

UTS
UNIVERSITY
OF TECHNOLOGY
SYDNEY

FACULTY OF LAW

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Faculty of Law

**1990
Handbook**

UNIVERSITY OF TECHNOLOGY, SYDNEY

The University of Technology, Sydney, was established as the New South Wales of Technology in 1965 and became a university in 1988. It amalgamated with Kuring-gai College of Advanced Education and the Institute of Technical, Adult and Teacher Education on 1 January 1990. Over 15,000 students study in over 70 courses at UTS. At postgraduate level the University offers Graduate Diplomas, Masters by coursework, Masters by thesis courses and Doctoral programmes.

All courses are vocationally oriented and the close relationship between a student's academic study and the realities of the work situation is stressed. Particular attention is paid to the needs of part-time students and the structure of their study programmes. In a number of courses, special programmes involving "sandwich" attendance enable the student to alternate between periods of full-time study and full-time professional experience.

The University occupies five campuses close to the business district of Sydney. The main campus is at Broadway, with others at North Shore, Haymarket, Balmain and Kuring-gai.

The Faculty of Law is located at Haymarket.

Full-time, Part-time and Sandwich Courses

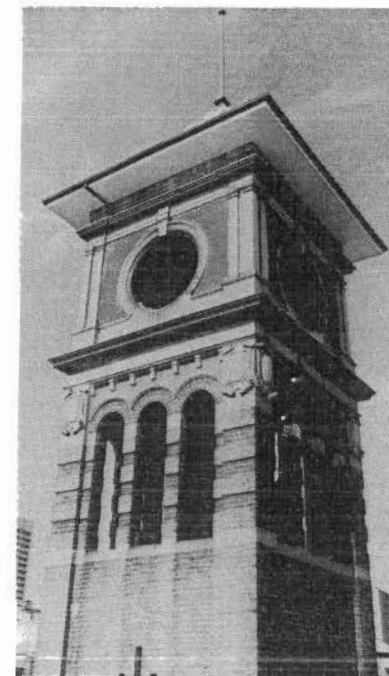
Most courses offered by UTS can be undertaken with part-time attendance. A number of courses are also offered with full-time and sandwich attendance (see table of courses). Students are usually allowed to transfer from one attendance pattern to another at the end of a stage. This is subject to the Head of School's approval and class space availability. The University does not offer external or correspondence courses.

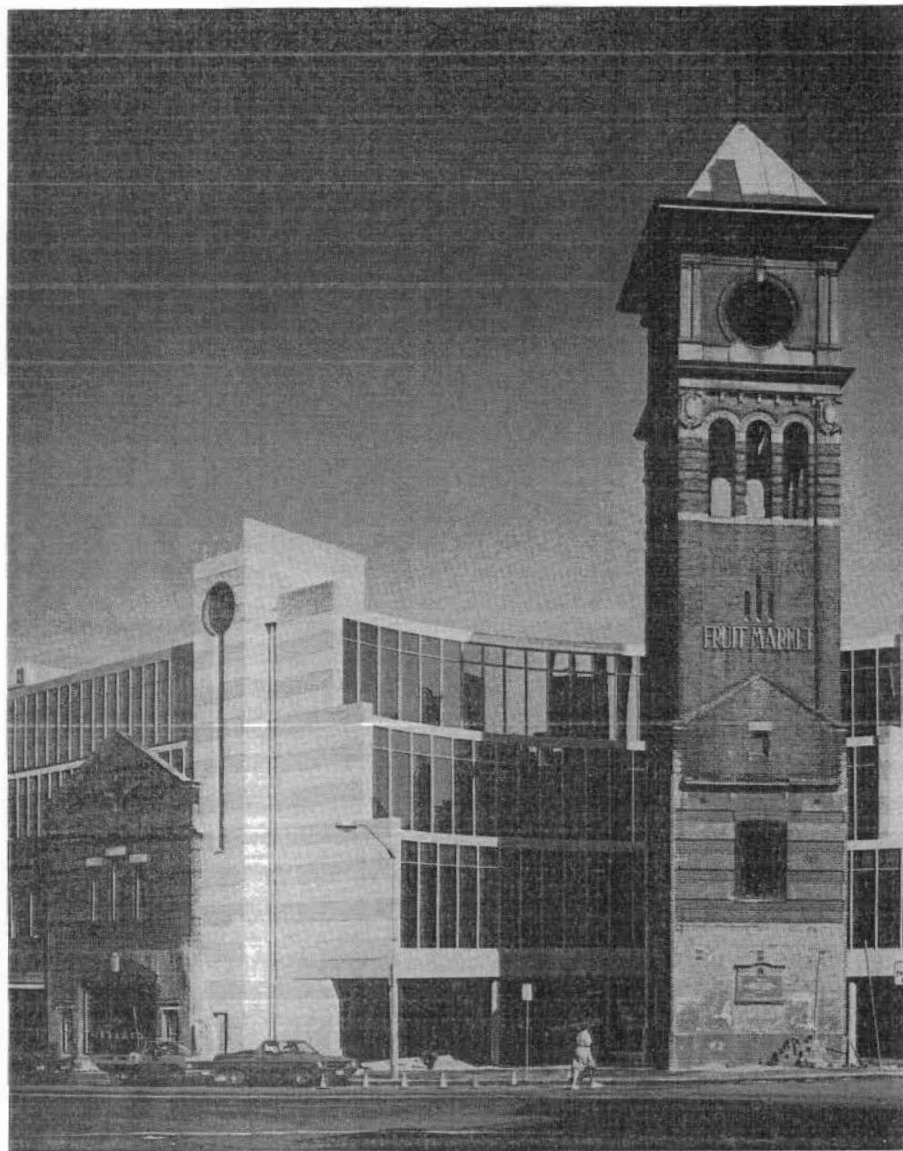
It should be noted that admission to courses on a sandwich attendance pattern basis does not require students to be employed at the time of enrolment.

