2

Administrative Law

Deals with the development of a distinct Australian citizenship, the right to travel and immigration control in Australia. Constitutional law issues, the legislative framework and the Australian Government's humanitarian and international obligations are treated. Particular topics include: granting of citizenship, passports, statutory concept of entry, refugee status, change of status, deportation, government policy, immigration programs, departmental procedures, and comparative study of immigration control systems.

Texts

Burnett R, *Australian Immigration Law*, loose-leaf, Butterworths.

Bevan V, *The Development of British Immigration Law*, Croom Helm.

Department of Immigration, Local Government and Ethnic Affairs, *Procedures Advice Manual*, loose-leaf, AGPS.

Fransman L, *British Nationality Law*, Fourmat Publishing.

Pryles M, *Australian Citizenship Law*, Law Book Company.

77049 TRANSPORT LAW – SELECTED PROBLEMS

(7cp)

prerequisite completion of Stages 1 to 4 of the part-time program

The legal regime governing the operation of the domestic and international transportation systems. Topics include the regulatory regime of air, sea, land (road/rail), and multi-modal transport; the carriage of goods and passengers by sea (intra-state, interstate and international carriage; charterparties; bills of lading; Admiralty jurisdiction; maritime liens; salvage; general average); domestic and international carriage of goods, luggage, baggage and passengers by air (Warsaw

Convention); the carriage of goods by land and rail; and legal issues connected with the multi-modal transport of goods.

Texts

Chorley R S and Giles O C, *Shipping Law*, Pitman.
 Davies M and Dickey A, *Shipping Law*, Law Book Company.
 White M W D, *Australian Maritime Law*, Federation Press.
 Diederiks-Verschoor D I, *An Introduction to Air Law*, Kluwer.
 Shawcross and Beaumont, *Air Law*, Butterworths.

77050 RESEARCH PROJECT 5

(8cp)

prerequisites completion of Stages 1 to 4 of the part-time program, any other subject relevant to the topic chosen

The Research Project enables students to develop research skills in an approved area of interest to them. A member of Faculty will be appointed by the Head of School to supervise the student's work. Students will be required to secure the approval of a topic by the Subject Coordinator before enrolling in the subject.

Students may complete either 77040 Research Project 4 or 77050 Research Project 5 as an elective within the LLB.

The aim of the Research Project is to further develop the student's research skills. Students are required to demonstrate a high level of understanding of the law relevant to the topic; the capacity to research and analyse legal material; the ability to use research tools and skills; and the ability to present the results of the research in a coherent and comprehensive form.

Students who hope to graduate with Honours must complete one of the Research Projects. Results will be taken into account in calculating the 'Honours mark' (see Honours Regulations, above).

Experience shows that most students require two semesters to complete a Research Project and are therefore advised to commence work and submit a proposal at least 12 months before anticipated completion of the law course, and before enrolling in the subject. If the project is to continue over two semesters students must also enrol in the subject in the second semester.

Students must obtain the signed approval of the Subject Coordinator of their Research Project topic together with that of their proposed supervisor before they may enrol in the subject.

77051 INTERNATIONAL TRADE LAW

(7cp)

prerequisites completion of Stages 1 to 4 of the part-time program, 7112 Conflict of Laws

Topics include the conduct of business abroad as it relates to agency and distributional agreements, branches and subsidiaries, and the Competition Law; the international sale of goods as in terms of offer and acceptance, stamp terms, performance and the modes of payment, acceptance and rejection of goods, the rights of the unpaid seller, frustration, foreign law, and uniformed laws; customs and law, including the customers' tariff, audit dumping and countervailing duties, sales tax on imported goods, and physical and documentary controls of imports and exports; the financial aspects of exports, export credit guarantees, insurance, and carriage of exports; dispute resolution by arbitration, alternative dispute resolution, and litigation.

Texts

Schmitthoff C, *Schmitthoff's Export Trade*, Stevens and Sons.
 Ryan K W and Cooper E J, *International Trade Law*, Law Book Company.
 Cooper E J, *Customs and Excise Law*, Legal Books, Sydney.
 Chinkin C M et al, *Current Problems of International Trade Financing*, Butterworths.
Australian Master Tax Guide, CCH.

77052 DISPUTE RESOLUTION

(7cp)

prerequisites completion of Stages 1 to 4 of the part-time program, 7114 Remedies and Restitution, 7120I Skills – Alternative Dispute Resolution

The subject deals with the jurisprudence of dispute resolution, and the theory, dynamics and essential characteristics of each dispute resolution process, so that effective strategies for resolving a wide range of disputes can be formulated. Students will be given some exposure to, and training in, dispute resolution so that they can improve their use of negotiations, mediation and arbitration in practice.

Topics include: the concepts of dispute resolution, including negotiations, mediation, conciliation and arbitration; the nature of disputes; existing dispute resolution procedures; the theoretical, ethical and practical issues of negotiation and mediation.

Texts

Astor H and Chinkin C, *Alternative Dispute Resolution in Australia*, Butterworths.
Fisher R and Ury W, *Getting to Yes*, Penguin.

77053 INDUSTRIAL LAW

(7cp)

prerequisite completion of Stages 1 to 4 of the part-time program

Examines the Australian system for resolving industrial disputes by compulsory conciliation and arbitration. It concentrates on the federal arbitration system (and on federally registered unions), but reference will be made to State and overseas legislation, where appropriate. Topics include constitutional limitations to federal power; the workings of the Industrial Relations Act, including the content of awards; the legal status of trade unions; the legislative controls upon a trade union's internal affairs; protection of unionism; legal controls over trade unions.

Texts

Australian Labour Law Reporter, loose-leaf, CCH
Australian Industrial Law Review, CCH
Gunningham N, *Industrial Law and The Constitution*, Federation Press.
McCallum, Pittart and Smith, *Australian Labour Law: Cases and Materials*, Butterworths.
Smith D et al, *Trade Union Law in Australia*, Butterworths.

77054 ADVANCED PUBLIC LAW

(7cp)

prerequisites completion of Stages 1 to 4 of the part-time program, 70612 Administrative Law

Builds upon some of the more complex issues presented in the substantive core subjects, 70611 Federal Constitutional Law and 70612 Administrative Law, permitting students to develop an overall perspective on public law and equipping them to deal

with issues of increasing relevance in legal practice. Topics include the three arms of government, the executive power of the Crown, including an examination of the Crown's liability in tort and contract, and Cabinet government; the legislative power and delegated legislation; the judicial power of the High Court, encompassing its jurisdiction and judicial techniques/ methods, such as characterisation and the interpretation of privative clauses, and judicial review; federalism, including a consideration of the separation of powers s. 51(xxxv); administrative tribunals and responsible government, and intergovernmental relations; recent developments of current interest in public law.

Texts

Zines L, *The High Court and the Constitution*, Butterworths.
Aronson M and Franklin N, *Review of Administrative Action*, Law Book Company.
Harlow C and Rawlings R, *Law and Administration*, Weidenfeld and Nicolson.
Craig P P, *Administrative Law*, Sweet and Maxwell.
Stein L (ed), *Locus Standi*, Law Book Company.
Whitmore H and Aronson M, *Public Torts and Contracts*, Law Book Company.
Thynne I and Goldring J, *Accountability and Control: Government Officials and the Exercise of Power*, Law Book Company.

77057 JAPANESE LAW

(7cp)

This is an introductory course to Japanese law. The primary aim of this course is to help students build a knowledge basis on Japanese law. For this reason the course covers a wide range of topics, including the history of Japanese legal systems, the Japanese Constitution, the legal education and profession, the role of law in Japanese society and equal opportunity law. As part of the role of law in Japanese society, the course will deal with dispute resolution in more depth.

Texts

Noda Y, *Introduction to Japanese Law*, University of Tokyo Press, 1976.
Tanaka H, *The Japanese Legal System*, University of Tokyo Press, 1976.
Oda H, *Japanese Law*, Butterworths, 1992.

UNDERGRADUATE SUPPLY SUBJECTS

The following units are offered in the School of Law's Supply Program. All units are of one semester duration. The prerequisite for all law units offered in the Business degree is Law for Business (79101) and for units offered in the Nursing degree the prerequisite is Values in Nursing Practice (92125). Not all subjects are offered every semester. Not all subjects are offered on both the City and Kuring-gai campuses.

Students are advised to consult the Directors of the Supply Program for information regarding unit coordinator and current assessment details.

Units supplied to students in the Faculty of Business

79101 LAW FOR BUSINESS

(5cp)

Core

This is an introductory unit designed to give students an understanding of the Australian legal and constitutional system. Topics covered include legal philosophy, legal history, constitutional law, doctrine of precedent and statutory interpretation, torts, crime, property and contracts.

79161 INTRODUCTION TO BANKRUPTCY LAW

(5cp)

Insolvency sub-major

The aim of this unit is to introduce students to the history of bankruptcy; law and practice of bankruptcy, the purposes of bankruptcy legislation and procedures to be followed.

79162 LAW OF BANKRUPTCY ADMINISTRATION AND COMPANY LIQUIDATION

(5cp)

Insolvency sub-major

Topics covered in this unit include bankruptcy administration, proof of debts, mutual credit and set-off, secured creditors, property available to creditors, distribution and priority of debts and the effects of discharge from bankruptcy.

79169 ARTS AND THE LAW

(5cp)

This subject will give an understanding of the legal environment of the Arts in

Australia. It gives an overview of intellectual property rights of artists and the law of contract associated with assignment and licensing of those rights. It also deals with restriction on rights of artists – defamation and privacy, and the related tax issues.

79211 LAW FOR MARKETING MANAGEMENT

(5cp)

Marketing major

The aim of this unit is to provide students with a sound knowledge of the relevant federal and state laws which affect business decisions in the field of marketing and to provide them with an understanding of the complex laws regulating marketing activities. Topics include consumer protection, product liability, product safety and standards, intellectual property and the regulation of competition.

79213 LAW FOR MANUFACTURING MANAGEMENT

(5cp)

Core - Bachelor of Manufacturing Management

This is an introductory unit for students enrolled in the Bachelor of Manufacturing Management. Besides providing an overview of Australian legal history and constitutional law, topics include the legal aspects of employment and safety, decision making, product liability, contracts, intellectual property and environmental protection.

79260 PROPERTY LAW

(5cp)

This subject will provide the student with an appreciation of basic legal concepts involved with interests in both personal and real property and the more common legal elements concerned with transactions affecting property.

79264 SECURITIES MARKET REGULATION

(5cp)

The objectives of this unit are to develop an understanding of the regulatory legal and financial nature of securities markets including the process of regulation and the various players involved, and an understanding of the different theoretical frameworks within which regulations can be analysed. Topics include the process of regulation, role of the legal regulators, role

of ethics upon the market, regulatory theories, market manipulation, insider trading, takeovers, information disclosure and creative accounting.

79265 ADMINISTRATIVE LAW 1

(5cp)

Students will be acquainted with the legal authority for administrative acts and the accountability of administrators for their acts and decisions.

79267 COMMERCIAL LAW

(5cp)

Accounting major

Students are taught to develop a knowledge of business contractual obligations and their application to specific transactions. Topics include sale of goods, consumer protection, product liability, negligence, trusts, partnerships, agency, insurance, credit, negotiable instruments and bankruptcy.

79270 INDUSTRIAL AND LABOUR LAW

(5cp)

Human Resource Management

The aim of this unit is to provide students with an awareness and understanding of the legal background to employer employee relations and the industrial system as it operates, and is changing, within Australia. Topics include industrial tribunals, awards, industrial action, trade unions and employer organisations, collective bargaining and workers compensation.

79360 INSURANCE CONTRACTS

(5cp)

This unit will enable students to develop an understanding of the common law principles governing the enforceability of contracts, remedies for breach, termination and the law of agency; the changes effected by the principles associated with the drafting of insurance policy documentations and the impact that provisions of the Insurance Contracts Act has on this process.

79363 LIFE INSURANCE LAW

(5cp)

The aim of the unit is to develop an advanced level of understanding of enacted legislation and common law which impacts on and regulates the conduct of Life Insurance business in Australia.

79365 COMPANY LAW

(5cp)

Accounting major

This unit is designed to provide students with a sound understanding of fundamental aspects of company law as it applies to the modern business corporation. Topics include incorporation, corporate constitution, promotion and pre-incorporation, company membership, duties of controlling shareholders, the raising of equity and debt, companies in difficulty, accounts and audit, re-organisation, takeovers and investigations.

79366 BANKING LAW

(5cp)

Banking major

This unit aims to provide students with an understanding of the manner in which banking institutions are regulated, dealing with the changes following the deregulation of banking. Topics include an historical introduction to the law relating to banking, statutory regulation of banking, the banker/customer relationship, negotiable instruments, the provision of loans and other banking facilities.

79411 ADVANCED COMPANIES AND SECURITIES LAW

(5cp)

As an advanced elective unit the aim is to examine in depth certain selected topics, with an emphasis on the practical and comprehensive treatment of topical areas, and develop an understanding of the operations of the securities market and the Australian Securities Commission. Topics could include, under the Corporation Law, trading in securities, the broker/client relationship, the control of improper activities relating to takeovers, investigation and market manipulations.

79462 REVENUE LAW

(5cp)

Accounting major

This unit aims to develop students' conceptual and analytical skills and an appreciation of law as a strategic business tool. It concentrates on a study of the Australian income tax system including the Income Tax Assessment Act. Topics include the concepts of income and capital, assessable income, allowable deductions,

capital gains tax, fringe benefits tax, tax accounting, trusts, partnerships, and anti-avoidance.

79466 TRADE LAW

(5cp)

This unit will explain the law and practice of trade law in Australia. It will highlight the important issues of modern international trade relationships with reference to the Trade Practices legislation. Comparisons with EC, USA and Japanese trading blocs.

79502 LAW AND FINANCE

(5cp)

Finance Law sub-major

In this unit, students are introduced to a number of relevant aspects of law relating to private sector financing, an area of law which has undergone dramatic changes over recent years, becoming more sophisticated, complex and diverse. Topics could include an evaluation of the different methods of secured and unsecured financing, liability for financial advice, taxation aspects of financing, and financial restructuring.

79503 LAW AND COMPUTING

(5cp)

Students are introduced to the relevant aspects of the law relating to computing, both common law and statute law. Areas of the law to be examined could include contracts, trademarks, patents, copyright, privacy, computers and crime.

79603 INTERNATIONAL BUSINESS LAW AND REGULATION

(5cp)

International Business specialisation

Students are introduced to those legal rules which affect most directly traders doing business where there is an international element involved. Given the time constraints, the unit focuses on matters relating to the formation of contracts in international business transactions, municipal and international regulation of such transactions, resolution of disputes with regard to contracts, and international tortious liability.

79606 ADVANCED REVENUE LAW

(5cp)

Taxation sub-major

Advanced Revenue Law is an elective unit building on the principles developed in Revenue Law. The aim of the course is to consider issues that are topical, controversial and important. Because of this, the content and style of the unit will change from year to year, reflecting developments and changed emphases. Topics could include capital gains tax, fringe benefit tax and salary packaging, taxation of retirement payments and superannuation funds, liability for professional negligence, tax ethics and tax agents.

79662 LAW OF CORPORATE RECEIVERSHIP AND DEEDS OF ARRANGEMENT

(5cp)

Insolvency sub-major

This is the second unit offered in the Insolvency sub-major and aims to provide students with an appreciation of the requirements for those appointed to act as receivers and managers and to alert students to alternatives to insolvency. Topics include how and why receivers are appointed, provisions concerning reconstructions, compromise, amalgamations, official management.

79666 ADVANCED INCOME TAXATION LAW

(5cp)

Taxation sub-major

This unit focuses on the offshore aspects of taxation. Although topics would vary from time to time, they could include an analysis of the concept of residence and source of income, taxation of offshore royalties, operation of double tax arrangements, international tax planning.

79667 INDIRECT TAXATION

(5cp)

Taxation sub-major

This unit will introduce students to the policy implications raised by direct taxes. It will analyse options for reform and overseas experience with indirect tax systems. To examine the basic principles of current indirect taxes in Australia and their practical implications.

Units supplied to students in the Faculty of Nursing

79001 LEGAL ISSUES AND DISADVANTAGED GROUPS

(3cp)

This unit aims to assist nurses working with disadvantaged groups to act as advocate for their clients, and to give them a sound understanding of the legal framework which supports and protects these groups in the community and hospitals. Particular reference will be made to mental health and anti-discrimination legislation.

79002 FOETUSES, BABIES, CHILDREN AND THE LAW

(3cp)

This elective unit deals with some of society's most contentious topics and the attempt to introduce laws to deal with the dilemmas associated with them. Topics covered include abortion, surrogacy, in vitro fertilisation, euthanasia, child abuse and adoption legislation.

92125 VALUES IN NURSING PRACTICE

(3cp)

This is an introductory law unit developed for students in the Bachelor of Nursing and aims to provide an understanding of the legal framework within which the nursing profession exists. Specifically, it aims to demonstrate some points of interaction between the legal and ethical worlds as they relate to nursing. Topics also include an overview of the meaning of negligence, the notion of professional misconduct, industrial law and the mutual responsibilities of employers and employees.

92136 REASONING AND JUDGMENT IN NURSING PRACTICE

(3cp)

This unit focuses on legal issues relevant to nursing practice, such as the duty of care, breach of duty, the tort of negligence, trespass to the person, informed consent, circumstances where medical treatment intervenes between injury and death.

POSTGRADUATE COURSES

COURSE INFORMATION AND ENQUIRIES

Administrative Officer (Postgraduate)
Ms Anne Maree Payne, Room B304, City campus – Haymarket
Telephone: 330 3427 or 330 3444.

Administrative Assistant (Postgraduate)
Mrs Won-mi Choi, Room B305, City campus – Haymarket
Telephone: 330 3428 or 330 3444.

Administrative Secretary (Postgraduate)
Mrs Nola Grierson, Room B206, City campus – Haymarket
Telephone: 330 3410 or 330 3444 Facsimile: 330 3421.

Academic advice may be obtained from Director of Postgraduate Programs. (Please contact the Administrative Secretary, Telephone 330 3410, to make appointments to see the Director.)

POSTGRADUATE STUDIES AND SCHOLARSHIPS OFFICE

Enquiries in relation to application requirements, scholarships, fees and other administrative issues should be directed to the Postgraduate Studies and Scholarships Office.

For enquiries about scholarships, telephone 330 1521.

For enquiries about admissions, telephone 330 1523.

For enquiries about fees/records, telephone 330 1520.

RULES FOR POSTGRADUATE STUDENTS

Candidates should consult the University *Calendar* or the *Student Information Guide* for relevant rules. Copies of the *Calendar* are available for sale at the UTS Student Information Services and the Co-op Bookshop, and are also held in the library.

EXEMPTIONS

Exemptions are **not given** for subjects undertaken towards another completed degree program, or for studies not undertaken at the postgraduate level.

Applications for exemption will not be considered until **after** enrolment. Certified copies of academic transcripts must be produced for each exemption sought.

FEE EXEMPTION

Postgraduate candidates may make application to the Faculty for exemption from postgraduate course fees on the grounds of disadvantage or financial hardship. Candidates who are granted exemption from postgraduate course fees will be charged HECS by the deferred taxation method for their program of study. Application for fee exemption must be made at the commencement of each semester of enrolment. Application forms and further details on postgraduate fee exemption are available from the Administrative Officer.

SCHOLARSHIPS

Information about the various scholarships available to all postgraduate candidates is available from the Scholarships Manager, telephone 330 1521. Applications for scholarships for 1994 close on 29 October 1993.

Candidates for the Graduate Certificate in Comparative Law and Master of Comparative Law should note that, as scholarship positions vary from country to country, applicants are advised to contact the Australian embassy in their country of origin to receive up-to-date information.

DEFERMENT OF ENROLMENT

Deferment is not available for postgraduate courses offered by UTS. Offers of admission which are not accepted lapse on the date of enrolment. Applicants who do not accept an offer of admission should therefore re-apply at the next intake.

PROVISION OF DOCUMENTATION RELATING TO POSTGRADUATE APPLICATIONS

Applicants to any program are reminded of the following University requirements:

- (a) All applications and associated documentation must be sent directly to the Postgraduate Studies and Scholarships Branch of the Academic Office. Do not send any material to the Faculty or School.
- (b) **You must submit original or certified copies of your documentation.** It is recommended that copies certified by the issuing authority or by an Australian university (eg, the UTS Information Service) be provided. UTS will also accept copies of an original document where verified by: a certified accountant;

a bank manager; a barrister or solicitor; a postal manager; a school principal; the university admission centre of any Australian State; an Australian overseas diplomatic mission; or a police officer at or above the rank of sergeant. The person verifying the original documents must provide their signature, telephone number and affix the official stamp or seal of their organisation on the copy. **Photocopies certified by a Justice of the Peace will not be accepted.**

OVERSEAS STUDENTS

Applicants must satisfy the English language proficiency requirements of the School of Law, which requires international candidates to have a minimum International English Language Testing System (IELTS) score of 6.5 before enrolling in postgraduate studies. For further details contact the International Programs Office at UTS's postal address.

Owing to student visa restrictions international candidates are required to enrol on a full-time basis only.

Doctor of Philosophy

A candidate for the PhD is required to submit a thesis of approximately 100,000 words representing an original contribution to the knowledge of a subject. Applicants should contact the Course Coordinator to discuss their proposed program of study before they submit their application.

