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Law and Legal Practice Faculty Handbook 1995



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Law and Legal Practice Faculty Handbook **1995**

The University attempts to ensure that the information contained in the handbook is correct as at 4 November 1994. The University reserves the right to vary any matter described in the handbook at any time without notice.



Equal opportunity

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.

Free speech

The University supports the right to freedom of speech and the rights of its members to contribute to the diversity of views presented in our society.

Non-discriminatory language

UTS has adopted the use of non-discriminatory language as a key strategy in providing equal opportunity for all staff and students. Guidelines for the use of non-discriminatory language have been developed and all members of the University community are encouraged to use them.

Editorial and production:

Corporate Responsibilities Unit
University Secretary's Division

Design:

UTS News and Design Services

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Fax: (02) 330 1551
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City campus

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702–730 Harris Street, 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
- 645 Harris Street, Ultimo
- Bulga Ngurra, 23–27 Mountain Street
Ultimo
- 82–84 Ivy Street, Chippendale

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

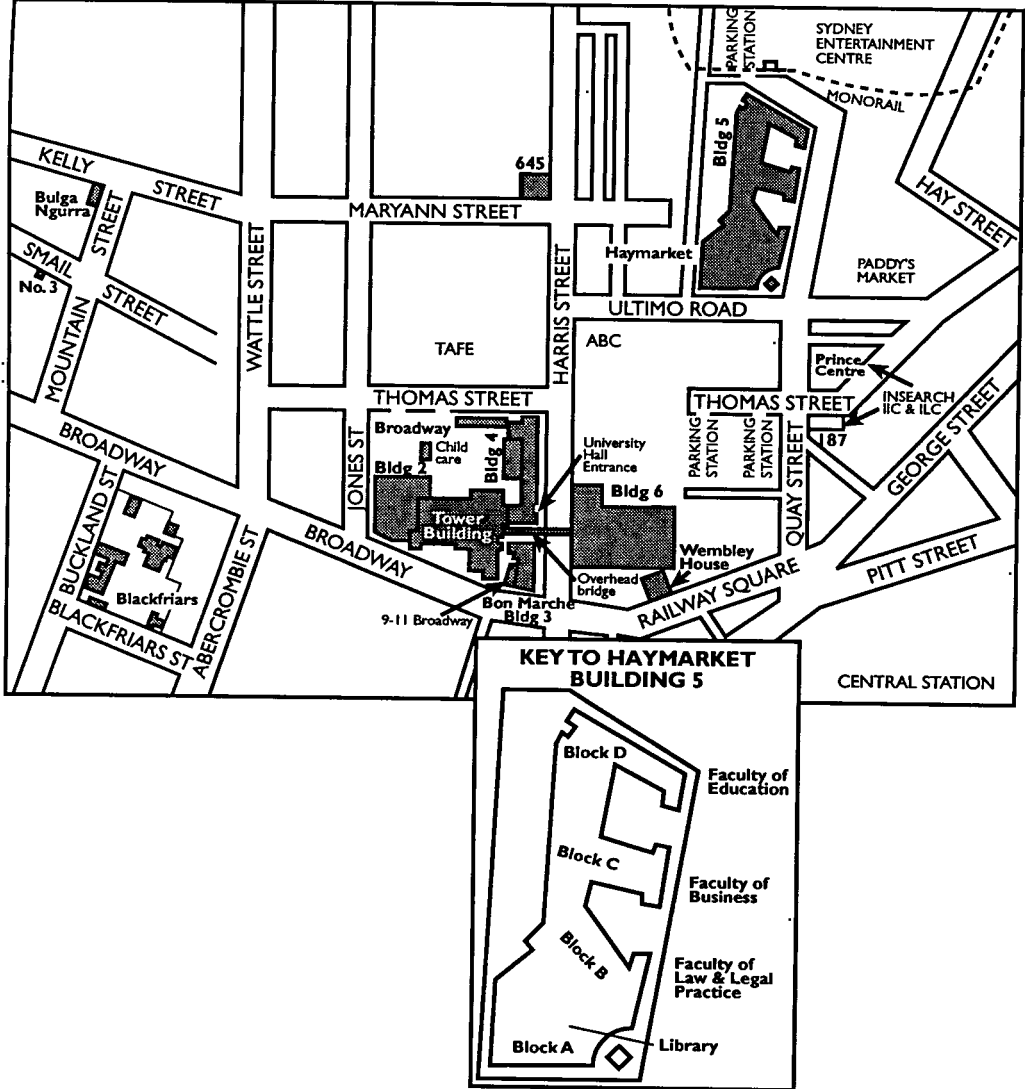
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Yarramundi 2753

Stroud

Lot AFP 161894
The Bucketts Way
Booral 2425

CAMPUS MAPS

CITY CAMPUS



City campus

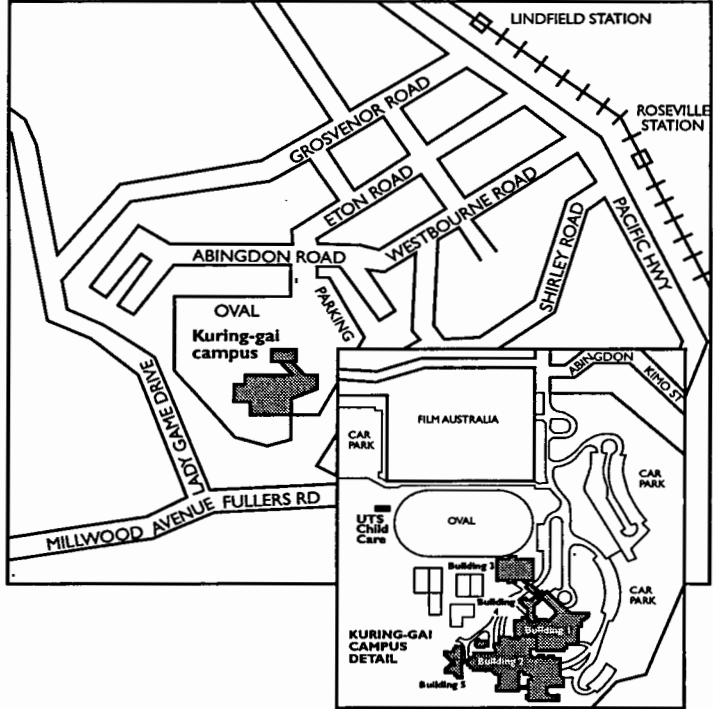
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- Haymarket
Corner Quay Street and Ultimo Road
Haymarket, Sydney
- Smail Street
3 Smail Street, Ultimo
- Wembley House
839–847 George Street
Sydney
- 645 Harris Street, Ultimo
- Bulga Ngurra, 23–27 Mountain Street
Ultimo
- 82–84 Ivy Street, Chippendale

CAMPUS MAPS

Kuring-gai campus

Eton Road
Lindfield

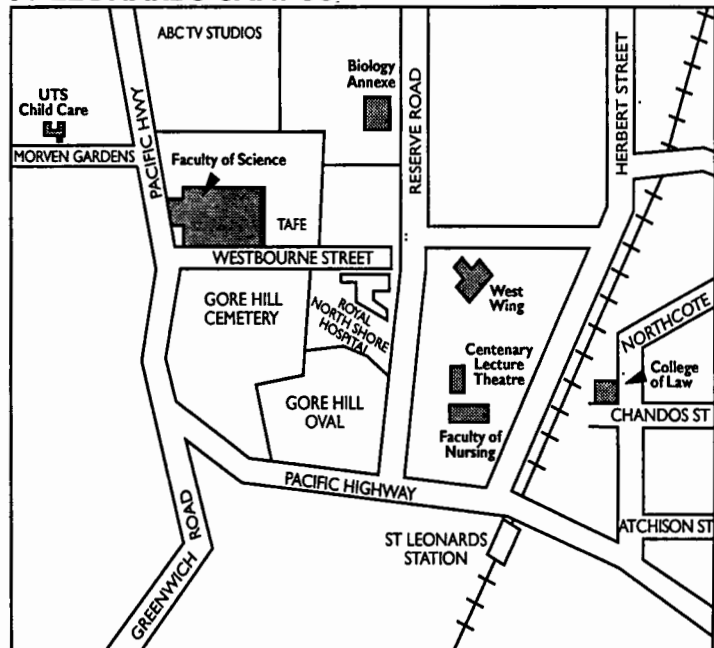
KURING-GAI CAMPUS



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

ST LEONARDS CAMPUS



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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
645 Harris Street
Ultimo NSW 2007
Telephone: 281 2699
Fax: 281 2127

The School of Law is located at

City campus
645 Harris Street
Ultimo NSW 2007
Telephone: 281 2699
Fax: 281 2127

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 twelve publications comprising the *University Calendar*, the *Student Information Guide* and ten handbooks: Business; Design, Architecture and Building; Education; Engineering; Humanities and Social Sciences; International Studies; Law and Legal Practice; Mathematical and Computing Sciences; Nursing; and Science. 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.

Copies of the *Student Information Guide* 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 e.g. additional information on courses, methods of assessment and book lists, you should contact the UTS Information Service or your Faculty office. If in doubt, don't hesitate to ask.

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 Master of Laws (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 the Kuring-gai College of Advanced Education. The College of Law 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 want 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 1995 ¹

AUTUMN SEMESTER

January

- 3 Enrolment day for Summer schools
- 4 School of Legal Practice enrolment day at St Leonards campus
- 9 Release of HSC results
- 13 Formal supplementary examinations for 1994 Spring semester students
- 17 Closing date for changes of preference to the Universities Admissions Centre (UAC) from 1994 NSW HSC applicants (by 4.30 p.m.)
- 19–31 Enrolment of postgraduate students, continuing undergraduate students and new direct entry students at City campus
- 26 Australia Day – public holiday
- 27 Public school holidays end

February

- 1–6 Enrolment of new undergraduate (UAC) students at City campus
- 7–17 Enrolment of postgraduate students, continuing undergraduate students and new direct entry students at City campus
- 27 Classes begin

March

- 10 Last day to enrol in a course or add subjects
Last day to change to 'pay now / up-front' HECS payment

- 24 Last day to apply for leave of absence without incurring student fees/charges
- 31 HECS Census Date
Last day to withdraw from a subject without financial penalty

April

- 7 Last day to withdraw from a course or subject without academic penalty ²
- 14 Public school holidays begin
Good Friday
- 17 Easter Monday
- 18–21 Vice-Chancellors' Week (non-teaching)
- 19 Graduation period begins
- 21 Public school holidays end
Provisional examination timetable available
- 25 Anzac Day
- 28 Last day to apply to graduate in Spring semester 1995

May

- 5 Graduation period ends
- 12 Examination Masters due
- 26 Final examination timetable available
- 31 Closing date for undergraduate and postgraduate applications for Spring semester

June

- 12 Queen's Birthday – public holiday
- 13–29 Formal examination period
- 30 Autumn semester ends

¹ Information is correct as at 15 November 1994. The University reserves the right to vary any information described in Principal Dates for 1995 without notice.

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

SPRING SEMESTER

July

- 3 Public school holidays begin
- 3–7 Vice-Chancellors' Week (non-teaching)
- 10–14 Formal alternative examination period for Autumn semester students
- 14 Public school holidays end
- 21 Release of Autumn semester examination results
- 24 Formal supplementary examinations for Autumn semester students
- 24–28 Confirmation of Spring semester programs
- 25–26 Enrolment of new and readmitted students and students returning from leave/concurrent study
- 31 Classes begin

August

- 1 Applications available for undergraduate and postgraduate courses
- 4 Last day to withdraw from full year subjects without academic penalty²
- 11 Last day to enrol in a course or add subjects
Last day to change to 'pay now/up-front' HECS payment
- 25 Last day to apply for leave of absence without incurring student fees/charges (Spring enrolments only)
- 31 HECS Census Date
Last day to withdraw from a subject without financial penalty
Last day to apply to graduate in Autumn semester 1996

September

- 8 Last day to withdraw from a course or subject without academic penalty²

- 22 Provisional timetable available
- 25 Public school holidays begin
Graduation period begins
- 25–29 Vice-Chancellors' Week (non-teaching)
- 29 Closing date for undergraduate applications via UAC (without late fee)
Closing date for inpUTS Special Admission Scheme applications
Graduation period ends
Closing date for postgraduate applications (*to be confirmed*)

October

- 2 Labour Day – public holiday
- 6 Public school holidays end
- 13 Examination Masters due
- 27 Final examination timetable available
- 31 Closing date for postgraduate research and course award applications
Closing date for undergraduate applications via UAC (with late fee)
Closing date for undergraduate applications direct to UTS (without late fee)

November

- 13–30 Formal examination period

December

- 1 Spring semester ends
- 11–15 Formal alternative examination period for Spring semester students
- 18 Public school holidays begin
- 22 Release of Spring semester examination results

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 and Kuring-gai campuses, which offers a variety of undergraduate and post-graduate 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. Graduates will satisfy the basic academic requirements of the Supreme Court of NSW for admission as a lawyer following the completion of the practical legal training course offered by the College of Law.

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 Comparative Law (MCL) (LL63)
 Master of Dispute Resolution (MDR) (LL59)
 Master of Legal Studies (MLS) *
 Master of Taxation (MTax) (LL58)
 Graduate Diploma in Australian Law (GradDipAustLaw) (LL57)
 Graduate Diploma in Corporate Law (GradDipCorpLaw) (LL62)
 Graduate Diploma in Industrial Property (GradDipIndProp) (LL55)
 Graduate Diploma in Law for Secondary Teachers (GradDipLaw) *
 Graduate Diploma in Legal Studies (GradDipLS)*
 Graduate Certificate in Comparative Law (LL56)
 Graduate Certificate in Corporate Law (LL61)

Graduate Certificate in Japanese Law and Business (LL56)

Graduate Certificate in Law for Court Referees *

Graduate Certificate in Law for Secondary Teachers *

Bachelor of Laws (LLB) (F/T) (LL02)

Bachelor of Laws (LLB) (P/T) (LL01)

Joint degrees

Bachelor of Arts and Bachelor of Laws (BA LLB) (LL05)

Bachelor of Business and Bachelor of Laws (BBus LLB) (B004)

Bachelor of Computing and Bachelor of Laws (BComp LLB) (LL06)*

Bachelor of Science and Bachelor of Laws (BSc LLB) (LL04)

Combined degrees

Bachelor of Laws and Bachelor of Arts (International Studies)*

School of Legal Practice

Graduate Certificate in Legal Practice (LP50)

* Subject to final approval

NOTICES

Official University notices are displayed on the noticeboards on Level 1 of the School of Law, Haymarket campus, and Level 6 on the Kuring-gai campus; students are required to be acquainted with the contents of those announcements that 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 3.00 p.m. Kings car park and the Apple car park offer discounted student parking. Other commercial parking facilities are available at Her Majesty's Theatre, Paddy's Markets and the Entertainment Centre. Student parking is available on the Kuring-gai campus for a fee. There is no

parking provided at the St Leonards campus.

LAW STUDENTS' SOCIETY

The Law Students' Society (LSS) is governed by a Council of 12 student members, elected at the Society's Annual General Meeting held in the beginning of the Autumn semester each year. The Council in turn elects an Executive consisting of the President, Vice-President, Treasurer and Secretary. The Council meets on a monthly basis during each semester to review the Society's activities and discuss new initiatives. 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. Interest and input are encouraged from students; many of the ideas we act upon come from members.

Social functions are an important part of university life and the LSS regularly organises functions for students. Popular events include the annual Black Tie Ball in May and a variety of 'drinks nights' throughout the semester. The Society can also assist in organising functions that students wish to hold.

Services to members

Past exam papers

The Society provides members with copies of past exam papers in each core subject to enable preparation for final examinations.

Legislation service

The Society can acquire both State and federal legislation on behalf of members from government printing offices.

Secondhand book store

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

Computer service

The Society owns an Apple computer which is available for use by members.

Mooting competition

The Society conducts an internal mooting competition in the Autumn

semester each year to select representatives for participation in intervarsity competitions.

Affiliation with ALSA

The Society is affiliated with the Australasian Law Students' Association, the Asian-Pacific body representing law students. As a result, members receive copies of the *Reporter* (quarterly journal) and *Decisions* (careers journal) publications, and may attend its annual eight-day conference in July.