Further Information

The University publishes a Calendar which may be purchased from the Co-operative Bookshop, or consulted at the University Library or UTS Information Service.

The 1990 Calendar is published in two volumes and should be read in conjunction with this and other UTS Faculty Handbooks. Volume 1 contains other course information, lists of officers and staff, general information and regulations. Volume 2 covers the Kuring-gai campus only.





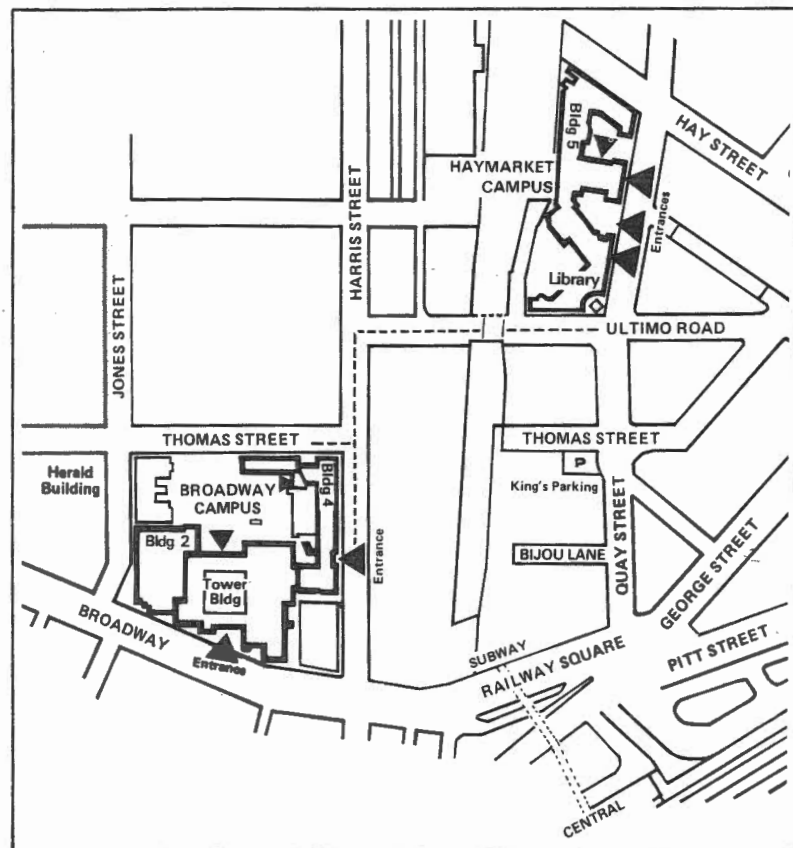
MISSION

The special mission of the University of Technology, Sydney is to provide higher education to equip graduates for professional practice. The UTS approach has been to relate academic study to practical needs and to offer courses through a variety of attendance patterns to encourage the combination of work and study. This style of cooperative education is appealing to students and highly regarded by professional associations.

UTS offers not only a degree but a profession, the option to combine work and study, the opportunity for working men and women to improve their qualifications, and a university education with a difference.

EQUAL OPPORTUNITY

It is the policy of the University of Technology, Sydney to provide equal opportunity for all persons regardless of race, sex, marital status, physical disability, racial vilification or homosexuality.



Faculty of Law

1990 Handbook

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FACULTY LAW
 General Papers: Room B101, Building 5
 Corner Quay Street & Ultimo Road, Haymarket

BROADWAY CAMPUS
 15-73 Broadway
 Broadway
 Telephone: (02) 20930
 PO Box 123
 Broadway NSW 2007



INFORMATION DAY

Visit UTS on Monday 28 May, 1990
from 2.00pm - 7.00pm at the
Broadway Campus 15-73 Broadway.
Phone (02) 20930.

Select from an exciting new range of degree courses in

- Adult Education
- Architecture
- Biological and Biomedical Sciences
- Building
- Business
- Communication
- Computing
- Design
- Education
- Engineering
- Law
- Leisure Studies
- Library and Information Science
- Mathematics
- Nursing
- Physical Sciences
- and Accredited Short Courses

PRINCIPAL DATES FOR 1990

All courses at the University follow the semester pattern of attendance. The academic year is divided into two semesters, each containing twenty weeks.