ADMISSION REQUIREMENTS

Candidates for the PhD must have a Master's degree, or an LLB with First Class Honours or Second Class Honours, Division 1.

Candidates will also be required to provide satisfactory evidence of their ability to undertake advanced research appropriate to their doctoral program.

AREAS OF RESEARCH INTEREST

The academic staff of the Faculty have research interests in the following areas: dispute resolution; air law; business law (national and international), particularly in relation to banking and finance; Chinese law, in particular foreign investment, copyright, and dispute resolution; comparative law; computer law and computerised legal retrieval; criminal law; economic law; environmental law; European Community

law; family law; human rights law; inter-governmental immunity; international law, including international migration law, international relations, and international trade and financial law; intellectual and industrial property law; joint ventures and trade agreements; jurisprudence; legal drafting; legal philosophy; legal research and selected aspects of legal history; local government; statutory interpretation; taxation – domestic and international; tort law; trade law.

This list is intended as a guide only and proposals for supervision of research degrees in other areas will be considered.

TRANSFER FROM LLM (BY THESIS)

Candidates in the LLM (by thesis) program may apply to transfer to the PhD after a minimum of one year's study, having reached a standard equivalent to that of a Bachelor's degree with First Class Honours or Second Class Honours, Division 1. Candidates applying to transfer must demonstrate, with the support of their supervisor/s, that their topic has Doctoral scope.

DISSERTATION TOPIC

PhD candidates should submit details of their proposed topic when they submit their application. The topic will then be submitted for the approval of the Higher Degree Committee. Final approval for the admission of candidates and approval of topics resides with the Research Degrees Committee. Once approval is obtained, the topic cannot be changed except with the approval of these committees.

SUPERVISION

Candidates should discuss the supervision of their Doctoral program with the Course Coordinator. Supervisors will be appointed from within the full-time staff of the Faculty of Law and Legal Practice. Subject to Faculty approval, an external co-supervisor may also be appointed.

PROGRESS REPORTS

At the end of each semester of candidacy, candidates must submit a report to their principal supervisor detailing their progress to date. The supervisor will indicate whether progress is satisfactory or unsatisfactory.

DOCTORAL ASSESSMENT

PhD candidates are required to undergo a Doctoral assessment within the first year of candidacy for full-time students, or within the first two years of candidacy for part-time students. The object of the assessment is to ensure that candidates are equipped with the knowledge to carry out their research program, and have made sufficient progress to finish within the prescribed time.

The Doctoral assessment may take the form of a written or oral examination. As part of the assessment, the candidate will normally present a seminar to the University on their dissertation topic and methodology, of approximately one hour's duration.

A candidate who does not satisfy the requirements for the Doctoral assessment will not be permitted to proceed with their candidature unless, with the approval of Academic Board, they are invited to re-attempt the assessment.

ATTENDANCE

Doctoral candidates are not normally required to attend classes, though some coursework may be required before commencing the dissertation. Regular contact should be maintained with the Principal Supervisor throughout a candidate's enrolment.

Interstate and international applicants should note that some attendance in Sydney may be a requirement.

MINIMUM AND MAXIMUM ENROLMENT PERIODS

The PhD requires the following **minimum** enrolment periods:

For candidates with a Master's degree, the program can be completed in a **minimum** of four semesters of full-time enrolment, or six semesters of part-time enrolment. For candidates with a Bachelor's degree (Honours), the program can be completed in a **minimum** of six semesters of full-time enrolment, or eight semesters of part-time enrolment.

Full-time students must submit their dissertation not later than eight semesters from the date of their registration; for part-time students, the maximum time allowed is 12 semesters from the date of their registration.

Candidates must lodge a Notification of Intent to Submit a Thesis form with the Postgraduate Studies and Scholarships Office **at least two months prior** to submitting their thesis. Information about UTS requirements on the presentation and format of the thesis will be forwarded to candidates when this form is lodged.

APPLICATION PROCEDURES

Applicants for the PhD should contact the Administrative Officer and the Director to discuss their proposed program of study, prior to the submission of their application.

Applicants for the PhD should complete a Doctor of Philosophy Application for Admission form, available from the Postgraduate Studies and Scholarships Office, the UTS Student Information Service, or the School of Law.

Completed applications, including certified copies of the academic transcripts for all qualifications the applicant has obtained, and a full curriculum vitae, should be addressed to the Academic Registrar if lodged by post, or if lodged in person may be handed to staff at the UTS Student Information Service, Level 4, City campus – Broadway. The Information Service can make certified copies of original documentation if required.

PhD applications may be lodged at any stage of the academic year.

All applicants will receive notification in writing of the success of their application.

FEES

Candidates are required to pay annual student union and service fees at enrolment. In 1993 these fees were \$271 for students not previously enrolled at UTS and \$251 for re-enrolling students (subject to change).

Doctor of Juridical Science

The Doctor of Juridical Science (SJD) program offered by the School of Law was the first degree of its kind in Australia. It combines coursework and original research culminating in a Doctoral dissertation. With this unique combination of coursework and research, the SJD counters the isolation experienced by many PhD candidates. The SJD provides candidates with the opportunity to develop their Doctoral topic through their coursework program, and allows candidates to benefit

from contact with other postgraduate candidates and the academic staff of the School.

A candidate for the SJD must complete coursework to the total of 48 credit points. A brief description of the subjects offered by the School is outlined at the end of this handbook; detailed descriptions are available from the Administrative Secretary.

After completion of the coursework component, the SJD candidate undertakes a Doctoral dissertation. The dissertation must represent an original contribution to a field of study, and should be approximately 50,000 – 70,000 words in length. **All coursework requirements must be completed before the dissertation is commenced.**

ADMISSION REQUIREMENTS

Candidates for the SJD must have a Master's degree, or an LLB with First Class Honours or Second Class Honours, Division 1. Candidates will also be required to provide satisfactory evidence of their ability to undertake advanced research appropriate to their doctoral program.

TRANSFER FROM LLM (BY COURSEWORK)

LLM (by coursework) candidates may opt, during the period of candidature, to transfer to the SJD degree. This option may be exercised at any time after the completion of two subjects in the LLM program, prior to taking out the Master's degree. LLM candidates transferring directly to the SJD degree must have attained an average of 67.5 per cent for coursework completed. **Candidates who transfer from the Master's program will not be awarded the Master's degree.** SJD students cannot repeat subjects already taken within the LLM.

EXEMPTIONS

Exemptions are **not given** for subjects undertaken towards another completed degree program, or for studies not undertaken at the postgraduate level.

Applications for exemption will not be considered until **after** enrolment. Certified copies of academic transcripts must be produced for each exemption sought.

CROSS-INSTITUTIONAL ENROLMENT

Subject to approval by the Director, SJD candidates may undertake subjects in postgraduate programs at other universities. Up to one half of the coursework component of the SJD (24 credit points) may be undertaken at another university. Applications to take subjects at overseas universities will also be considered.

A formal application, detailing the academic content and attendance and assessment requirements of the subject/s proposed to be completed, should be made to the Director **before** enrolling with the other institution.

DISSERTATION TOPIC

SJD candidates should submit proposals for dissertation topics to the Director in the final semester of their coursework component. Proposals will then be submitted for the approval of the Higher Degree Committee. Final approval for the dissertation topic resides with the Research Degrees Committee. Once approval is obtained, the topic cannot be changed except with the approval of these committees.

A candidate's choice of dissertation topic, and the necessary approvals, should be made within the first year of enrolment in the dissertation component of the degree.

SUPERVISION

Candidates should discuss the supervision of their Doctoral program with the Director when they submit their proposed topic. Supervisors will be appointed from within the full-time staff of the Faculty of Law and Legal Practice. Subject to Faculty approval, an external co-supervisor may also be appointed.

PROGRESS REPORTS

At the end of each semester of enrolment in the dissertation component, candidates must submit a report to their principal supervisor detailing their progress to date. The supervisor will indicate whether progress is satisfactory or unsatisfactory.

DOCTORAL ASSESSMENT

SJD candidates are required to undergo a Doctoral assessment within the first year of enrolment in the dissertation component. The object of the assessment is to ensure that candidates are equipped with the knowledge to carry out their research

program, and have made sufficient progress to finish within the prescribed time.

The Doctoral assessment may take the form of a written or oral examination. As part of the assessment, the candidate will normally present a seminar to the University on their dissertation topic and methodology, of approximately one hour's duration.

Candidates who do not satisfy the requirements for the Doctoral assessment will not be permitted to proceed with their candidature unless, with the approval of Academic Board, they are invited to re-attempt the assessment.

ATTENDANCE

The SJD program may be undertaken on a full-time or part-time basis. A number of different attendance modes are available:

The majority of postgraduate subjects are offered within the Autumn and/or Spring semesters. As a guideline, a six credit point subject offered within the Autumn semester would normally require attendance of two hours each week over a 15-week semester. Lectures are usually scheduled in the evenings, commencing no earlier than 5.00 pm.

Autumn semester is held from 28 February – 10 June 1994; Spring semester from 1 August – 11 November 1994.

The School offers a number of postgraduate subjects in an intensive attendance mode in the Summer and Winter programs. In Summer and Winter program subjects, the contact hours are equivalent to those of one or two semester subjects, but lectures are held daily over a concentrated period. For example, a six credit point subject offered in the Summer program may require students to attend for two and a half hours per day over 10 days. Summer/Winter program candidates are required to commence preparation in advance of the lectures, and complete their assessment in the semester following the period of attendance.

This attendance mode is particularly suited to interstate or international candidates, who can complete their SJD coursework requirements in the Summer and Winter programs. However, students may not undertake subjects totalling more than 24 credit points in any one Summer or Winter program.

Summer program will be held in January 1994; Winter program is scheduled for June – July 1994.

Some SJD subjects, such as the Research Project, Research Paper and the International Comparative Law Project, do not require formal attendance at the Faculty, and can be completed externally.

ASSESSMENT

Assessment for SJD coursework subjects involves a variety of methods including a research paper or papers requiring high standards of legal scholarship, seminar participation, and seminar presentation. Examinations may form a small percentage of the total marks in any subject.

The written assessment for a six credit point subject will normally total 7,500 words; the written assessment for a 12 credit point subject will total 15,000 words.

MINIMUM AND MAXIMUM ENROLMENT PERIODS

The SJD requires the following **minimum** enrolment periods:

For candidates with a Master's degree, the program may be completed in a **minimum** of four semesters of full-time enrolment, or six semesters of part-time enrolment.

For candidates with a Bachelor's degree (Honours), the program may be completed in a **minimum** of six semesters of full-time enrolment or eight semesters of part-time enrolment.

Full-time students must submit their dissertation not later than eight semesters from the date of their registration; for part-time students, the maximum time allowed for completion of all academic requirements is 12 semesters from the date of their registration.

MANDATORY CONTINUING LEGAL EDUCATION

Participation in postgraduate study may entitle candidates to MCLE points. If this particular educational activity is relevant to your immediate or long-term needs in relation to your professional development and practice of the law, then you should claim one 'unit' per hour of attendance, refreshment breaks not included. For further details contact the Law Society of NSW.

TRAINING GUARANTEE LEVY

Under recent Commonwealth legislation, employers with a national payroll of \$260,000 are required to spend 1.5 per cent of their payroll on employee training. This training must accord with an approved masterplan. Payment of postgraduate coursework fees may form part of a masterplan for employers of practising lawyers.

COURSE STRUCTURE

Flexibility in attendance is one of the features of the SJD program offered by UTS. Candidates may undertake any combination of subjects offered in the different attendance modes, to a total of 48 credit points, before commencing their dissertation component.

For example, a part-time SJD candidate's program could be completed as follows:

Year 1 – Coursework

Semester 1

77730 Corporate Insolvency (6cp)
77720 International Taxation (2 semester subject)

Semester 2

77720 International Taxation (cont'd) (12cp)
77740 Research Paper (6cp)

Year 2 – Coursework

Semester 1

77704 European Community Law (12cp)

Semester 2

77727 Design Law (12cp)

Year 3 – Dissertation

Semester 1

77787 SJD Dissertation

Semester 2

77787 SJD Dissertation

Year 4 – Dissertation

Semester 1

77787 SJD Dissertation

Semester 2

77787 SJD Dissertation

Any students wishing to take dispute resolution subjects should note that MDR students will be given first priority.

APPLICATION PROCEDURES

Applicants for the SJD should complete a UTS Application for Admission – Postgraduate Courses form, available from the Postgraduate Studies and Scholarships Office, the UTS Student Information Service, or the School of Law.

Completed applications, including certified copies of the academic transcripts for all qualifications the applicant has obtained and a full curriculum vitae, should be addressed to the Academic Registrar if lodged by post, or if lodged in person may be handed to staff at the UTS Student Information Service, Level 4, City campus, Broadway. Certified copies of original documentation can be made at the UTS Student Information Service if required.

SJD applicants may apply for admission at four stages:

Summer program Applications for Summer program 1993 closed on *Friday 29 October 1993*. Applicants will be notified in writing about their application in early December 1993. Enrolment will take place in the first week of January 1994.

Autumn semester Applications for Autumn semester closed on *Friday 29 October 1993*. Applicants will be notified in late January 1994. Enrolment will take place in February 1994.

Winter program Applications for Winter program close *Friday 27 May 1994*. Applicants will be notified and enrolled in June 1994.

Spring semester Applications for Spring semester close *Friday 27 May 1994*. Applicants will be notified and enrolled in July 1994.

Please note that the number of places available in the SJD program is limited. However, all appropriately qualified persons are encouraged to submit an application. Applications are assessed by the Director and UTS staff will not speculate as to an applicant's likelihood of success.

FEES

The 1994 fee for permanent residents of Australia is \$4,000 for the SJD program (\$500 for a six credit point subject). Fees are charged on a semester basis. Full payment is required at the commencement

of each semester. The total amount charged each semester will depend on the subject load a candidate undertakes in any one semester. **No refund of fees is possible after the Census Date each semester.**

Payment of postgraduate fees ensures an exemption from liability for the Higher Education Contribution Scheme (HECS). The payment of fees in excess of \$250 may qualify a student for a deduction for income tax purposes – please refer queries to the Australian Tax Office.

In addition to the postgraduate fee, SJD candidates are required to pay annual student union and service fees at enrolment. In 1993 these compulsory fees were \$271 for students not previously enrolled at UTS, and \$251 for re-enrolling students (subject to change).

Master of Laws (by thesis)

A candidate for the Master of Laws (by thesis) is required to submit a thesis of approximately 40,000 – 60,000 words, representing an original investigation, criticism or review of the field of research, of a standard suitable for publication. Candidates are required to submit reports to their supervisor each semester, detailing their progress.

Applicants should contact the Director to discuss their proposed thesis topic **prior to the submission of their application.**

AREAS OF RESEARCH INTEREST

The particular postgraduate research interests of academic staff are listed under the PhD entry.

ADMISSION REQUIREMENTS

Candidates for the Master of Laws (by thesis) must have an LLB or equivalent qualification and must demonstrate competence in the area of research.

ATTENDANCE

Candidates are not normally required to attend formal classes, though some coursework may be a requirement before commencing the thesis topic. Regular contact should be maintained with the Principal Supervisor throughout a candidate's enrolment.

Master of Laws (by thesis) with Honours

To qualify for First Class Honours in the Master of Laws (by thesis), candidates must receive a mark of 80 or above. Second Class Honours will be awarded to those candidates receiving a mark of 75 or above.

MINIMUM AND MAXIMUM ENROLMENT PERIODS

The program may be completed in a **minimum** of four semesters of full-time study, or six semesters of part-time study. The maximum period allowed for completion of the thesis is six semesters of full-time study, or nine semesters of part-time study.

Candidates must lodge a Notification of Intent to Submit a Thesis form with the Postgraduate Studies and Scholarships Office at least two months prior to submitting their thesis. Information about UTS requirements on the presentation and format of the thesis will be forwarded to candidates when this form is lodged.

UTS RULES FOR STUDENTS DOING A MASTER'S DEGREE (BY THESIS)

Candidates should consult the University *Calendar* or the *Student Information Guide* for the relevant rules.

Application procedures

Applicants for the Master of Laws (by thesis) should contact the Administrative Officer and the Director to discuss their proposed thesis topic **prior to the submission of their application**.

Applicants should complete a UTS Application for Admission – Postgraduate Courses form, available from the Postgraduate Studies and Scholarships Office, the UTS Student Information Service, or the School of Law.

Completed applications, including certified copies of the academic transcripts for all qualifications the applicant has obtained, and a full curriculum vitae, should be addressed to the Academic Registrar if lodged by post, or if lodging in person may be handed to staff at the UTS Student Information Service, Level 4, City campus, Broadway. The Information Service can make certified copies of original documentation if required.

Applicants for higher degrees (by thesis) may apply for admission at any stage of the academic year.

FEES

Candidates are required to pay annual student union and service fees at enrolment. In 1993, these fees were \$271 for students not previously enrolled at UTS and \$251 for re-enrolling students.

Master of Laws (by coursework)

The Master of Laws (by coursework) program offers candidates a wide choice of commercially relevant subjects at the postgraduate level, and features innovative attendance patterns to suit practising professionals.

The course can be undertaken on either a full-time or part-time basis, with the majority of candidates currently enrolled on a part-time basis, completing the Master of Laws over a period of two to three years.

Candidates are required to complete subjects totalling 48 credit points, with a total written assessment requirement of approximately 60,000 words. A brief description of the subjects offered in the Master of Laws program is outlined at the end of this handbook; detailed descriptions are available from the Administrative Secretary.

ADMISSION REQUIREMENTS

Candidates for the Master of Laws (by coursework) must have an LLB or high professional standing, for admission as Category A applicants. Applicants with an SAB or BAB qualification may be admitted as Category B candidates. Applicants in this latter category are required to attend seminars in Advanced Legal Research in their first year. The School of Law requires such candidates to pass this subject and all other subjects attempted in the first year of candidature. There are no other conditions for Category B applicants, who are eligible for the award of LLM with Honours (provided all other Honours requirements are met).

As the School of Law is essentially a professional law school, strong emphasis is placed upon professional standing and experience in assessing LLM (by coursework) candidates. The number of places available in each year is limited. However, all suitably qualified persons are encouraged to apply. Applications are assessed by the Director,

and other UTS staff will not speculate on an applicant's likelihood of success.

LLM (by coursework) candidates may opt, during the period of candidature, to transfer to the SJD degree. This option may be exercised at any time after the completion of two subjects in the LLM program, prior to taking out the Master's degree. LLM candidates transferring directly to the SJD degree must have attained an average of 67.5 per cent for coursework completed. **Candidates who transfer from the Master's program will not be awarded the Master's degree.**

Course Transfer forms are available from the Postgraduate Studies Office, the UTS Student Information Service and the School of Law.

ATTENDANCE

The program may be undertaken on a full-time or a part-time basis. The LLM program requires the completion of subjects totalling 48 credit points; there are a variety of ways in which these subjects may be undertaken.

The majority of postgraduate subjects are offered within the Autumn and/or Spring semesters. As a guideline, a six credit point subject offered within the Autumn semester would normally require attendance of two hours per week over a 15-week period. Lectures are usually scheduled in the evenings, commencing no earlier than 5.00 pm.

Autumn semester is held from 28 February – 10 June 1994; Spring semester from 1 August – 11 November 1994.

The School offers a number of postgraduate subjects in an intensive attendance mode in Summer and Winter. For the Summer and Winter programs, the contact hours are equivalent to those of one or two semester subjects, but lectures are held daily over a concentrated period. For example, a six credit point subject offered in the Summer may require students to attend for two and a half hours per day over ten days. Summer/Winter candidates are required to commence preparation in advance of the lectures. Assessment is completed in the semester following the period of attendance.

This attendance mode is particularly suited to interstate or international candidates, who can complete all their attendance requirements in the Summer and Winter programs. However, students may not undertake subjects totalling more than 24 credit points in any one Summer or Winter program.

The Summer program will be held in January 1994; the Winter program is scheduled for June – July 1994.

Some LLM subjects, such as the Research Project, Research Paper and the International Comparative Law Project, do not require formal attendance at the Faculty, and can be completed on an external basis.

EXEMPTIONS

Exemptions are **not given** for subjects undertaken towards another completed degree program, or for studies not undertaken at the postgraduate level.

Applications for exemption will not be considered until **after** enrolment. Certified copies of academic transcripts must be produced for each exemption sought.

CROSS-INSTITUTIONAL ENROLMENT

Subject to approval by the Director, LLM candidates may undertake subjects in postgraduate programs at other universities. Up to **one half** of the program (24 credit points) may be undertaken at another university. Applications to take subjects at overseas universities will also be considered.

A formal application, detailing the academic content and attendance and assessment requirements of the subject/s proposed to be completed, should be made to the School **before** enrolling with the other institution.

CONCENTRATIONS OFFERED IN THE LLM (BY COURSEWORK)

It is possible, but not obligatory, for a student who chooses an appropriate mix of subjects to major within the LLM (by coursework). The concentrations available are:

- Dispute Resolution {dr}
- Asian Law {a}
- Commercial Law {c}
- Intellectual and Industrial Property Law {ip}
- Industrial Law {il}

International Banking and Financial Law {if}

International Business Law {ib}

International Transport Law {it}

Public Law {p}

Taxation Law {t}

To undertake a major, candidates must complete subjects totalling a minimum of 30 credit points within the area of the major. Honours candidates must complete subjects totalling 18 credit points **plus** the Research Project to qualify for a major. Any students wishing to take dispute resolution subjects should note that MDR students will be given first priority.