Student representation

The Society is often requested to provide students' views on matters relating to the LLB program and to provide student input on various committees. The LSS also acts as a communication channel between the Faculty and the student body. The Society provides advocacy services and other assistance with academic appeals.

Recent achievements

In 1994, the LSS introduced an information service on topics such as the College of Law, Summer Clerkships, Honours and study and exam techniques. The LSS has also been successful in obtaining better resources for the library and regularly donates books that are in heavy demand. Important improvements to the Business Law and Science Law courses have been negotiated by the LSS over the past few years, leading to greater equity and opportunity in courses.

Membership fees are currently \$10 per annum.

Further details are obtainable from the LSS Office (Room B112 on the Markets campus) or by telephoning (02) 330 3408. A list of Council members is posted on the LSS noticeboard, located outside the LSS Office.

This year promises more great activities from the LSS and students are encouraged to actively participate.

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 only if there is a candidate who reaches a level of academic achievement acceptable to the Faculty Board in Law and Legal Practice.

Donor/name of prize	Value
The Dean's Special Prize	
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 Prize¹	
Best performance in Industrial and Intellectual Property	\$100 and Certificate
Abbott Tout Prize	
Best performance in Local Government	\$100 and Certificate
Ebsworth and Ebsworth Prize	
Best performance in Law of Insurance	\$200 and Certificate

Henningham and Ellis-Jones Prize¹

Best performance in Administrative Law \$250 and Certificate

Veronica Pike Prize¹

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

The Law Students' Society donates prizes of \$100 and Certificate from time to time.

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 and awarded to an enrolled law student. 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
Telephone: 281 2699

Administrative Assistant – undergraduate

Mr Michael Fen
Telephone: 281 2699

Administrative Assistant – joint programs

Ms Vicky White
Telephone: 281 2699

Administrative Secretary – undergraduate

Miss Debbie Margaritis
Telephone: 281 2699
Fax: 281 2127

School Assistant – undergraduate

Mrs Nancy Mitchell
Telephone: 281 2699

Academic advice may be obtained from

Mr Andrew Mowbray
Director of Undergraduate Programs
Telephone: 281 2699
Please contact Mrs Nancy Mitchell on 281 2699 to make appointments to see the Director of Undergraduate Programs.

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, the development of these concepts and a consideration of areas of current controversy. It is in the last 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

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.

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 7 electives (49 credit points). A total of 192 credit points is required for course completion.

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 (10cp)
- 70100 Skills: Legal Research and Writing (2cp)
- 70212 Criminal Law (7cp)
- 70400 Skills: Computerised Legal Research (2cp)

Stage 2

- 70211 Law of Contract (8cp)
- 70311 Law of Tort (8cp)
- 70611 Federal Constitutional Law (7cp)
- 70200 Skills: Case Analysis and Statutory Interpretation (2cp)

Stage 3

- 70312 Real Property (7cp)
- 70411 Commercial Transactions (7cp)
- 70300 Skills: Conveyancing (3p)
- **** Elective Subject 1 (7cp)

Stage 4

- 70513 Succession
- 70514 Family Law (5cp)
- 70612 Administrative Law (7cp)
- **** Elective Subject 2 (7cp)
- **** Elective Skills 1 (2cp)

Stage 5

- 70412 Corporate Law (7cp)
- 70511 Equity and Trusts (7cp)
- 70500 Skills: Drafting (2cp)
- **** Elective Subject 3 (7cp)

Stage 6

- 71114 Remedies and Restitution (7cp)
- 71211 Law of Evidence (7cp)
- 70600 Skills: Pleadings (2cp)
- 70705 Skills: Litigation (4cp)
- 71115 Insolvency (3cp)

Stage 7

- 71212 Revenue Law (7cp)
- 71112 Conflict of Laws (7cp)
- 70900 Skills: Moot (3cp)
- **** Elective Subject 4 (7cp)
- 71201 Skills: Alternative Dispute Resolution (2cp)

Stage 8

- **** Elective Subject 5 (7cp)
- **** Elective Subject 6 (7cp)
- **** Elective Subject 7 (7cp)
- **** Elective Skills 2 (2cp)
- **** Elective Skills 3 (2cp)

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 (10cp)
- 70100 Skills: Legal Research and Writing (2cp)
- 70400 Skills: Computerised Legal Research (2cp)

Stage 2

- 70212 Criminal Law (7cp)
- 70211 Law of Contract (8cp)
- 70200 Skills: Case Analysis and Statutory Interpretation (2cp)

Stage 3

- 70311 Law of Tort (8cp)
- 70611 Federal Constitutional Law (7cp)
- **** Elective Skills 1 (2cp)

Stage 4

- 70312 Real Property (7cp)
- 70411 Commercial Transactions (7cp)
- 70300 Skills: Conveyancing (3cp)

Stage 5

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

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 Law of Evidence (7cp)
 71201 Skills: Alternative Dispute Resolution (2cp)
 ***** Elective Subject 1 (7cp)

Stage 10

- ***** Elective Subject 2 (7cp)
 ***** Elective Subject 3 (7cp)
 ***** Elective Skills 2 (2cp)

Stage 11

- ***** Elective Subject 4 (7cp)
 ***** Elective Subject 5 (7cp)
 ***** Elective Skill 3 (2cp)

Stage 12

- ***** Elective Subject 6 (7cp)
 ***** Elective Subject 7 (7cp)

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 students 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 mooted 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 each 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
 77031 Law and Society
 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

Students are advised that they should make their own enquiries of the Supreme Court of New South Wales to ascertain if exemption can be obtained on the basis of having completed the elective skills 71002 Legal Ethics (A) and 71102 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: comparative law, human rights, jurisprudence, law and the arts, law and society, 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 or the Insearch Language Centre 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 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 is subject to the meeting of prerequisites and class sizes. Applications are to be made prior to enrolment to the 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 enrolled Law students to undertake an elective and/or elective skill (if offered) at the conclusion of the Spring semester. The Summer program will consist of eight teaching weeks in January and February 1996, subject to availability of resources.

Students who obtain a weighted average mark (WAM) of at least 55 per cent (determined by the School) for subjects undertaken in Autumn semester 1995 and have no failures recorded for any subject undertaken in Spring semester 1995 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 1995. 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 (5cp). In cases of exceptional merit, permission to enrol in one elective and one skill subject may be given (10cp).

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 Guide to Legal Problem Solving for Law Students, P Keyzer, Butterworths, or *A Career in Law*, Federation Press, may be purchased from the Sydney Law Cooperative 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 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 Cate Guthleben 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 and 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 assign-

ment 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 9.00 a.m. 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 at a cost of \$2.50.

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.

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

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 combina-

tion of subjects other than that which is normal progression are required to submit a Progression Variation form prior to enrolment or re-confirmation of the 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 has 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 that 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 unspecified electives
- Diploma in Jurisprudence (DipJurisSyd): exemption granted – 77008 (Jurisprudence) + 7 credit points of unspecified electives
- Diploma in Labour Relations and The Law (DipLabRelSyd): exemption granted – 77015 (Labour Law) + 7 credit points of unspecified 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 p.m. on that day from the UTS Information Service at Broadway.

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. The medal awarded within the Bachelor of Laws program is to the student achieving the highest marks at First Class Honours level.

ADMISSION TO PRACTICE

The Supreme Court of New South Wales controls the admission of legal practitioners to practise 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. The person then needs to apply to the Law Society of New South Wales for a practising certificate as a solicitor or to the Bar Council for a practising certificate as a barrister.

Requirements of Practical Legal Training before admission as a legal practitioner in the Supreme Court of New South Wales

1. As from 1 January 1995 the requirements will be the completion of the Professional Program consisting of:
 - a course in Practical Legal Training
 - 15-week Graduate Certificate Course at College of Law or equivalent
 - 60 hours Continuing Practical Training
 - 24 weeks practical (work) experience
2. These requirements have been adopted by the Legal Practitioners Admission Board (the replacement of the Barristers and Solicitors Admission Boards) after consultation with:
 - the Law Society of New South Wales
 - the Deans of Law Schools in New South Wales
 - the Board of Governors of the College of Law

and after considering submissions by students of the various Law School associations.

3. Students are advised that it is possible under the Solicitors Admission Rules to be granted exemption from the Practical Legal Training course requirement 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 including alternative practical 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.

Completion of subjects 71002 and 71102 Legal Ethics A and B within the law degree will satisfy the requirement of the Admission Board in regard to Ethics.

4. In June 1994 the Law Society issued a newsletter (Professional Program: Bulletin 1) giving details of, and answering questions about, the Professional Program. A copy of this newsletter may be obtained from the Legal Education Officer, The Law Society of New South Wales, 170 Philip Street, Sydney, telephone (02) 220 0289.

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 projects 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 projects 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 a 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 p.m. 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

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 with a minimum requirement of 12 subjects to be included in the calculation.**
- 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 ten 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 in 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, BSc LLB and BA LLB. In 1995, subject to Academic Board approval, the new joint degree of BComp LLB and the new combined degree of LLB BA (International Studies) 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 disciplines are held mostly in the daytime.

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

The law component of both the joint and combined 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.

The course structures of these programs appear below. Students must complete at least 242cp for the LLB BA (International Studies), 240cp for the BA LLB or BSc LLB or BComp LLB, or at least 239cp for the BBus LLB. Credit-point values are shown in brackets.

In 1995 the newly established Institute for International Studies will offer the first stages of its International Studies Program, which will be open to all UTS students. The program will include language programs; study of history, politics, economics and society; and opportunities for in-country study. Activities will start with a focus on

China, Indonesia and Japan, and will later expand to other parts of East and South-East Asia, South America and Western Europe. Subjects within the International Studies program can be taken as electives within current degrees or as part of the new combined degrees integrating International Studies with a discipline. In 1995 combined degrees will be available in Engineering and International Studies, and Law and International Studies. Further information on the International Studies program may be obtained from the Institute for International Studies.

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 12cp of electives from faculties other than Law and Legal Practice and Humanities and Social Sciences

Foundations studies

Students will take a total of 24 credit points with at least 5 credit points from each of the three groups of subjects below by the end of the third semester. The aim of the foundation studies is to introduce a range of ideas and intellectual approaches from the broadly defined arts/social sciences as a basis for (i) exploration of issues of social concern and public interest; (ii) development of intellectual skills; and (iii) choice of areas to study in depth.

Group A

- 52101 History of Ideas (6cp)
- 52102 Politics and Political Institutions (6cp)
- 52103 Culture, History and Society (6cp)
- 52111 Contemporary Australia (6cp)

Group B

- 55860 Information Science 1 (6cp)
- 56955 Communication 1 (6cp)
- 55864 Psychology (6cp)

Group C

- 54100 Word and Text (5cp)
- 54101 Sound and Image (5cp)
- 54102 Making Australia (5cp)
- 54103 Communication Environments (5cp)

Major study

A major in the BA LLB is a sequence of subjects to a total of at least 48 credit points, which falls within a distinct and well-defined field of study. Several of the majors are interdisciplinary.

A major requires students to complete a minimum of 6 credit points and a maximum of 12 credit points at Level 1; a minimum of 12 credit points at Level 2; and a minimum of 12 credit points at Level 3.

Entry to Level 2 subjects requires completion of prerequisites at Level 1; entry to Level 3 subjects requires completion of Level 2 subjects; and so on.

The majors offered in the BA are:

- (i) Aboriginal Studies
- (ii) Social, Political and Historical Studies
- (iii) Multicultural Studies
- (iv) Communication and Cultural Industries
- (v) Information
- (vi) Communication
- (vii) Cultural Studies

Full details of the Arts majors and electives are contained in the Faculty of Humanities and Social Sciences Handbook.

Stage 1

- 70113 Legal Process and History (10cp)
- 70100 Skills: Legal Research and Writing (2cp)
- 70400 Skills: Computerised Legal Research (2cp)
- ***** Foundation Studies A, B or C (10–12cp)
- ***** Foundation Studies A, B or C (10–12cp)

Stage 2

- 70211 Law of Contract (8cp)
- 70212 Criminal Law (7cp)
- 70200 Skills: Case Analysis and Statutory Interpretation (2cp)
- ***** Foundation Studies A, B or C (10–12cp)
- ***** Foundation Studies A, B or C (10–12cp)

Stage 3

- 70311 Law of Tort (8cp)
- 70611 Federal Constitutional Law (7cp)
- ***** Foundation Studies A, B or C (4–6cp)
- ***** Major

Stage 4

- 70411 Commercial Transactions (7cp)
- 70312 Real Property (7cp)
- 70300 Skills: Conveyancing (3cp)
- ***** Major
- ***** Major/Other Studies

Stage 5

- 70612 Administrative Law (7cp)
- 70514 Family Law (5cp)
- 70513 Succession (4cp)
- ***** Major
- ***** Major/Other Studies

Stage 6

- 70412 Corporate Law (7cp)
- 70511 Equity and Trusts (7cp)
- 70500 Skills: Drafting (2cp)
- ***** Major/Other Studies
- ***** Major/Other Studies

Stage 7

- 71114 Remedies and Restitution (7cp)
- 71115 Insolvency (3cp)
- 70600 Skills: Pleadings (2cp)
- 70705 Skills: Litigation (4cp)
- ***** Major/Other Studies
- ***** Major/Other Studies

Stage 8

- 71112 Conflict of Laws (7cp)
- 71212 Revenue Law (7cp)
- 70900 Skills: Moot (3cp)
- ***** Major/Other Studies
- ***** Major/Other Studies

Stage 9

- 71211 Law of Evidence (7cp)
- 71201 Skills: Alternative Dispute Resolution (2cp)
- ***** Law elective (7cp)
- ***** Major/Other Studies
- ***** Major/Other Studies

Stage 10

- ***** Major/Other Studies

Bachelor of Business/ Bachelor of Laws

Stage 1

- 70113 Legal Process and History (10cp)
 70400 Skills: Computerised Legal Research (2cp)
 70100 Skills: Legal Research and Writing (2cp)
 22105 Accounting A (5cp)
 25110 Microeconomics (5cp)

Stage 2

- 70211 Law of Contract (8cp)
 70212 Criminal Law (7cp)
 70200 Skills: Case Analysis and Statutory Interpretation (2cp)
 22205 Accounting B (5cp)
 25209 Macroeconomics (5cp)

Stage 3

- 70311 Law of Tort (8cp)
 70611 Federal Constitutional Law (7cp)
 21125 Australian Business Environment (5cp)
 22115 Business Information Systems (5cp)

Stage 4

- 70411 Commercial Transactions (7cp)
 70312 Real Property (7cp)
 70300 Skills: Conveyancing (3cp)
 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)
 70500 Skills: Drafting (2cp)
 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)
 70705 Skills: Litigation (4cp)
plus BBus major subjects (10cp)

Stage 8

- 71112 Conflict of Laws (7cp)
 71212 Revenue Law (7cp)
 70900 Skills: Moot (3cp)
plus BBus major subjects (10cp)

Stage 9

- 71211 Law of Evidence (7cp)
 71201 Skills: Alternative Dispute Resolution (2cp)
 ***** Law elective (7cp)
plus BBus major subjects (10cp)

Stage 10

BBus major subjects (5cp)

Bachelor of Science/ Bachelor of Laws

Stage 1

- 70113 Legal Process and History (10cp)
 70400 Skills: Computerised Legal Research (2cp)
 70100 Skills: Legal Research and Writing (2cp)
 66013 Geology 1 (SL) (5cp)
 65013 Chemistry 1 (SL) (5cp)

Stage 2

- 70211 Law of Contract (8cp)
 70212 Criminal Law (7cp)
 70200 Skills: Case Analysis and Statutory Interpretation (2cp)
 65025 Chemistry 2 (SL) (5cp)
 33171 Science Mathematics 1 (4cp)

Stage 3

- 70311 Law of Tort (8cp)
 70611 Federal Constitutional Law (7cp)
 68081 Resource Management (3cp)
 60301 Treatment of Scientific Data (3cp)

Stage 4

- 70411 Commercial Transactions (7cp)
 70312 Real Property (7cp)
 70300 Skills: Conveyancing (3cp)
 66404 Physics 1 (SL) (5cp)
 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)
 70705 Skills: Litigation (4cp)
plus Science electives (12cp)

Stage 8

- 71112 Conflict of Laws (7cp)
 71212 Revenue Law (7cp)
 70900 Skills: Moot (3cp)
plus Science electives (12cp)

Stage 9

- 71211 Law of Evidence (7cp)
 71201 Skills: Alternative Dispute Resolution (2cp)
 ***** Law elective (7cp)
plus Science electives (11cp)

Stage 10

Science electives (6cp)

Bachelor of Computing/ Bachelor of Laws

This joint degree is aimed at students who wish to pursue careers requiring knowledge of both computing science and the law. Some of the potential roles for graduates include:

- Computing professionals who are involved in the development, marketing or support of legal software. There exists a number of Australian companies who are supplying legal software. The products produced by these companies range from specialist office automation packages, through information retrieval and presentation programs, to leading-edge knowledge-based systems.
- Computing professionals acting in management roles, who need to understand the most appropriate ways in which the products of research and development may be exploited. Such managers will need to be able to make decisions in relation to such matters as available forms of intellectual property protection, contracts and international law.
- Lawyers who wish to specialise in computers and technology law as an area of practice.