January

- 3 Teaching commences for College of Law co-operative course C190
- 15 Teaching commences for College of Law full-time course C901
- 29 Academic year commences
- 29-30 Enrolment of continuing students (not Kuring-gai)
- 31 Enrolment of new students (not Kuring-gai)

February

- 1-2 Enrolment of new students (not Kuring-gai)
- 5-9 Enrolment of continuing students (not Kuring-gai)
- 10 Orientation Open Day
- 12 Classes commence for continuing students (not Kuring-gai), new Faculty of Business (Broadway) students and new School of Nursing (Gore Hill) students
- 12 Classes for all Faculty of Adult Education students commence
- 12-15 Enrolment of new and continuing students (Kuring-gai)
- 12-16 Orientation Week
- 13 Teaching ceases for College of Law co-operative course C190
- 13-15 Special Examinations (Kuring-gai)
- 19 Classes commence for other new students (all campuses) and for continuing Kuring-gai students
- 19 Teaching commences for College of Law co-operative course C289

March

- 2 Last day to add subjects (Kuring-gai)
- 9 Last day to add subjects (except Kuring-gai)
- 9 Last day to apply for advanced standing (ie subject exemption)
- 9 Last day to apply for transfer of course
- 9 Last day to pay HECS Up front charges
- 16 Last day for continuing students to withdraw without penalty from a course or a semester-unit (Kuring-gai)
- 16 Teaching ceases for College of Law co-operative course C289
- 19 Tutorial week commences (except Kuring-gai)
- 19 Classes suspended week (Kuring-gai except I.TCS)
- 19 Field Experience week (School of Leisure, Tourism and Community Studies)
- 19 Project and Directed Activity week commences (Faculty of Adult Education)
- 30 Last day to change HECS Payments Option
- 31 Autumn HECS census date

April

- 2 Teaching commences for College of Law co-operative course C189
- 6 Last day for withdraw without academic penalty from a course or subject (except Kuring-gai)
- 6 Last day to approve leave of absence
- 9 Recess week for College of Law full-time course C901
- 13 Good Friday
- 13-20 Easter break (Faculty of Adult Education)
- 16 Easter Monday
- 17 Practicum (School of Teacher Education)
- 23 Practicum (School of Teacher Education, School of Library and Information Studies)
- 23 Field Experience week (School of Leisure, Tourism and Community Studies)
- 23 Classes suspended week (Other Kuring-gai Schools)
- 25 Anzac Day
- 26 Graduation Ceremonies commence
- 27 Last day for first-year Kuring-gai students to withdraw without academic penalty from a course or semester-unit

- 30 Tutorial week commences (not Kuring-gai)
- 30 Practicum (School of Teacher Education, School of Library and Information Studies)
- 30 Field Experience week (School of Leisure, Tourism and Community Studies)
- 30 Classes suspended week (other Kuring-gai Schools)

May

- 1 Teaching ceases for College of Law co-operative course C189
- 7 Practicum (School of Teacher Education)
- 7 Project and Directed Activity week commences (Faculty of Adult Education)
- 25 Closing date for applications for Spring semester
- 28 Information Evening

June

- 4 Formal examinations commence for School of Nursing (Gore Hill)
- 4 Project and Directed Activity week commences (Faculty of Adult Education)
- 11 Queen's Birthday holiday
- 12 Formal examination period commences
- 18 Formal examinations commence for Architecture and Building, Engineering, and Kuring-gai
- 22 Teaching ceases for College of Law full-time course C901
- 22 Last day of teaching semester (Faculty of Adult Education)
- 25 Semester recess commences (Faculty of Adult Education)
- 29 End of formal examination period
- 29 End of Autumn Semester

July

- 2 Semester recess commences
- 2 Teaching commences for College of Law co-operative course C290
- 9 Teaching commences for College of Law full-time course C902
- 17-18 Special Examinations (Kuring-gai)
- 18 Project and Directed Activity week (Faculty of Adult Education)
- 18-20 Mid-year enrolment of students
- 23 Spring Semester commences
- 23 Classes commence for all Kuring-gai students and for continuing students on other campuses
- 25 Classes for all Faculty of Adult Education students commence
- 30 Classes commence for new students (except Kuring-gai)

August

- 3 Last day to add semester-units (Kuring-gai only)
- 9 Last day to apply for advanced standing (ie subject exemption)
- 9 Last day to apply for transfer of course
- 9 Last day to pay HECS Up front charges
- 9 Last day to add subjects (except Kuring-gai)
- 10 Teaching ceases for College of Law co-operative course C290
- 17 Last day to add subjects (except Kuring-gai)
- 17 Last day to withdraw from a course or semester-unit without penalty (Kuring-gai, except first-year students)
- 20 Teaching commences for College of Law co-operative course C190
- 27 Tutorial week commences (except Kuring-gai)
- 27 Practicum (School of Teacher Education, School of Library and Information Studies)
- 27 Field Experience week (School of Leisure, Tourism and Community Studies)
- 27 Project and Directed Activity week commences (Faculty of Adult Education)
- 27 Classes suspended week (other Kuring-gai Schools)
- 30 Last day to change HECS Payment Option
- 31 Spring HECS census date

September

- 3 Practicum (School of Teacher Education, School of Library and Information Studies)
- 3 Field Experience week (School of Leisure, Tourism and Community Studies)
- 3 Classes suspended week (other Kuring-gai Schools)
- 10 Practicum (School of Teacher Education)
- 14 Last day to approve leave of absence
- 14 Last day for withdrawal without academic penalty from a course or subject (except Kuring-gai)
- 14 Teaching ceases for College of Law co-operative course C190
- 17 Practicum (School of Teacher Education)
- 24 Non-teaching fortnight commences (Faculty of Adult Education)
- 26 Teaching commences for College of Law co-operative course C289
- 28 Applications close for admission in 1991