ASSESSMENT

Assessment for LLM subjects involves a variety of methods including a research paper or papers requiring high standards of legal scholarship, seminar participation, and seminar presentation. Examinations may form a small percentage of the total marks in any subject.

The written assessment for a six credit point subject will normally total 7,500 words; the written assessment for a 12 credit point subject will total 15,000 words.

COURSE STRUCTURE

Flexibility in attendance is one of the features of the LLM (by coursework) program offered by UTS. Candidates may undertake any combination of subjects offered in the different semesters, requiring a total of 48 credit points to complete the degree.

For example, a part-time LLM (by coursework) program could be completed as follows:

Year 1

Semester 1

- 77700 Advanced Legal Research (2cp)
 77752 Commercial Arbitration (Domestic) (6cp)
 77712 Deceptive Trade Practices (2 semester subject)

Semester 2

- 77712 Deceptive Trade Practices and Product Liability (cont'd) (12cp)
 77723 Japanese Law (6cp)

Year 2

Semester 1

- 77735 Dispute Resolution (2 semester subject)
 77725 Research Project (2 semester subject)

Semester 2

- 77735 Dispute Resolution (cont'd) (12cp)
 77725 Research Project (cont'd) (12cp)

Any students wishing to take dispute resolution subjects should note that MDR students will be given first priority.

Master of Laws (by coursework) with Honours

Candidates who wish to be eligible for Honours in the Master of Laws (LLM) (by coursework) are required to enrol in 77725 Research Project over two semesters. The Research Project consists of a major paper suitable for publication, or any other type of research work approved by the Faculty Board, of approximately 20,000 – 30,000 words. As the project will normally develop and extend work done in one or more of the subjects already undertaken, candidates are recommended to enrol in the project in their final two semesters. Candidates considering enrolment in the Research Project should obtain a copy of the Research Project Regulations, available from the Administrative Officer.

To qualify for First Class Honours in the LLM (by coursework), candidates must attain an average of 80 per cent or higher, including a High Distinction in at least one subject. Second Class Honours requires a minimum average mark of 75 per cent.

Candidates who enter the program under 'Category B' admission are also eligible to receive the LLM with Honours. The result for the compulsory corequisite subject Advanced Legal Research is **not** included in calculating the average score for 'Category B' candidates.

MINIMUM AND MAXIMUM ENROLMENT PERIODS

The LLM program may be completed in a **minimum** of two semesters of full-time attendance or four semesters of part-time attendance.

Maximum time periods for completion also apply:

for a full-time student, discontinuation of registration can take place if all academic requirements for the course are not completed within six semesters from the time of registration;

for a part-time student, discontinuation of registration can take place if all academic requirements for the course are not completed within nine semesters from the time of registration.

MANDATORY CONTINUING LEGAL EDUCATION

Participation in postgraduate study may entitle candidates to MCLE points. For further details contact the Law Society of NSW.

TRAINING GUARANTEE LEVY

Under recent Commonwealth legislation, employers with a national payroll of \$260,000 are required to spend 1.5 per cent of their payroll on employee training. This training must accord with an approved masterplan. Payment of postgraduate coursework fees may form part of a masterplan for employers of practising lawyers.

APPLICATION PROCEDURES

Applicants for the LLM (by coursework) should complete a UTS Application for Admission – Postgraduate Courses form, available from the Postgraduate Studies and Scholarships Office, the UTS Student Information Service, or the School of Law.

Completed applications, including certified copies of the academic transcripts for all qualifications the applicant has obtained and a full curriculum vitae, should be addressed to the Academic Registrar if lodged by post, or if lodged in person may be handed to staff at the UTS Student Information Service, Level 4, City campus, Broadway. Certified copies of original documentation can be made at the UTS Student Information Service if required.

Applicants may apply for admission at four stages of the year:

Summer program Applications for Summer program 1994 closed on *Friday 29 October 1993*. Applicants will be notified in writing about their application in early December 1993. Enrolment will take place in the first week of January 1994.

Autumn semester Applications for Autumn semester closed on *Friday 29 October 1993*. Applicants will be notified in late January 1994. Enrolment will take place in February 1994.

Winter program Applications for Winter program close on *Friday 27 May 1994*. Applicants will be notified and enrolled in June 1994.

Spring semester Applications for Spring semester close on *Friday 27 May 1994*. Applicants will be notified and enrolled in July 1994.

Please note that the number of places available is limited. However, all appropriately qualified persons are encouraged to submit an application. Applications are assessed by the Director, and other UTS staff will not speculate as to an applicant's likelihood of success.

FEES

The 1994 fee for permanent residents of Australia is \$4,000 for the LLM (by coursework) program (\$500 for a six credit point subject). Fees are charged on a semester basis. Full payment is required at the commencement of each semester. The total amount charged each semester will depend on the subject load a candidate undertakes in any one semester. **No refund of fees is possible after the Census Date each semester.**

Payment of postgraduate fees ensures an exemption from liability for the Higher Education Contribution Scheme (HECS). The payment of fees in excess of \$250 may qualify a student for a deduction for income tax purposes – please refer queries to the Australian Tax Office.

In addition to the postgraduate fee, candidates are required to pay annual student union and service fees at enrolment. In 1993 these compulsory fees were \$271 for students not previously enrolled at UTS, and \$251 for re-enrolling students (subject to change).

Master of Dispute Resolution

Course Coordinator: Adjunct Professor Jennifer David, tel: 330 3448, Room: B335.

The Master of Dispute Resolution (MDR) is the first Master's degree in dispute resolution in Australia. The MDR is a multi-disciplinary program and provides the

theory, skills and practice of dispute resolution particularly to professionals, executives and administrators. The MDR promotes understanding of and research into this developing area of legal, commercial, organisation and community application. Dispute resolution as a discipline covers dispute prevention and minimisation, dispute management, dispute resolution and dispute system design.

ADMISSION REQUIREMENTS

Applicants should hold a four-year Bachelor's degree from an Australian university, or an equivalent tertiary qualification. Applicants who have not gained the requisite tertiary qualification may be admitted if they can demonstrate equivalent work experience and the ability to undertake projects at an advanced level. Completion of the qualifications of professional bodies in dispute resolution, eg, the Institute of Arbitrators, may be accepted as proof of ability to undertake such projects.

ATTENDANCE

The MDR is offered on a part-time basis only, and is completed over a minimum of two and a half years of study.

The MDR program requires completion of subjects totalling 54 credit points (see Course Structure, below). There are a variety of ways in which these subjects will be offered. Some of the more theoretical subjects will be offered in the traditional format, with weekly lectures of approximately two hours per subject over a 15-week semester. Other subjects which focus on theory and practical skills will be taught with a combination of lectures and intensive workshops. Subjects offered in the intensive workshop mode will have an equivalent number of contact hours to subjects offered in the traditional lecture format. In the latter subjects, seminar paper presentation days are held approximately one month after the intensive workshop. Please note that some attendance between 9.00 am and 5.00 pm on weekdays and weekends will be a requirement of the MDR program.

The School of Law's postgraduate programs operate as follows:

Summer program – January 1994

Autumn semester – 28 February to 10 June 1994

Winter program – June to July 1994

Spring semester – 1 August to 11 November 1994.

The majority of the MDR subjects will be offered in the Autumn and Spring semesters, though a limited number of electives may be offered in the Summer and Winter periods. The compulsory core subject of Dispute Resolution will be offered in the Autumn, Spring and Winter semesters 1994.

Master of Laws majoring in Dispute Resolution

Subjects offered in the MDR may also be undertaken as part of a major in dispute resolution within the LLM (by coursework) program — see the LLM (by coursework) entry above for further details. To undertake a major in Dispute Resolution within the LLM, candidates must complete subjects totalling a minimum of 30 credit points, including the compulsory core unit 77735 Dispute Resolution, within the dispute resolution strand.

Only applicants with an undergraduate legal qualification are eligible for entry into the LLM program. It should be noted that the MDR offers a more in-depth qualification in dispute resolution; course selection will depend upon a candidate's career goals and other considerations. Please contact Adjunct Professor David for further details. **MDR students will be given priority over LLM/SJD students in any dispute resolution subjects.**

ASSESSMENT

Assessment for MDR subjects involves a variety of methods including a research paper or papers requiring high standards of legal scholarship, seminar participation, and seminar presentation. Participation in skills in workshops will also form a significant percentage of assessment. Some observation evaluation of practical skills is also used in the intensive workshops but does not contribute towards assessment for the course. The observation evaluation is for students to use in applying for accreditation with professional organisations external to the University.

The written assessment of the introductory core unit, Dispute Resolution, requires the completion of papers totalling 15,000 words.

The six credit point elective units require the presentation of paper/s totalling 6,000 words for each unit undertaken.

The compulsory final unit, the Research Project, requires candidates to produce a paper of a high academic standard totalling 20,000 – 30,000 words.

CROSS-INSTITUTIONAL ENROLMENT

Subject to approval by the Course Coordinator, MDR candidates may undertake subjects in postgraduate programs at other universities. Up to **one half** of the coursework component of the course may be undertaken at another university. Applications to take subjects at overseas universities will also be considered. A formal application, detailing the academic content and attendance and assessment requirements of the subject/s proposed to be completed, should be made to the Course Coordinator **before** enrolling with the other institution.

MINIMUM AND MAXIMUM ENROLMENT PERIODS

The MDR program may be completed in a minimum of five semesters of part-time attendance.

Discontinuation of registration can take place if all academic requirements for the course are not completed within nine semesters from the time of registration.

TRANSFERS TO OTHER POSTGRADUATE PROGRAMS

Please note that candidates who wish to transfer to other postgraduate degree programs offered by the School of Law must meet the admission criteria. For example, candidates for the LLM program must have an undergraduate law qualification. See the individual entries in this brochure for further details.

COURSE STRUCTURE

Candidates must complete two compulsory subjects, Dispute Resolution and the Research Project, together with electives totalling 30 credit points. A typical program might be:

Year 1

Semester 1

77735 Dispute Resolution
(2 semester subject)

Semester 2

77735 Dispute Resolution (cont'd) (12cp)
77745 Negotiation (6cp)

Year 2

Semester 1

77746 Advanced Mediation (6cp)
77761 Dispute Resolution in Commerce
(6cp)

Semester 2

77747 Pacific Rim Dispute Resolution
(6cp)
77749 Construction Industry Dispute
Resolution (6cp)

Year 3

Semester 1

77725 Research Project (12cp)

EXEMPTIONS

Exemptions are not given for subjects undertaken towards another completed degree program, or for studies not undertaken at the postgraduate level.

Applications for exemption will not be considered until **after** enrolment. Certified copies of academic transcripts or equivalent dispute resolution training or experience must be shown for each exemption sought.

ELECTIVES

Electives for the MDR will be chosen from the following subjects:

77746 Advanced Mediation (6cp)
77750 Anti-Discrimination Dispute
Resolution (6cp)
77752 Commercial Arbitration (Domestic)
(6cp)
77763 Community Dispute Resolution
(6cp)
77749 Construction Industry Dispute
Resolution (6cp)
77765 Court-based Dispute Resolution
(6cp)
77761 Dispute Resolution in Commerce
(6cp)
77764 Environmental Dispute Resolution
(6cp)
77760 Family Dispute Resolution (6cp)
77762 Industrial Dispute Resolution (6cp)
77751 International Commercial
Arbitration (6cp)
77717 International Commercial Dispute
Resolution¹ (12cp)
77745 Negotiation (6cp)

- 77747 Pacific Rim Dispute Resolution (6cp)
 77748 Victim/Offender Dispute Resolution (6cp)

¹ Equivalent to 2 electives.

A limited number of electives will be offered in any one year. Please refer to the listing at the end of this booklet for a brief description of these subjects. Detailed subject descriptions are available from Ms Doreen Smith, Secretary to the Course Coordinator, Adjunct Professor Jennifer David: Tel 330 3448, Fax 330 3421.

Master of Dispute Resolution with Honours

To qualify for First Class Honours in MDR, candidates must attain an average of 80 per cent or higher, including a High Distinction in at least one subject. Second Class Honours requires a minimum average mark of 75 per cent.

APPLICATION PROCEDURES

Applicants for the Master of Dispute Resolution should complete a UTS Application for Admission – Postgraduate Courses form. Postgraduate forms are available from the Postgraduate Studies and Scholarships Office, the UTS Student Information Office or the School of Law. Completed applications, including certified copies of the academic transcripts for all qualifications the applicant has obtained and a full curriculum vitae, should be addressed to the Academic Registrar if lodged by post, or if lodged in person may be handed to staff at the UTS Student Information Service, Level 4, City campus, Broadway. Certified copies of original documentation can be made at the UTS Student Information Service if required.

MDR applicants may apply for admission at the following stages.

Autumn semester Applications for Autumn semester closed on *Friday 29 October 1993*. Applicants will be notified in late January 1994. Enrolment will take place in February 1994.

Winter semester Applications for Winter semester close *Friday 27 May 1994*. Applicants will be notified and enrolled in June 1994.

Spring semester Applications for Spring semester close on *Friday 27 May 1994*. Applicants will be notified and enrolled in July 1994.

Please note that the number of places available is limited, to ensure more personalised tuition and intensive feedback in skills workshops. However, all appropriately qualified persons are encouraged to submit an application. Applications are assessed by the Course Coordinator, and other UTS staff will not speculate as to an applicant's likelihood of success.

FEEES

The 1994 fee for permanent residents of Australia is \$5,400 for the MDR program (\$600 per six credit point subject). Fees are charged on a semester basis. Full payment is required at the commencement of each semester. The total fee charged in each semester will vary according to the subject load a candidate undertakes in any semester. **No refund of fees is possible after the CensusDate each semester.**

Payment of postgraduate fees ensures an exemption from liability for the Higher Education Contribution Scheme (HECS). The payment of fees in excess of \$250 may qualify a student for a deduction for income tax purposes – please refer queries to the Australian Tax Office.

In addition to the postgraduate fee, candidates are required to pay annual student union and service fees at enrolment. In 1993 these compulsory fees were \$271 for students not previously enrolled at UTS, and \$251 for re-enrolling students (subject to change).

FEE EXEMPTION

As enrolment in the MDR is on a full-fee basis, it is not possible to apply for fee exemptions for this program.

Master of Taxation

The Master of Taxation course is designed to provide specialist education in the complex area of taxation, which is a key factor in all activities of modern business.

Candidates for this course must complete coursework totalling 48 credit points, over a minimum of five semesters of part-time

study. The program can be undertaken in two formats:

- (i) Incorporating the core requirements of the Institute of Chartered Accountants for the Professional Year (PY) Program.
- (ii) Alternatively, the Master of Taxation may be undertaken by those who are already lawyers, or members of the ACA, or the ICA, by lawyers substituting additional taxation electives for the PY component.

ADMISSION REQUIREMENTS

The minimum requirements for admission to the Master of Taxation program are:

- a degree with an appropriate major; or
- completion of a relevant Graduate Diploma at a credit average level; or
- satisfaction of the entry requirements set by the Institute of Chartered Accountants for their professional year, or admission criteria set by the Australian Society of Certified Practising Accountants.

In assessing candidates, account is also taken of their professional standing and experience. The number of places available in each year is limited.

Applications are assessed by the Course Coordinator, and other UTS staff cannot speculate on an applicant's likelihood of success.

ATTENDANCE

The Master of Taxation may be undertaken on a part-time basis **only**. The School of Law's postgraduate programs are based on a four-semester academic year:

Summer program – January 1994

Autumn semester – 28 February to 10 June 1994

Winter program – June to July 1994

Spring semester – 1 August to 11 November 1994.

The majority of postgraduate taxation subjects are offered within the Autumn and/or Spring semesters. As a guideline, a six credit point subject offered within the Autumn semester would normally require attendance of two/three hours per week over a 15-week semester. Lectures are

usually scheduled in the evenings. A limited number of electives **may** be offered in the Summer and Winter programs.

CROSS-INSTITUTIONAL ENROLMENT

With the prior approval of the Course Coordinator, Master of Taxation candidates may undertake up to **one half** of the coursework component of the Master of Taxation (24 credit points). Applications to take subjects at overseas universities will also be considered. A formal application, detailing the academic content and attendance and assessment requirements of the subject/s proposed to be completed, should be made to the Course Coordinator **before** enrolling with the other institution.

ASSESSMENT

Assessment will involve a variety of methods including research papers, class participation, seminar presentation and examination. Candidates will be advised of the specific assessment requirements for each subject at the commencement of each semester.

TRANSFERS TO OTHER POSTGRADUATE PROGRAMS

Please note that candidates who wish to transfer to other postgraduate degree programs offered by the School of Law must meet the School's admission criteria for the program to which transfer is sought. For example, candidates for the LLM program must have an undergraduate law qualification. See the individual entries in this handbook for further details.

COURSE STRUCTURE

A typical program for a candidate enrolled in the Master of Taxation might be:

Incorporating the PY options:

Year 1

Semester 1

79760 Applied Legal Research (6cp)
22810 Accounting Module 1 (6cp)

Semester 2

22812 Accounting Module 2 (6cp)
79762 International Tax 1 (6cp)

Year 2

Semester 1

79811 Taxation Module (6cp)

Semester 2

- 79718 Advanced Taxation (6cp)
79701 Stamp Duties (6cp)

Year 3

Semester 1

- 79792 Taxation Paper (6cp)

Without incorporating the PY options:**Year 1**

Semester 1

- 79760 Applied Legal Research (6cp)
79718 Advanced Taxation (6cp)

Semester 2

- 79701 Stamp Duties (6cp)
77767 Tax Administration (6cp)

Year 2

Semester 1

- 79763 Contemporary Issues in Tax (6cp)
79762 International Tax 1 (6cp)

Semester 2

- 79764 Taxation Project (12cp)

Year 3

Semester 1

- 79764 Taxation Project (continued)

Master of Taxation candidates must undertake an Applied Research subject in their first year of enrolment, unless they can demonstrate the requisite research skills, in which case they may substitute an alternative elective approved by the Course Coordinator.

79764 Taxation Project is compulsory and must be undertaken in the final semester (or, if the two semester Project is selected, in the final two semesters of enrolment).

Master of Taxation with Honours

To qualify for First Class Honours in the Master of Taxation, candidates must attain an average of 80 per cent or higher, including a High Distinction in at least one subject. Second Class Honours requires a minimum average mark of 75 per cent. Candidates must have completed 79764 Taxation Project to be eligible for the award of Honours.

ELECTIVES

Master of Taxation candidates will undertake a combination of the following subjects to a total of 48 credit points, depending on their interests and relevant experience:

- 22810 Accounting Module 1 (PY) (6cp)
22812 Accounting Module 2 (PY) (6cp)
79718 Advanced Taxation (6cp)
79760 Applied Legal Research (6cp)
22760 Applied Research Methods ¹ (6cp)
77719 Capital Gains Tax (12cp)
77767 Taxation Administration (6cp)
22751 Corporate Accounting Issues ¹ (6cp)
79706 Customs Duties/Levies (6cp)
22730 EDP Control and Audit ¹ (6cp)
79762 International Taxation 1 (6cp)
79707 International Taxation 2 (6cp)
79702 Land Tax and Payroll Tax (6cp)
79701 Stamp Duties (6cp)
77755 Superannuation Law (6cp)
79763 Contemporary Issues in Taxation (6cp)
79711 Taxation Module (PY) (6cp)
79792 Taxation Paper (1 semester) (6cp)
79764 Taxation Project (2 semester) (12cp)

¹ These electives are offered by the Faculty of Business.

Brief descriptions of the subjects listed are given below. Detailed subject descriptions are available from the Administrative Secretary.

In addition to these subjects, candidates may, with the approval of the Course Coordinator, choose appropriate subjects offered within the LLM/SJD programs (see the alphabetical subject listing for further information). Written application to undertake options from the LLM/SJD programs must be made to the Course Coordinator **before** enrolment.

APPLICATION PROCEDURES

Applicants for the Master of Taxation should complete a UTS Application for Admission – Postgraduate Courses form, available from the Postgraduate Studies and Scholarships Office, the UTS Student Information Service, or the School of Law.

Completed applications, including certified copies of the academic transcripts for all qualifications the applicant has obtained and a full curriculum vitae, should be addressed to the Academic Registrar if lodged by post, or if lodged in person may be handed to staff at the UTS Student Information Service, Level 4, City campus, Broadway. Certified copies of original

documentation can be made at the UTS Information Service if required.

Master of Taxation applicants may apply for admission at the following stages:

Autumn semester Applications for Autumn semester closed on *Friday 29 October 1993*. Applicants will be notified in late January 1994. Enrolment will take place in February 1994.

Spring semester Applications for Spring semester close on *Friday 27 May 1994*. Applicants will be notified and enrolled in July 1994.

While the number of places available is limited, all appropriately qualified persons are encouraged to submit an application. Applications are assessed by the Course Coordinator, and other UTS staff will not speculate as to an applicant's likelihood of success.

FEES

The 1994 fee for permanent residents of Australia is \$4,800. Fees are charged on a semester basis. Full payment is required at the commencement of each semester. The total fee charged each semester will vary according to the subject load a candidate undertakes in that semester. The payment of fees in excess of \$250 may qualify a student for a deduction for income tax purposes – please refer queries to the Australian Tax Office. **No refund of fees is possible after the HECS Census Date each semester.**

Payment of postgraduate fees ensures an exemption from liability for the Higher Education Contribution Scheme (HECS).