Students will study subjects totalling 146 credit points from the School of Law and 94 credit points from the School of Computing Sciences, for a total of 240 credit points.

Stage 1

-
- 70113 Legal Process and History (10cp)
70100 Skills: Legal Research and Writing (2cp)
31611 Information Systems (6cp)
31417 Computing Practice (6cp)

Stage 2

-
- 70212 Criminal Law (7cp)
70211 Law of Contract (8cp)
70200 Skills: Case Analysis and Statutory Interpretation (2cp)
31424 Systems Modelling (6cp)
31428 Qualitative Modelling (6cp)

Stage 3

-
- 70311 Law of Tort (8cp)
70611 Federal Constitutional Law (7cp)
31415 Principles of Software Development A (6cp)
31416 Computer Systems Architecture (6cp)

Stage 4

-
- 70312 Real Property (7cp)
70411 Commercial Transactions (7cp)
70300 Skills: Conveyancing (3cp)
31425 Principles of Software Development B (6cp)
31429 Procedural Programming (6cp)

Stage 5

-
- 70514 Family Law (5cp)
70513 Succession (4cp)
70612 Administrative Law (7cp)
31436 Systems Software and Networks (8cp)
31434 Database Design (6cp)

Stage 6

-
- 70412 Corporate Law (7cp)
70511 Equity and Trusts (7cp)
70500 Skills: Drafting (2cp)
31444 Systems Design and Development (8cp)

Stage 7

-
- 71114 Remedies and Restitution (7cp)
71115 Insolvency (3cp)
70600 Skills: Pleadings (2cp)
70705 Skills: Litigation (4cp)
Industrial Experience (0cp)

Stage 8

-
- 71112 Conflict of Laws (7cp)
71212 Revenue Law (7cp)
70900 Skills: Moot (3cp)
Industrial Experience (0cp)

Stage 9

-
- 71211 Law of Evidence (7cp)
71201 Skills: Alternative Dispute Resolution (2cp)
31455 Software Development Case Study¹ (4cp)
31454 Project Management and the Professional (8cp)

 Stage 10

- xxxxx Law Elective 1 (7cp)
 31455 Software Development Case Study (cont.)¹ (6cp)
 31464 Information Technology Planning and Design¹ (6cp)

¹ These subjects may be replaced by Computing Science electives, on the approval of the Head of the School of Computing Sciences.

Bachelor of Laws/Bachelor of Arts (International Studies)

The aim of this combined degree program is to broaden the horizons of UTS students, with the expected outcome of professionally and practically educated graduates with appreciations of both the wider world and a special culture.

The program is intended for students who wish to take advantage of one of the changes in legal practice, the need for legal practitioners with international perspective and expertise. For a number of years practitioners have been sought who could service the needs of members of ethnic communities in Australia. We are seeing a demand for lawyers in firms to act for foreign investors and for employment overseas. This can be in overseas offices or associated offices of Australian firms, or purely foreign law firms and commercial offices. Australian lawyers bring special skills in English, in the common law, and from a country with an established legal profession with the competence and resources of the best law firms in the world. As we approach the 21st century, it is expected that Australian lawyers with an international background will be in increasing demand.

Students will study subjects totalling 146 credit points from the School of Law and 98 credit points from the Institute for International Studies for a total of 244 credit points.

It is proposed that the undergraduate teaching program in International Studies will consist of a series of modules, each centred on a specific country or society. Each module will have three component parts: the study of language and culture; the study of history, politics and economics; and a period of in-country study. Each of these component parts of each module, and each subject unit will be available as elective subjects for undergraduates across the University.

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 who 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. The Law subject in the Bachelor of Technology (Manufacturing Engineering) will be taught for the first time in 1995. Courses for the Bachelor of Engineering (Telecommunications Engineering) and for the School of Physical Sciences are 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 branches of the 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. It should be noted, however, that not all subjects listed will be offered each semester. Units offered in the Business Law sub-major include:

- 79411 Advanced Companies and Securities Law (5cp)
- 79666 Advanced Income Taxation Law (5cp)
- 79606 Advanced Revenue Law (5cp)
- 79366 Banking Law (5cp)
- 79267 Commercial Law (5cp)
- 79365 Company Law (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)
- 79403 Law and the Manager (5cp)
- 79211 Law for Marketing Management (5cp)
- 79462 Revenue Law (5cp)
- 79264 Securities Market Regulation (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 Taxation Law (5cp)
- 79606 Advanced Revenue Law (5cp)
- 79365 Company Law (5cp)

79667 Indirect Taxation (5cp)

79462 Revenue Law (5cp)

In each of the sub-majors, students would be required to choose four Law units in addition to the core introductory unit Law for Business or its equivalent, and the core units in their particular major. Students undertaking the Accounting major should consult Michael Adams, Director of Undergraduate Supply Program with regard to requirements for the Taxation sub-major.

A sub-major involves 25 credit points, at least 15 credit points of which must be additional to the foundation core or relative major.

UNDERGRADUATE SUPPLY SUBJECTS

The following subjects are offered by the School of Law to undergraduate students enrolled in the Business, Engineering and Nursing degrees.

- 79101 Law for Business (5cp)
- 79211 Law for Marketing Management (5cp)
- 79264 Securities Markets Regulation (5cp)
- 79267 Commercial Law (5cp)
- 79270 Industrial and Labour Law (5cp)
- 79360 Insurance Contracts (5cp)
- 79365 Company Law (5cp)
- 79366 Banking Law (5cp)
- 79370 Law and Contracts for Manufacturing (3cp)
- 79371 Legal Issues in Telecommunications (6cp)
- 79403 Law and the Manager (5cp)
- 79411 Advanced Companies and Securities Law (5cp)
- 79462 Revenue Law (5cp)
- 79502 Law and Finance (5cp)
- 79503 Law and Computing (5cp)
- 79603 International Business Law and Regulation (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 Legal Aspects of Human Reproduction and Child Protection (3cp)

UNDERGRADUATE SUBJECT DESCRIPTIONS

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

Prerequisites are subjects that 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.

It is required that, where prerequisites are set for a subject, that subject's prerequisites have already been met, (e.g. if a subject's prerequisite is 70312 Real Property, then Real Property's prerequisites of 70211 Law of Contract, 70311 Law of Tort, 70611 Federal Constitutional Law and 70200 Skills: Case Analysis and Statutory Interpretation, have been completed).

70100

SKILLS: LEGAL RESEARCH AND WRITING

2cp

prerequisite: nil

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 basic recognition of legal material into primary and secondary source material, then taking 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

prerequisite: nil

This is an introductory subject that 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 that of our regional neighbours and 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; 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 to 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

prerequisites: 70113 Legal Process and History; 70100 Skills: Legal Research and Writing; 70400 Skills: Computerised Legal Research

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

prerequisites: 70113 Legal Process and History; 70100 Skills: Legal Research and Writing; 70400 Skills: Computerised Legal Research
corequisite: 70212 Criminal Law

This subject deals with the legal principles as to when promises are binding, the difficulties arising out of their interpretation, how they may become defeasible, 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*, Australian edition, Butterworths.

Carter J W, Harland D J 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.

Hocker and Heffey, *Cases and Materials on Contract*, Law Book Company.

70212**CRIMINAL LAW**

7cp

corequisites: 70113 *Legal Process and History*;
70100 *Skills: Legal Research and Writing*;
70400 *Skills: Computerised Legal Research*

The subject deals with the substantive criminal law, the doctrines and rules that 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 the 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

corequisite: 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; and 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

prerequisites: 70113 *Legal Process and History*;
70100 *Skills: Legal Research and Writing*;
70400 *Skills: Computerised Legal Research*

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 W L and Sappideen C, *Torts, Commentary and Materials*, 8th edn, Law Book Company.

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

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

Gardiner D, *Outline of Torts*, Butterworths.

70312**REAL PROPERTY**

7cp

prerequisites: 70211 *Law of Contract*; 70311 *Law of Tort*; 70611 *Federal Constitutional Law*; 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: nil

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 and SCALE; introduction to the use of CD-ROM based services such as INFO ONE'S LAW PAC CDs and DISKROM'S legislation products.

Text

Course materials are issued throughout the semester. Students may also wish to refer to Greenleaf G, Lewis D and Mowbray A, *Australasian Computerised Legal Information Handbook*, Butterworths.

70411**COMMERCIAL TRANSACTIONS**

7cp

prerequisites: 70211 *Law of Contract*; 70311 *Law of Tort*; 70611 *Federal Constitutional Law*; 70200 *Skills: Case Analysis and Statutory Interpretation*

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 subject does not emphasise 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

prerequisites: 70513 *Succession*; 70514 *Family Law*; 70612 *Administrative Law*; 70411

Commercial Transactions

corequisite: 70511 *Equity and Trusts*

The response of the law to the activities of business entities is the matter dealt with in this subject. Although the emphasis is on corporations, there will be a brief discussion of the manner in which non-corporate entities including partnerships are regulated. The study of corporations law will include an overview of the historical developments, the current method of regulation and the proposals for reform.

Texts

Ford H A J and Austin R P, *Principles of*

Corporation Law, 1992 and 1994 Supplement, Butterworths.
Redmond P, *Companies and Securities Law: Commentary and Materials*, Law Book Company.

70500

SKILLS: DRAFTING

2cp

prerequisites: 70513 Succession; 70514 Family Law

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 may be drawn from examples such as agreements, deeds, powers of attorney, statutory declarations, articles of association and wills.

Texts

Piesse E L, *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

prerequisites: 70411 Commercial Transactions; 70513 Succession; 70514 Family Law; 70612 Administrative Law

corequisite: 70412 Corporate Law

The subject deals with 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

prerequisites: 70312 Real Property; 70411 Commercial Transactions; 70300 Skills: Conveyancing

This subject deals with the formal and essential requirements of 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.

Wood O and Certoma G L, *Succession – Commentary and Materials*, 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

prerequisites: 70312 Real Property; 70411 Commercial Transactions; 70300 Skills: Conveyancing

The subject introduces students to the principles that govern the legal relationship between family members 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; costing issues 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

Dicky A, *Family Law*, Law Book Company.

Finlay H, *Family Cases and Materials*, Butterworths.

Parker S, *Australian Family Law in Court*, Law Book Company.

70600

SKILLS: PLEADINGS

2cp

prerequisite: 70500 Skills: Drafting

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.

Nevill A and Ashe A, *Equity Proceedings*, Butterworths.

70611

FEDERAL CONSTITUTIONAL LAW

7cp

prerequisites: 70113 Legal Process and History;

70100 Skills: Legal Research and Writing;

70400 Skills: Computerised Legal Research

corequisite: 70212 Criminal Law

This subject examines 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 intergovernmental relations, together with the general role of the High Court in Australian constitutional law.

Texts and References

Booker K, Glass A and Watt R, *Federal Constitutional Law: An Introduction*, Butterworths.

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.

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

70612

ADMINISTRATIVE LAW

7cp

prerequisites: 70312 Real Property; 70411

Commercial Transactions; 70300 Skills:

Conveyancing

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, and the ICAC.

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

70705

SKILLS: LITIGATION

4cp

prerequisite: 70500 Skills: Drafting

corequisite: 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

prerequisites: 70600 Skills: Pleadings; 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's *Guide to Mooting*, which provides basic instruction to mooters. This is available from the General Papers Office.

71000

ELECTIVE SKILL: LAW OF MEETINGS

2cp

prerequisites: 70100 Skills: Legal Research and Writing; 70400 Skills: Computerised Legal

Research; 70113 *Legal Process and History*;

70212 *Criminal Law*

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; and 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

prerequisites: 70400 Skills: Computerised Legal Research; 70511 Equity and Trusts

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: Computerised Legal Research – the use of computer databases for in-house purposes such as litigation and precedent support is also dealt with.

Text

Course materials will be made available.

71002

ELECTIVE SKILL: LEGAL ETHICS A

2cp

prerequisites: 70100 Skills: Legal Research and Writing; 70400 Skills: Computerised Legal Research; 70113 Legal Process and History; 70212 Criminal Law

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 NSW Law Reform Commission.

Articles on issues contained in the NSW Law Society Journal.

71101

ELECTIVE SKILL: OFFICE MANAGEMENT

2cp

prerequisites: 70100 Skills: Legal Research and Writing; 70400 Skills: Computerised Legal Research; 70113 Legal Process and History; 70212 Criminal Law

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 to both 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 Organise 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

prerequisites: 70100 Skills: Legal Research and Writing; 70400 Skills: Computerised Legal Research; 70113 Legal Process and History; 70212 Criminal Law

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 legal practitioners 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. 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.

71104

ELECTIVE SKILL: ADVANCED LEGAL RESEARCH

2cp

prerequisites: 70100 Skills: Legal Research and Writing; 70511 Equity and Trusts

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 Shepard's; selected primary and secondary material of Canada and New Zealand; international law; and treaties.

Text

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

71112

CONFLICT OF LAWS

7cp

prerequisites: 70412 Corporate Law; 70511 Equity and Trusts

Deals with the international jurisdiction of the Australian courts, the recognition and enforcement of foreign judgments 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 choice-of-law issues as they arise between the Australian States.

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

71114**REMEDIES AND RESTITUTION**

7cp

prerequisites: 70412 Corporate Law; 70511 Equity and Trusts; 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

prerequisites: 70412 Corporate Law; 70511 Equity and Trusts

This subject is in two sections. The first half deals with bankruptcy, including debtor's petitions; creditors' petitions; acts of bankruptcy; bankruptcy notices; property available to creditors; effect of bankruptcy on 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: the statutory demand procedure, commencement of winding up; effect of winding up on the company, directors and creditors; appointment and powers of the liquidator; property available to creditors, proofs of debt; challenging the liquidator's decisions; termination of winding up.

Texts

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

Bankruptcy Act and Rules Student Edition, Law Book Company.

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

O'Donovan J, *McPherson: The Law of Company Liquidation*, Student Edition, Law Book Company.

Australian Corporation Law, Volume 1, Butterworths.

71200**ELECTIVE SKILL: SPECIAL PROJECT**

2cp

prerequisite: 70514 Family Law

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: 70900 Skills: Moot

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

prerequisites: 70412 Corporate Law; 70511 Equity and Trusts

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.

Ligertwood A, *Australian 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.

71212

REVENUE LAW

7cp

prerequisites: 70412 Corporate Law; 70511 Equity and Trusts; 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

prerequisite: nil

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

prerequisite: nil

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.

Fyzee 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: 70212 Criminal Law

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: 70611 Federal Constitutional Law

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); law of treaties; concept of state sovereignty and domestic jurisdiction; relationship between international law, municipal law and the individual (including the international protection of human rights); statehood and sovereignty; personalty, rights and duties of states; recognition of states and governments; state succession; territorial sovereignty of the land and the sea (with emphasis on limits); 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 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: 70611 Federal Constitutional Law

The subject covers the establishment and enforcement of human rights, constitutional rights, common law rights, and international protection of human rights. Topics include freedom of speech, assembly and association; women's rights; anti-discrimination law; the rights (including land rights) of Aboriginals and the rights of immigrants and refugees.

Texts

O'Neill N and Handley P, *Retreat from Injustice – Human Rights in Australian Law*, Federation Press.

Gaze B and Jones M, *Law, Liberty and Australian Democracy*, Law Book Company.

77008**JURISPRUDENCE**

7cp

prerequisite: 70311 Law of Tort

Deals with theoretical questions which are relevant to an understanding of the notion of law (e.g. What is the law of the State? Is there any other command, convention or the like that can also be called 'law'?). It also includes a discussion of different approaches to the study of law (e.g. 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 socio-political problems, conflicts and other phenomena. Topics here include causation and the law, sovereignty and the law, legal rights and duties, law and ideology. Their treatment in the common law will be examined. A number of theorists are considered e.g. 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 (e.g. 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.