October

- 1 Labour Day holiday
- 1 Field Experience week (School of Leisure, Tourism and Community Studies)
- 1 Classes suspended week (other Kuring-gai Schools)
- 1 Recess week for College of Law full-time course C902
- 9 Tutorial week commences (except Kuring-gai)
- 24 Teaching ceases for College of Law co-operative course C289

November

- 12 Formal examinations commence for School of Nursing (Gore Hill)
- 12 Project and Directed Activity week commences (Faculty of Adult Education)
- 19 Formal examination period commences
- 26 Examinations commence for Architecture and Building, and Engineering
- 30 End of formal examination period (Kuring-gai only)
- 30 Last day of teaching semester (Faculty of Adult Education)

December

- 7 End of formal examination period (except Kuring-gai)
- 14 Teaching ceases for College of Law full-time course C902
- 24 End of academic year

Nursing Practical Experience for Kuring-gai students is ongoing throughout each semester. Details are in the *Clinical Experience Handbook* issued by the School of Nursing.

Kuring-gai Campus Practical Legal Training Courses.**First Half-Year Full-Time 901**

January 15 - June 22

Recess: April 9 - April 16 (incl)

Second Half-Year Full-Time 902

July 9 - December 14

Recess: October 1 - October 5 (incl)

Co-Operative First Half-Year: Course C190

Session I: January 3 - February 13, 1990

Session II: August 20 - September 14, 1990

Session III: April 2 - April 30, 1991

Weekend Seminar - May 5 and 6, 1990

Co-Operative Second Half-Year: Course C290

Session I: July 2 - August 10, 1990

Session II: February 25 - March 22, 1991

Session III: October 8 - November 4, 1991

Weekend Seminar - November 10 and 11, 1990

1990 Academic Year

Autumn Semester

January 29 - June 29

Spring Semester

July 23 - December 24

1990 Public Holidays

Australia Day	January 26
Easter	April 13 - April 16
Anzac Day	April 25
Queen's Birthday	June 11
Labour Day	October 1

1990 TAFE and Public School Holidays

April 13 - April 22

July 2 - July 15

September 24 - October 5

December 17 - January 28

GENERAL INFORMATION

The Faculty Office, (General Papers), is located in Room B101, Building 5, at Haymarket.

The **UTS Information Service** is located in the foyer of the Tower Building at Broadway. It provides information and assistance to the public with all aspects of application for UTS courses. As the student centre it is the principal point of contact between students and the central administration. Through this centre students can obtain assistance with the broadest range of enquiries.

The **Student Health and Counselling Services** are located on the Broadway and Kuring-gai campuses, telephone 218 9145 (Broadway) or 413 8342 (Kuring-gai), and provide the following specialised services.

Student Counselling: The aim of this service is to assist students to perform to the best of their ability. Problems of a personal nature, study difficulties, selection of courses or anything else that is likely to affect a student's progress, may be discussed in confidence with the student counsellors.

Health Service: A free health service is provided for students of the University. A medical practitioner and a nursing sister staff the service and all consultations are considered strictly confidential.

Student Welfare Service: A Welfare Officer co-ordinates several distinct areas of student welfare including Accommodation, Student loans, Austudy applications; advocacy role (if needed) with academic and administrative problems. All interviews are confidential and suggestions for services required by students are welcome.

Students with Physical Disability: The Special Needs Co-ordinator is able to assist students with an increasing range of services. These include parking arrangements; amanuensis (note taker); hearing enhancement equipment; tape recorders; examination concessions (time and print size of paper). A seminar is held early in semester informing students with special needs of UTS policy.

A **Learning Skills Counsellor** is available to assist students with their study methods, particularly those students returning to study after some years absence.

The **International Students Counsellor** assists those students coming to UTS from overseas, with any difficulty they may have in successfully pursuing their course.

English classes: The University offers a variety of English classes particularly for overseas students. Interested students should contact the Student Services Unit in the first instance for further details.

Child Care: The Magic Pudding Child Care Centre provides full-time and part-time care for children of both students and staff. Care is available for children aged up to five years, Monday to Friday (8.00am - 10.00pm). Fees are calculated on a sliding scale based on family income. For further information please call 218 9507 or drop into the Centre at Broadway campus.

Financial Assistance is available to Australian residents under the AUSTUDY Assistance Scheme. The Australian Government provides means-tested living and other allowances to full-time and sandwich students undertaking approved tertiary and postsecondary courses. Further information is available from: The Director, Department of Employment, Education and Training, Plaza Building, 59 Goulburn Street, Sydney, NSW 2000. Telephone: (02) 218 8800. Information booklets and application forms are also available from the Student Welfare Officer in the Student Services Unit at the University.

Fees and the Higher Education Contribution Scheme (HECS): Compulsory fees are payable to the University Union and Students' Association. The 1990 fees are \$155 for new students and \$137 for continuing students.