In addition to the postgraduate fee, candidates are required to pay annual student union and service fees at enrolment. In 1993 these compulsory fees were \$271 for students not previously enrolled at UTS, and \$251 for re-enrolling students (subject to change).

Graduate Diploma in Australian Law

Course Coordinator: Professor David Flint,
Tel: 330 3417, Room: B212

The Graduate Diploma in Australian Law (GDAL) is designed to permit lawyers from common law jurisdictions to satisfy their

academic requirements for admission as a solicitor or barrister of the Supreme Court of New South Wales.

Applicants should contact the admission authority to determine the subjects they are required to complete to be eligible to practice in NSW **before** lodging their application.

ADMISSION REQUIREMENTS

Candidates for the Graduate Diploma must have a Bachelor's degree in law, or be admitted to practice as a solicitor or barrister in a common law jurisdiction. (This course is not appropriate for candidates who are already admitted to practice in NSW.)

Applicants must also satisfy the English language proficiency requirements of the School of Law, which requires international candidates to have a minimum international English Language Testing System (IELTS) score of 6.5 before enrolling in postgraduate studies. For further details contact the International Programs Office at UTS' postal address.

Owing to student visa restrictions, international candidates are required to enrol on a full-time basis only.

ATTENDANCE

The Graduate Diploma may be undertaken on either a full-time or part-time basis. (Overseas students can only study on a full-time basis under current Australian regulations.) The program requires the completion of subjects totalling a minimum of 48 credit points. The program is based on a two-semester academic year:
Autumn semester – 28 February to 10 June 1994
Spring semester – 1 August to 11 November 1994.

ASSESSMENT

Candidates will be assessed by a variety of methods including class participation, essay and examination. Candidates will be notified of the specific assessment requirements of each subject in the first weeks of semester.

MINIMUM ENROLMENT PERIOD

The Graduate Diploma requires a **minimum** of one semester of study for a full-time student, and two semesters of study for a part-time student.

COURSE STRUCTURE

A minimum program for an overseas lawyer seeking admission in NSW might be:

Federal Constitutional Law
 Revenue Law
 Australian Land Law
 Legal Ethics
 Legal Profession

However, each candidate's program may vary, depending on the number of subjects they are required to undertake in order to be admitted to practice in NSW.

APPLICATION PROCEDURES

Applicants for the Graduate Diploma who are permanent residents of Australia should complete a UTS Application for Admission – Postgraduate Courses form, available from the Postgraduate Studies and Scholarships Office, the UTS Student Information Service, or the School of Law. Completed applications, including certified copies of the academic transcripts of all qualifications the applicant has obtained and a full curriculum vitae, should be addressed to the Academic Registrar if lodged by post.

Applicants who are not permanent residents of Australia should complete a UTS International Programs Application for Admission form, available from the International Programs Office. Completed applications, with originals or certified copies of all supporting documents, should be addressed to the Director of International Programs. Applications by non-residents should be accompanied by the A\$50 application fee (non-refundable).

FEES

The 1994 fee for the Graduate Diploma is \$4,000. Fees are charged on a semester basis. Full payment is required at the commencement of each semester.

In addition to the postgraduate fees, students are required to pay annual student union and service fees at enrolment. In 1993 these compulsory fees were \$271 for students not previously enrolled at UTS (subject to change).

Graduate Diploma in Industrial Property

Coordinator: Associate Professor Philip Griffith, Tel: 330 3447 or 330 3444, Room: B330.

The School of Law offers a coursework program leading to the award of Graduate Diploma in Industrial Property, particularly suited for those who wish to obtain detailed knowledge in the rapidly expanding field of industrial and intellectual property law.

The Diploma is taught and examined at a high standard, and a graduate may apply to the Board of Examiners of Patent Attorneys under the Patent Attorneys' Regulations for exemptions from further examinations in subjects listed in Regulation 10(2) (a), (b), (c) and (d) referred to Regulation 10(2).

ADMISSION REQUIREMENTS

Applicants should hold a degree in Science, Engineering or Law, or equivalent.

ATTENDANCE

The Graduate Diploma is offered on a part-time basis, and requires the completion of subjects totalling 48 credit points.

Graduate Diploma subjects are offered within the Autumn and Spring semesters only. Legal Process has an attendance requirement of six hours per week over a 15-week semester; the other subjects each require four hours each week of attendance over one semester.

Autumn semester is held from 28 February to 10 June 1994, Spring semester from 1 August to 11 November 1994.

Master of Laws majoring in Industrial Property

Applicants who have completed an LLB or an equivalent qualification may be eligible for admission to the LLM (by coursework) program majoring in industrial and intellectual property law. To undertake the major, LLM candidates must complete subjects totalling a minimum of 30 credit points within the industrial and intellectual property strand.

LLM candidates do not enrol in Legal Process, and must choose another subject/s totalling 12 credit points from the LLM programs – please refer to the subject listings at the end of this handbook.

LLM candidates complete the normal LLM assessment for each subject undertaken, and not the Graduate Diploma assessment. Please refer to the LLM (by coursework) entry for further details.

EXEMPTIONS

Candidates with an undergraduate law qualification may apply for an exemption from Legal Process.

Applications for exemption will not be considered until after enrolment. Certified copies of academic transcripts must be produced for each exemption sought.

ASSESSMENT

Graduate Diploma candidates are required to undertake two pieces of assessment per subject:

an essay on an approved topic of between 3,000 – 4,000 words (40 per cent of assessment); and

a three hour examination (60 per cent of assessment).

Candidates undertaking industrial and intellectual property subjects in their LLM or SJD programs will be required to submit an essay of 15,000 words per subject (see LLM/SJD assessment requirements).

COURSE STRUCTURE

A typical Graduate Diploma program might be:

Year 1

Semester 1

72100 Legal Process ¹ (12cp)
(Compulsory introductory unit)

Semester 2

72101 Patent Law (12cp)

Year 2

Semester 1

72102 Trademark Law (12cp)

Semester 2

72103 Design Law (12cp)

¹ Candidates possessing legal qualifications may apply for an exemption from Legal Process.

Brief descriptions of Graduate Diploma subjects are given below. Detailed subject descriptions are available from the Administrative Secretary.

APPLICATION PROCEDURES

Applicants for the Graduate Diploma in Industrial Property should complete a UTS Application for Admission – Postgraduate Courses form, available from the Postgraduate Studies and Scholarships Office, the UTS Student Information Service, or the School of Law.

Completed applications, including certified copies of the academic transcripts for all qualifications the applicant has obtained and a full curriculum vitae, should be addressed to the Academic Registrar if lodged by post, or if lodged in person may be handed to staff at the UTS Student Information Service, Level 4, City campus, Broadway. Certified copies of original documentation can be made at the UTS Student Information Service if required.

Candidates may apply to enter the Graduate Diploma in **Autumn semester only** (subject to availability of places, candidates who are exempt from Legal Process may be allowed to commence in Spring semester – contact the Administrative Officer for details).

Applications for Autumn semester close on **Friday 29 October 1993**. Applicants will be notified in late January 1994. Enrolment will take place in February 1994.

The number of places available is limited. However, all appropriately qualified persons are encouraged to submit an application. Applications are assessed by the Course Coordinator, and other UTS staff will not speculate as to an applicant's likelihood of success.

FEES

The 1994 fee for permanent residents of Australia is \$4,000 for the Graduate Diploma in Industrial Property program (\$1,000 per subject). Fees are charged on a semester basis. Full payment is required at the commencement of each semester. The total fee charged each semester will vary according to the subject load a candidate undertakes in any semester. **No refund of fees is possible after the Census Date each semester.**

Payment of postgraduate fees ensures an exemption from liability for the Higher Education Contribution Scheme (HECS). The payment of fees in excess of \$250 may

qualify a student for a deduction for income tax purposes – please direct queries to the Australian Tax Office.

In addition to the postgraduate fee, candidates are required to pay annual student union and service fees at enrolment. In 1993 these compulsory fees were \$271 for students not previously enrolled at UTS, and \$251 for re-enrolling students (subject to change).

Graduate Diploma in Corporate Law

The Graduate Diploma in Corporate Law aims to enhance professional practice in the field of corporate law by providing continuing professional education at the postgraduate level. This course is scheduled to commence in mid-1994.

ADMISSION REQUIREMENTS

Applicants should hold an undergraduate degree in law, or equivalent. In addition, a knowledge of company law or experience in the field of corporate law is essential.

ATTENDANCE

The program may be undertaken on a part-time basis only. The program requires the completion of subjects totalling 48 credit points; there are a variety of ways in which these subjects may be undertaken. The majority of postgraduate subjects are offered within the Autumn and/or Spring semesters. As a guideline, a six credit point subject offered within the Autumn semester would normally require attendance of two hours per week over a 15-week period. Lectures are usually scheduled in the evenings, commencing no earlier than 5.00 pm.

Autumn semester runs from 28 February – 10 June 1994. Spring semester from 1 August – 11 November 1994. The School offers a number of postgraduate subjects in an intensive attendance mode in Winter. For the Winter program, the contact hours are equivalent to those of one or two semester subjects, but lectures are held daily over a concentrated period. Winter candidates are required to commence preparation in advance of the lectures. Assessment is completed in the semester following the period of attendance.

This attendance mode is particularly suited to interstate or international candidates, who can complete all their attendance requirements in the Summer and Winter programs. However, students may not undertake subjects totalling more than 24 credit points in any one Summer or Winter program.

The Winter program is scheduled for June – July 1994.

EXEMPTIONS

Exemptions are **not** given for subjects undertaken towards another completed degree program, or for studies not undertaken at the postgraduate level. Applications for exemptions will not be considered until **after** enrolment. Certified copies of academic transcripts must be produced for each exemption sought.

ASSESSMENT

Assessment involves a variety of methods. Examinations may form a small percentage of the total marks in any subject. The written assessment for a six credit point subject will normally total 7,500 words; the written assessment for a 12 credit point subject will total 15,000 words.

TRANSFERS TO OTHER POSTGRADUATE PROGRAMS

Please note that candidates who wish to transfer to other postgraduate degree programs offered by the School of Law must meet the admission criteria. See the individual entries in this brochure for further details.

COURSE STRUCTURE

Candidates must complete one compulsory subject, Corporations Finance and Securities, together with electives totalling 36 credit points.

ELECTIVES

Electives for the Graduate Diploma in Corporate Law will be chosen from the following subjects:

- 79718 Advanced Taxation (6cp)
- or*
- 79763 Contemporary Issues in Taxation (6cp)
- 77715 Banking Law (12cp)
- 77768 Insurance Law (6cp)
- 70500 Skills – Drafting ¹ (2cp)

- 77726 Patent Law (12cp)
or
77727 Designs Law (12cp)
or
77728 Trademark Law (12cp)
77755 Superannuation Law (6cp)
79731 Industrial Law (6cp)
or
79711 Advanced Industrial Law (6cp)
or
79753 Current Issues in Industrial Law (6cp)
or
79752 Employment Legislation (6cp)
77721 Restrictive Trade Practices (12cp)
or
77712 Deceptive Trade Practices and Product Liability (12cp)
77732 Advanced Remedial Law: Equitable Remedies (6cp)

¹ Students who have completed an equivalent subject as part of their undergraduate program will not be permitted to enrol in this subject.

A limited number of electives will be offered in any one year. Please refer to the listing at the end of this handbook for a brief description of these subjects. Detailed subject descriptions are available from the Administrative Secretary.

APPLICATION PROCEDURES

Applicants for the Graduate Diploma in Corporate Law should complete a UTS Application for Admission – Postgraduate Courses form, available from the Postgraduate Studies and Scholarships Office, the UTS Student Information Service, or the School of Law.

Completed applications, including certified copies of the academic transcripts for all qualifications the applicant has obtained and a full curriculum vitae, should be addressed to the Academic Registrar if lodged by post, or if lodged in person may be handed to staff at the UTS Student Information Service, Level 4, City campus, Broadway. Certified copies of original documentation can be made at the UTS Student Information Service if required.

Applicants may apply for admission at four stages of the year:

Summer program Applications for Summer program 1994 closed on *Friday 29 October 1993*. Applicants will be notified in writing about their application in early December 1993. Enrolment will take place in the first week of January 1994.

Autumn semester Applications for Autumn semester closed on *Friday 27 October 1993*. Applicants will be notified in late January 1994. Enrolment will take place in February 1994.

Winter program Applications for Winter program close on *Friday 27 May 1994*. Applicants will be notified and enrolled in June 1994.

Spring semester Applications for Spring semester close on *Friday 27 May 1994*. Applications will be notified and enrolled in July 1994.

Please note that the number of places available is limited. However, all appropriately qualified persons are encouraged to submit an application. Applications are assessed by the Director, and other UTS staff will not speculate as to an applicant's likelihood of success.

FEES

The 1994 fee for permanent residents of Australia is \$4,800 for the Graduate Diploma in Corporate Law (\$600 for a six credit point subject). Fees are charged on a semester basis. Full payment is required at the commencement of each semester. The total amount charged each semester will depend on the subject load a candidate undertakes in any one semester. **No refund of fees is possible after the Census Date each semester.**

Payment of postgraduate fees ensures an exemption from liability for the Higher Education Contribution Scheme (HECS). The payment of fees in excess of \$250 may qualify a student for a deduction for income tax purposes – please refer queries to the Australian Tax Office. In addition to the postgraduate fee, candidates are required to pay annual student union and service fees at enrolment. In 1993 these compulsory fees were \$271 for students not previously enrolled at UTS, and \$251 for re-enrolling students (subject to change). As enrolment in the course is on a full-fee basis, it is not possible to apply for fee exemption.

Graduate Certificate in Corporate Law

The Graduate Certificate in Corporate Law aims to enhance professional practice in the field of corporate law by providing continuing professional education at the postgraduate level. This course is scheduled to commence in mid-1994.

ADMISSION REQUIREMENTS

Applicants should hold an undergraduate degree in law, or equivalent. In addition, a knowledge of company law or experience in the field of corporate law is essential.

ATTENDANCE

The program may be undertaken on a part-time basis only. The program requires the completion of subjects totalling 24 credit points; there are a variety of ways in which these subjects may be undertaken: The majority of postgraduate subjects are offered within the Autumn and/or Spring semesters. As a guideline, a six credit point subject offered within the Autumn semester would normally require attendance of two hours per week over a 15-week period. Lectures are usually scheduled in the evenings, commencing no earlier than 5.00 pm.

Autumn semester runs from 28 February to 10 June 1994.

Spring semester from 1 August to 11 November 1994.

The School offers a number of postgraduate subjects in an intensive attendance mode in Summer and Winter. For the Winter program, the contact hours are equivalent to those of one or two semester subjects, but lectures are held daily over a concentrated period. For example, a six credit point subject offered in the Winter may require students to attend for two and a half hours per day over 10 days. Summer/Winter candidates are required to commence preparation in advance of the lectures. Assessment is completed in the semester following the period of attendance.

This attendance mode is particularly suited to interstate or international candidates, who can complete all their attendance requirements in the Summer and Winter programs. The Winter program is scheduled for June to July 1994.

EXEMPTIONS

Exemptions are **not** given for subjects undertaken towards another completed degree program, or for studies not undertaken at the postgraduate level. Applications for exemptions will not be considered until **after** enrolment. Certified copies of academic transcripts must be produced for each exemption sought.

ASSESSMENT

Assessment involves a variety of methods. Examinations may form a small percentage of the total marks in any subject. The written assessment for a six credit point subject will normally total 7,500 words; the written assessment for a 12 credit point subject will total 15,000 words.

TRANSFERS TO OTHER POSTGRADUATE PROGRAMS

Please note that candidates who wish to transfer to other postgraduate degree programs offered by the School of Law must meet the admission criteria. See the individual entries in this brochure for further details.

COURSE STRUCTURE

Candidates must complete one compulsory subject, Corporations Finance and Securities, together with electives totalling 12 credit points.

ELECTIVES

Electives for the Graduate Certificate in Corporate Law will be chosen from the following subjects:

- 79718 Advanced Taxation (6cp)
or
- 79763 Contemporary Issues in Taxation (6cp)
- 77715 Banking Law (12cp)
- 77768 Insurance Law (6cp)
- 70500 Skills – Drafting¹ (2cp)
- 77726 Patent Law (12cp)
or
- 77727 Designs Law (12cp)
or
- 77728 Trademark Law (12cp)
- 77755 Superannuation Law (6cp)
- 79731 Industrial Law (6cp)
or
- 79711 Advanced Industrial Law (6cp)
or
- 79753 Current Issues in Industrial Law (6cp)
or
- 79752 Employment Legislation (6cp)
- 77721 Restrictive Trade Practices (12cp)
or
- 77712 Deceptive Trade Practices and Product Liability (12cp)
- 77732 Advanced Remedial Law: Equitable Remedies (6cp)

A limited number of electives will be offered in any one year. Please refer to the listing at the end of this handbook for a

brief description of these subjects. Detailed subject descriptions are available from the Administrative Secretary.

¹ Students who have completed an equivalent subject as part of their undergraduate program **will not be permitted** to enrol in this subject.

APPLICATION PROCEDURES

Applicants for the Graduate Certificate in Corporate Law should complete a UTS Application for Admission – Postgraduate Courses form, available from the Postgraduate Studies and Scholarships Office, the UTS Student Information Service, or the School of Law.

Completed applications, including certified copies of the academic transcripts for all qualifications the applicant has obtained and a full curriculum vitae, should be addressed to the Academic Registrar if lodged by post, or if lodged in person may be handed to staff at the UTS Student Information Service, Level 4, City campus, Broadway. Certified copies of original documentation can be made at the UTS Student Information Service if required.

Applicants may apply for admission at four stages of the year:

Summer program Applications for Summer program 1994 closed on *Friday 29 October 1993*. Applicants will be notified in writing about their application in early December 1993. Enrolment will take place in the first week of January 1994.

Autumn semester Applications for Autumn semester closed on *Friday 29 October 1993*. Applicants will be notified in late January 1994. Enrolment will take place in February 1994.

Winter program Applications for Winter program close on *Friday 27 May 1994*. Applicants will be notified and enrolled in June 1994.

Spring semester Applications for Spring semester close on *Friday 27 May 1994*. Applications will be notified and enrolled in July 1994.

Please note that the number of places available is limited. However, all appropriately qualified persons are encouraged to submit an application. Applications are assessed by the Director, and other UTS staff will not speculate as to an applicant's likelihood of success.

FEES

The 1994 fee for permanent residents of Australia is \$2,400 for the Graduate Certificate in Corporate Law (\$600 for a six credit point subject). Fees are charged on a semester basis. Full payment is required at the commencement of each semester. The total amount charged each semester will depend on the subject load a candidate undertakes in any one semester. **No refund of fees is possible after the Census Date each semester.**

Payment of postgraduate fees ensures an exemption from liability for the Higher Education Contribution Scheme (HECS). The payment of fees in excess of \$250 may qualify a student for a deduction for income tax purposes – please refer queries to the Australian Tax Office. In addition to the postgraduate fee, candidates are required to pay annual student union and service fees at enrolment. In 1993 these compulsory fees were \$271 for students not previously enrolled at UTS, and \$251 for re-enrolling students (subject to change). As enrolment in the course is on a full-fee basis, it is not possible to apply for fee exemption.

Graduate Certificate in Japanese Law and Business

Course Coordinator: Mr Tokio Nagamine, Tel: 330 3424 or 330 3444, Room: B301.

The course aims to provide students with a sound knowledge of Japanese law and business, as well as Japanese society and culture as a whole. The course is designed for lawyers and business people who have, or may have in future, business relationships with Japan. It is also designed for people who may have previously undertaken Japanese studies and wish to improve and update their knowledge of Japan.

Candidates for the Graduate Certificate in Japanese Law and Business are required to complete subjects totalling 24 credit points. A brief description of the subjects offered is outlined at the end of this handbook.

ADMISSION REQUIREMENTS

Candidates must have a three year Bachelor's degree in one of the arts or social science areas, or equivalent. Special consideration may be given to those who do not possess a degree but have equivalent qualifications, skills or experience.

ATTENDANCE

The Graduate Certificate in Japanese Law and Business is offered on a part-time basis only, and is completed over a year.

Each subject requires an attendance of two hours per week for a 15-week semester. Subjects may be offered in a two to three week intensive course during Summer or Winter semesters.

Autumn semester is held from 28 February to 10 June 1994; Spring semester from 1 August to 11 November 1994.

ASSESSMENTS

Assessments involve a variety of methods including an essay, examination, class attendance and seminar presentation.

CROSS-INSTITUTIONAL ENROLMENT

Subject to approval by the Course Coordinator, candidates may undertake the elective, Japanese Language from another tertiary institution. A formal application, detailing the academic content and attendance and assessment requirements of the subject proposed to be completed, should be made to the School **before** enrolling with the other institution.

COURSE STRUCTURE

Semester 1

- 76100 Japanese Business (6cp)
- 76101 Japanese Society A (6cp)

Semester 2

- 76102 Japanese Law (6cp)
- Elective (6cp)

Electives

Electives will be chosen from the following subjects:

- 76103 Japanese Society B (6cp)
- 76104 Reading Original Materials (6cp)
Japanese Language

APPLICATION PROCEDURES

Applicants should complete a UTS Application for Admission – Postgraduate Courses form, available from the Postgraduate Studies and Scholarships Office, the UTS Information Service, or the School of Law.