Douzinan C, Warrington R and McVeigh S, *Postmodern Jurisprudence*, Routledge.

77011**INDUSTRIAL AND INTELLECTUAL PROPERTY**

7cp

prerequisite: 70312 Real Property

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 edn, 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: 70212 Criminal Law

This subject explores how crime is socially constructed. A diverse range of criminological issues is considered. These include official and non-official measures of crime; theories of crime; variables of crime (age, sex, ethnicity, socioeconomic status), as well as specific offences (e.g. homicide, white collar crime, sexual and non-sexual assault and disorderly behaviour). Additionally, methods of controlling crime and preventing crime are reviewed. Readings for this subject are derived from a collection of books, reports, articles and current conference papers.

Texts

Australian Bureau of Statistics: (1994) National Crime Statistics, January to December 1993 Catalogue 4510.0, Canberra.

Chappell D and Wilson P (1994) *The Australian Criminal Justice System The Mid-1990s*, Butterworths.

Cuneen C (1992) *Aboriginal Perspectives on Criminal Justice Institute of Criminology Monograph Series*, No. 1 Sydney.

Matthews R and Young J eds (1992) *Issues in Realist Criminology Sage Contemporary Criminology*, London.

McKillop S and Vernon J, eds (1992) *National Overview on Crime Prevention: Proceedings of a Conference held 4-6 June 1991*, Australian Institute of Criminology, Canberra.

77014

LAW AND COMPUTERS

7cp

prerequisites: 70400 Skills: Computerised Legal Research; 70312 Real Property; 70212 Criminal Law

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 (e.g. 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

Electronic course materials are issued throughout the semester.

77015

LABOUR LAW

7cp

prerequisites: 70212 Criminal Law; 70311 Law of Tort

The subject consists of two parts: individual aspects of the employment relationship; and the formation, foundation and termination of the employment contract. The subject also examines 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 edn, Law Book Company.

McCallum R et al, *Australian Labour Law: Cases and Materials*, Butterworths.
Creighton B et al, *Labour Law Text and Materials*, Law Book Company

77016

ADVANCED TAXATION LAW

7cp

prerequisite: 71212 Revenue Law

This subject 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: 70312 Real Property

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

prerequisites: 70211 Law of Contract; 70411 Commercial Transactions

The subject 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: 70411 Commercial Transactions

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; liability of suppliers, service providers, financiers and manufacturers 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.

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

77024**ENVIRONMENTAL LAW**

7cp

prerequisite: 70612 Administrative Law

The following topics will be considered: the philosophy of environmental law; the constitutional support for environmental actions; the legislative framework of both the Commonwealth and the States; the concept of ecologically sustainable development; the precautionary principle and its implementation

through the legal process; pollution law in New South Wales covering the system of licensing and regulations; land use control; the use of natural resources (such as mining and forestry); the role of the courts – Supreme Court, the Land and Environment Court and the Local Court.

Texts

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

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

77026**LOCAL GOVERNMENT LAW**

7cp

prerequisite: 70612 Administrative Law

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

Pearson L, *Local Government Law in New South Wales*, Federation Press.

77027**TRADE PRACTICES LAW**

7cp

prerequisites: 70312 Real Property; 70411 Commercial Transactions

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 Pengilly 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 Anti-trust Laws of the USA*, Cambridge, Cambridge University Press.

77028**ADVANCED COMPANY LAW**

7cp

prerequisite: 70412 Corporate Law

Given the fluid nature of company law, it is inappropriate 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: 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; 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: 70212 Criminal Law; 70412 Corporate Law

The subject 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, Aboriginal persons, 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

prerequisite: 70900 Skills: Moot

This elective encourages participation in the Jessup International Moot.

This moot was established 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 in Washington. 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. The work involved is certainly no less than that for a large research project. The memorials are assessed by memorial judges, often including distinguished teachers of international law who do not sit in the round. In addition, there are at least two separate assessments of the moot by benches. These 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: 70412 Corporate Law; 70511 Equity and Trusts and 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 students' 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. If the project is to continue over two semesters students must also enrol in the subject in the second semester and pay HECS.

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.

77042**COMMUNICATIONS LAW**

7cp

prerequisites: 70412 Corporate Law; 70612 Administrative Law

Telecom, Optus and Vodaphone compete with each other to supply services using new communications technologies described as 'Information Superhighways'. Australia's traditional broadcasters now face competition from cable-delivered pay television services.

The laws devised to regulate the provision of communications services are often referred to as the 'Rules of the Road'. The once obvious distinction between broadcasting and telecommunications is becoming blurred. Many of the recent communications laws suffer from overly hasty drafting in an effort to keep up with new technologies.

The first half of this subject deals with traditional areas of communications regulation: defamation, contempt of court and contempt of parliament. The second half compares the statutory regimes established to regulate competition in, and the content of, telecommunications and broadcasting services. The roles and functions of the Australian Telecommunications Authority (AUSTEL), and the Australian Broadcasting Authority (ABA) are examined against a background of the media industry's efforts at 'self-regulation'.

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

prerequisite: 70514 Family Law

This subject 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 subject. Other family units (e.g. gay and lesbian 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; practice matters and reform issues.

Texts

Dicky A, *Family Law*, Law Book Company.
 Finlay H, *Family Law Cases and Materials*, Butterworths.
 Parker S, *Australian Family Law in Court*, Law Book Company.

77045

LAW AND MEDICINE

7cp

prerequisite: 70612 Administrative Law

Deals with those areas of law that 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: 70513 Succession; 70514 Family Law

This subject examines 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 subject 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.
 Naffine N, *Law and the Sexes*, Allen and Unwin.
 Scutt J, *Women and the Law*, Law Book Company.
Australian Journal of Law and Society, Vol 1.

77047

ADVANCED CONTRACTS

7cp

prerequisites: 70511 Equity and Trusts; 71114 Remedies and Restitution

This subject addresses the question of how contract law assists in the negotiation 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

prerequisite: 70612 Administrative Law

This subject 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: 70611 Federal Constitutional Law

This subject deals with 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; charter parties; bills of lading; Admiralty jurisdiction; maritime liens; salvage; general average); domestic and international carriage of goods, luggage, baggage and passengers by air (especially the Warsaw Convention); the carriage of goods by land and rail; and legal issues connected with the multi-modal transport of goods.

TextsChorley R S and Giles O C, *Shipping Law*, Pitman.Davies M and Dicky 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: 70412 Corporate Law; 70511 Equity and Trusts and 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 students' 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. If the project is to continue over two semesters students must also enrol in the subject in the second semester and pay HECS.

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: 70612 Administrative Law; 71112 Conflict of Laws

This subject deals with legal aspects of international business transactions. An introductory segment explaining the international legal framework for the conduct of international trade in goods and services is followed by sessions dealing with the law relating to international sale of goods (governed by the International Convention on Sale of Goods), the law relating to international carriage of goods (governed by international conventions and international

custom), the alternative methods for conduct of international business including joint ventures and countertrade, government mechanisms controlling entry of goods and unfair trading practices such as dumping and subsidisation of goods, financing international transactions (which will be primarily concerned with Uniform Rules for Documentary Credits) and international governmental agreements regulating trade in services.

Texts

Burnett R, *The Law of International Business Transactions*, Federation Press.

77052

DISPUTE RESOLUTION

7cp

prerequisite: 71201 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

prerequisites: 70212 Criminal Law; 70311 Law of Tort

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. Creighton B et al., *Labour Law Text and Materials*, Law Book Company.

Gunningham N, *Industrial Law and The Constitution*, Federation Press.

McCallum, Pittard 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: 70611 Federal Constitutional Law; 70612 Administrative Law

This elective subject builds on the knowledge acquired by students in the subjects 70611 Federal Constitutional Law and 70612 Administrative Law. Topics covered in lectures will include: freedom of speech; freedom of assembly and association; due process; parliamentary restriction of judicial review; public policy; nationhood; an Australian republic; recent developments in constitutional and administrative 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

prerequisites: nil

This is an introductory subject to Japanese law. The primary aim of this subject is to help students build a knowledge base of Japanese law. For this reason the subject 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 subject 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 at least 79101 Law for Business. Additional prerequisites for some units are currently under

review. For units offered in the Nursing degree the prerequisite is 92125 Values in Nursing Practice. 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 Director of the Undergraduate Supply Program, Michael Adams (330 5418), for information regarding unit Coordinators and current assessment details.

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.

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 that 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.

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; take-overs; information disclosure and creative accounting.

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 as it changes, 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* have on this process.

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 a 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.

79370

LAW AND CONTRACTS FOR MANUFACTURING

3cp

Bachelor of Technology in Manufacturing Engineering

This unit aims to familiarise the student with the Australian legal framework, the sources of commercial engineering law in Australia and the responsibilities of engineers in a manufacturing environment, and to prepare the student for the procedures and processes of operating and negotiating contractual matters as a client, consultant or contractor. Topics include an introduction to Australian law; elements of engineering contracting including the contract life cycle; the tendering process; price adjustment; contract organisation; application of quality assurance; safety and security; environmental protection; product liability; intellectual property.

79371

LEGAL ISSUES IN TELECOMMUNICATIONS

6cp

Bachelor of Engineering in Telecommunications Engineering

This unit introduces students to the legal context of telecommunications and information technology in Australia and internationally, and develops students' understanding of the interplay between technical, commercial and legal aspects of introducing a new product or service, and in particular how the regulatory structure shapes market opportunities. Topics to be covered include contract law; product liability; professional liability; intellectual property law; patents; privacy; consumer rights.

79403

LAW AND THE MANAGER

5cp

Elective

This unit attempts to apply a selective number of legal topics to areas of interest to both public and private sector managers. It aims to highlight a range of legal situations that directly affect managers. Topics covered include employment law; decision making and the legal consequences of decisions; administrative law; alternative dispute resolution; intellectual property, computers and the law.

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 to develop an understanding of the operations of the securities market and the Australian Securities Commission. Topics could include areas regulated by the Corporations Law, trading

in securities, the broker/client relationship, the control of improper activities relating to takeovers, and 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.

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 that 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, copy-right, privacy, computers and crime.

79603

INTERNATIONAL BUSINESS LAW AND REGULATION

5cp

International Business major

Students are introduced to those legal rules that 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 unit 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 benefits 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 and 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

Elective

This unit aims to assist nurses working with disadvantaged groups to act as advocates 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

LEGAL ASPECTS OF HUMAN REPRODUCTION AND CHILD PROTECTION

3cp

Elective

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

Core – Bachelor of Nursing

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

Core – Bachelor of Nursing

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 and circumstances where medical treatment intervenes between injury and death.

POSTGRADUATE COURSES

COURSE INFORMATION AND ENQUIRIES

Administrative Officer (Postgraduate)

Ms Mary Ferguson
Telephone: 281 2699
Fax: 281 2127

Administrative Assistant (Postgraduate)

Mr Paul Holt
Telephone: 281 2699
Fax: 281 2127

Administrative Secretary (Postgraduate)

Mrs Nola Grierson
Telephone: 281 2699
Fax: 281 2127

Academic advice may be obtained from:

Director of Postgraduate Programs
Mrs Alexis Goh
Telephone: 281 2699
Fax: 281 2127

Director of Postgraduate Programs (Supply)

Mr John Taggart
Telephone: 281 2699 or 330 3400
Fax: 281 2127

POSTGRADUATE STUDIES AND SCHOLARSHIPS OFFICE

Enquiries in relation to application requirements, scholarships, fees and other administrative issues should be directed to the UTS 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 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

In some cases 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 1995 closed on 28 October 1994.

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 that 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 (e.g. 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 require 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 the UTS postal address.

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

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.

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 at a cost of \$2.50.

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 a Bachelor's degree 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 Union law; family law; human rights law; intergovernmental 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 to the Higher Degree Committee for approval. Final approval for the admission of candidates and approval of topics reside with the University Graduate School Board. 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, candidates 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 candidacy 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. Candidates should comply with the University Graduate School Board's Code of Practice for Supervisors and Doctoral Candidates.

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 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.

Regarding the **maximum** enrolment period, 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 before** 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 of Postgraduate Programs to discuss their proposed program of study before submitting 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 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. The UTS 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 1994 these fees were \$289 for students not previously enrolled at UTS and \$269 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 totalling 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 in Law, or a Bachelor's degree 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 OTHER POSTGRADUATE PROGRAMS

It may be possible to transfer to the SJD in accordance with the University Rules. Please check with the Postgraduate Studies and Scholarships Office, telephone 330 1523.

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 of Postgraduate Programs, 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, must be made to the Director before enrolling with the other institution.

DISSERTATION TOPIC

SJD candidates should submit proposals for dissertation topics to the Director before lodging their application. Proposals will then be submitted for the approval of the Higher Degree Committee. Final approval for the dissertation topic resides with the University Graduate School Board. 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 Director of Postgraduate Programs 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 candidacy 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 is 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 p.m.

Autumn semester – 27 February to 9 June 1995

Spring semester – 31 July to 10 November 1995.

The School offers a number of post-graduate 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 may 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 1995; Winter program will be held in June – July 1995.

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 may 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 6,000–7,500 words; the written assessment for a 12-credit-point subject will total 12,000–15,000 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.

Regarding the **maximum** enrolment period, full-time students must submit their dissertation no 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.

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 may be completed as follows:

Year 1 – Coursework

Semester 1

77730 Corporate Insolvency and Restructuring (6cp)

77720 International Taxation (2 semester subject)

Semester 2

77720 International Taxation (cont.) (12cp)

77740 Research Paper (6cp)

Year 2 – Coursework

Semester 1

77704 European Union 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

A student wishing to take dispute resolution subjects should note that Master of Dispute Resolution students will be given priority in enrolment.

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 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.

SJD applicants may apply for admission at four stages:

Summer program: Applications for the Summer program 1995 closed on *Friday, 28 October 1994*. Applicants will be notified in writing about their application in early December 1994. Enrolment will take place in the first week of January 1995.

Autumn semester: Applications for the Autumn semester closed on *Friday 28, October 1994*. Applicants will be notified in late January 1995. Enrolment will take place in February 1995.

Winter program: Applications for the Winter program close *Friday, 26 May 1995*. Applicants will be notified and enrolled in June 1995.

Spring semester: Applications for the Spring semester close *Friday, 26 May 1995*. Applicants will be notified and enrolled in July 1995.

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 in the first instance by the Director of Postgraduate Programs and UTS staff will not speculate as to an applicant's likelihood of success.

FEES

The 1995 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 Taxation Office.

In addition to the postgraduate fee, SJD candidates are required to pay annual student union and service fees at enrolment. In 1994 these compulsory fees were \$289 for students not previously enrolled at UTS, and \$269 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 of Postgraduate Programs to discuss their proposed thesis topic before submitting their application.

AREAS OF RESEARCH INTEREST

The particular postgraduate research interests of academic staff are listed under the PhD entry (page 58).

ADMISSION REQUIREMENTS

Candidates for the Master of Laws (by thesis) must have an LLB or equivalent qualification, must demonstrate competence in the area of research and may be required to satisfy other additional requirements.

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. Candidates should comply with the University Graduate School Board's Code of Practice for Supervisors and Master's (by thesis) Candidates.

AWARDING OF HONOURS

Contact the Administrative Officer for details.

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 of Postgraduate Programs to discuss their proposed thesis topic **before submitting their application**.

Applicants should complete a UTS Application for Candidature – Master's Degrees by Thesis 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. The UTS 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 1994, these fees were \$289 for students not previously enrolled at UTS and \$269 for re-enrolling students (subject to change).

Master of Laws (by coursework)

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

The course may 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. 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) program must have an LLB or high professional standing for admission as Category A applicants and may be required to satisfy other additional requirements.

Applicants with other legal qualifications 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 candidacy. There are no other conditions for Category B applicants, who are eligible for the award of LLM with Honours (if 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 of Postgraduate Programs in the first instance, and other UTS staff will not speculate on an applicant's likelihood of success.

Candidates who wish to transfer to the SJD program should contact the Postgraduate Studies and Scholarships Office for information. **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 Information Service and the School of Law.

ATTENDANCE

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

The majority of postgraduate subjects is 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 p.m.