The Higher Education Contribution Scheme (HECS), introduced by the Commonwealth Government, collects a contribution from higher education students towards the cost of their education. Students (with the exception of some categories) are required to make a contribution of 20 per cent of their course costs. In 1990 this is about \$1882 for a full-time course load. The contributions will only be required if and when the person has the capacity to pay.

Under HECS, an annual course charge of \$1882 will apply for each year of equivalent full-time study undertaken. Relative charges will apply according to the actual proportion of equivalent full-time load being undertaken. If a student undertakes 75 per cent of a full-time load then she or he will be charged about \$1,412 (75 per cent of \$1,882). The charge increases annually in line with tertiary education costs.

Student compulsory fees and HECS "upfront" charges are due and payable by a date determined by the Registrar and Secretary.

The **Students' Association (SA)** represents all students at the University. The Students' Council is the governing body of the SA. Elected by students, it is accountable to the student body. Each Faculty and the School of Design is represented on the Council along with a number of general members elected by all students.

The full-time paid President of the SA is directly elected by students. An Executive Committee assists the President in carrying out the directions of the Students' Council and the day to day management of the Association. The Vice-President is employed full-time to represent student education interests.

In general the SA plays a representative and advocacy role on behalf of students. It liaises closely with the University Union and the Student Services Unit. Additionally, it negotiates with, and/or lobbies government and non-government organisations on education and welfare issues in the interests of the students.

The Students' Association maintains close links with student bodies in other tertiary institutions and has a political role to play in maintaining educational standards

and conditions for students both within the University and the tertiary sector as a whole.

The main office of the SA is located at the Broadway Campus on Level 3A of the Tower Building (telephone 218 9064). Opening hours - 9am to 6pm.

Equal Opportunity Co-ordinator

The Equal Opportunity Co-ordinator is available to assist any students who feel they have been discriminated against in their study. Whether the problem is sexual harassment or other unfair treatment because of race, sex, marital status, physical disability, racial vilification, homosexuality - you will be assured of a confidential hearing. You can contact her on 20930.

The **University Union** acts as the University's community centre and provides a focus for the social, cultural and recreational activities of the whole of the University community. All students are members of, and pay fees, to the Union: all University staff, whose fees are paid by way of an annual lump sum grant from the University to the Union, are also members; all graduates are eligible for life membership of the Union.

The Union fulfills its objectives by providing food services, licensed bars, lounge, meeting and function rooms, stationery shops, newsagency, sporting facilities (including squash courts, gymnasium, weights rooms and basketball/volleyball court), sports programmes and activities programmes which include dances, concerts, lunchtime speakers and entertainment, films and creative leisure courses. The Union also provides considerable financial and other assistance to affiliated clubs and societies. Miscellaneous services include free accident insurance, free legal advice, free diaries and other publications, lockers, telephones and TVs.

The Union also established the University's Careers and Appointments Service, which provides a graduate placement service, casual employment and careers counselling.

The Union is controlled by a board of 15 persons, including eight students. Elections are usually held in September of each year and all interested students are encouraged to stand for a position on the board.

For further information, contact the Union Office on Level 6 of the Tower Building, phone 218 9403.

The **University Library** offers information from libraries on the Haymarket Campus, North Shore and Kuring-gai Campuses. The Faculty of Design has an Information Resource Centre (Library) at the Balmain campus. A wide variety of materials is available. Tours are given by library staff at the beginning of each semester as well as comprehensive sessions on the literature of various subjects.

The **Computing Services Division** provides a variety of facilities and services for undergraduate students. The main installation is on Level 9 of the Tower Building at

Broadway with additional locations at Broadway and at the other campuses.

Scholarships: From time to time a number of companies, institutions and government authorities offer scholarships, cadetships, or employment to students about to commence courses at the University. Details are usually advertised in the press in the latter part of the year or early January. The UTS Information Service maintains a noticeboard devoted to such press clippings in the foyer of the Tower Building.

Prizes are awarded annually to students at UTS for excellence in study. These are made available through the generosity of private individuals and public organisations.

FURTHER INFORMATION

The information given above is a summary only. Further and more detailed information on each of the aspects covered may be obtained from the UTS Information Service or Faculty and School offices at the University.

An Information Evening or Open Day is normally held mid-year and prospective students are encouraged to attend and discuss their proposed courses and careers with members of academic staff. Information concerning the day may be obtained from the UTS Information Service.

STAFF

Professor of Law and Dean of Law
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Solicitor of the Supreme Courts of NSW and England

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Associate Professor

O. Wood, BA, DipEd, LL.B. (Hons) (Syd)

FACULTY BOARD**Ex-Officio Members**

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P.B.C. Griffith

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D. Blaazer, Centre for Learning and Teaching

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Professor of Law

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Associate Professor, Faculty of Law
Vacant

Senior Lecturer, Faculty of Law

R.J. Watt

Registrar and Secretary's Representative
Vacant

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His Honour Judge H.L. Cooper, District Court
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S. McMahon, Legal Officer, Commonwealth Bank
D. Sharpe, Baker & McKenzie
J. Westlake, The Corporate Lawyers Association

Nominated Representatives of Associations

R.J. Bartley, for Chief Justice of NSW
G.K. Downes, QC, for NSW Bar Association
D. Fairlie, for Law Society of NSW
L. Glanfield, for Department of NSW Attorney-General and Justice

The Hon. Mr Justice Kearney, for Chief Justice of NSW
Vacant, for Commonwealth Attorney General

Ex-Officio Members of Associations

A.R. Godfrey Smith, Director, College of Law
M. Strickland, Head, Continuing Legal Education, College of Law
Secretary, Law Graduates Association

COURSES

The Faculty consists of one school: the School of Law.