Completed applications, including certified copies of the academic transcripts for all qualifications the applicant has obtained

and a full curriculum vitae, should be addressed to the Academic Registrar if lodged by post, or if lodged in person may be handed to staff at the UTS Information Service, Level 4, City campus – Broadway. Certified copies of original documentation can be made at the UTS Information Service if required.

Candidates may apply for admission at the following stages:

Autumn semester Applications for Autumn semester closed *Friday 29 October 1993*.

Applicants will be notified in late January 1994.

Spring semester Applications for Spring semester close *Friday 27 May 1994*. Applicants will be notified and enrolled in July 1994.

FEES

The 1994 fee for a subject is \$600, except for Japanese Language. Fees are charged on a semester basis.

In addition to the postgraduate fee, candidates are required to pay annual student union and service fees at enrolment. In 1993 these compulsory fees totalled \$271 for students not previously enrolled at UTS, and \$251 for re-enrolling students (subject to change).

FEE EXEMPTION

As enrolment in the Graduate Certificate in Japanese Law and Business is on a full-fee basis, it is not possible to apply for fee exemptions for this course.

Please note that owing to visa requirements, international candidates are required to enrol on a full-time basis only.

Master of Comparative Law

Course Coordinator: Professor David Flint, Room B212, Tel: 330 3417

Subject to final Academic Board approval the School of Law will offer this new program commencing in 1994.

The School of Law recognises that the traditional format of a common law LLM may not be appropriate for candidates from civil law countries. Accordingly, the School offers graduate programs for civil lawyers specifically designed for the needs of civil lawyers who wish to gain an understanding of the research skills, methodologies,

general concepts and doctrines of the common law, particularly those which are applicable to international and transnational business transactions.

Central to this is a coursework program leading to the award of Master of Comparative Law. This is an intensive course which provides the bridge between the civil law and the common law.

After completing the coursework requirements of the Graduate Certificate in Comparative Law, and instead of taking out the Graduate Certificate, a student in the Master of Comparative Law (MCL) program may select any approved graduate subjects so that the total number of additional credit points taken is 36. Participation in these subjects will be supported by MCL tutorials, in which these special interests and needs of civil law students will be emphasised.

ADMISSION REQUIREMENTS

Applicants for the Master of Comparative Law must hold a Bachelor's degree in civil law, or be admitted to practise as a lawyer in a civil law jurisdiction.

Applicants must be international students from a non-English speaking background.

Applicants who do not practise law in English at a satisfactory level must also satisfy the English language proficiency requirements of the School of Law, which requires international candidates to have a minimum International English Language Testing System (IELTS) score of 6.5 before enrolling in postgraduate studies.

For further details contact the International Programs Office at UTS's postal address.

Owing to student visa restrictions, international candidates are required to enrol on a full-time basis only.

ATTENDANCE

The program is to be offered over one year of full-time attendance. Due to student visa restrictions, international candidates are required to enrol on a full-time basis only. Students may also choose subjects offered in the Summer and Winter programs.

COURSE STRUCTURE

Students will be required to complete subjects totalling in value 48 credit points chosen from graduate subjects offered by the School of Law and approved by the Head of School including (and normally beginning with) the subject 77742 Advanced

Comparative Law, the Common Law. Students may, with approval by the Head of the School, take subjects from other law schools.

ASSESSMENT

The assessment for each subject shall consist of a mixture of: written papers; presentation of papers; defence of written papers; and written and/or oral examinations prescribed in writing for each subject by the Head of School for each student, having regard to the student's experience, legal culture and preferences.

APPLICATION PROCEDURES

Applicants should complete a UTS International Programs Application for Admission form, available from:

International Programs
University of Technology, Sydney
PO Box 123
Broadway NSW 2007
AUSTRALIA
Ph: (612 02) 330 1531, Fax: (612 02) 330 1530

Complete applications, with originals or certified copies of all supporting documents, should be sent to the Director of the International Programs Office at the above address. Applications should be accompanied by the A\$50 application fee (non-refundable).

FEES

The fee for the Master of Comparative Law is proposed to be \$10,000, including the initial coursework program. Further information about fees and enrolment for international candidates is available from the International Programs Office, Tel: (612 02) 330 1531, Fax (612 02) 330 1530.

Graduate Certificate in Comparative Law

Course Coordinator: Professor David Flint, Tel: 330 3417, Room: B212.

The School of Law recognises that the traditional format of a common law LL.M may not be appropriate for candidates from civil law countries. Accordingly, the School offers graduate programs for civil lawyers, specifically designed for the needs of civil lawyers who wish to gain an understanding of the research skills, methodologies, general concepts and doctrines of the common law, particularly those which are applicable to international and transnational business transactions.

Central to this is a coursework program leading to the award of Graduate Certificate in Comparative Law. This is an intensive course which provides a bridge between civil law and common law.

COURSE STRUCTURE

Graduate Certificate candidates complete 73100 Advanced Comparative Law – The Common Law. The topics covered within this subject include: sources of the common law; the development of the common law in England and its reception into Australia; courts and lawyers in Australia; law-finding in the common law; contract law in the common law; Australian public law and aspects of the law regulating business transactions in Australia. Three principal areas are addressed:

- Legal Technique in the Common Law
- Introduction to Business Law
- Selected Issues in International and Transnational Law.

This subject may also include visits to the courts and to Sydney law firms.

ADMISSION REQUIREMENTS

Applicants for the Graduate Certificate must hold a Bachelor's degree in civil law, or be admitted to practise as a lawyer in a civil law jurisdiction. (This course is not appropriate for candidates with common law qualifications, or those who are admitted to practise in a common law jurisdiction.)

Applicants who do not practise law in English at a satisfactory level must also satisfy the English language proficiency requirements of the School of Law, which requires international candidates to have a minimum International English Language Testing System (IELTS) score of 6.5 or equivalent before enrolling in postgraduate studies. For further details contact the International Programs Office at UTS's postal address.

Owing to student visa restrictions, international candidates are required to enrol on a full-time basis only.

ATTENDANCE

The Graduate Certificate is normally offered in an intensive tuition mode, over approximately five to seven weeks of full-time study.

After successfully completing the subject Advanced Comparative Law, candidates are eligible to graduate with the Graduate Certificate in Comparative Law. Alternatively, candidates may apply to transfer into the LLM program with advanced standing or into the Master of Comparative Law – see below.

ASSESSMENT

Assessment for the Graduate Certificate is based on class participation and an essay of approximately 5,000 words, on a topic of comparative law.

If appropriate, candidates undergo an oral examination as an alternative or in addition to the written paper.

TRANSFER TO THE LLM PROGRAM

Candidates who have successfully completed the Graduate Certificate program may, subject to the approval of the Course Coordinator, apply to transfer into the LLM program, or into the proposed Master of Comparative Law program. Transfer applicants must satisfy the School's entry requirements for LLM or MCL candidates.

Candidates who are permitted to transfer to the LLM or MCL are not awarded the Graduate Certificate. However credit is given for the coursework completed towards the Graduate Certificate program:

- a) Candidates who elect to transfer into the LLM (by thesis) program after successfully completing all the assessment requirements for the Graduate Certificate program submit a reduced thesis of approximately 30,000 words.

The LLM (by thesis) may be completed when the candidate returns to their country of residence. Thesis candidates are encouraged to address a topic of comparative law. Supervisors from both the Faculty and the candidate's country of residence may be appointed, if appropriate.

- b) Candidates who transfer into the LLM (by coursework) program after successful completion of all requirements for the Graduate Certificate are credited with 12 credit points of coursework (25 per cent of the total course requirement). LLM (by coursework) candidates will choose their program from the range of subjects offered within the LLM/SJD program.

Please refer to the alphabetical subject listings at the end of this handbook for more information.

Attendance in Sydney is required for the LLM (by coursework). However, by choosing subjects offered within the intensive Summer and Winter programs it is possible to minimise the period of attendance required.

- c) Candidates who elect to transfer into the Master of Comparative Law program after successful completion of all requirements for the Graduate Certificate are credited with 12 credit points of coursework (25 per cent of the total course requirement). MCL candidates will choose their program from the range of approved graduate subjects offered by the School. Assessment is undertaken by the Course Coordinator, and additional tutorials are provided.

APPLICATION PROCEDURES

Applicants should complete a UTS International Programs Application for Admission form, available from:

International Programs
University of Technology, Sydney
PO Box 123
Broadway NSW 2007
AUSTRALIA
Tel (612 02) 330 1531, Fax (612 02) 330 1530.

Completed applications, with originals or certified copies of all supporting documents, should be sent to the Director of the International Programs Office at the above address. Applications should be accompanied by the A\$50 application fee (non-refundable).

FEES

The fee for the Graduate Certificate in Comparative Law program is \$3,350. The fee for the LLM (by thesis) or by coursework is \$10,000 per annum.

International candidates who are permitted to transfer into the LLM program after successfully completing the Graduate Certificate pay a reduced fee of \$6,650 for the Master's component (\$10,000 in total).

Further information about fees and enrolment for international candidates is available from the International Programs Office, Tel: (612 02) 330 1534, Fax: (612 02) 330 1530.

POSTGRADUATE SUPPLY PROGRAMS

The following law subjects are offered within the postgraduate programs of the Faculty of Business, including the Master of Business Administration, Master of Business (Accounting), Master of Business (Accounting and Finance), Master of Business (Employment Relations), Master of Business (Marketing), Graduate Diploma in Accounting and Finance, Graduate Diploma in Employment Relations, and the Graduate Diploma in Marketing. **All enquiries about these postgraduate degrees should be directed to the Graduate School of the Faculty of Business, tel 330 3552.**

As an undergraduate law qualification is **not** a prerequisite for these subjects (though background knowledge/experience may be assumed for some subjects), they are ideal for persons who have not completed a first degree in law who wish to extend their knowledge in particular areas of the law.

The following subjects are available:

79701	Stamp Duties (6cp)
79702	Land Tax and Payroll Tax (6cp)
79703	Legal Aspects of Contracts Administration (6cp)
79706	Customs Duties/Levies (6cp)
79707	International Taxation 2 (6cp)
79711	Advanced Industrial Law (6cp)
79718	Advanced Taxation (6cp)
79729	Legal Environment of Business (6cp)
79731	Industrial Law (6cp)
79732	Law for Administrators (6cp)
79733	Companies and Securities Law (6cp)
79737	Engineering Law (6cp)
79741	Marketing Legislation in Australia (6cp)
79742	International Business Law (6cp)
79749	Law for Managers (6cp)
79752	Employment Legislation (6cp)
79753	Current Issues in Industrial Law (6cp)
79761	Indirect Taxation (6cp)
79763	Contemporary Issues in Taxation (6cp)
79775	Finance Law (6cp)
79781	Readings in International Business Law (6cp)
79791	Business Law Project (6cp)

Detailed subject descriptions are available from the Administrative Secretary.

EXTERNAL AWARD STUDY

Students who are enrolled in a postgraduate course leading to an award at another tertiary institution may apply to undertake subjects with the School of Law which will count towards that award.

Admission is subject to the joint approval of both institutions and to the availability of places.

Brief descriptions of the subjects offered by the School of Law are outlined below. Detailed descriptions are available from the Administrative Secretary if required. As the number of subjects offered in any year is limited, applicants should confirm the timetable for the forthcoming semester with the School of Law before submitting an application.

Applicants should refer to the detailed entries in this handbook for details of fees and the assessment and attendance requirements for each subject offered. For example, students currently enrolled in an LLM should also refer to the LLM entry in this booklet.

ADMISSION REQUIREMENTS

Applicants must be enrolled in an equivalent degree at their home institution.

Please note that undergraduate students will not normally be permitted to enrol in postgraduate subjects offered by the School of Law.

APPLICATION PROCEDURES

Applicants should complete an External Award Study – Application for Admission form, available from the UTS Non-Award Studies Officer, the UTS Student Information Service or the School of Law.

Completed applications, including a curriculum vitae and certified copies of all required documents, should be sent to:

UTS External Award Studies
Admission Branch
University of Technology, Sydney
PO Box 123
Broadway NSW 2007.

External Award applicants must also obtain a letter of authority from their university's Registrar, which should be forwarded to the above address.

The closing dates for applications are as follows:

Summer semester – 30 November 1993
Autumn semester – 30 December 1993
Winter semester – 31 May 1994
Spring semester – 30 June 1994

EXTENSION (NON-AWARD) STUDY

Extension study in postgraduate law allows candidates who do not wish to undertake a full degree program the opportunity to learn or upgrade their knowledge in a selection of subjects.

Extension students undertake subjects which are offered in the School's degree programs. Brief descriptions of the subjects offered by the School of Law are outlined below. Detailed descriptions are available from the Administrative Secretary if required. As the number of subjects offered in any year is limited, applicants should confirm the timetable for the forthcoming semester with the School of Law before submitting an application.

In addition, extension study may entitle students to Mandatory Continuing Legal Education points – contact the Law Society of NSW for further details.

ADMISSION REQUIREMENTS

Applicants are expected to have achieved an appropriate level of knowledge in relation to the area to be studied, or to demonstrate the ability to successfully undertake postgraduate study.

APPLICATION PROCEDURES

Applicants should complete an Extension (Non-Award) Study Application form, available from the Non-Award Studies Officer, the UTS Student Information Service, or the School of Law.

Completed applications, including a brief resume, proof of age, Australian permanent residency and educational status should be returned to:

Non-Award Studies Officer
Admissions Branch
University of Technology, Sydney
PO Box 123
Broadway NSW 2007.

The closing dates for applications are as follows:

Summer semester – 30 November 1993
Autumn semester – 30 December 1993
Winter semester – 31 May 1994
Spring semester – 30 June 1994

FEES

Extension students who enrol in the postgraduate subjects offered by the School of Law are charged a fee of \$1,000 per subject.

Fees are paid at registration where a UTS ID card will be issued for use of the Library and other student facilities. Fees are non-refundable after the commencement of semester. However, where a student is forced to withdraw due to illness or disability a letter requesting reimbursement (supported with appropriate verification) should be submitted to the Non-Award Studies Officer for consideration.

POSTGRADUATE SUBJECT DESCRIPTIONS

The **availability** category shows the degree programs in which the subject is offered. With the approval of the Director it may be possible to undertake relevant subjects which are not indicated, eg. a Master of Taxation candidate may wish to enrol in 77719 Capital Gains Tax. Written application must be made to the Director **before** the commencement of each semester of enrolment. Not all subjects are offered every year.

The following degree abbreviations are used:

Graduate Certificate in Comparative Law (GCCL)

Graduate Certificate in Japanese Law and Business (GCJB)

Graduate Certificate in Corporate Law (GCCP)

Graduate Diploma in Corporate Law (GDCL)

Graduate Diploma in Industrial Property (GDIP)

Master of Taxation (TAX)

Master of Dispute Resolution (MDR)

Master of Law (by coursework) (LLM)

Master of Comparative Law (MCL)

Doctor of Juridical Science (SJD)

Graduate Supply (SUPPLY)

Please refer to the LLM (by coursework) entry above for an explanation of the concentration abbreviations shown in the brackets { }.

22730 EDP CONTROL AND AUDIT

(6cp); 1 semester
availability TAX

Examines the objectives of computer security and controls, and the application of auditing techniques to verify the adequacy of such security and controls. Topics considered include the use of communication networks, and cryptographic security for safeguarding the integrity of computer systems.

22751 CORPORATE ACCOUNTING ISSUES

(6cp); 1 semester
availability TAX

Examines the issues surrounding the provision of corporate reports to external users. Topics considered include the role of a conceptual framework of financial reporting, the role of financial reporting in promoting the efficient allocation of scarce resources, corporate social responsibility in accounting, and the 'public interest' role of accountants.

22760 APPLIED RESEARCH SKILLS

(6cp); 1 semester
availability TAX

Reviews univariate statistical techniques, introduces students to multivariate statistical techniques. Subjects covered include experimental studies and an analysis of their data and computerised databases in Australia and their information content.

22810 ACCOUNTING MODULE 1

(6cp); 1 semester
Professional Year
availability TAX

This subject incorporates the topics which are specified in the study guidelines issued by the Institute of Chartered Accounts in Australia for candidates who are undertaking the professional year examination.

22812 ACCOUNTING MODULE 2

(6cp); 1 semester
Professional Year
availability TAX

This subject incorporates the topics which are specified in the study guidelines issued by the Institute of Chartered Accounts in Australia for candidates who are undertaking the professional year examination.

72100 LEGAL PROCESS

(12cp); 1 semester
availability GDIP

This subject is a prerequisite for all other subjects in the Graduate Diploma. It is designed to give GDIP candidates from non-legal backgrounds a grounding in the principles of legal processes. It deals with the nature of law, the sources of law and the system of law governing NSW as part of the Commonwealth of Australia. Students are instructed in case analysis, the doctrine of precedent, statutory interpretation and legal reasoning.

76100 JAPANESE BUSINESS

(6cp); 1 semester
availability GCJB

Commercial dispute often takes place between Japanese and Australian companies as they do between Australian companies. However, there are disputes which are caused by the misunderstanding of each other's business customs and practices, and which therefore could be avoided if they were familiar with them. This course aims to help students understand the day-to-day operation of the Japanese company as well as the economic and industrial systems and practices in Japan. The course consists of three sections: the first section deals with the systematic aspect of the Japanese economy; the second, the Japanese company and their practices and customs in business operation, and the third, human resources management practices and employer and employee relations.

76101 JAPANESE SOCIETY A

(6cp); 1 semester
availability GCJB

Japanese Society A is an introduction to the study of the broad issues of Japanese society. It is essential to understand a social background when studying legal and/or economic systems of a society. It is particularly important in the Japanese situation because informal practices and customs are often more important than formal rules, regulations and systems. The subject will help students understand the social background underlying legal economic issues.

76102 JAPANESE LAW

(6cp); 1 semester
availability GCJB

Japanese Law aims to provide an overview of the Japanese legal system, to examine how the law works in society, and to consider the implications of Japanese law for Australians in their business relations with Japan. This course covers various topics, such as Japanese legal history, the role of law in society, the Japanese Constitution, contract law, law of tort, employment law, dispute resolution and legal issues relevant to the setting up of business in Japan.

76103 JAPANESE SOCIETY B

(6cp); 1 semester
availability GCJB

Japanese Society B builds upon the subject Japanese Society A. This course is compulsory for those who do not take Reading Original Materials. Students will discuss current topics and changes in Japanese society. Students will be required to concentrate upon a topic of personal interest and to present their work in the form of an essay of 3,500 – 4,000 words.

76104 READING ORIGINAL MATERIALS

(6cp); 1 semester
elective
availability GCJB

Reading Original Materials aims to enable students who have reached a level between 2 and 3 of Japanese Language Proficiency Test administered by the Japan Foundation, or equivalent, to improve their language skills, to find the latest information from original Japanese sources and to utilise their language skills in actual business situations. Materials used in this course will include up-to-date newspaper and magazine articles on law, business and Japanese society; various company documents, extracts from law and business books.

JAPANESE LANGUAGE

elective
availability GCJB

Students, with the approval of the Head of the School, may take the Japanese Language from another tertiary institution or the Insearch Language Centre¹ to be credited toward the Graduate Certificate in Japanese Law and Business.

¹ Subject to final approval.

77700 ADVANCED LEGAL RESEARCH

(2cp); 1 semester
availability LLM, SJD

These seminars are on the methodology of research appropriate to graduate study involving the primary and principal secondary sources of law in NSW and the Commonwealth. In addition, the sources of law in a selected number of jurisdictions – England, United States, New Zealand, Canada and the European Communities – are considered. The sources of international law constitute a special topic. Advanced Legal Research is a corequisite for Category B LLM candidates, but is open to all LLM and SJD candidates.

77701 INTERNATIONAL ECONOMIC LAW

(6cp); 1 semester
{c}{ib}{if}{t}; availability LLM, SJD

Designed to develop an understanding of the law governing the international economy and relations between participants in that economy. The concept of international economic law will be examined, and topics will include specific resource issues such as the common heritage, the deep sea bed, Antarctica; international legal regulation of investment, finance and trade; the institutions – IMF, GATT, IBRD and the relationship between national and international economic law involving such concepts as extraterritoriality, sovereign immunity, etc.

77702 CURRENT PROBLEMS OF PUBLIC INTERNATIONAL LAW

(12cp); 2 semesters
{ib}{p}; availability LLM, SJD

Assists students to develop an advanced understanding of the subject, including topics such as recent developments; sources of public international law; dispute resolution; diplomatic immunity; the law of the sea; extradition and asylum; international protection and human rights; treaty practice and procedure; the recognition of States and governments.

77703 INTERNATIONAL BUSINESS TRANSACTIONS

(6cp); 1 semester
{c}{ib}{if}; availability LLM, SJD

Topics include international trade law; transport of goods; taxation of international business transactions; financial aspects; foreign investment law; extraterritoriality; international business contracts and dispute settlement.

77704 EUROPEAN COMMUNITY LAW

(12cp); 1 semester
{c}{ib}; availability LLM, SJD

Topics include the activities of the European institutions especially the EC; the political and economic origins of the EC and its institutional structures with emphasis on the Court of Justice; the laws of the member states and the free movement of goods, workers, capital and services. The subject concentrates on the emerging transnational protection of social and economic rights and the jurisprudence of the European Court of Justice.