Autumn semester – 27 February to 9 June 1995

Spring semester – 31 July to 10 November 1995.

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 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 may 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 1995; the Winter program is scheduled for June – July 1995.

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 may 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 of Postgraduate Programs, 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, must be made to the Faculty **before** enrolling with the other institution.

CONCENTRATIONS OFFERED IN THE LLM (BY COURSEWORK)

A student may choose 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. A student wishing to take dispute resolution subjects should note that Master of Dispute Resolution students will be given priority in enrolment.

ASSESSMENT

Assessment for LLM subjects may involve 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 6,000-7,500 words; the written assessment for a 12-credit-point subject will normally total 12,000-15,000 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 may be completed as follows:

Year 1

Semester 1

77700 Advanced Legal Research (2cp)

77752 Commercial Arbitration
(Domestic) (6cp)

77712 Deceptive Trade Practices and Product Liability (2 semester subject)

Semester 2

77712 Deceptive Trade Practices and Product Liability (cont.) (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.) (12cp)
77725 Research Project (cont.) (12cp)

A student wishing to take Dispute Resolution subjects should note that MDR students will be given priority in enrolment.

AWARDING OF HONOURS

Candidates who wish to be eligible for Honours in the Master of Laws (by coursework) are required to enrol in 77725 Research Project over two semesters. 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.

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.

Contact the Administrative Officer for details of Honours requirements.

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 may 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 may 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.

APPLICATION PROCEDURES

Applicants for the Master of Laws (by coursework) 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 may be made at the UTS Information Service if required.

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

Summer program: Applications for the Summer program 1995 closed on *Friday, 28 October 1994*. Applicants will be notified in writing about their application in early December 1994. Enrolment will take place in the first week of January 1995.

Autumn semester: Applications for the Autumn semester closed on *Friday, 28 October 1994*. Applicants will be notified in late January 1995. Enrolment will take place in February 1995.

Winter program: Applications for the Winter program close on *Friday, 26 May 1995*. Applicants will be notified and enrolled in June 1995.

Spring semester: Applications for the Spring semester close on *Friday, 26 May 1995*. Applicants will be notified and enrolled in July 1995.

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 of Postgraduate Programs, and other UTS staff will not speculate as to an applicant's likelihood of success.

FEES

The 1995 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 1994 these compulsory fees were \$289 for students not previously enrolled at UTS, and \$269 for re-enrolling students (subject to change).

Master of Dispute Resolution

The Master of Dispute Resolution (MDR) is the first Master's degree in dispute resolution in Australia. The MDR is a multidisciplinary 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 demonstrate equivalent work experience and the ability to undertake projects at an advanced level. Completion of the qualifications of professional bodies in dispute resolution e.g. the Institute of Arbitrators, may be accepted as proof of ability to undertake such projects.

ATTENDANCE

The MDR program 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 is 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 that focus on theory and practical skills will use 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 a.m. and 5.00 p.m. on weekdays and weekends will be a requirement of the MDR program.

The Faculty's postgraduate programs operate as follows:

Summer program – January 1995

Autumn semester – 27 February to 9 June 1995

Winter program – June to July 1995

Spring semester – 31 July to 10 November 1995.

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 programs. The compulsory core subject, 77735 Dispute Resolution, will be offered in the Autumn and Spring semester and in the Winter program 1995.

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 subject 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 relevant considerations. Please contact the Course Coordinator for further details. MDR students will be given priority in enrolment over LLM/SJD students in any Dispute Resolution subjects.

ASSESSMENT

Assessment for MDR subjects may involve a variety of methods including a research paper or papers requiring high standards of academic scholarship, seminar participation, and seminar presentation. Participation in skills-based workshops will also form a significant percentage of assessment. Some observation evaluations of practical skills are also used in the intensive workshops but do not contribute towards assessment for the course. The observation evaluations may be relevant when applying for accreditation with professional organisations external to the University.

The written assessment of the introductory core subject, 77735 Dispute Resolution, requires the completion of papers totalling 15,000 words.

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

The compulsory final subject, 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 may 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 Faculty of Law and Legal Practice must meet the admission criteria. For example, candidates for the LLM program must have a law qualification. See the individual entries in this handbook 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 may be:

Year 1

Semester 1

77735 Dispute Resolution
(2 semester subject)

Semester 2

77735 Dispute Resolution (cont.) (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 may be chosen from subjects which include the following:

- 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)
- 77740 Research Paper (6cp)

¹ Equivalent to two electives.

A limited number of electives will be offered in any one year. Brief descriptions of the subjects listed are given below. Detailed subject descriptions are available from the Secretary to the Course Coordinator, or the Centre for Dispute Resolution, telephone 281 1623, fax 281 1529.

AWARDING OF HONOURS

Contact the Administrative Officer for information.

APPLICATION PROCEDURES

Applicants for the Master of Dispute Resolution program should complete a UTS Application for Admission – Postgraduate Courses form. Postgraduate forms are available from the Postgraduate Studies and Scholarships Office, the UTS Information Office or the Faculty. 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.

MDR applicants may apply for admission at the following stages:

Autumn semester: Applications for the Autumn semester closed on *Friday, 28 October 1994*. Applicants will be notified in late January 1995. Enrolment will take place in February 1995.

Winter program: Applications for the Winter program close on *Friday, 26 May 1995*. Applicants will be notified and enrolled in June 1995.

Spring semester: Applications for the Spring semester close on *Friday, 26 May 1995*. Applicants will be notified and enrolled in July 1995.

Please note that the number of places available is limited, to ensure more personalised tuition and intensive feedback in skills-based 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.

FEES

The 1995 fee for permanent residents of Australia is \$7,200 for the MDR program (\$800 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 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 Taxation Office.

In addition to the postgraduate fee, candidates are required to pay annual student union and service fees at enrolment. In 1994 these compulsory fees were \$289 for students not previously enrolled at UTS, and \$269 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, 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 may be undertaken in two formats:

- (i) incorporation of the core requirements of the Institute of Chartered Accountants for the Professional Year (PY) Program; or
- (ii) 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 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 1995

Autumn semester – 27 February to 9 June 1995

Winter program – June to July 1995

Spring semester – 31 July to 10 November 1995.

The majority of postgraduate taxation subjects is 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, 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 may 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

79702 Land Tax and Payroll Tax (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

79706 Customs Duties/Levies (6cp)

Year 3

Semester 1

79702 Land Tax and Payroll Tax (6cp)

Master of Taxation candidates must undertake an Applied Research subject in their first year of enrolment unless they are able to demonstrate the requisite research skills, in which case they may substitute an alternative elective approved by the Course Coordinator.

AWARDING OF HONOURS

Contact the Administrative Officer for information.

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 Skills¹ (6cp)
- 77719 Capital Gains Tax (12cp)
- 77767 Tax Administration (6cp)
- 22751 Corporate Accounting Issues¹ (6cp)
- 79706 Customs Duties/Levies (6cp)
- 22730 EDP Control and Audit¹ (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)
- 79811 Taxation Paper (1 semester) (6cp)
- 79764 Taxation Project (2 semesters) (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 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.

Master of Taxation applicants may apply for admission at the following stages:

Autumn semester: Applications for the Autumn semester closed on *Friday, 28 October 1994*. Applicants will be notified in late January 1995. Enrolment will take place in February 1995.

Spring semester: Applications for the Spring semester close on *Friday, 27 May 1995*. Applicants will be notified and enrolled in July 1995.

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 1995 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 1994 these compulsory fees were \$289 for students not previously enrolled at UTS, and \$269 for re-enrolling students (subject to change).

Graduate Diploma in Australian Law

The Graduate Diploma in Australian Law (GradDipAustLaw) 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 the 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. It is based on a two-semester academic year:

Autumn semester – 27 February to 9 June 1995

Spring semester – 31 July to 10 November 1995.

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 within the first three 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.

The usual period of enrolment is three semesters.

COURSE STRUCTURE

A minimum program for an overseas lawyer seeking admission in NSW may be:

Administrative Law
 Australian Land Law
 Federal Constitutional Law
 Legal Ethics A and B

However, each candidate's program may vary, depending on the number of subjects he or she is required to take 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 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 1995 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 1994 these compulsory fees were \$289 for students not previously enrolled at UTS (subject to change).

Graduate Diploma in Industrial Property

The School of Law offers a coursework program leading to the award of Graduate Diploma in Industrial Property (GradDipIndProp), 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 per week of attendance over one semester.

Autumn semester – 27 February to 9 June 1995

Spring semester – 31 July to 10 November 1995.

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 or equivalent 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 12,000–15,000 words per subject (see LLM/SJD assessment requirements).

COURSE STRUCTURE

A typical Graduate Diploma program may be:

Year 1

Semester 1

72100 Legal Process¹ (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 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 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 closed on *Friday, 28 October 1994*. Applicants will be notified in late January 1995. Enrolment will take place in February 1995.

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 1995 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 1994 these compulsory fees were \$289 for students not previously enrolled at UTS, and \$269 for re-enrolling students (subject to change).

Graduate Diploma in Corporate Law

The Graduate Diploma in Corporate Law (GradDipCorpLaw) aims to enhance professional practice in the field of corporate law by providing continuing professional education at the postgraduate level.

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. It requires the completion of subjects totalling 48 credit points; there is a variety of ways in which these subjects may be undertaken. The majority of postgraduate subjects is 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 p.m.

Autumn semester – 27 February to 9 June 1995

Spring semester – 31 July to 10 November 1995.

The School offers a number of postgraduate subjects in an intensive attendance mode in Summer or 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. 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 may 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 1995.

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 and 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 the 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: Drafting¹ (2cp)
 77726 Patent Law of Australia (12cp)
or
 77727 Design Law (12cp)
or
 77728 Trademark Law of Australia (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 is offered in any one year. Brief descriptions of the subjects listed are given below. 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 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.

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

Summer program: Applications for the Summer program 1995 closed on *Friday, 28 October 1994*. Applicants will be notified in writing about their application in early December 1994. Enrolment will take place in the first week of January 1995.

Autumn semester: Applications for the Autumn semester closed on *Friday, 28 October 1994*. Applicants will be notified in late January 1995. Enrolment will take place in February 1995.

Winter program: Applications for the Winter program close on *Friday, 26 May 1995*. Applicants will be notified and enrolled in June 1995.

Spring semester: Applications for the Spring semester close on *Friday, 26 May 1995*. Applications will be notified and enrolled in July 1995.

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 of Postgraduate Programs, and other UTS staff will not speculate as to an applicant's likelihood of success.

FEES

The 1995 fee for permanent residents of Australia is \$5,200 for the Graduate Diploma in Corporate Law (\$650 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 1994 these compulsory fees were \$289 for students not previously enrolled at UTS, and \$269 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.

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. It 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 p.m.

Autumn semester – 27 February to 9 June 1995

Spring semester – 31 July to 10 November 1995.

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 1995.

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 and 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 handbook for further details.

COURSE STRUCTURE

Candidates must complete the compulsory subject, Corporations Finance and Securities, together with electives totalling 12 credit points.

ELECTIVES

Electives for the Graduate Certificate in Corporate Law may 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 of Australia (12cp)

or

77727 Design Law (12cp)

or

77728 Trademark Law of Australia (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 is offered in any one year. Brief descriptions of the subjects listed are given below. Detailed subject descriptions are available from the Administrative Secretary.

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 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.

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

Summer program: Applications for the Summer program 1995 closed on *Friday, 28 October 1994*. Applicants will be notified in writing about their application in early December 1994. Enrolment will take place in the first week of January 1995.

Autumn semester: Applications for the Autumn semester closed on *Friday, 28 October 1994*. Applicants will be notified in late January 1995. Enrolment will take place in February 1995.

Winter program: Applications for the Winter program close on *Friday, 26 May 1995*. Applicants will be notified and enrolled in June 1995.

Spring semester: Applications for the Spring semester close on *Friday, 26 May 1995*. Applications will be notified and enrolled in July 1995.

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 of Postgraduate Programs, and other UTS staff will not speculate as to an applicant's likelihood of success.

FEES

The 1995 fee for permanent residents of Australia is \$2,600 for the Graduate Certificate in Corporate Law (\$650 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 1994 these compulsory fees were \$289 for students not previously enrolled at UTS, and \$269 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

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 the Summer or Winter programs.

Autumn semester – 27 February to 9 June 1995

Spring semester – 31 July to 10 November 1995.

ASSESSMENTS

Assessments involve a variety of methods e.g. 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 an accredited 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 the Autumn semester closed on *Friday, 28*

October 1994. Applicants will be notified in late January 1995.

Spring semester: Applications for the Spring semester close on *Friday, 26 May 1995.* Applicants will be notified and enrolled in July 1995.

FEES

The 1995 fee for the Graduate Certificate in Japanese Law and Business is \$2,600. 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 1994 these compulsory fees totalled \$289 for students not previously enrolled at UTS, and \$269 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

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 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 the 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, and have completed the Graduate Certificate in Comparative Law.

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 the UTS 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 and a capstone subject Comparative Law Research Project. Students may, with approval by the Head of the School, take subjects from other law schools.

ASSESSMENT

The assessment for each subject may include: 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
Telephone (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 \$10,000, including the initial coursework program. Further information about fees and enrolment for international candidates is available from the International Programs Office, telephone (612 02) 330 1531, fax (612 02) 330 1530.

Graduate Certificate in Comparative Law

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 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 in 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 the UTS 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 candidates return 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
Telephone (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, telephone (612 02) 330 1531, fax (612 02) 330 1530.

Master of Legal Studies

The School of Law recognises that there are a number of non-lawyers who wish to undertake legal study in order to function effectively in their chosen profession. Accordingly, the School offers this program which provides students with a sound theoretical background as well as the practical skills to be able to identify the legal ramifications of issues that they will encounter in their professional capacity. This graduate program has been specifically designed for non-lawyers who wish to have a more detailed understanding of the legal issues raised in their specific area.

ADMISSION REQUIREMENTS

Applicants for this degree should hold an undergraduate degree from an Australian university or an equivalent tertiary qualification. Applicants who have not gained the requisite tertiary qualifications may be admitted if they can demonstrate equivalent work experience and the ability to undertake research at an advanced level.

ATTENDANCE

This program will be offered on both a part- and full-time basis and is expected to be completed over one-and-a-half years on a full-time basis or its equivalent.

ASSESSMENT

A variety of assessment methods may be employed in the subjects offered, including research papers, seminar presentations and examinations.

COURSE STRUCTURE

The course is structured to first provide students with a general appreciation of the Australian legal system and, second, to allow students to select an area of speciality and undertake a major in one of ten areas. In addition, all students will undertake seminars in Advanced Legal Research in their first year of study.

Students must complete 60 credit points for the Master of Legal Studies:

Advanced Legal Research (0cp)

The Legal Process¹ (12cp)

Subjects chosen from the School's graduate and postgraduate subjects (36cp)

MLS Research Project (12cp)

¹ Students who have undertaken equivalent study may be exempted, and will take another subject or subjects.

Majors in the following ten specific areas are offered:

Asian Law

Commercial Law

Dispute Resolution

Intellectual and Industrial Property Law

International Banking and Financial Law

International Business Law

Public Law

Taxation Law

Industrial Law

The choice of subjects that may be completed for each major are detailed

below. The availability of subjects and majors may vary depending on the demands on the resources of the School of Law.

Asian Law

- 72100 Legal Process (12cp) (core)
77800 MLS Research Project 1 (12cp) (core)

Electives may be chosen from the following. Students must complete at least 30 credit points.

- 77802 International Economic Law (LS) (6cp)
77803 Current Problems of Public International Law (LS) (6cp)
77804 International Business Transactions (LS) (6cp)
77805 Chinese Trade and Investment Law (LS) (6cp)
77806 Chinese Law and Legal Systems (LS) (6cp)
77807 Economic Law of the People's Republic of China (LS) (6cp)
77808 Indonesian Trade and Investment Law (LS) (6cp)
79704 Japanese Law and Business (6cp)

Commercial Law

- 72100 Legal Process (12cp) (core)
77800 MLS Research Project 1 (12cp) (core)

Electives may be chosen from the following. Students must complete at least 30 credit points.