The degree course in Law provides opportunities for part-time study for those wishing to obtain a professional qualification in the field of Law. The course is structured to ensure that graduates will satisfy the basic academic requirements of the Supreme Court of New South Wales for admission as a solicitor or barrister. Students successfully completing the course will be able to enter the practice course offered at the College of Law which will, in turn, make them eligible to practise as solicitors in New South Wales.

The object of the 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. Today lawyers are increasingly called upon to act as negotiators to settle matters, to advise and counsel parties. The function of lawyers also includes foreseeing problems and preventing the incidence of dispute as well as resolving disputes when they cannot be avoided. This preventative emphasis will be apparent in the teaching of the various subjects throughout the course. Consideration will be given to how a person can organise his or her 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 syllabus provides for a part-time course of six years duration, comprising 108 semester hours. The normal attendance pattern is one afternoon and two evenings per week.

Course Structure

Students must complete sixteen compulsory subjects (64 semester hours), twelve skills seminars (12 semester hours) and eight optional subjects (32 semester hours). Progression for the compulsory subjects is by stage. A stage is defined as one semester's academic work as prescribed in the course programme.

Course Programme

STAGE 1	Hours/Week
70111 Legal and Constitutional History	....4
70112 Introduction to the Legal System	....4
70100 Skills Seminar 1	....1

STAGE 2

70211 Elements of Contract	....4
70212 Criminal Law	....4
70201 Skills Seminar 2	....1

STAGE 3

70311 Law of Tort	....4
70312 Land Law (including Elementary Conveyancing)	....4
70300 Skills Seminar 3	....1

STAGE 4

70411 Commercial Transactions	....4
70412 Law of Associations	....4
70401 Skills Seminar 4	....1

STAGE 5

70511 Equity and Trusts	....4
70512 Family Law (including Succession)	....4
70501 Skills Seminar 5	....1

STAGE 6

70611 Constitutional Law	....4
70612 Administrative Law	....4
70601 Skills Seminar 6	....1

STAGE 7

..... Options	....8
70701 Skills Seminar 7	....1

STAGE 8

..... Options	....8
70801 Skills Seminar 8	....1

STAGE 9

..... Options	....8
70902 Skills Seminar 9	....1

STAGE 10

..... Options	....8
71001 Skills Seminar 10	....1

STAGE 11

71111 Law of Remedies	....4
71112 Conflict of Laws	....4
..... Optional Skills 11*	....1

STAGE 12

71211 Law of Evidence	....4
71212 Revenue Law	....4
..... Optional Skills 12*	....1

*Students choose two of the following subjects for Optional Skills 11 and 12:

71101 Office Management
71102 Legal Ethics
71103 Second Moot
71104 Advanced Legal Research
71201 Special Project

Certain Students, enrolled prior to 1987 may be completing under the old skills program. Details of these skills may be obtained from the Faculty on request.

Acceleration Policy

- (i) Students will not be permitted to study options in lieu of core subjects.
- (ii) In lieu of an acceleration programme form, all students who wish to undertake a study programme other than a normal nine semester hours involving subjects from one and only one stage, are required to make application on a Progression Variation Form.
- (iii) All students making application to vary the normal progression (i.e. doing options together with core subjects) must accept as a pre-condition that if they subsequently apply to withdraw from any core subject within the first eight weeks they must also be required to withdraw from all optional subjects for which they are enrolled. Furthermore they must sign an undertaking to this effect at the time of making the application to vary normal progression. The Head of School or nominee shall have power to waive that undertaking upon proof being shown of special circumstances.

Summer Programme in Law

The Faculty offers a summer programme which enables students to undertake an optional subject during the period December/ January. Students must apply to enrol by the end of the second tutorial week of the Spring Semester prior to the Summer Programme. The Head of School may approve an application for enrolment if the Head is satisfied that the student's previous academic performance is satisfactory. This is normally indicated by the student's W.A.M in Autumn Semester being 55 or above.

Graduate Programmes

The Faculty of Law introduced in 1989 a Master of Laws by Thesis (LLM), Master of Laws by Coursework (LLM) and a Doctorate of Legal Science (SJD). The Faculty also participates in the University's PhD programme. With regard to these programmes a limited number of students will be admitted in each year. SJD candidates must possess an LLB with honours or an LLM to be eligible to make application for admission.

Further information concerning these programmes should be made by contacting the Faculty, as coursework subjects are offered in a full-year mode or, twice yearly, in summer and winter in an intensive encapsulated programme.

SYNOPSIS

70100 SKILLS SEMINAR 1

The aim of this first skills seminar is to teach the basic skills of effective legal research, to aid the student, initially while studying and ultimately while practising.