77705 MARITIME LAW

(12cp); 2 semesters
{c}{ib}{it}; availability LLM, SJD

This subject is divided into two main areas – admiralty law and the law pertaining to the carriage of goods by sea. In both cases, reference will be made to pertinent international conventions and their adoption (or otherwise) in Australia, as well as to current international deliberations. Within the first main group of topics, the areas of admiralty law studied include safety; registration, nationality and ownership of ships; sale and purchase of ships; securities (mortgages and maritime liens); admiralty jurisdiction; collisions and limitation of liability; salvage, towage and pilotage; maritime employment. The second main group of topics examines the regulation of shipping conferences, and the rights and obligations of parties to contract for the carriage of goods by sea (carrier and shipper), with special reference to charter parties and bills of lading. The areas studied include anti-trust laws, the Hague Rules, seaworthiness and the duty to take care of cargo, demurrage, general average, freight, and marine insurance. Problems associated with inter-modal transport operations will also be discussed.

77706 ADVANCED ADMINISTRATIVE LAW

(12cp); 2 semesters
{p}; availability LLM, SJD

Topics will include major developments in the common law and in federal administrative law. Particular attention will be paid to developing forms of remedies, the alternative forms of review of administrative action through, for example, the Ombudsman, and current issues and prospective developments. Administrative law is relevant to all forms of government activity including regulation of trade and commerce.

77707 ADVANCED CONSTITUTIONAL LAW

(12cp); 2 semesters
{p}; availability LLM, SJD

A consideration of current issues in constitutional law, the three arms of government, and a review of recent developments in various aspects of federal powers.

77708 WELFARE LAW

(12cp); 2 semesters
{p}; availability LLM, SJD

Examines legal developments from government policies to reduce inequalities on the distribution of resources and the provision of access to justice. There will be a consideration of federal social security system; veterans' administration; international declarations and treaties relevant to children; tenancy law and practice; housing policy and access to justice through the provision of legal aid.

77709 PLANNING AND DEVELOPMENT LAW

(12cp); 2 semesters
{p}; availability LLM, SJD

Topics in this subject include government involvement in the planning and development process as developer and as intervener; executory discretions in the development process; individual participation in the planning process; review of decisions; costs of environmental protection; a case study for the interaction between private rights and public interests; a case study for the interaction of planning law and environmental concerns and recent developments.

77710 INTERNATIONAL AND COMPARATIVE LAW PROJECT

(12cp); 2 semesters
availability LLM, SJD

Because of career commitments, most practising lawyers are unable to undertake postgraduate work overseas, and therefore miss the advantages of studying in a different culture and environment. In an endeavour to redress this, the Faculty offers the International and Comparative Law Project. This subject permits a candidate to undertake an approved course of study overseas of a limited duration, and credit this towards the LLM (by coursework) or SJD program. Upon return to Australia, the candidate must present evidence of work completed which will be assessed; further written work may be required. The Faculty has approved programs of study in various locations in Europe with the Hague Academy of International Law and Santa Clara University Law School. Other programs are available, or students may submit proposals for alternative programs. Further details may be obtained from the Administrative Officer.

77711 CORPORATIONS, FINANCE AND SECURITIES

(12cp); 2 semesters

{c}; availability LLM, SJD

This subject considers a number of topics of current relevance to corporations law, securities law, and corporate finance. The topics covered in the course include take-overs; the closed corporation; share buy-backs; the new federal company law regime; investigations and related topics; developments in directors' duties; an overview of the financial markets from an economist's viewpoint; the securities industry; controls on public offerings; criminal and civil sanctions relevant to the securities industry; financial advisers; secured and unsecured finance; corporate and unincorporated joint ventures; leasing; subordination; use of commercial paper as a financing technique; syndication and participation; credit facilities; controls on foreign investment and taxation issues in the context of finance law.

77712 DECEPTIVE TRADE PRACTICES AND PRODUCT LIABILITY

(12cp); 2 semesters

{c}; availability LLM, SJD

An advanced study of Parts V and VI of the Trade Practices Act (and analogous legislation). Topics covered include deceptive trade practices; remedies; unconscionable conduct; suppliers', service providers' and manufacturers' liability. Emphasis is placed upon recent legal developments.

77713 TAX PROCEDURES, SALES TAX AND STAMP DUTIES

(12cp); 2 semesters

{c}{t}; availability LLM, SJD

The topics covered include the Commissioner's powers to obtain information; imputation of tax; administrative law and tax; tax avoidance; tax appeals and objections; sales tax and stamp duties.

77714 COMPUTERISED LEGAL INFORMATION SYSTEMS

(12cp); 2 semesters

availability LLM, SJD

The study of hypertext, free text retrieval systems and knowledge-based applications (expert systems). Although principally a practical subject, the implementation of programs which are capable of legal reasoning will necessitate consideration of the nature and types of such reasoning.

77715 BANKING LAW

(12cp); 2 semesters

{c}{if}; availability LLM, SJD

This is an advanced study of the following topics: the banking system, regulatory framework, relationship between bank and customer, bills of exchange, and duties and responsibilities of paying and collecting banks.

77716 INTERNATIONAL TRADE LAW

(12cp); 1 semester

{c}{ib}; availability LLM, SJD

Topics include the sale of goods; representation overseas; finance; export credits and insurance; carriage of goods; arbitration and litigation; customs law and international trade regulation.

77717 INTERNATIONAL COMMERCIAL DISPUTE RESOLUTION

(12cp); 1 semester

{adr}{c}{ib}; availability MDR, LLM, SJD

The topics covered include negotiation in international commercial disputes; cross-cultural commercial negotiations; transnational aspects of arbitration; arbitration as contract; statutory regulation of arbitration; international arbitration law; negotiating with the Japanese and a middle-Eastern country; the role of dispute resolution centres; arbitration institutions and drafting and analysing arbitration agreements. A compulsory component of the course is a three-day skills workshop.

NB. This subject cannot be undertaken if 77751 International Commercial Arbitration has already been completed towards the degree program.

77718 AIR LAW

(12cp); 2 semesters

{c}{ib}{it}; availability LLM, SJD

This subject is dealt with at both the international and domestic levels. The topics considered include the regulation and organisation of aviation (including sovereignty); the system of carrier liability with emphasis on the Warsaw system; third-party liability (including damage caused to third parties on surface, environmental damage and aviation products liability); aviation insurance and security issues.

77719 CAPITAL GAINS TAX

(12cp); 2 semesters

{c}{t}; availability LLM, SJD, TAX

An in-depth study of capital gains tax (CGT) including consideration of legislative amendments since introduction of CGT; the effects of CGT on partnerships, trusts, companies, non-residents, and death; the 'nightmare' provisions; CGT and convertible notes; CGT and rollover provisions; current practical problems; overseas experience; the role of the CGT Subcommittee and ATO rulings and practice.

77720 INTERNATIONAL TAXATION

(12cp); 2 semesters

{c}{ib}{if}{t}; availability LLM, SJD

This subject considers the following topics: changes enacted and proposed since the 1985 Tax Reform measures; impact of international tax changes on Australian businesses; capitalisation and foreign controllers; the foreign credit tax system and imputation system; Australian measures against tax havens; taxation of foreign service income; relocation of corporate residence offshore; tax consequences of international information flows; non-resident trusts; transfer-pricing; enforcement and compliance moves by the Australian Taxation Office; New Zealand and US experiences and controlled foreign corporations.

77721 RESTRICTIVE TRADE PRACTICES

(12cp); 2 semesters

{c}; availability LLM, SJD

An advanced study of recent directions in trade practices law including monopolisation, mergers, exclusive dealing, and re-sale price maintenance.

77722 ADVANCED MEDIA LAW

(12cp); 2 semesters

{c}; availability LLM, SJD

An examination of legal problems relating to both electronic and print communications. In the field of electronic communications the various aspects of establishment and regulation will be considered. In addition, there will be a consideration of the law applicable to all media – defamation, contempt – particularly in relation to recent developments.

77723 JAPANESE LAW

(6cp); 1 semester

{a}{c}{ib}; availability LLM, SJD

An examination of the structure and operation of the Japanese legal system in Japanese society by focusing on the dispute resolution process (including litigation, arbitration and conciliation). The object of this course is to study the actual operation of the Japanese legal system in view of its increasing importance to Australian lawyers. This subject will deal with the following matters: historical development; reception of Western law into Japan; constitutional, governmental and legislative structure; the judicial structure; the judiciary and the legal profession; sources of law; and the five codes and their interrelation in the context of examining the process of litigation, conciliation and arbitration; litigation as a dispute resolution process in Japan; and the conflict of laws rules relevant to Australia-Japan disputes.

77724 INTERNATIONAL BANKING AND FINANCIAL LAW

(12cp); 2 semesters

{c}{ib}{if}; availability LLM, SJD

An advanced study of monetary systems; monetary obligations; foreign money obligations; the problem of the governing law; sovereign risk; exchange control; covenants; default and types of finance.

77725 RESEARCH PROJECT

(12cp); 2 semesters

availability LLM, SJD, MDR

Candidates for the LLM with Honours must undertake the Research Project; however, the Research Project is open to all candidates for the LLM or SJD. Candidates undertaking the Research Project must research and write a paper of approximately 20,000 to 30,000 words of a standard suitable for publication, on a topic approved by the Faculty. In most cases the Research Project will extend and develop research done in one or more of the LLM or SJD subjects already undertaken, but in appropriate circumstances a candidate may undertake a new topic. The Research Project is subject to rules approved by the Faculty Board; copies of the rules are available from the Administrative Officer.

77726 PATENT LAW OF AUSTRALIA

(12cp); 1 semester
{ip}; availability GDIP, LLM, SJD

Provides candidates with an opportunity to study the current law and practice relating to the protection of intellectual property rights in inventions and technological advances. Topics include: confidential information; history of patents for inventions; current legislation and reform; subject matter; right to apply; employees' inventions and joint ownership; form of application; specifications and fair basing; novelty and obviousness; opposition; grounds of invalidity; Crown use; patents of addition; extensions of term; Patent Conventions; infringement; licences; assignment; remedies and penalties and the value of the patent system in the economy.

77727 DESIGN LAW

(12cp); 1 semester
{ip}; availability GDIP, LLM, SJD

A study of the law relating to the registration of designs and an overview of the law of copyright. Topics include the history of registered design legislation; meaning of design; requirements for registration; novelty or originality; registration process; infringement; term; ownership of registered design; rights created by registration; rectification of the register; licences and assignment; compulsory licences; transition provisions; design and copyright overlap; relevance of the Trade Practices Act 1974; international obligations and Circuits Layout Act 1988. The overview of copyright law will encompass a consideration of both works and other subject matter under the Copyright Act 1968.

77728 TRADEMARKS LAW OF AUSTRALIA

(12cp); 1 semester
{ip}; availability GDIP, LLM, SJD

The subject comprises a study of the trademark monopoly, trademark protection and practice. Topics include passing off; trade libel; unfair competition; misleading or deceptive trade mark conduct under the Trade Practices Act 1974; the Trademarks Act 1955; right to apply; purposes of registration; distinctiveness; deception and confusion; the possibility of protection for misappropriation rather than confusion;

division of the register; defensive registration; certification marks; infringement; assignment; the registered user system; the exploitation of marks; remedies; international conventions and commercial counterfeiting; trade mark jurisprudence.

77729 CHINESE TRADE AND INVESTMENT LAW

(6cp); 1 semester
{a}{c}{ib}{if}{t}; availability LLM, SJD

An introduction to the trade and investment law of the People's Republic of China. Topics considered include the role of law in China; the law-making process and interpretation; legal aspects of China's foreign trade; legal aspects of foreign investment in China; contractual and equity joint ventures and wholly-owned foreign enterprises; taxation of foreign interests; foreign exchange control; securities and futures; special Economic Zones; banking and finance and dispute resolution.

77730 CORPORATE INSOLVENCY AND RESTRUCTURING

(6cp); 1 semester
{c}; availability LLM, SJD

An advanced study of corporate insolvency law. Topics considered include: the regulating structure; secured and unsecured creditors; reservations; liquidation; schemes of arrangement; official management; the role of directors and foreign companies and foreign proceedings.

77731 ADVANCED REMEDIAL LAW: DAMAGES

(6cp); 1 semester
{c}; availability LLM, SJD

An advanced study of the following topics: compensation and the measure of damages; the Once for All Rule; certainty; causation; remoteness; mitigation; contributory negligence; effect of taxation, inflation; interest; contrast of promissory, reliance, restitutionary and indemnity damages; concurrent liability in contract and tort; pre-contract expenditure; non-pecuniary loss; discretionary benefits; property damages; economic loss; damages in equity; date of assessment of damages and punitive damages.

77732 ADVANCED REMEDIAL LAW: EQUITABLE REMEDIES

(6cp); 1 semester
{c}; availability LLM, SJD

The range of the following topics will be studied: inadequacy of damages; discretion – unconscionability and hardship; discretion – constant supervision, partial enforcement through injunction; discretion – lack of mutuality, unclean hands, laches, ready willing and able, public interest; part performance; protection of private property rights; protection of public interest; urgent relief; Mareva injunctions and Anton Pillar orders; rescission; declaration; account; rectification and delivery-up of documents; receivers.

77733 CHINESE LAW AND LEGAL SYSTEMS

(6cp); 1 semester
{a}{ib}; availability LLM, SJD

This subject provides a background to further specialist study of contemporary Chinese Law, including Chinese commercial law relating to foreign investment, and investigates Chinese communist legal styles, attitudes and structures, as well as traditional imperial Chinese legal attitudes and methods.

77734 LAW AND MEDICINE

(12cp); 2 semesters
{p}; availability LLM, SJD

Deals with the areas of law which interact with the practice and administration of medicine and other health services. It includes medical negligence; consent; medical records; expert medical evidence in criminal and civil cases; the law of medical ethics; legal aspects of mental health and intellectual disability including legal capacity and the rights of the mentally ill and intellectually handicapped generally.

77735 DISPUTE RESOLUTION

(12cp); 2 semesters
{dr}; availability MDR, LLM, SJD

An introduction to the theoretical and practical aspects of this newly developing area which is applicable to all professions, to business and to government. It is designed to give an overview of the processes of dispute resolution which includes dispute prevention and minimisation, dispute management, dispute system design and dispute resolutions. Topics covered

will include an overview of dispute resolution processes in Australia; the theoretical basis of the recent movement; introduction to mediation and negotiation theory; communication skills; critiques of the ADR and its implementation and introduction to dispute resolution programs in Australia. A compulsory component of the course is a four-day mediator training workshop.

77736 ADMIRALTY LAW

(6cp); 1 semester
{it}; availability LLM, SJD

This subject will give students an appreciation of public and private international law aspects of maritime commerce and transportation, whilst ensuring a knowledge of the Australian law governing the relevant areas selected for study. Reference will be made to pertinent international conventions and their adoption (or otherwise) in Australia, as well as to current international deliberations.

77737 CARRIAGE OF GOODS BY SEA

(6cp); 1 semester
{it}; availability LLM, SJD

This subject, designed to accompany Admiralty Law, examines the regulation of shipping conferences, and the rights and obligations of parties to contract for the carriage of goods by sea (carrier and shipper), with special reference to charter parties and bills of lading. The areas studied include anti-trust laws; the Hague Rules; seaworthiness and the duty to take care of cargo; demurrage; general average; freight and marine insurance. Problems associated with inter-modal transport operations will also be discussed.

77738 ADVANCED INTERNATIONAL ECONOMIC LAW

(6cp); 1 semester
{c}{ib}{if}{t}; availability LLM, SJD

Designed to develop an advanced understanding of the law governing the international economy, and the relations between participants in that economy. Aspects of international economic law shall be considered including the IMF; floating currencies; foreign exchange control law and international contracts – Article VIII of the IMF; aspects of international fiscal law; the European Monetary System; sovereign debt problems and Eurocurrency markets.

77739 INDONESIAN TRADE AND INVESTMENT LAW

(6cp); 1 semester

{a}{c}{ib}{if}{t}; availability LLM, SJD

An overview of the legal system of Indonesia, with particular emphasis on trade and investment law. Topics will include the Indonesian legal system; business organisation; joint ventures; securities law; foreign investment; land law; exchange control and litigation and arbitration.

77740 RESEARCH PAPER

(6cp); 1 semester

availability LLM, SJD

The Research Paper is open to all LLM and SJD candidates. Candidates must submit a proposed topic to the Faculty for approval. Candidates are then required to undertake a research paper of approximately 10,000 – 15,000 words of a standard suitable for publication. The Research Paper is subject to regulations approved by the Faculty Board. This subject **does not** fulfil the Faculty's requirements for the awarding of Honours within the LLM.

77741 EUROPEAN COMMUNITY ANTI-TRUST LAW

(6cp); 1 semester

{c}{ib}; availability LLM, SJD

Designed to provide an understanding of the provisions of Articles 85 and 86 of the Treaty of Rome, with a brief survey of its relationship to one of the member states of the European Community (normally the UK).

77742 ADVANCED COMPARATIVE LAW – THE COMMON LAW

(12cp); 1 semester

availability GCCL, LLM, SJD (international students only)

This is an intensive course which provides the bridge between the civil law and the common law. It opens with tuition and practical exercises in the research skills and methodology of the common law. The topics covered by Advanced Comparative Law are: primary and secondary sources of the common law; the development of the common law; courts and lawyers; the spread and reception of the common law; law finding in the common law; contract law in the common law; public law and the

common law and business transactions in the common law. The course also involves visits to the courts and Sydney law offices. The program is open to graduates and lawyers from civil law countries; it would not normally be undertaken by those who have common law qualifications, or who are admitted to practise in a common law jurisdiction.

77743 ECONOMIC LAW IN EASTERN EUROPE

(6cp); 1 semester

{c}{ib}{if}; availability LLM, SJD

Topics to be covered include the functions of law in Eastern Europe; the legal environment of business; privatisation and re-privatisation policy and its legal forms; aspects of company law; banking law; taxation systems; anti-trust legislation; insurance and re-insurance; securities markets; foreign investment laws; the EEC and association agreements; OECD and 'Partners in Transition'; aspects of contracts in corporate business and dispute resolution processes.

77744 FRANCHISING LAW

(6cp); 1 semester

{c}; availability LLM, SJD

Aims to acquaint students with the role of franchising in the economy, the strengths and weaknesses of franchising, and the relevant applicable law. Topics will include trade practices and franchising, intellectual property and franchising, dispute resolution between franchisor and franchisee, taxation and stamp duty considerations, and international franchising.

77745 NEGOTIATION

(6cp); 1 semester

{dr}; availability MDR, LLM, SJD

corequisite 77735 Dispute Resolution or demonstrated experience in the field

This subject is designed to provide an understanding of the theories and processes of negotiation. It will also cover approaches to negotiation. The course concentrates on principled negotiation as taught by the Harvard Law School's Negotiation Project. The course will also utilise materials from the Project. Students skills in negotiation will be developed. The subject covers the use of negotiation as a process of dispute resolution and for contract formations.

77746 ADVANCED MEDIATION

(6cp); 1 semester

{dr}; availability MDR, LLM, SJD
corequisite 77735 Dispute Resolution or
demonstrated experience in the field

This subject concentrates on the micro skills of mediation at an advanced level. It is designed to give students an in-depth understanding of the detail of the skills and techniques used by experienced mediators. The skills will be further developed to an advanced level. Co-mediation and mediation in multi-party disputes are also included.

77747 PACIFIC RIM DISPUTE RESOLUTION

(6cp); 1 semester

{dr}; availability MDR, LLM, SJD
corequisite 77735 Dispute Resolution or
demonstrated experience in the field

This subject focuses on the use of dispute resolution in the context of dealings with our Pacific neighbours. It will concentrate on the indigenous dispute resolution in a number of countries within the Pacific rim. Dispute resolution in commercial and legal disputes in commercial and legal disputes between companies and individuals from each of those countries and Australia is then covered. Skills in cross-cultural negotiation will be developed.

77748 VICTIM-OFFENDER DISPUTE RESOLUTION

(6cp); 1 semester

{dr}; availability MDR, LLM, SJD
corequisite 77735 Dispute Resolution or
demonstrated experience in the field

The theory and practical implications of using the newer dispute resolution processes, particularly mediation, in the criminal justice system. Programs in Australia and other countries utilising these processes will be examined. Issues to be addressed include theoretical implications for the criminal justice system and for sentencing; rights and needs of victims; drafting a program for a pilot project in NSW and future directions for victim/offender dispute resolution in Australia and overseas.

77749 CONSTRUCTION INDUSTRY DISPUTE RESOLUTION

(6cp); 1 semester

{dr}; availability MDR, LLM, SJD
corequisite 77735 Dispute Resolution or
demonstrated experience in the field

The theory and practical implications of using the newer dispute resolution processes in the construction industry. Dispute prevention and management are also included. This industry is recognised as one which has attracted experimentation in resolution processes. The history of these processes and their successes and failures and the place of formal and informal arbitration within the industry will be covered. New initiatives and current construction industry dispute resolution programs in the USA and Australia will be studied.

77750 ANTI-DISCRIMINATION DISPUTE RESOLUTION

(6cp); 1 semester

{dr}; availability MDR, LLM, SJD
corequisite 77735 Dispute Resolution or
demonstrated experience in the field

Designed to cover the theory and practical implications of using the newer dispute resolution processes in anti-discrimination and equal opportunity disputes. The processes used within this area combine investigation with assisted negotiation for the disputants to resolve their own dispute and an imposed decision. The implications of vesting these very diverse functions in one body, and even in one person, will be addressed. New initiatives for dispute resolution within the area of discrimination will be examined, and the reasons for their growth analysed.