- 79703 Legal Aspects of Contracts Administration (6cp)
77804 International Business Transactions (LS) (6cp)
77811 Deceptive Trade Practices and Product Liability Law (LS) (12cp)
77812 Restrictive Trade Practices Law (LS) (12cp)
77813 Corporate Insolvency and Restructuring (LS) (6cp)
77814 International Commercial Arbitration (LS) (6cp)

Dispute Resolution

- 72100 Legal Process (12cp) (core)
77800 MLS Research Project 1 (12cp) (core)

Electives may be chosen from the following. Students must complete at least 30 credit points.

- 77717 International Commercial Dispute Resolution (12cp)
77735 Dispute Resolution (12cp)
77745 Negotiation (6cp)
77746 Advanced Mediation (6cp)
77747 Pacific Rim Dispute Resolution (6cp)
77748 Victim-Offender Dispute Resolution (6cp)
77749 Construction Industry Dispute Resolution (6cp)
77751 International Commercial Arbitration (6cp)
77752 Commercial Arbitration (Domestic) (6cp)
77760 Family Dispute Resolution (6cp)
77761 Dispute Resolution in Commerce (6cp)
77762 Industrial Dispute Resolution (6cp)
77763 Community Dispute Resolution (6cp)
77764 Environmental Dispute Resolution (6cp)
77765 Court-based Dispute Resolution (6cp)

Intellectual and Industrial Property

- 72100 Legal Process (12cp) (core)
77800 MLS Research Project 1 (12cp) (core)

Electives may be chosen from the following. Students must complete at least 30 credit points.

- 77726 Patent Law of Australia (12cp)
77727 Design Law (12cp)
77728 Trademarks Law of Australia (12cp)
77744 Franchising Law (6cp)
77756 Copyright Law (12cp)
77716 International Trade Law (12cp)

International Banking and Financial Law

- 72100 Legal Process (12cp) (core)
77800 MLS Research Project 1 (12cp) (core)

Electives may be chosen from the following. Students must complete at least 30 credit points.

- 77711 Corporations, Finance and Securities (12cp)
- 77715 Banking Law (12cp)
- 77724 International Banking and Financial Law (12cp)
- 77813 Corporate Insolvency and Restructuring (LS) (6cp)
- 77823 Advanced Corporate Insolvency and Restructuring (LS) (6cp)

International Business Law

- 72100 Legal Process (12cp) (core)
- 77800 MLS Research Project 1 (12cp) (core)

Electives may be chosen from the following. Students must complete at least 30 credit points.

- 77802 International Economic Law (LS) (6cp)
- 77804 International Business Transactions (LS) (6cp)
- 77824 European Union Law (12cp)
- 77811 Deceptive Trade Practices and Product Liability (LS) (12cp)
- 77801 International Trade Law (LS) (12cp)
- 77812 Restrictive Trade Practices (LS) (12cp)
- 77825 Advanced International Economic Law (LS) (6cp)
- 77826 European Union Anti-Trust Law (LS) (6cp)
- 77827 Economic Law in Eastern Europe (LS) (6cp)
- 77828 Private International Law (LS) (6cp)
- 77829 Advanced European Union Law (LS) (6cp)

International Transport Law

- 72100 Legal Process (12cp) (core)
- 77800 MLS Research Project 1 (12cp) (core)

Electives may be chosen from the following. Students must complete at least 30 credit points.

- 77830 Maritime Law (LS) (12cp)
- 77831 Air Law (LS) (12cp)
- 77832 Admiralty Law (LS) (6cp)
- 77833 Carriage of Goods by Sea (LS) (6cp)

Public Law

- 72100 Legal Process (12cp) (core)
- 77800 MLS Research Project 1 (12cp) (core)

Electives may be chosen from the following. Students must complete at least 30 credit points.

- 77830 Current Problems of Public International Law (LS) (12cp)
- 77834 Advanced Administrative Law (LS) (12cp)
- 77841 Advanced Constitutional Law (LS) (12cp)
- 77835 Planning and Development Law 1 (LS) (6cp)
- 77750 Anti-Discrimination Dispute Resolution (6cp)
- 77836 Planning and Development Law 2 (LS) (6cp)

Taxation Law

- 72100 Legal Process (12cp) (core)
- 77800 MLS Research Project 1 (12cp) (core)

Electives may be chosen from the following. Students must complete at least 30 credit points.

- 77837 Tax Procedures, Sales Tax and Stamp Duties (LS) (12cp)
- 77719 Capital Gains Tax (12cp)
- 79707 International Taxation 2 (6cp)
- 77755 Superannuation Law (6cp)
- 77767 Tax Administration (6cp)
- 79701 Stamp Duties (6cp)
- 79702 Land Tax and Payroll Tax (6cp)
- 79706 Customs Duties/Levies (6cp)
- 79762 International Taxation 1 (6cp)
- 79707 International Taxation 2 (6cp)
- 79718 Advanced Taxation (6cp)
- 79761 Indirect Taxation (6cp)
- 79763 Contemporary Issues in Taxation (6cp)
- 79764 Taxation Project (12cp)
- 79792 Taxation Paper (6cp)

Industrial Law

- 72100 Legal Process (12cp) (core)
- 77800 MLS Research Project¹ (12cp) (core)

Electives may be chosen from the following. Students must complete at least 30 credit points.

- 79711 Advanced Industrial Law (6cp)
- 79731 Industrial Law (6cp)
- 79753 Current Issues in Industrial Law (6cp)
- 79752 Employment Legislation (6cp)
- 77762 Industrial Dispute Resolution (6cp)
- 77745 Negotiation (6cp)
- 77746 Advanced Mediation (6cp)
- 77749 Construction Industry Dispute Resolution (6cp)

¹ Research Project only available to MLS students.

AWARDING OF HONOURS

Contact the Administrative Officer for information.

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.

FEES

The 1995 fee for the Master in Legal Studies is \$6,500. 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.**

In addition to the postgraduate fee, candidates are required to pay annual student union and service fees at enrolment. In 1994 these compulsory fees totalled \$289 for students not previously enrolled at UTS, and \$269 for re-enrolling students (subject to change).

Graduate Diploma in Legal Studies

ADMISSION REQUIREMENTS

Applicants for this degree should hold an undergraduate degree from an Australian university or an equivalent tertiary qualification. Applicants who have not gained the requisite tertiary qualifications may be admitted if they can demonstrate equivalent work experience and the ability to undertake research at an advanced level.

ATTENDANCE

This program will be offered on both a part- and full-time basis and is expected to be completed over one-and-a-half years on a full-time basis or its equivalent.

ASSESSMENT

A variety of assessment methods may be employed in the subjects offered, including research papers, seminar presentations and examinations.

COURSE STRUCTURE

The course is structured to first provide students with a general appreciation of the Australian legal system and, second, to allow students to select an area of speciality and undertake a major in one of ten areas. In addition, all students will undertake seminars in Advanced Legal Research in their first year of study. Students must complete 48 credit points for the Graduate Diploma in Legal Studies.

Advanced Legal Research (2cp)

The Legal Process¹ (12cp)

Subjects chosen from the School's graduate and postgraduate subjects (36cp)

¹ Students who have undertaken equivalent study may be exempted, and will take another subject or subjects.

Majors in the following ten specific areas are offered:

Asian Law

Commercial Law

Dispute Resolution

Intellectual and Industrial Property Law

International Banking and Financial Law

International Business Law

Public Law

Taxation Law

Industrial Law

The choice of subjects that may be completed for each major are detailed below. The availability of subjects and majors may vary depending on the demands on the resources of the School of Law.

Asian Law

72100 Legal Process (12cp) (core)

Electives may be chosen from the following. Students must complete at least 30 credit points.

77802 International Economic Law (LS) (6cp)

77803 Current Problems of Public International Law (LS) (6cp)

77804 International Business Transactions (LS) (6cp)

77805 Chinese Trade and Investment Law (LS) (6cp)

77806 Chinese Law and Legal Systems (LS) (6cp)

77807 Economic Law of the People's Republic of China (LS) (6cp)

77808 Indonesian Trade and Investment Law (LS) (6cp)

79704 Japanese Law and Business (6cp)

Commercial Law

72100 Legal Process (12cp) (core)

Electives may be chosen from the following. Students must complete at least 30 credit points.

79703 Legal Aspects of Contracts Administration (6cp)

77804 International Business Transactions (LS) (6cp)

77811 Deceptive Trade Practices and Product Liability Law (LS) (12cp)

- 77812 Restrictive Trade Practices Law (LS) (12cp)
 77813 Corporate Insolvency and Restructuring (LS) (6cp)
 77814 International Commercial Arbitration (LS) (6cp)

Dispute Resolution

- 72100 Legal Process (12cp) (core)

Electives may be chosen from the following. Students must complete at least 30 credit points.

- 77717 International Commercial Dispute Resolution (12cp)
 77735 Dispute Resolution (12cp)
 77745 Negotiation (6cp)
 77746 Advanced Mediation (6cp)
 77747 Pacific Rim Dispute Resolution (6cp)
 77748 Victim-Offender Dispute Resolution (6cp)
 77749 Construction Industry Dispute Resolution (6cp)
 77751 International Commercial Arbitration (6cp)
 77752 Commercial Arbitration (Domestic) (6cp)
 77760 Family Dispute Resolution (6cp)
 77761 Dispute Resolution in Commerce (6cp)
 77762 Industrial Dispute Resolution (6cp)
 77763 Community Dispute Resolution (6cp)
 77764 Environmental Dispute Resolution (6cp)
 77765 Court-based Dispute Resolution (6cp)

Intellectual and Industrial Property

- 72100 Legal Process (12cp) (core)

Electives may be chosen from the following. Students must complete at least 30 credit points.

- 77726 Patent Law of Australia (12cp)
 77727 Design Law (12cp)
 77728 Trademarks Law of Australia (12cp)
 77744 Franchising Law (6cp)
 77756 Copyright Law (12cp)
 77716 International Trade Law (12cp)

International Banking and Financial Law

- 72100 Legal Process (12cp) (core)

Electives may be chosen from the following. Students must complete at least 30 credit points.

- 77711 Corporations, Finance and Securities (12cp)
 77715 Banking Law (12cp)
 77724 International Banking and Financial Law (12cp)
 77813 Corporate Insolvency and Restructuring (LS) (6cp)
 77823 Advanced Corporate Insolvency and Restructuring (LS) (6cp)

International Business Law

- 72100 Legal Process (12cp) (core)

Electives may be chosen from the following. Students must complete at least 30 credit points.

- 77802 International Economic Law (LS) (6cp)
 77804 International Business Transactions (LS) (6cp)
 77824 European Union Law (12cp)
 77811 Deceptive Trade Practices and Product Liability (LS) (12cp)
 77801 International Trade Law (LS) (12cp)
 77812 Restrictive Trade Practices (LS) (12cp)
 77825 Advanced International Economic Law (LS) (6cp)
 77826 European Union Anti-Trust Law (LS) (6cp)
 77827 Economic Law in Eastern Europe (LS) (6cp)
 77828 Private International Law (LS) (6cp)
 77829 Advanced European Union Law (LS) (6cp)

International Transport Law

- 72100 Legal Process (12cp) (core)

Electives may be chosen from the following. Students must complete at least 30 credit points.

- 77830 Maritime Law (LS) (12cp)
 77831 Air Law (LS) (12cp)
 77832 Admiralty Law (LS) (6cp)
 77833 Carriage of Goods by Sea (LS) (6cp)

Public Law

72100 Legal Process (12cp) (core)

Electives may be chosen from the following. Students must complete at least 30 credit points.

- 77803 Current Problems of Public International Law (LS) (12cp)
- 77834 Advanced Administrative Law (LS) (12cp)
- 77741 Advanced Constitutional Law (LS) (12cp)
- 77835 Planning and Development Law 1 (LS) (6cp)
- 77750 Anti-Discrimination Dispute Resolution (6cp)
- 77836 Planning and Development Law 2 (LS) (6cp)

Taxation Law

72100 Legal Process (12cp) (core)

Electives may be chosen from the following. Students must complete at least 30 credit points.

- 77837 Tax Procedures, Sales Tax and Stamp Duties (LS) (12cp)
- 77719 Capital Gains Tax (12cp)
- 79762 International Taxation 1 (6cp)
- 79707 International Taxation 2 (6cp)
- 77755 Superannuation Law (6cp)
- 77767 Tax Administration (6cp)
- 79701 Stamp Duties (6cp)
- 79702 Land Tax and Payroll Tax (6cp)
- 79706 Customs Duties/Levies (6cp)
- 79762 International Taxation 1 (6cp)
- 79707 International Taxation 2 (6cp)
- 79718 Advanced Taxation (6cp)
- 79761 Indirect Taxation (6cp)
- 79763 Contemporary Issues in Taxation (6cp)
- 79764 Taxation Project (12cp)
- 79792 Taxation Paper (6cp)

Industrial Law

72100 Legal Process (12cp) (core)

Electives may be chosen from the following. Students must complete at least 30 credit points.

- 79711 Advanced Industrial Law (6cp)
- 79731 Industrial Law (6cp)
- 79753 Current Issues in Industrial Law (6cp)

- 79752 Employment Legislation (6cp)
- 77762 Industrial Dispute Resolution (6cp)
- 77745 Negotiation (6cp)
- 77746 Advanced Mediation (6cp)
- 77749 Construction Industry Dispute Resolution (6cp)

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.

FEES

The 1995 fee for the Graduate Diploma in Legal Studies is \$5,200. 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.**

In addition to the postgraduate fee, candidates are required to pay annual student union and service fees at enrolment. In 1994 these compulsory fees totalled \$289 for students not previously enrolled at UTS, and \$269 for re-enrolling students (subject to change).

Graduate Diploma in Law for Secondary Teachers

The Graduate Diploma in Law for Secondary Teachers aims to prepare Secondary School and TAFE teachers for teaching the HSC 2- and 3-unit Legal Studies Courses.

ADMISSION

The Graduate Diploma is directed towards all qualified teachers, teaching or intending to teach, Legal Studies to Secondary School or TAFE students. There are no other prerequisites for admission.

ATTENDANCE

The Diploma course is offered on a part-time basis and involves the equivalent of 240 hours of instruction content. It is intended to be completed over two years. Students must complete a total of 48 credit points.

ASSESSMENT

Components of the assessment for the Diploma may include a combination of assignments/essays, class presentations and examinations.

STRUCTURE OF THE COURSE

Students must complete the following four core subjects:

- 72100 Legal Process (12cp)
- 77847 Law in Context (12cp)
- 77845 International Law, the Environment and Technological Change (12cp)
- 77846 World Order and Indigenous Peoples (12cp)

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.

FEES

The 1995 fee for the Graduate Diploma in Law for Secondary Teachers is \$5,200. 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.**

In addition to the postgraduate fee, candidates are required to pay annual student union and service fees at enrolment. In 1994 these compulsory fees totalled \$289 for students not previously enrolled at UTS, and \$269 for re-enrolling students (subject to change).

Graduate Certificate in Law for Secondary Teachers

The Graduate Certificate in Law for Secondary Teachers aims to prepare secondary school and TAFE teachers for teaching the HSC 2-unit Legal Studies courses. This program is scheduled for introduction in Autumn 1995. The course requires the completion of subjects totalling 24 credit points.

ADMISSION

Entry to the course will be available to all qualified teachers teaching or intending to teach Legal Studies to secondary school or TAFE students. There are no other prerequisites for admission.

ATTENDANCE

The Certificate course is offered on a part-time basis and will involve the equivalent of 120 hours of instruction contact. It is intended to be completed over one year. Students must complete a total of 24 credit points.

ASSESSMENT

Components of the assessment for the certificate may include a combination of assignments/essays, class presentations and examinations.

STRUCTURE OF THE COURSE

Students must complete the following two core subjects:

72100 Legal Process (12cp)

77847 Law in Context (12cp)

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.

FEES

The 1995 fee for the Graduate Certificate in Law for Secondary Teachers is \$2,600. 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.**

In addition to the postgraduate fee, candidates are required to pay annual student union and service fees at enrolment. In 1994 these compulsory fees totalled \$289 for students not previously enrolled at UTS, and \$269 for re-enrolling students (subject to change).

Graduate Certificate in Law for Court Referees

This course is designed for persons undertaking duties as court referees in Supreme Court proceedings. It will cater for both qualified lawyers and lay persons who wish to undertake a course focusing on the specific duties and responsibilities of court referees. The subjects offer a cross-disciplinary approach to the attainment of the qualifications.