The student is taught to recognise the separation of legal material into primary source material and secondary source material. The student is taught to appreciate that there can be no single method of research for all problems. The desired result and the initial information known will determine the types of materials used and the order in which they are used. Necessarily, however, the search must inevitably return for an authority to one of the primary sources of law, viz. an Act, a regulation or a judicial pronouncement, and no statement of law can be made by a student without reference to one of the primary sources.

70111 LEGAL AND CONSTITUTIONAL HISTORY

This subject consists of two parts. The English legal and constitutional history part deals with the development of English law and constitution from the Norman Conquest in 1066 to the Judicature Acts in 1873. The English law considered includes both substantive and procedural aspects of private law as well as the major developments in public law, for example, the origin and early development of the Royal Courts. Writs and the forms of action, Magna Carta and the origin of Parliament, the conflict between King and Parliament, developments in Equity in the sixteenth and seventeenth centuries, the Judicature Act reforms and a history of the legal profession. That part dealing with Australian legal and constitutional history commences with an examination of transportation and the convict system. In addition the foundation of the several Australian colonies and their reception of English law, the establishment of legal institutions and legislatures, and certain areas of substantive law in Australia during the nineteenth century are reviewed.

70112 INTRODUCTION TO THE LEGAL SYSTEM

The subject deals generally with the nature of law, the sources of law and the system of law governing New South Wales as part of the Commonwealth of Australia.

Students are also instructed in case analysis, the doctrine of precedent, statutory interpretation and legal reasoning.

Subject Content

The Nature of Law: Law, custom and morality; Positive law and the sovereignty of parliament; The rule of law concept; Branches of law.

The British Legal System: Responsible government; Separation of powers.

Sources of Law: Inherited English law; Imposed English law; Autonomy and limitations on sovereignty; Federation, divided sovereignty and the Statute of Westminster.

Common Law: Judgements as a source of law; Common law and statute law; Common law and equity Characteristics of common law systems.

State Courts: Supreme Court; District Court; Local Court; Other tribunals, courts and commissions.

Federal Courts: Judicial power of the Commonwealth; High Court of Australia; Federal Court of Australia; Family Court of Australia; Federal jurisdiction in State Courts.

Appeals: General principles; Appeal structures and the hierarchies of courts, federal and state; Prerogative writs.

The Judicial Process: Pre-trial procedure; Trial procedure; Judge and jury.

The Legal Profession: Structure and roles in a divided profession; Discipline and professional standards.

70201 SKILLS SEMINAR 2 - FORM OF CONTRACT & STATUTORY INTERPRETATION

The aim of this course is to:

- introduce students to the drafting of simple forms of legal documents. As such documents are a fabrication of the facts, the law and the language form, students shall be introduced to the skill of analysis and communication in a simple and effective manner. Further, they shall be introduced to the use of precedent books.
- develop the student's skill of interpreting statutes.

The syllabus includes the following:

- Form of Documents: the theory of drafting; analysis of the facts and instructions; analysis of the applicable law; analysis of the language form; advisory writing, e.g. memoranda written for lawyers; letters written for clients; private law documents, e.g. statutory declarations, contracts, deeds, wills.

- Statutory Interpretation: here students will be given a series of problems to develop their skill of interpreting statute.

70211 ELEMENTS OF CONTRACT

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

70212 CRIMINAL LAW

This subject deals with the substantive criminal law, and briefly with the procedural law. The substantive criminal law consists of those doctrines and rules which identify the conduct which attracts criminal liability.

The course commences with a review of introductory topics, such as the nature of the criminal law, the sources of the criminal law, the classification of offences, the modes of criminal trial, the structure of the criminal courts, and the proof of criminal liability. The elements of a crime (*actus reus* and *mens rea*, i.e. the physical and mental

components of criminal liability) will then be considered. Following this, the various offences, such as the assaults, homicide (murder and manslaughter), the property offences, incitement, attempt and conspiracy will be studied. The criminal defences, such as insanity, automatism, diminished responsibility, intoxication, duress, provocation, the lawful use of force, and necessity will be considered. Finally, the modes of criminal participation represented by the doctrines of accessory liability and vicarious liability will be studied.

70300 SKILLS SEMINAR 3

This course involves a close examination of the current Agreement for Sale of Land but also considers other Agreements and the steps in a typical Conveyancing transaction for a dwelling house in New South Wales.

The matters covered include:

- Introduction: Photostat copies of Certificate of Title, Deposited Plan, Section 88B Instrument, Transfer, Drainage Diagrams and survey certificate are considered and explained.
- Formalities for an enforceable contract for the sale of real property; Section 54A of the Conveyancing Act; Essential terms.
- Consideration of open contracts where parties have bound themselves without having exchanged an Agreement for Sale.
- Exchange of Contracts.
- Land Sales Act, 1964 - Part II General Provisions Relating to the Sale of Land.
- Real Estate Agents: Relevant parts of Auctioneers and Agents Act, 1941 together with regulations, commission, Auctioneers and Agents (remuneration) regulations.
- Summary of the usual procedure in a Conveyancing transaction including: preliminary enquiries, enquiries of statutory bodies, exchange, investigation of title and settlement.
- Analysis of 1982 Edition of Agreement for Sale of Land so far as it relates to Real Property Act land including: description; payment of deposit - stakeholder, default in payment; default provisions; auction sales; vacant possession and tenancies; passing of title and risk; requisitions on title; statement of title and transfer; subject matter of sale; easements, covenants, drainage etc.; purchaser's right of rescission; adjustments on settlement; dividing fences.
- Certificates of Compliance under Section 317A of the Local Government Act.
- Time provisions in relation to settlement.