77751 INTERNATIONAL COMMERCIAL ARBITRATION

(6cp); 1 semester

{dr}{c}{ib}; availability MDR, LLM, SJD

Topics include ad hoc arbitrations; relevant legislation and international conventions; international Institutional Arbitration Associations; scope, formal requirements and validity of agreement to arbitrate; drafting in regard to ICSID arbitrations; curial intervention; compulsory reference of an international commercial dispute to arbitration in Australia; drafting

stabilisation and re-negotiation clauses; composition of the arbitral tribunal; the language of arbitration; award of damages in international arbitration; sovereign immunity; international standard construction contracts; power of the international arbitral tribunal to deal with defaults, delaying tactics or refusal of a member to participate in the making of an award; provisions for correcting international commercial arbitration award; recourse against award under the UNCITRAL model law; recognition and enforcement of foreign arbitral award under the UNCITRAL model law and the New York Convention; liability of the arbitrator for negligence and/or wilful neglect of duty.

NB. This subject cannot be undertaken if 77717 International Commercial Dispute Resolution has already been completed towards the degree program.

77752 COMMERCIAL ARBITRATION (DOMESTIC)

(6cp); 1 semester
{dr}; availability MDR, LLM, SJD

Topics to be covered include the arbitration agreement and its scope; the arbitrator's jurisdiction; reference by the court to a referee or arbitrator; the inherent jurisdiction of the court to interfere in arbitral proceedings; agreement binding on the Crown; the appointment of arbitrators and other related matters; the umpire entering upon the reference; the distinction between an arbitration certification, valuation, assessment, an exception clause, reference to arbitrator, or quasi-arbitrator; powers and duties of the Arbitration Tribunal; subpoenas; evidence; legal representation; amiable compositeur or *Ex Aequo et Bono*; interim awards; specific performance; extension of ambit of arbitration proceedings; duties of parties; right of appeal; exclusion agreements; misconduct; remission of award; removal of arbitrator or umpire; sundry provisions; Scott v Avery Clause; foreign awards.

77753 JURISPRUDENCE: ASPECTS OF JUSTICE IN MODERN LEGAL SYSTEMS

(6cp); 1 semester
availability LLM, SJD

Deals with competing theories of justice and of rights in different legal orders.

It is an exercise in comparative and cross-cultural thinking in terms of modern applied jurisprudence. Students will be encouraged to confront some theories of justice with the practice of law in various legal traditions. The fundamental values of law (such as its autonomy, neutrality, certainty and the rule of law) will be examined in the context of competing attitudes to justice: attitudes of the general public, and reasoning of judges in coming to judicial decisions.

77754 ADVANCED CORPORATE INSOLVENCY AND RESTRUCTURING

(6cp); 1 semester
{c}; availability LLM, SJD
prerequisite 77730 Corporate Insolvency and Restructuring

An advanced study of insolvency law and the related issues, with a particular emphasis on trends in and styles of formal and informal debt restructuring. Lectures will also analyse case studies to demonstrate the application of legal and commercial principles in a practical context.

77755 SUPERANNUATION LAW

(6cp); 1 semester
{c}{t}; availability TAX, LLM, SJD

Provides an overall understanding of the taxation, legal and industry matters affecting superannuation. Specific topics covered include: history of superannuation; overview of current situation; trust deed issues; legislative framework – ITAA and OSSA and Regs, SGL; relationship of superannuation to topical issues such as insolvency, family law, administration companies, and surplus.

77756 COPYRIGHT LAW

(12cp); 1 semester
availability LLM, SJD

The principles of copyright, the development of case law and the structure and ambit of the legislation. Students will be required to develop a detailed knowledge of the Copyright Act 1968 as amended, and associated regulations, and to have a comprehensive knowledge of relevant case law.

77757 ADVANCED FAMILY LAW: PROPRIETARY REMEDIES

(6cp); 1 semester
availability LLM, SJD

Provides instruction at an advanced level into the forms of proprietary relief which are available in domestic property disputes. Topics to be covered include statutory principles of family property relief; principles governing the exercise of Judicial Discretion and Appellate Intervention; ascertaining family assets; valuation of assets and financial disclosure; property applications involving trusts and companies; the use of restitution in domestic property applications; enforcement; evidentiary issues in the Family Court; advanced advocacy.

77758 PRIVATE INTERNATIONAL LAW

(6cp); 1 semester
availability LLM, SJD

An advanced study of the principles of private international law as they operate within the Federation of Australia and in relation to overseas countries, with emphasis on issues of current relevance, and with reference to American and European law. In particular current developments at the Hague Conference on PIL and in the EC will be examined.

77760 FAMILY DISPUTE RESOLUTION

(6cp); 1 semester
{dr}; availability MDR, LLM, SJD
corequisite 77735 Dispute Resolution

This subject covers dispute resolution for family disputes. It will provide a framework for developing both skills in the use of dispute resolution processes within the family, and a critical evaluation of the use of such techniques. The use of alternate dispute resolution within the court system for the resolution of family disputes will also be studied. An essential feature of this course will be the study of the special problems which arise in resolving disputes within families, including power imbalances, gender issues, domestic violence, and offences against children.

77761 DISPUTE RESOLUTION IN COMMERCE

(6cp); 1 semester
{dr}; availability MDR, LLM, SJD

This subject will explore the applications of dispute resolution theory and practical

skills to the corporate environment. It will explore the causes of conflict within a corporation, and between a corporation and the outside world. The range of dispute resolution processes will be studied to ascertain their relevance and the problems in applying them to the various types of dispute that occur. Students will have the opportunity to study the impediments to changing the dispute resolution culture of an organisation, and they will be encouraged to build models for implementing change in a range of corporate environments. The differences between implementation between the public and private sectors and between different sections of the corporate/business world will also be explored.

77762 INDUSTRIAL DISPUTE RESOLUTION

(6cp); 1 semester
{dr}; availability MDR, LLM, SJD

This subject will teach the history of industrial dispute resolution in Australia. It will look at the relevance of dispute resolution to the workplace and to the relationship between unions and management. As this latter is a new area for the use of mediation and dispute resolution in Australia, the course will seek to develop a model process for such dispute resolution, particularly in view of the introduction of enterprise bargaining and the initiative to introduce mediation/dispute resolution into the industrial relations area in NSW. Input from industry will be provided.

77763 COMMUNITY DISPUTE RESOLUTION

(6cp); 1 semester
availability MDR, LLM, SJD

This subject introduces a particular application of dispute resolution for the resolution of disputes involving the community. The history of community dispute resolution in Australia is given. The Community Justice Centres of NSW collaborate in its teaching. Topics covered include dispute resolution by police in crisis, consumer complaints, disputes involving the elderly, together with neighbourhood and family disputes. The use of dispute resolution to cover multi-party community disputes is addressed. Lastly, the arguments for and against the use of mediation and other forms of dispute resolution in communities will be given and the whole movement critiqued.

77764 ENVIRONMENTAL DISPUTE RESOLUTION

(6cp); 1 semester
{dr}; availability MDR, LLM, SJD
corequisite 77735 Dispute Resolution

This subject studies the use of dispute resolution in environmental disputes and the potential for developing dispute resolution processes in this area. It will also examine the application of dispute resolution processes to planning issues, and matters currently dealt with by the Land and Environment Court of NSW. In development of students' practical skills, the course will explore strategies which can be used for dispute resolution in multi-party disputes, for policy development and where public interest groups are involved.

77765 COURT-BASED DISPUTE RESOLUTION

(6cp); 1 semester
{dr}; availability MDR, LLM, SJD
corequisite 77735 Dispute Resolution

This subject explores the incorporation of dispute resolution processes into the court system. It draws on programs in courts in Australia and overseas. It addresses the impact of dispute resolution on the formal State-provided dispute resolution system, and examines the interface of the formal and informal systems, and the effect of the informal system on society's norms and the adversarial system of social control.

77766 ECONOMIC LAW OF THE PEOPLE'S REPUBLIC OF CHINA

(6cp); 1 semester
{ib}; availability LLM, SJD

This course provides an in-depth understanding of China's modernisation program and its interpretation of 'Economic Law'. The topics studied include: Domestic Economic Contract Law, Foreign Economic Contract Law, the traditional Chinese concept of 'Contract' versus Communist Chinese ideology and pragmatism.

77767 TAX ADMINISTRATION

(6cp); 1 semester
{t}; availability TAX, LLM, SJD

Access to timely and relevant tax-related information is crucial to the ATO's attempts to correctly assess taxpayers and to taxpayers' attempts to resist assessments. The course analyses critically the rationale for

and structure of the current tax administration system, and then proceeds to a detailed analysis of the key strategic elements of that system including tax audits, self-assessment, objects and appeals, and collection and recovery of unpaid tax. Alternatives for reform are also examined.

77769 ADVANCED EUROPEAN COMMUNITY LAW

(6cp); 1 semester
{c}{ib}; availability LLM, SJD
prerequisite 77704 European Community Law

This course builds upon European Community Law 77704 to provide an in-depth study of the current position of the European Community (EC) in the world today. The topics to be discussed all involve current issues within the EC or the current issues affecting the EC and other trading blocks. Throughout the course the relevance of EC law to the Commonwealth, its economy and legal relations will be explored.

79701 STAMP DUTIES

(6cp); 1 semester
availability TAX, LLM, SJD

Gives a general overview of stamp duty, the means by which stamp duty is imposed, and the major instruments and transactions which are subject to duty and most frequently encountered in daily practice. Topics to be covered include imposition and territorial nexus; assessment of duty and consequences of non-stamping; conveyances; trusts; Claytons contracts; goods, wares and merchandise exemption; land-owning companies and trusts; leases; hiring arrangements; loan securities; insurance and financial institutions duty.

79702 LAND TAX AND PAYROLL TAX

(6cp); 1 semester
availability Tax

This subject is divided into two components. Land Tax canvasses basic principles and more complex legal issues, including general liability, practical aspects and administration and special matters, such as jointly-owned land, 'special trusts'. The second component explores complex taxation issues in relation to Payroll Tax, including issues of general liability; group employers; practical aspects and administration and other special matters such as relevant contracts, and tax concessions.

79703 LEGAL ASPECTS OF CONTRACTS ADMINISTRATION

(6cp); 1 semester
availability Supply

This subject aims to provide participants with an appreciation of the legal issues that impact upon the complex contractual arrangements that are a feature of the purchasing and materials management function.

79706 CUSTOMS DUTIES/LEVIES

(6cp); 1 semester
availability TAX

The course covers a range of key issues including liability to duty; import licensing and quota; dumping and countervailing duties; bounties; drawback and 'by-law for export'; appeal rights and excise duties.

79707 INTERNATIONAL TAXATION 2

(6cp); 1 semester
availability TAX

International tax planning is one of the key elements in any strategy of expansion. The appropriate tax advice will help avoid pitfalls. This subject will cover issues including a tax treatment of non-residents – industry provisions, royalties, sales in Australia by overseas manufacturers and merchants, ex-Australian profits; withholding tax – interpretative provisions, deemed interest, exclusions, recoupment and anti-avoidance legislation, dividends and interest and international tax avoidance and transfer pricing – anti-avoidance legislation, key elements of Division 13, administrative provisions, and other considerations.

79711 ADVANCED INDUSTRIAL LAW

(6cp); 1 semester
{il}; availability SUPPLY, LLM, SJD
prerequisite 79731 Industrial Law

Develops understanding of the legal regulation of the employer/employee relationship. It instils an awareness of solutions to problems in this field attempted by other legal systems, and an understanding of current problems, and develops skills in the preparation for and presentation of cases before industrial tribunals. It seeks to develop an understanding of our industrial arbitration system and the regulation of wages and working conditions under awards at both the Federal and State levels.

79718 ADVANCED TAXATION

(6cp); 1 semester
availability TAX

This subject is concerned with taxation practice. It is not intended to be prescriptive, and variations will be made by the lecturer to cater for the interests of students and to take account of current developments in revenue law. Subjects covered include: recent amendments and case law; fundamentals of tax planning; Section 51 (1); advanced problems; partnerships; trusts; taxation and stamp duty problems in estate management; company distributions, losses, superannuation and employee benefits; foreign source income and tax havens; alienation of income; legislative and judicial techniques to minimise tax avoidance; objections and appeals; other revenue laws.

79729 LEGAL ENVIRONMENT OF BUSINESS

(6cp); 1 semester
availability SUPPLY

Strand 1: Emphasis on Trade Practices Law
The objective of this subject is to understand the basic principles of the legal system in Australia and its impact on business; to introduce students to legal reasoning, identification of key issues, and options for dispute resolution. Topics covered include the Constitution; parliament and government; contract and tort; the law of principal, agent and partnership; company law; restrictive trade practices and the law of international business in Australia.

Strand 2: Emphasis on Computer Law
Addresses the basic principles of law and the legal system in Australia, with emphasis on understanding the law of business and the impact of computers, including issues relating to intellectual property, eg, copyright protection of computer software.

79731 INDUSTRIAL LAW

(6cp); 1 semester
{il}; availability SUPPLY, LLM, SJD

Provides an understanding of the matters encompassed by industrial law. The common law and subsequent statute law relating to employer and employee are discussed, and an understanding of the legal regulation of the working conditions and pay of Australian employees at both the Federal and State levels is developed. The

parameters of industrial law, and the employer/employee relationship in both the individual and collective aspect, are analysed in depth.

79732 LAW FOR ADMINISTRATORS

(6cp); 1 semester
availability SUPPLY

Examines the laws relevant to administrators and decision makers. It covers the Constitution's limits and administration; legal rules; implementation of legal rules; judicial controls over administrative decision making; rule and rule-making in business regulation; tribunals and adjudication; advocacy; administrative law reform; reform of the Australian administrative process.

79733 COMPANIES AND SECURITIES LAW

(6cp); 1 semester
availability SUPPLY

Explores company law in depth in relation to cases, and provides current information on the field of corporate enterprise. Topics covered include national companies legislation in Australia; ASC policy in practice; reform of company accounting standards; registration of company auditors and liquidators; new procedures for the registration of charges; promoters' contracts; extended duties of directors and executive officers; special investigation.

79737 ENGINEERING LAW

(6cp); 1 semester
availability SUPPLY

The object of this course is to introduce engineers to some of the areas of the law in which they may be involved. Topics covered include advanced contract law; standard form construction contracts and custom-made agreements; collusive tendering practices; Quality Assurance Contracting (AS 2990); contractual limitation of liability for engineers; advanced design liability; the role of the engineering consultant in preventing disputes and preparing for arbitration; copyright considerations in plans, drawings and computer software; rise and fall considerations in engineering projects; advanced aspects of international contracting and dispute resolution and aspects of the Trade Practices Act with regard to collusive tendering practices.

79741 MARKETING LEGISLATION IN AUSTRALIA

(6cp); 1 semester
availability SUPPLY

This subject aims to acquaint the student with the major pieces of marketing legislation. Topics covered will include the major consumer legislation in Australia including the Trade Practices Act, Fair Trading Act (NSW), Contracts Review Act, Consumer Claims Tribunal Act, and Door to Door Sales Act; product liability in Australia; regulation of advertising; trade-marks, passing off, copyright and patents; privacy and credit laws.

79742 INTERNATIONAL BUSINESS LAW

(6cp); 1 semester
availability SUPPLY
prerequisite 79729 Legal Environment of Business or demonstrated equivalent knowledge

Aspects of the law of the international sales of goods; aspects of the legal environment of the conduct of business abroad; international economic institutions; Australia and its major trading partners; aspects of the anti-trust legislation and incentives to export; fiscal aspects of trade; the protection of Australian industry; foreign investment law; the transnational corporation.

79749 LAW FOR MANAGERS

(6cp); 1 semester
availability SUPPLY

Topics to be covered include introduction to the legal system; constitutional aspects; the nature of legal rules; the legislative framework for actions against public or community managers (eg, tort, contract); administrative law; particular aspects of law referring to public employment and the employment of professionals; aspects of the law concerning legal forms available for community organisations and the tax treatment and responsibilities of boards of managers and trustees.

79752 EMPLOYMENT LEGISLATION

(6cp); 1 semester
{il}; availability SUPPLY, LLM, SJD

This subject considers in detail the main aspects of the Australian and NSW Industrial Arbitration Acts, together with special legislation concerning Leave with Pay, Workers' Compensation, Occupational

Health and Safety, and Anti-Discrimination. A special component of this course is the study of the legislation and common law affecting industrial disputes.

79753 CURRENT ISSUES IN INDUSTRIAL LAW

(6cp); 1 semester
[i]; availability SUPPLY, LLM, SJD

Focuses on current developments and central issues in industrial relations law, ensuring that students are familiar with state-of-the-art knowledge and practice in the field. Topics covered include current legislative changes and proposed changes, common law development, and the latest arbitration and judicial decisions.

79760 APPLIED LEGAL RESEARCH

(6cp); 1 semester
availability TAX

This subject is provided for those with basic researching skills associated with Australian domestic law, but who have had no exposure to the law of some of our major trading partners and international law. Topics covered will include a revision of Australian primary sources; primary and secondary sources of the UK, America, Canada, New Zealand and the European Communities and aspects of international law including customary law, treaties, International Court of Justice, and international law organisations.

79761 INDIRECT TAXATION

(6cp); 1 semester
availability SUPPLY

In this subject students will examine the legal and procedural issues arising from the legislation. The subject is structured to examine the general liability to taxation, special matters which arise in the operation of legislation and the practical aspects and administration associated with the legislation.

79762 INTERNATIONAL TAXATION 1

(6cp); 1 semester
availability TAX

A comprehensive explanation of the important issues within the international environment of business. The subject will place emphasis on the more important taxation issues, and will respond to new issues as they arise.

79763 CONTEMPORARY ISSUES IN TAXATION

(6cp); 1 semester
availability TAX

This subject examines key current issues in taxation within the Australian environment. As emphasis is placed on important contemporary issues, the course content and presentation may vary in order to respond to changes in legislation and practice.

79764 TAXATION PROJECT

(12cp); 2 semesters
availability TAX

Students who wish to undertake a more in-depth analysis may, with the permission of the Director, enrol in Taxation Project 2 over a second semester, and will be required to submit a paper of 20,000 – 30,000 words. All topics and supervisors must be finalised prior to the commencement of the relevant semester, ie by July for Spring semester and by November for Autumn semester.

79775 FINANCE LAW

(6cp); 1 semester
availability SUPPLY

This subject aims to enhance students' knowledge of finance law and current practice. Topics include fundraising by equity and debt; money market regulations; loans; leasing; trade finance; banking practice.

79781 READINGS IN INTERNATIONAL BUSINESS LAW

(6cp); 1 semester
availability SUPPLY
prerequisite 79742 International Business Law or demonstrated equivalent knowledge

The reading subject is undertaken by Associate Professor Katrin Cutbush-Sabine, the Director – Postgraduate Programs. Formal lectures in selected areas may be required, as directed by the supervising lecturer. This subject allows a degree of flexibility in programming for specialised needs of individual students.

79791 BUSINESS LAW PROJECT

(6cp); 1 semester
availability SUPPLY

Students undertaking the Business Law Project will write and present a formal project on an aspect of the law relating to business. There will be no formal lectures; students will select a topic in consultation with the Coordinator and will be individually supervised.

79792 TAXATION PAPER

(6cp); 1 semester
availability TAX

In this subject students will undertake research into an aspect of taxation under the guidance of a supervisor and will submit a paper of 10,000 –15,000 words, of a standard demonstrating original research.

79811 TAXATION MODULE

(6cp); 1 semester
Professional Year
availability TAX

Incorporates the topics which are specified in the study guidelines issued by the Institute of Chartered Accounts in Australia for candidates who are undertaking the professional year examination.

SCHOOL OF LEGAL PRACTICE – THE COLLEGE OF LAW

Graduate Diploma in Legal Practice

The Practical Legal Training Department of the College is an affiliated School within the University of Technology, Sydney and forms a component part of the Faculty of Law and Legal Practice.

The College of Law was established by the Law Society of New South Wales in 1972 in order to conduct courses of Practical Legal Training and a program of Continuing Legal Education.

The Practical Legal Training Course has been offered at the College's St Leonards campus since 1974. The course is conducted in two modes – full-time and cooperative (sandwich) mode. Students completing the course are awarded the College's Certificate of Satisfactory Completion and the Graduate Diploma in Legal Practice of the University.

Among facilities, which are specifically designed for practical legal training, are a central library, practice court rooms, a large lecture theatre, small group teaching rooms. A canteen facility is also available at the College.

Tuition is provided on a small group basis. Students are allocated to simulated professional firms and are assigned in rotation to a number of instructors to complete a range of topics specific to the professional needs of the practising profession.

COURSE OVERVIEW

Following successful completion of the course, students are recommended for the award of the Graduate Diploma in Legal Practice of the University. Successful completion of the course also entitles students to the award of the College's Certificate of Satisfactory Completion which is necessary, except in special circumstances, for admission as a solicitor of the Supreme Court of New South Wales.

Students have the choice of completing the course by either full-time attendance or by the cooperative (sandwich) mode of study.

COURSE OBJECTIVES

The aim of the course, whether taken by full-time or cooperative mode, is to equip the potential solicitor with basic professional skills, methods and a sense of the professional role of the solicitor to permit immediate and effective participation as a newly admitted solicitor in practice.

To achieve this aim, the objectives of the course are that students should, by the end of the course, be able, under the supervision normally and properly accorded a newly admitted solicitor, to:

- perform with understanding the tasks required to complete a range of litigation and property/commercial transactions and activities in a manner which effectively achieves the client's and the solicitor's objectives.
- exercise a range of skills required of a lawyer in the areas of advocacy, interviewing, advising, negotiating, legal research, drafting and legal writing and practice management (organisational skill).
- perform the tasks and exercise the skills of a solicitor in a manner which complies with the rules of professional responsibility and those relating to solicitor's accounting.