ADMISSION REQUIREMENTS

Students should have completed an undergraduate degree in Law or equivalent, or any other undergraduate degree and have relevant work experience. Applicants who do not have an undergraduate degree in Law or equivalent must have relevant work experience as court referees. Some knowledge of court referees or professional experience in this area is essential, and it is anticipated that applicants will be working in the field of court referees although this is not essential for admission.

ATTENDANCE

The course is offered on a part-time basis and involves the completion of a total of 24 credit points over a one-year period.

ASSESSMENT

Assessment will generally include components for class participation and the submission of assignments/essays. These will contribute to the overall objectives of the program by focusing on the practical aspects of the application of the law to the relevant areas, thus enhancing the professional practice of students in the field of court referees.

STRUCTURE OF THE COURSE

Students who hold an undergraduate degree in Law will enrol in the following four subjects over two semesters:

- 77752 Commercial Arbitration (Domestic) (6cp)
- 77843 Drafting and Report Writing (6cp)
- 77844 Architecture and Engineering for Lawyers (6cp)

- 77842 Dispute Resolution (for Court Referees) (6cp)

Students who hold a degree in a discipline other than Law or who have relevant work experience will enrol in the following four subjects over two semesters:

- 79720 Legal Environment of Business (6cp)
- 77843 Drafting and Report Writing (6cp)
- 77848 Legal Principles of Court Ordered References (6cp)
- 77842 Dispute Resolution (for Court Referees) (6cp)

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.

FEES

The 1995 fee for the Graduate Certificate in Law for Court Referees is \$2,600. 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.**

In addition to the postgraduate fee, candidates are required to pay annual student union and service fees at enrolment. In 1994 these compulsory fees totalled \$289 for students not previously enrolled at UTS, and \$269 for re-enrolling students (subject to change).

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, telephone 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 are approved subjects. However not all subjects are offered every semester.

- 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)
- 79760 Applied Legal Research (6cp)

- 79761 Indirect Taxation (6cp)
- 79762 International Taxation 1 (6cp)
- 79763 Contemporary Issues in Taxation (6cp)
- 79764 Taxation Project (12cp)
- 79775 Finance Law (6cp)
- 79781 Readings in International Business Law (6cp)
- 79791 Business Law Project (6cp)
- 79792 Taxation Paper (6cp)
- 79811 Taxation Module (6cp)

Brief descriptions of the subjects listed are given below. Detailed subject descriptions are available from the Administrative Secretary.

EXTERNAL AWARD STUDY

Students who are enrolled in a post-graduate course leading to an award at another tertiary institution may apply to undertake subjects with the School of Law that 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 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 program – 31 October 1994
Autumn semester – 30 December 1994
Winter program – 31 May 1995
Spring semester – 30 June 1995

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 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 Information Service or the School of Law.

Completed applications, including a brief résumé, 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 program – 31 October 1994
Autumn semester – 30 December 1994
Winter program – 31 May 1995
Spring semester – 30 June 1995

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 program(s) in which the subject is offered. With the approval of the Director of Postgraduate Programs it may be possible to undertake relevant subjects that are not indicated. For example, 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 or programs are offered every semester.**

The following degree abbreviations are used for the sake of convenience here (please note that these are not the official UTS course abbreviations):

Graduate Certificate in Comparative Law (GCCL)
Graduate Certificate in Law for Court Referees (GCLCR)
Graduate Certificate in Japanese Law and Business (GCJB)
Graduate Certificate in Corporate Law (GCCP)
Graduate Certificate in Law for Secondary Teachers (GCLST)
Graduate Diploma in Corporate Law (GDCL)
Graduate Diploma in Industrial Property (GDIP)
Graduate Diploma in Law for Secondary Teachers (GDLST)
Graduate Diploma in Legal Studies (GDLS)
Master of Taxation (TAX)
Master of Dispute Resolution (MDR)
Master of Law (by coursework) (LLM)
Master of Legal Studies (MLS)
Master of Comparative Law (MCL)
Doctor of Juridical Science (SJD)
Graduate Supply (SUPPLY)

Key to abbreviations for the LLM (by coursework) concentrations:

- {dr} Dispute Resolution
- {a} Asian Law
- {c} Commercial Law
- {ip} Intellectual and Industrial Property Law
- {il} Industrial Law
- {if} International Banking and Financial Law
- {ib} International Business Law
- {it} International Transport Law
- {p} Public Law
- {t} Taxation Law

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 specified in the study guidelines issued by the Institute of Chartered Accountants in Australia for candidates undertaking the professional year examination.

22812

ACCOUNTING MODULE 2

*6cp; 1 semester
Professional Year
availability TAX*

This subject incorporates the topics specified in the study guidelines issued by the Institute of Chartered Accountants in Australia for candidates undertaking the professional year examination.

72100

LEGAL PROCESS

*12cp; 1 semester
availability GDIP, GCLST, GDLST, GDLS, MLS*

This subject is a prerequisite for all subjects in the Graduate Diploma in Industrial Property. 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 and legal research skills. It also introduces the law of torts, property, contracts, trade practices and criminal law.

76100**JAPANESE BUSINESS**

*6cp; 1 semester
availability GCJB*

Commercial disputes often take place between Japanese and Australian companies as they do between Australian companies. Some disputes are caused by the misunderstanding of each other's business customs and practices, and may be avoided if they were familiar with them. This subject 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 subject consists of three sections: (1) the systematic aspect of the Japanese economy; (2) the Japanese company and its practices and customs in business operation, and (3) human resources management practices and employer/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 Japanese society and to consider the implications of Japanese law for Australians in their business relations with Japan. This subject covers various topics

such as Japanese legal history, the role of law in society, the Japanese Constitution, employment law, dispute resolution and legal issues relevant to the establishment of business in Japan.

76103**JAPANESE SOCIETY B**

*6cp; 1 semester
availability GCJB*

Japanese Society B builds upon the subject Japanese Society A. This subject 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 subject will include up-to-date newspaper and magazine articles on law, business and Japanese society; various company documents; and extracts from law and business books.

ELECTIVE – JAPANESE LANGUAGE

*elective
(cp and duration to be determined)
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 Centre to be credited toward the Graduate Certificate in Japanese Law and Business.

77700**ADVANCED LEGAL RESEARCH***2cp; 1 semester**availability LLM, SJD, GDLS, MLS*

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 Union – 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 and sovereign immunity.

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; extra-territoriality; international business contracts; and dispute settlement.

77704**EUROPEAN UNION LAW***12cp; 1 semester**{c}{ib}; availability LLM, SJD*

Topics include the activities of the European institutions especially the EU; the political and economic origins of EU 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; and 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, Hague-Visby and Hamburg Rules, seaworthiness and the duty to take care of cargo, demurrage, general average, freight, and marine insurance. Problems associated with intermodal 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.

77709

PLANNING AND DEVELOPMENT LAW 1

6cp; 1 semester

{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; 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 overseas e.g. 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 of Postgraduate Programs.

77711**CORPORATIONS, FINANCE AND SECURITIES***12cp; 2 semesters**{c}; availability LLM, SJD*

As evident from the title, this subject will focus on the regulation of corporations, the provision of corporate finance and the issuing of securities. This subject will consider a number of topics in each of these broad areas. Under the heading of corporations, the study will concentrate on the manner in which corporations are regulated, including the current regulatory framework, the role and powers of the Australian Securities Commission and the developments in the area of directors' duties. Under the heading of finance the subject will focus on an overview of the financial markets from an economist's point of view and on the various financing methods used including leasing, subordination, use of commercial paper as a financing technique, syndication and participation, credit facilities and the overall taxation implication for each of the above. Under the heading of securities, the regulation of takeovers, the regulation of the securities industry, the rules which control public offerings of securities and the criminal and civil penalties for breach will be examined.

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; and the liability of suppliers, service providers and manufacturers. 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 banking law concentrating on relations between the bank and its corporate customers. The following topics will be examined: the regulatory framework within which banks operate, the relationship between bank and the customer and the activities of banks including cheques, bills of exchange, foreign currency lending, secured and unsecured lending.

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, MLS, GDLS*

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 subject is a three-day skills workshop.

Note: This subject cannot be taken 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 the 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*

This is an advanced study of the law and recent developments in the area. Where relevant, a comparative analysis will be undertaken and the regulation of competition in the United States and the European Union will be studied. The subject will examine the constitutional basis for the Act, the recent developments to expand the applicability of the Act and the rationale for such regulation from both a lawyer's and economist's perspective. The specific prohibitions which will be examined include misuse of market power, mergers, collusive conduct, exclusionary conduct, boycotts, exclusive dealing agreements and resale price maintenance. Current topics including the deregulation of government business enterprises will be studied.

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 subject 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; 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 may be approved for candidates for the LLM or SJD. Candidates undertaking the Research Project must research and write a paper of approximately 15,000 to 20,000 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 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 that 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 mentally ill and intellectually handicapped persons generally.

77735**DISPUTE RESOLUTION***12cp; 2 semesters**{dr}; availability MDR, LLM, SJD, MLS, GDLS*

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 subject 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. Topics to be studied include maritime safety; registration; nationality and ownership of ships; securities (mortgages and maritime liens); admiralty jurisdiction; collision and limitation of liability; salvage, towage and pilotage; maritime employment.

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 the 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, Hague-Visby and Hamburg Rules; seaworthiness and the duty to take care of cargo; demurrage; general average; freight and marine insurance. Problems associated with intermodal 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 may be approved for LLM and SJD candidates. Candidates must submit a proposed topic to the Faculty Board for approval. This subject **does not** fulfil the Faculty Board's requirements for the awarding of Honours within the LLM.

77741**EUROPEAN UNION 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 their relationship to one of the member states of the European Union (normally the UK).

77742**ADVANCED COMPARATIVE LAW – THE COMMON LAW***12cp; 1 semester**availability GCCL, LLM, SJD (international students only)*

This is an intensive subject 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 subject 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}{iff}; 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 EU 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, MLS, GDLS
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 subject concentrates on principled negotiation as taught by the Harvard Law School's Negotiation Project. The subject 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, MLS, GDLS
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, MLS, GDLS
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 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, MLS, GDLS
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 are examined. 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, MLS, GDLS
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 are examined. 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, MLS, GDLS
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 in this unit 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.

Note: 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, MLS, GDLS, GCLCR

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 the 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 Private International Law and in the European Union will be examined.

77760

FAMILY DISPUTE RESOLUTION

*6cp; 1 semester
{dr}; availability MDR, LLM, SJD, MLS, GDLS
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 alternative dispute resolution within the court system for the resolution of family disputes will also be studied. An essential feature of this subject will be the study of the special problems that 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, MLS, GDLS*

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, MLS, GDLS*

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 subject 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, MLS, GDLS*

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, MLS, GDLS
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 subject will explore strategies that 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, MLS, GDLS
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 subject 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 subject 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, objections and appeals, and collection and recovery of unpaid tax. Alternatives for reform are also examined.

77769

ADVANCED EUROPEAN UNION (EUROPEAN COMMUNITY) LAW

6cp; 1 semester

{c}{ib}; availability LLM, SJD

prerequisite: 77704 European Union Law

This subject builds upon 77704 European Union Law to provide an in-depth study of the current position of the European Union (EU) – formerly the European Community – in the world today. The topics to be discussed all involve current issues within the EU or the current issues affecting the EU and other trading blocks. Throughout the subject the relevance of EU law to the Commonwealth, its economy and legal relations will be explored.

77772**MIGRATION LAW**

6cp; 1 semester
availability LLM, SJD

This subject 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; administrative discretion; legal institutions; natural justice; criminal offences; legal practice and procedure, and comparative study of immigration control systems.

77773**PLANNING AND DEVELOPMENT LAW 2: POLLUTION CONTROL LEGISLATION**

6cp; 1 semester
{p}; availability LLM, SJD

The subject looks at pollution control legislation in New South Wales. Topics include the granting of development approvals and pollution control licences; the role of State and local government bodies; court remedies available for breaches of pollution legislation and overlapping Commonwealth and State legislation.

77801**INTERNATIONAL TRADE LAW (LS)**

12cp; 1 semester
{c}{ib}; availability MLS, GDLS

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.

77802**INTERNATIONAL ECONOMIC LAW (LS)**

6cp; 1 semester
{c}{ib}{if}{t}; availability MLS, GDLS

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 and sovereign immunity.

77803**CURRENT PROBLEMS OF PUBLIC INTERNATIONAL LAW (LS)**

12cp; 2 semesters
{ib}{p}; availability MLS, GDLS

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.

77804**INTERNATIONAL BUSINESS TRANSACTIONS (LS)**

6cp; 1 semester
{c}{ib}{if}; availability MLS, GDLS

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.

77805**CHINESE TRADE AND INVESTMENT LAW (LS)***6cp; 1 semester**{a}{c}{ib}{if}{t}; availability MLS, GDLS*

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.

77806**CHINESE LAW AND LEGAL SYSTEMS (LS)***6cp; 1 semester**{a}{ib}; availability MLS, GDLS*

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.

77807**ECONOMIC LAW OF THE PEOPLE'S REPUBLIC OF CHINA (LS)***6cp; 1 semester**{ib}; availability MLS, GDLS*

This subject 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.

77808**INDONESIAN TRADE AND INVESTMENT LAW (LS)***6cp; 1 semester**{a}{c}{ib}{if}{t}; availability MLS, GDLS*

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.

77810**JAPANESE LAW (LS)***6cp; 1 semester**availability MLS, GDLS*

Japanese Law aims to provide an overview of the Japanese legal system, to examine how the law works in Japanese society and to consider the implications of Japanese law for Australians in their business relations with Japan. This subject covers various topics such as Japanese legal history, the role of law in society, the Japanese Constitution, employment law, dispute resolution and legal issues relevant to the establishment of business in Japan.

77811**DECEPTIVE TRADE PRACTICES AND PRODUCT LIABILITY (LS)***12cp; 2 semesters**{c}; availability MLS, GDLS*

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; and the liability of suppliers, service providers and manufacturers. Emphasis is placed upon recent legal developments.

77812**RESTRICTIVE TRADE PRACTICES (LS)***12cp; 2 semesters**{c}; availability MLS, GDLS*

This is an advanced study of the law and recent developments in the area. Where relevant, a comparative analysis will be undertaken and the regulation of competition in the United States and the European Union will be studied. The subject will examine the constitutional basis for the Act, the recent developments to expand the applicability of the Act and the rationale for such regulation from both a lawyer's and economist's perspective. The specific prohibitions which will be examined include misuse of market power, mergers, collusive conduct, exclusionary conduct, boycotts, exclusive dealing agreements and resale price maintenance. Current topics including the deregulation of government business enterprises will be studied.

77813**CORPORATE INSOLVENCY AND RESTRUCTURING (LS)***6cp; 1 semester**{c}; availability MLS, GDLS*

An advanced study of corporate insolvency law. Topics 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.

77815**PATENT LAW OF AUSTRALIA (LS)***12cp; 1 semester**{ip}; availability MLS, GDLS*

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.

77816**DESIGN LAW (LS)***12cp; 1 semester**{ip}; availability MLS, GDLS*

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*.

77817**TRADEMARKS LAW OF AUSTRALIA (LS)***12cp; 1 semester**{ip}; availability MLS, GDLS*

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.

77818

FRANCHISING LAW (LS)

6cp; 1 semester

{c}; availability MLS, GDLS

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.

77819

COPYRIGHT LAW (LS)

12cp; 1 semester

availability MLS, GDLS

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.

77820

CORPORATIONS, FINANCE AND SECURITIES (LS)

12cp; 2 semesters

{c}; availability MLS, GDLS

As evident from the title, this subject will focus on the regulation of corporations, the provision of corporate finance and the issuing of securities. This subject will consider a number of topics in each of these broad areas. Under the heading of corporations, the study will concentrate on the manner in which corporations are regulated, including

the current regulatory framework, the role and powers of the Australian Securities Commission and the developments in the area of directors' duties. Under the heading of finance the subject will focus on an overview of the financial markets from an economist's point of view and on the various financing methods used including leasing, subordination, use of commercial paper as a financing technique, syndication and participation, credit facilities and the overall taxation implication for each of the above. Under the heading of securities, the regulation of takeovers, the regulation of the securities industry, the rules which control public offerings of securities and the criminal and civil penalties for breach will be examined.

77821

BANKING LAW (LS)

12cp; 2 semesters

{c}{if}; availability MLS, GDLS

This is an advanced study of banking law concentrating on relations between the bank and its corporate customers. The following topics will be examined: the regulatory framework within which banks operate, the relationship between bank and the customer and the activities of banks including cheques, bills of exchange, foreign currency lending, secured and unsecured lending.