COURSE ASSESSMENT

Instruction is provided in ten separate subject areas and students are assessed separately in each of them. The subject areas are:

Property/Commercial:

Real Estate
Commercial Practice
Wills and Probate

Litigation:

Advocacy and Criminal Law
Civil Litigation
Commercial Litigation
Family Practice

Legal Practice:

Accounting
Professional Responsibility
Professional Skills

Assessment takes a number of forms to ensure attainment of a satisfactory level of competence in the procedures (coupled with understanding), skills and attitudes

necessary for entry to legal practice as a solicitor. Performance is assessed through exercises, current matters, practice courts, books of account, group meetings, tests conducted under examination conditions, other program activities (attendance and participation), and assessment and discussion sessions to check understanding. Satisfactory performance in all elements of the course is required.

FULL-TIME COURSE

The full-time course is completed by undertaking two consecutive segments as follows:

Litigation followed by Property/
Commercial or
Property/Commercial followed by
Litigation.

Half the students in the course follow the first sequence and half the second sequence. Each segment is approximately 12 weeks long. The mid-course break occurs at the end of the first segment. The two segments reflect the nature of the tasks students will learn in them.

In addition throughout the course students will be learning and practising in a structured program a number of lawyer skills which are integrated in each of the course programs for litigation and property/commercial.

ATTENDANCE

The full-time course has been designed on the basis that it requires daily attendance to complete it (in some cases work outside hours may also be necessary), and that students will be fully involved in a variety of activities, such as the conduct of current matters, group meetings, individual discussions with instructors, practice courts, and other course activities which require attendance in order to be undertaken successfully.

It is a requirement of the course that every student engages in the course full-time. The hours of the course are 9.00 am to 5.00 pm. As well as compulsory sessions, a period each day, of at least five hours' duration, is designated as a 'core period' during which attendance is required. Some lectures are timetabled to commence after 3.00 pm and it is a requirement that all students attend.

The course is an integrated, intensive and concentrated program involving learning by active participation, group discussions, lectures and continuous supervision and assessment. The benefits of the program will be lost without regular attendance. Students will need to organise their time and work in order to keep up with the program.

A large number of visitors attend the College during each course to participate in various sessions, largely on a voluntary basis. These sessions are essential to the course and may cover areas not otherwise dealt with in the program and so are compulsory. It is also in the students' interest to attend and benefit from this valuable instruction.

Time off for holidays, honeymoons, army camps, conferences, work commitments etc cannot be granted, nor will permission to start late be granted.

Students cannot engage in employment or study which requires them to be absent for any of the course time.

Failure to comply with attendance requirements may place a student at risk to be refused permission to be considered for final assessment in accordance with Rule 2.5.1 of the Student Rules of the University of Technology, Sydney.

COOPERATIVE COURSE

The Cooperative course consists of three in-phases of full-time study. The first is approximately six weeks; the second and third are approximately four weeks each. The three full-time in-phases are spaced six months apart, throughout which time the students must be engaged in legal or law-related work. The maximum time allowed for completion of the cooperative course is two years and four months. The minimum time is generally 16 months.

In addition, some external coursework is required – generally a project related to an aspect of legal practice. The aim is to improve the student's capacity to apply material learned in the course and to introduce students to new areas of practice.

Seminars are also provided to review progress, share experiences, deal specially with certain topics and generally maintain momentum between the full-time sessions.

EMPLOYERS' OBLIGATIONS

Because cooperative education is a three-way relationship between institution, employer and student, the course has been designed so that, in order to be effective, significant contributions to the student's learning must be made by all three. To that end, it is expected that employers will, over the period of the course of study review student's work completed during each in-phase; participate in, and/or provide support for, curriculum activities, assessment and review; and ensure that students are able to give full-time attention to programs, work and participation in all in-phase activities.

ATTENDANCE AT SESSIONS OF FULL-TIME STUDY

Because periods of attendance at the College are designed to require student participation on a full-time basis, students should ensure they have no work or personal commitments during these sessions. Employer acceptance of and cooperation with, this requirement is expected.

COURSE STRUCTURE AND CONTENT

The structure and content areas covered are basically the same as for the full-time course. However, the design, programming and implementation of the course differ significantly to the full-time course. Nevertheless the aim is that by the end of the course students are not less well equipped than those who have undertaken the full-time course and, in addition, have at least 12 months of practical experience behind them.

Major areas of legal work completed in the cooperative course cover commercial, property, litigation, constitutional and administrative law and equity and probate fields.

EXEMPTION FROM ATTENDANCE

Students are advised that it is possible under the Solicitors Admission Rules to be granted exemption from the College of Law course where it can be demonstrated that a student has substantial practical legal experience in New South Wales legal offices.

Exemptions must be based on special circumstances which include alternative practical legal training of a quality, duration and substance which can be conclusively demonstrated as providing mastery of tasks, understanding and acquisition of skills to the same degree as might be acquired by a student satisfactorily completing the practical legal training course of the New South Wales College of Law.

Guidelines are available from the Law Society of New South Wales.

ADDITIONAL DETAILS

Further information about the College and enrolment procedures are available from the College, telephone 965 7000.

CENTRES WITHIN THE FACULTY

International and Commercial Law Centre

OBJECTIVES

The International and Commercial Law Centre maintains close links with the legal profession, the commercial community generally and with the wider international arena. The idea for the Centre evolved from views in the Faculty that there is a role to be filled in assisting, in even a small way, in integrating Australia into the wider Pacific rim and European regions. In particular, it is felt that a centre such as that which has evolved can facilitate the dissemination of knowledge about commercial law and foreign legal systems. These objectives will go some way to establishing Sydney as a major international and commercial centre.

The Centre's activities promote the internationalisation of our legal profession, and should ultimately have an impact in creating closer relations with Australia's trading partners. The Centre exports legal knowledge which will help raise Australia's profile in the immediate area and worldwide, and will also perform the much-needed function in Sydney of facilitating the collection and dissemination of knowledge concerning rapidly evolving commercial law areas such as banking and financial law, international taxation, and corporate securities and regulation, which have increasing international implications.

ADVISORY BOARD

The Centre is advised by an Advisory Board of eminent lawyers from the private profession, government, and the business community. The Centre's Patron is Sir Laurence Street, AC KCMG. The Chairman of the Advisory Board is Mr Ian Hutchinson, Freehill Hollingdale and Page. The Advisory Board members are:

Mr Peter Banki, Phillips Fox

Mr Frank Hooke, Baker and McKenzie

Mr Stan Howard, Mallesons Stephen Jaques

Mr Hugh Jamieson, Allen Allen and Hemsley

Mr Paul Mazoudier, Minter Ellison Morris Fletcher

Mr Alan Rose, Secretary, Commonwealth Attorney-General's Department

Dr Dominique de Stoop, Assistant Secretary, Department of Trade and Foreign Affairs

Mr Laurie Glanfield, NSW Attorney General's Department

Mr John Pascoe, Managing Director, George Weston Foods Ltd

Professor R D Guthrie, Vice-Chancellor, UTS

Professor David Flint, Dean, Faculty of Law and Legal Practice, UTS

Dr Rowena Daw, Faculty of Law and Legal Practice, UTS

The Director of the Centre is Associate Professor Katrin Cutbush-Sabine.

ACTIVITIES

The Centre publishes the *Australian International Law News* and *Lawasia*, and provides ongoing support to postgraduate programs (LLM and SJD) within the Faculty of Law and Legal Practice. The Centre also provides a postgraduate legal education program for lawyers from civil law jurisdictions. The Centre is currently engaged in a joint venture with the Insearch Language Centre, UTS, to provide a postgraduate course for lawyers and businessmen on Japanese commercial law, business culture and language.

The Centre also sponsors seminars on topical legal issues. Information on forthcoming seminars is available from Anne Maree Payne, Telephone 330 3427, Fax 330 3421.

SPONSORSHIP

The ICLC is sponsored by the Faculty of Law and Legal Practice of the University of Technology, Sydney, and by corporate sponsorship. Current sponsors of Centre activities include:

Freehill Hollingdale and Page, Solicitors
The Australia-Indonesia Institute
The Australia-China Council
Willis Corroon Limited
United Airlines.

Major sponsorship opportunities are available in connection with the Centre's activities, including sponsorship of specific seminars, workshops, international forums or course programs. These activities attract a high profile audience and represent valuable sponsorship vehicles.

As a commercially aware organisation, the Centre welcomes sponsorship enquiries from interested parties. Sponsorship enquiries should be directed to the Director of the Centre.

Centre for Dispute Resolution

The Faculties of Law and Legal Practice and Business have joined together to support the creation of a Centre for Dispute Resolution. The Centre is to be a multi-disciplinary centre to promote excellence in teaching, research, development, continuing professional education training and consultancy in the discipline of dispute resolution. The Centre will concentrate in the areas of: law, commerce and business, government, the professions, and on environmental and public policy disputes. The Centre will address the domestic, international and Asia-Pacific applications in these areas.

The work of the Centre will have significant benefit for both the legal and business communities. For the legal community, the ongoing criticisms of cost, delay, technicality and inappropriateness of the traditional legal system for the resolution of all disputes will be addressed. For the business community effectively minimising, managing and resolving disputes enhances productivity, business performance and hence profit.

The Centre will promote dispute resolution as relevant for more than just the resolution of individual disputes. It is also concerned with the prevention or minimisation of disputes, and with the management of disputes that do arise. This relates both to contract formation, policy development and adoption, business and other relationships. The culture around disputes needs to be changed to cooperative principles of dispute resolution. This will save money, time taken to resolve a dispute, stress, staff and executive time and will ensure lost opportunities are kept to a minimum. Dispute resolution also seeks to preserve relationships between disputing parties if possible.

The Centre has the objective of developing and establishing standards in the use of dispute resolution processes and will create guidelines for their use. The guidelines will be particularised for individual industries and professions. The Centre also plans to develop courses for business and the professions in dispute resolution within the Asia-Pacific region and to export courses to the region.

As stated above, the Centre is sponsored by the Faculty of Law and Legal Practice and by the Faculty of Business. The Centre has also received corporate sponsorship. Opportunities for further corporate sponsorship of seminars, workshops and programs exist. Interested sponsors should contact Adjunct Professor Jennifer David, Telephone 330 3448 or 330 3444.

The Centre will be responsible for the Master of Dispute Resolution program based in the School of Law. The Centre also carries out consultancy work in mediation, dispute system design, dispute resolution training and development of skills and provides continuing professional education and training courses in all aspects of dispute resolution.

The Centre encourages and facilitates research in appropriate areas of dispute resolution and dispute system design.

The Centre intends to publish a newsletter and to develop library holdings on ADR and to operate as an information centre on dispute resolution.

The Centre will also sponsor seminars on topical dispute resolution issues. Information concerning seminars is available from Doreen Smith, Telephone 330 3443, Fax 330 3421.

SUBJECT NAMES IN ALPHABETICAL ORDER

Accounting Module 1	22810
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Administrative Law	70612
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Advanced Administrative Law	77706
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Advanced Comparative Law – The Common Law	77742
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Advanced Contracts	77047
Advanced Corporate Insolvency and Restructuring	77754
Advanced Criminal Law	77037
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Advanced Income Taxation Law	79666
Advanced Industrial Law	79711
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Applied Legal Research	79760
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Arts and The Law	79169
Banking Law	77715
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Business Law Project	79791

Capital Gains Tax	77719	Elective Skill – Law of Meetings	71000
Carriage of Goods by Sea	77737	Elective Skill - Ethics A	71002
Chinese Law and Legal Systems	77733	Elective Skill – Legal Ethics B	71102
Chinese Trade and Investment Law	77729	Elective Skill – Office Management	71101
Citizenship and Immigration Law	77048	Elective Skill – Second Moot	71103
Commercial Arbitration (Domestic)	77752	Elective Skill – Special Project	71200
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Commercial Transactions	70411	Engineering Law	79737
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Community Dispute Resolution	77763	Environmental Law	77024
Companies and Securities Law	79733	Equity and Trusts	70511
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Comparative Law A	77001	European Community Law	77704
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Conflict of Laws	71112	Federal Constitutional Law	70611
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Corporate Accounting Issues	22751	Human Rights	77007
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Corporate Law	70412	Indirect Taxation	79761
Corporations, Finance and Securities	77711	Indonesian Trade and Investment Law	77739
Court-based Dispute Resolution	77765	Industrial and Intellectual Property	77011
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Criminology	77012	Industrial and Intellectual Property	77011
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Current Problems of Public International Law	77702	Industrial Law	77053
Customs Duties/Levies	79706	Industrial Law	79731
Deceptive Trade Practices and Product Liability	77023	Insolvency	71115
Deceptive Trade Practices and Product Liability	77712	Insurance Contracts	79360
Design Law	77727	International and Comparative Law Project	77710
Dispute Resolution	77052	International Banking and Financial Law	77724
Dispute Resolution	77735	International Business Law and Regulation	79603
Dispute Resolution in Commerce	77761	International Business Law	79742
Economic Law in Eastern Europe	77743	International Business Transactions	77703
Economic Law of the People's Republic of China	77766	International Commercial Arbitration	77751
EDP Control and Audit	22730	International Commercial Dispute Resolution	77717
Elective Skill – Advanced Computerised Legal Research	71001	International Economic Law	77701
Elective Skill – Advanced Legal Research	71104	International Taxation 1	79762
		International Taxation 2	79707

International Taxation	77720	Patent Law of Australia	77726
International Trade Law	77051	Planning and Development Law	77709
International Trade Law	77716	Private International Law	77758
Introduction to Bankruptcy Law	79161	Property Law	79260
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Japanese Law	77057	Real Property	70312
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Law for Business	79101	Skills – Legal Research and Writing	70100
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Head, School of Legal Practice
Professor A R Godfrey-Smith

Deputy Head, School of Law
(To be nominated)

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Mr T K Tobin QC
Mr J Westlake

RESEARCH INTERESTS OF STAFF

SCHOOL OF LAW

The internal telephone extension numbers and room numbers are listed together with the research interests of each member of staff. External callers can telephone staff directly by using the prefix '330'. All staff are available for consultation with hours specified on each office door.

M Adams, 5418, K4-611
Corporate Law, Securities Markets
Regulation

D Barker, 5414, K4-610
Access into the Legal Profession

J Cooper, 3453, C316
Intellectual Property and Entertainment
Law, Trade Practices, Administrative Law

K Cutbush-Sabine, 3442, B329
National and International Business Law,
Trade Law, Monetary Law, Company and
Contract Law, EEC Law, Securities,
Intellectual Property Law

J David, 3448, B335
Dispute Resolution

R Daw, 3430, B307
Public and Private International Law,
Human Rights, Feminist Legal Theory

M Dubler, 5455, K4-424
Income Tax, Capital Gains Tax, Tax
Effective Financing

M Evans, 3441, B336
Equity, Trusts, Law and Medicine, Legal
and Constitutional History

D Flint, 3418, B212
International Economic Law, Media Law

A Goh, 3426, B303
Air Law, International Law, Statutory
Interpretation, Legal Drafting

K Gould, 3435, B312
Intellectual Property, Australian Legal and
Constitutional History, English Legal
History, Law of Meetings

P Griffiths, 3447, B330
Patent Law, Copyright Law, Intellectual
Property

J Housego, 3434, B311
Family Law Settlements, Restitution,
Feminist Legal Theory

P Hutchison, 3431, B308
Revenue Law, Tax Administration, Tax
Planning, Tax Ethics

D Meltz, 5107, K4-602A
Trade Practices, Private International Law,
The Law and Community Organisations

G Moore, 3445, B332
Deceptive Trade Practices, Remedies, Real
Property, Civil Litigation Procedures

A Mowbray, 3438, B315
Information and Technology Law, Legal
Computer Applications

S Murphy, 5413, K4-621
Income Tax System in Australia

V Nagarajan, 5412, K4-620
Restrictive Trade Practices, Corporations
Law, Banking and Finance

R Padua, 3433, B310
Comparative Law, Jurisprudence, American
and French Constitutional Theory, US and
Philippines Constitutional Law

G Payne, 3437, B314
Criminal Law and Evidence, Jurisprudence

S Smith, 3432, B309
Law and Medicine, Professional Misconduct
and Discipline

J Taggart, 3455, C314
Computer Law, Migration and Nationality
Law, Business Law

R Watt, 3446, B331
Federal Constitutional Law, Legal History,
Legal Research, Legal Bibliography

M Whitehead, 3450, C313
Company Law

C Ying, 3443, B334
Contract Law, Insurance Law, Maritime
Law

SCHOOL OF LEGAL PRACTICE

All staff are located at the St Leonards
campus and can be reached through the
switchboard number 965 7000

J Baker
Conveyancing, Business and Commercial
Law, Wills and Probate

J Blackwell
 Planning Law, Environmental Law, Mediation and Alternate Dispute Resolution

G Bourke
 Legal Ethics, Ethics Instruction, Insolvency

J Bourke
 Alternate Dispute Resolution, Mediation

J Boyd
 Gender bias against females in Civil Jurisdictions and against females in the Profession

B Brown
 Corporations Law, Taxation Capital Gains Tax, Probate Practice

N Carter
 Professional Legal Education, History of the Law of Evidence

T Dart
 Capital Gains Tax, Probate and Succession

J Dean
 Property and Revenue Law, Commercial Law, Succession

J Dobies
 Student Motivation

R Downs
 Experiential Learning

M Gordon
 Media and the Law in Journalism

J Hall
 Techniques of Cross Examination of Expert Witnesses

M Holland
 Environmental Law, Urban Consolidation, Light Pollution, Advocacy Skills and Tactics

M Langford
 Practical Legal Training, Internationalisation of Legal Practice

P Marsh
 Criminal Law and Justice

G Monahan
 Computers and the Law, Student Learning, Instruction by Video

K Mulcahy
 Dispute Resolution

B Nicholls
 Administrative Law, Sport and the Law

R Pettit
 Access to Justice

K Taylor
 Assessment and Testing in PLT Courses

P Underwood
 Legal Practice

J Veneziano
 Comparative Law, Tort and Economic Loss, Environmental Law

STAFF LIST

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Faculty Administrator

E G Marsh, BA (Open)

Administrative Secretary

G Dwyer

SCHOOL OF LAW

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P B C Griffith, LL.B, BJur (Monash), LL.M (Lond)

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M Adams, BA (Hons), LL.M (Lond), ACIM, AIMM

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M B Evans, BA (Hons), LL.M (Syd), LL.M (Hons) (Cantab), Barrister of the Supreme Court of NSW

A L Y Goh, LL.B (Hons) (Sing), LL.M (Syd), Advocate and Solicitor of the High Court, Malaysia (Director, Undergraduate Programs)

J M Housego, BA, LL.B (Syd), LittB (NE), Solicitor of the Supreme Courts of NSW and Queensland, Barrister and Solicitor of the Supreme Court of ACT

G A Moore, BA, LL.M (Syd), Barrister of the Supreme Court of NSW and of the High Court of Australia

A S Mowbray, BSc, LL.B (UNSW), Solicitor of the Supreme Court of NSW (Computer Law Consultant)

V Nagarajan, BEc LL.B (Macq), LL.M (Monash), Solicitor of the Supreme Court of NSW

W J Taggart, BA, LL.B, LL.M (Syd), Solicitor of the Supreme Court of NSW

R J Watt, BCom, DipLib (UNSW), LL.B (Syd), Solicitor of the Supreme Court of NSW (Law Collection Consultant)

C Ying, BA (Manit), LL.M (Lond), of Lincoln's Inn and the Supreme Court of NSW, Barrister at Law

Lecturers

J A Cooper BEc, Dip Ed (Syd), LL.B (UNSW), LL.M (Syd), Solicitor of the Supreme Court of NSW and Attorney of the New York Bar

W Covell, BA, LL.B (Syd)

R C Daw, BA, LL.B (Adel), DPhil (Oxon), Barrister of the Supreme Court of NSW

M Dubler, BCom, LL.B (UNSW)

K C Gould, BA, DipEd (Macq), LL.B (Hons) (UTS)

M G Harvey, BA, LL.B (Hons) (Macq), LL.M (Syd), Solicitor of the Supreme Court of NSW and the High Court of Australia

G F Humphrey, BEc, LL.B, DipEd (Syd), Solicitor of the Supreme Court of NSW

P L Hutchinson, BCom (Hons 1) (UNSW), (Witw), MA Law (Oxon)

S Murphy, BA (Hons) (Tas), MCom (UNSW), LL.B (Hons) (Q'ld)

G Payne, BA (Hons), LL.B (Syd), Barrister of the Supreme Court of NSW

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R Tong, LL.B (Syd), LL.M (Lond), Solicitor of the Supreme Court of NSW

P M Whitehead, BA, LL.B (UNSW), LL.M (Lond), Solicitor of the Supreme Court of NSW and the High Court of Australia

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T Nagamine, LL.B, LL.M (Hosei, Tokyo), MCom (Hons) (UNSW)

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Visiting Professors

R Baxt, BA, LL.B (Hons) (Syd), LL.M (Harvard), Attorney of the Supreme Court of NSW, Barrister and Solicitor of the Supreme Court of Victoria

J Goldring, BA, LL.B (Syd), LL.M (Col), Solicitor of the Supreme Court of NSW

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