77822

INTERNATIONAL BANKING AND FINANCIAL LAW (LS)

12cp; 2 semesters

{c}{ib}{if}; availability MLS, GDLS

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.

77823**ADVANCED CORPORATE
INSOLVENCY AND
RESTRUCTURING (LS)***6cp; 1 semester**{c}; availability MLS, GDLS**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.

77824**EUROPEAN UNION LAW (LS)***12cp; 1 semester**{c}{ib}; availability MLS, GDLS*

Topics include the activities of the European institutions especially the EU; the political and economic origins of EU 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.

77825**ADVANCED INTERNATIONAL
ECONOMIC LAW (LS)***6cp; 1 semester**{c}{ib}{if}{t}; availability MLS, GDLS*

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.

77826**EUROPEAN UNION ANTI-TRUST
LAW (LS)***6cp; 1 semester**{c}{ib}; availability MLS, GDLS*

Designed to provide an understanding of the provisions of Articles 85 and 86 of the Treaty of Rome, with a brief survey of their relationship to one of the member states of the European Union (normally the UK).

77827**ECONOMIC LAW IN EASTERN
EUROPE (LS)***6cp; 1 semester**{c}{ib}{if}; availability MLS, GDLS*

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 EU and association agreements; OECD and 'Partners in Transition'; aspects of contracts in corporate business and dispute resolution processes.

77828**PRIVATE INTERNATIONAL LAW
(LS)***6cp; 1 semester**availability MLS, GDLS*

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 Private International Law and in the European Union will be examined.

77829**ADVANCED EUROPEAN UNION LAW (LS)***6cp; 1 semester**{c}{ib}; availability MLS, GDLS**prerequisite: 77704 European Union Law*

This subject builds upon European Union Law 77704 to provide an in-depth study of the current position of the European Union (EU) – formerly the European Community – in the world today. The topics to be discussed all involve current issues within the EU or the current issues affecting the EU and other trading blocks. Throughout the subject the relevance of EU law to the Commonwealth, its economy and legal relations will be explored.

77830**MARITIME LAW (LS)***12cp; 2 semesters**{c}{ib}{it}; availability MLS, GDLS*

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; and 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, Hague-Visby and Hamburg Rules, seaworthiness and the duty to take care of cargo, demurrage, general average, freight, and marine insurance. Problems associated with intermodal transport operations will also be discussed.

77831**AIR LAW (LS)***12cp; 2 semesters**{c}{ib}{it}; availability MLS, GDLS*

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.

77832**ADMIRALTY LAW (LS)***6cp; 1 semester**{it}; availability MLS, GDLS*

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. Topics to be studied include maritime safety; registration; nationality and ownership of ships; securities (mortgages and maritime liens); admiralty jurisdiction; collision and limitation of liability; salvage, towage and pilotage; maritime employment.

77833**CARRIAGE OF GOODS BY SEA (LS)***6cp; 1 semester**{it}; availability MLS, GDLS*

This subject, designed to accompany Admiralty Law, examines the regulation of shipping conferences, and the rights and obligations of parties to the 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, Hague-Visby and Hamburg Rules; seaworthiness and the duty to take care of cargo; demurrage; general average; freight and marine insurance. Problems associated with intermodal transport operations will also be discussed.

77834

ADVANCED ADMINISTRATIVE LAW (LS)

12cp; 2 semesters

{p}; *availability MLS, GDLS*

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.

77835

PLANNING AND DEVELOPMENT LAW 1 (LS)

6cp; 1 semester

{p}; *availability MLS, GDLS*

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; 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.

77836

PLANNING AND DEVELOPMENT LAW 2: POLLUTION CONTROL LEGISLATION (LS)

6cp; 1 semester

{p}; *availability MLS, GDLS*

The subject looks at pollution control legislation in New South Wales. Topics

include the granting of development approvals and pollution control licences; the role of state and local government bodies; court remedies available for breaches of pollution legislation and overlapping Commonwealth and State legislation.

77837

TAX PROCEDURES, SALES TAX AND STAMP DUTIES (LS)

12cp; 2 semesters

{c}{t}; *availability MLS, GDLS*

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.

77838

CAPITAL GAINS TAX (LS)

12cp; 2 semesters

{c}{t}; *availability MLS, GDLS*

An in-depth study of capital gains tax (CGT) including consideration of legislative amendments since introduction of the 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.

77839

SUPERANNUATION LAW (LS)

6cp; 1 semester

{c}{t}; *availability MLS, GDLS*

Provides an overall understanding of the taxation, legal and industry matters affecting superannuation. Specific topics covered include the 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.

77840**TAX ADMINISTRATION (LS)***6cp; 1 semester**{t}; availability MLS, GDLS*

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 subject 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, objections and appeals, and collection and recovery of unpaid tax. Alternatives for reform are also examined.

77841**ADVANCED CONSTITUTIONAL LAW (LS)***12cp; 2 semesters**{p}; availability MLS, GDLS*

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.

77842**DISPUTE RESOLUTION (FOR COURT REFEREES)***6cp; 1 semester**availability GCLCR*

This subject trains court referees to undertake the task of mediation as a method of resolving disputes. It looks at the role of the mediator, methods of problem solving, generating options and proposals for a settlement and compliance with court requirements.

77843**DRAFTING AND REPORT WRITING***6cp; 1 semester**availability GCLCR*

This subject studies the principles of legal drafting to enable the student to

undertake the drafting of reports and documents for use in the Court process and to acquire skills in the use of plain English in a legal context.

77844**ARCHITECTURE AND ENGINEERING FOR LAWYERS***6cp; 1 semester**availability GCLCR*

This subject gives an overview of issues and concepts which relate to architecture and engineering. It familiarises students with these professional roles and with architecture and engineering techniques, skills and methods.

77845**INTERNATIONAL LAW, THE ENVIRONMENT AND TECHNOLOGICAL CHANGE***12cp; 1 semester**availability GDLST, GCLST*

This subject is designed to develop an understanding of the international dimension of legal issues. The nature and function of global environment will be examined in the context of legal institutions and their effectiveness for exercising control over the conservation of natural resources. There will also be a consideration of the need to evaluate and assess the legal resources required to respond to problems arising from technological change.

77846**WORLD ORDER AND INDIGENOUS PEOPLES***12cp; 1 semester**availability GDLST, GCLST*

This subject is designed to develop an understanding of what is meant by world order and the extent to which its perception may be affected by such factors as national events, business interests and humanitarian concerns. Within this context the roles of indigenous people at a global level will be

reviewed. The development of global recognition and how Australia has responded to these international developments will be examined.

77847

LAW IN CONTEXT

*12cp; 1 semester
availability GDLST, GCLST*

This subject develops an appreciation and evaluation of the legal system within the Australian context. Using case studies, the subject examines contemporary Australian law and the relationship between the individual and the State.

77848

LEGAL PRINCIPLES OF COURT ORDERED REFERENCES

*6cp; 1 semester
availability GCLCR*

This unit studies the principles under which a referee appointed by the Court may act, the rules of evidence and in particular how to assess the expertise of a witness. The subject also covers judicial technique and the role of expert determination and arbitration.

79701

STAMP DUTIES

*6cp; 1 semester
availability TAX, LLM, SJD, MLS, GDLS*

This unit gives a general overview of stamp duty, the means by which stamp duty is imposed, and the major instruments and transactions that 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, MLS, GDLS*

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, MLS, GDLS*

This subject aims to provide participants with an appreciation of the legal issues that affect the complex contractual arrangements that are a feature of the purchasing and materials management function.

79704

JAPANESE LAW AND BUSINESS

*6cp; 1 semester
availability LLM, SJD, SUPPLY, MLS, GDLS*

This is an interdisciplinary subject covering areas such as the development of Japanese legal systems, the role of law in Japanese society, business law (especially anti-monopoly law), bureaucracy and current issues.

79706

CUSTOMS DUTIES/LEVIES

*6cp; 1 semester
availability TAX, SJD, LLM*

This unit covers a wide range of substantive Customs commercial laws, which have a significant role in the conduct of trade between nations. The

international focus of this subject is designed to meet the requirements of students practising either in Australia or overseas. It affords an insight into the application of Customs commercial controls, through a consideration of the underlying principles. The emphasis in the subject is directed to the relevant public international law, which is at the root of Customs administration. The practical application of anti-dumping and countervailing measures through Australian domestic laws will be referred to by way of example. A similar approach is also adopted when considering the questions of the valuation of imported goods, the application of the harmonised commodity classification system, and concessional entry including a consideration of preference and origin rules. There is also a discussion of the electronic information systems, the Customs audit process and appeal provisions. Reference is made to a number of other matters of relevance to the collection of duties and to the import and export of goods. The subject is interdisciplinary and will involve the discussion and practical application of economic, accounting and legal concepts in the analysis of international trade.

79707

INTERNATIONAL TAXATION 2

*6cp; 1 semester
availability TAX, MLS, GDLS*

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
{if}; availability SUPPLY, LLM, SJD, MLS, GDLS
prerequisite: 79731 Industrial Law*

Develops understanding of the legal regulation of the employer/employee relationship. Instils an awareness of solutions to problems in this field attempted by other legal systems, and an understanding of current problems. Students develop skills in the preparation for, and presentation of, cases before industrial tribunals. 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, MLS, GDLS*

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, GDCR, MLS, GDLS*

Strand 1: Emphasis on commercial concepts
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; crime and tort; the law of property and contract; consumer protection and 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 as outlined in Strand 1, with emphasis on understanding the law of business and the impact of computers, including issues relating to intellectual property e.g. copyright protection of computer software, patents and confidential information.

79731

INDUSTRIAL LAW

6cp; 1 semester

{if}; *availability SUPPLY, LLM, SJD, MLS, GDLS*

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, MLS, GDLS

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 subject 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, MLS, GDLS

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; trademarks, 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

This unit examines 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, MLS, GDLS

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 (e.g. 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

{if}; availability SUPPLY, LLM, SJD, MLS, GDLS

This subject considers in detail the main aspects of the Australian and NSW employment legislation, together with special legislation concerning leave with pay, workers' compensation, occupational health and safety, and anti-discrimination. A special component of this subject is the study of the legislation and common law affecting industrial disputes.

79753

CURRENT ISSUES IN INDUSTRIAL LAW

6cp; 1 semester

{if}; availability SUPPLY, LLM, SJD, MLS, GDLS

This subject focuses on current developments and central issues in industrial relations law; ensures that students are familiar with state-of-the-art knowledge and practice in the field. Topics 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 Union 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, LLM, SJD, TAX, MLS, GDLS*

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, MLS, GDLS*

A comprehensive explanation of the important issues within the international environment of business is provided. 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, MLS, GDLS*

This subject examines key current issues in taxation within the Australian environment. As emphasis is placed on important contemporary issues, the subject content and presentation may vary in order to respond to changes in legislation and practice.

79764**TAXATION PROJECT***12cp; 2 semesters**availability – only available with the permission of the Director***79775****FINANCE LAW***6cp; 1 semester**availability SUPPLY, MLS, GDLS*

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*

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 – only available with the permission of the Director***79811****TAXATION MODULE***6cp; 1 semester**Professional Year**availability TAX*

Incorporates the topics specified in the study guidelines issued by the Institute of Chartered Accountants in Australia for candidates who are undertaking the professional year examination.

SCHOOL OF LEGAL PRACTICE – THE COLLEGE OF LAW

Graduate Certificate in Legal Practice

The Practical Legal Training Department of the College is an affiliated unit within the University of Technology, Sydney and forms a 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.

Among facilities specifically designed for practical legal training are a central library, practice court rooms, a large lecture theatre and 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.

Further information about the course is contained in the 1995 College of Law Handbook, which is expected to be issued to Law schools in August 1994.

CENTRES WITHIN THE FACULTY

International and Commercial Law Centre (ICLC)

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 and international law and foreign legal systems. Achieving 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 which 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. It 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, and their 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. Members of the Advisory Board include nominees of:

Phillips Fox
 Mallesons Stephen Jaques
 Allen Allen and Hemsley
 Minter Ellison Morris Fletcher

and

Mr Laurie Glanfield, NSW Attorney General's Department
 Professor R D Guthrie, Vice-Chancellor, UTS
 Professor David Flint, Dean, Faculty of Law and Legal Practice, UTS
 Mr David Barker, Faculty of Law and Legal Practice, UTS
 The Director of the Centre is Mrs Alexis Goh.

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 recently 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 the Administrative Officer, Postgraduate Programs, telephone (02) 281 2699.

SPONSORSHIP

The Centre is sponsored by the Faculty of Law and Legal Practice of the University of Technology, Sydney and corporate sponsors.

The corporate sponsors of Centre activities have included:

Continental Airlines Inc
 Freehill Hollingdale and Page,
 Solicitors
 Phillips Fox, Solicitors

Qantas Airways Ltd
 Sly & Weigall, Lawyers
 The Australia-Indonesia Institute
 The Australia-China Council
 United Airlines
 Willis Corroon Limited

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 Centre is jointly sponsored by the Faculties of Law and Legal Practice and of Business. It is a multidisciplinary Centre established to promote excellence in teaching, research, development, continuing professional education and consultancy in the discipline of dispute resolution.

During 1994 the Centre provided the teaching for the Master of Dispute Resolution program based in the School of Law. It also carried out consultancy work designing dispute resolution systems, particularly for complaints handling, for government departments and private enterprise. In addition it developed various consultancy opportunities advising on dispute resolution for private enterprise.

The Centre carried out teaching in dispute resolution in Hong Kong, Singapore, and four other Asian countries as well as in three States in Australia. It has also been requested to teach in three other Asian countries.

In addition the Centre is in the process of developing new courses in dispute resolution that are industry specific, one in complaints handling.

The Centre also has the objective of developing and establishing standards in the use of dispute resolution processes and will create guidelines for their use. These guidelines will be particularised for individual industries and professions.

Substantial grants from the Department of Industry, Science and Technology and from the Department of Business and Regional Development were received by the Centre in 1993/1994 to carry out research in dispute resolution, particularly in relation to small to medium-sized enterprises. The Advance Banking Group donated the facilities and support for the making of a video of a commercial mediation. Apple Computers Australia donated the Centre's computing equipment.

The Centre will continue to carry out consultancy work in 1995 and will provide continuing professional education and training courses in all aspects of dispute resolution. It will continue to encourage and facilitate research and intends to publish a newsletter to disseminate the results. The Centre operates as an information centre on dispute resolution for a wide range of people and organisations, both within Australia and overseas. It will continue to do so in 1995.

Seminars on topical dispute resolution issues will also be sponsored by the Centre. For information concerning these contact the Secretary to the Centre, Ms Rachael Ghata, telephone 281 1623, fax 281 1529.

SUBJECT NAMES IN ALPHABETICAL ORDER

Accounting Module 1	22810
Accounting Module 2	22812
Administration of Criminal Justice	77004
Administrative Law	70612
Admiralty Law	77736
Admiralty Law (LS)	77832
Advanced Administrative Law	77706
Advanced Administrative Law (LS)	77834
Advanced Companies and Securities Law	79411
Advanced Company Law	77028
Advanced Comparative Law – The Common Law	77742
Advanced Constitutional Law	77707
Advanced Constitutional Law (LS)	77841
Advanced Contracts	77047
Advanced Corporate Insolvency and Restructuring	77754
Advanced Corporate Insolvency and Restructuring (LS)	77823
Advanced Criminal Law	77037
Advanced European Union (European Community) Law	77769
Advanced European Union Law (LS)	77829
Advanced Family Law	77044
Advanced Family Law: Proprietary Remedies	77757
Advanced Income Taxation Law	79666
Advanced Industrial Law	79711
Advanced International Economic Law	77738
Advanced International Economic Law (LS)	77825
Advanced Legal Research	77700
Advanced Media Law	77722
Advanced Mediation	77746
Advanced Public Law	77054
Advanced Remedial Law: Damages	77731
Advanced Remedial Law: Equitable Remedies	77732
Advanced Revenue Law	79606
Advanced Taxation	79718
Advanced Taxation Law	77016

Air Law	77718	Corporations, Finance and Securities (LS)	77820
Air Law (LS)	77831	Court-based Dispute Resolution	77765
Anti-Discrimination Dispute Resolution	77750	Criminal Law	70212
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