70311 LAW OF TORT

The subject begins with a discussion of the function and aims of the law of 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.

Reference is also made to defences, vicarious liability and contribution between tortfeasors. Throughout the course 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 the 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.

70312 LAND LAW (INCLUDING ELEMENTARY CONVEYANCING)

The major topics covered in the course are as follows: Feudalism, the Doctrine of Tenure, the Doctrine of Estates "Estates in Fee Simple, Estates in Fee Tail, Life Estates, the Doctrine of Waste, The Role of the Court of Chancery and equitable interests in land, Legal definition of land, Fixtures, Concurrent ownership, Old System Title and the Registration of Deeds Act, Torrens Title, Adverse possession and possessory title, Mortgages, Easements, Covenants, Compulsory Acquisition, Strata Title, Leases

At the conclusion of the course, students should have developed an understanding of the legal principles and the major aspects of the legislation relevant to the above topics.

Students should also have developed an ability to analyse factual problems by recognising the legal issues in them, applying the law to them and proposing legal solutions to them.

The Land Law course is taught in conjunction with the Skills 3 course which concentrates on the contract for the sale of land. Students will gain a certain amount of practical knowledge about current conveyancing practices. However the emphasis in the Land Law course is on the law behind the current conveyancing practices and is not intended to be a study of the practices themselves.

70401 SKILLS SEMINAR 4 - MEETINGS AND COMPUTER LEGAL RESEARCH

The subject aims to familiarise students with (a) the basic procedure, law and practice of meetings; and (b) the basic tools available to engage in computer legal research.

The syllabus includes the following:

Law of Meetings: Order at public meetings. Role of the Chair. Pre-meeting procedures. Motions and amendments. Resolutions and rescission. Formal and procedural motions. Points of order. Quorum. Voting (including proxies) Company meetings. Constitution and standing orders. Committees.

Computer Legal Research: Introduction to the concept of computerised researching and Boolean logic. Examination of a number of databanks and their contents including CLIRS, LEXIS, CANLAW, WESTLAW, EUROLEX and the legal contents of DIALOG.

Examination of the development of software for the legal environment, including the keeping of precedents, etc. Practical work.

70411 COMMERCIAL TRANSACTIONS

After an introduction dealing with the nature and classification of interests in personal property (ownership, possession, bailment, etc.), the subject deals with the law relating to the sale of goods, with special reference to the passing of title and risk, and the implied terms of such contracts (including the law relating to banking, negotiable instruments and commercial letter of credit), the law relating to the carriage of goods by land, sea and air (with special reference to CIF and FOB contracts) and the insurance of goods during transit, with special reference to marine insurance.

70412 LAW OF ASSOCIATIONS

The subject is concerned with the response of the law to group activity, and deals with associations formed for both profit and non-profit purposes. Approximately half of the course involves a study of company law, covering the history of company law, the process of formation of companies, the nature of interests in companies, the duties of promoters, the legal position of members, the rights, powers and duties of directors and other officers, legal proceedings, company contracts, liability of companies in crime and tort, and protection of minority shareholders. Other forms of association covered in detail are partnership, unincorporated voluntary association, and joint venture. Brief reference is made to incorporated associations, public corporations, trade unions, co-operatives, credit unions and building societies.

70501 SKILLS SEMINAR 5 - DRAFTING

The main aim of this Skills subject is the development of the skill in the drafting of legal documents. The theory and problems associated with this skill are also discussed and analysed.

Before a legal document can be reduced into written form, the draftsman must fully understand the facts and law relevant to a given situation. The comprehension, appreciation and analysis of the factual and legal situation are skills which this subject aims to develop in students.

The course is comprised of a series of seminars involving both critical analysis and the written form, always bearing in mind the applicable theoretical rules.

The exercises are drawn from examples such as: power of attorney; partnership agreements; service agreements; joint venture agreements; deed; will; Memorandum and Articles of Association.

70511 EQUITY AND TRUSTS

This subject basically covers the law of trusts and those principles of equity not dealt with in other subjects.

Topics: Introduction "Nature of Equity, Equity and the Common Law, Equitable Estates and Interests, Equitable Priorities, Assignments in Equity, Fiduciary Obligations,

The Nature of Trusts, Express Trusts, Charitable Trusts, Implied Trusts, Constructive Trusts, Powers, Rights and Duties of Trustees, Rights of Beneficiaries.

70512 FAMILY LAW (INCLUDING SUCCESSION)

The subject consists of two parts. The first part deals with the general law of Succession including jurisdiction of the Supreme Court and Grants of Representation, the law relating to Wills, Grants of Probate and Letters of Administration, Administration of Assets in a deceased estate, The Testators Family Maintenance and Guardianship of Infants Act and the Family Provisions Act are also dealt with.

The second part of the course deals with the Substantive Law affecting the family unit including the general law relating to the creation and formal requirements of a valid marriage, the jurisdiction of the Family Court of Australia, the Supreme Court of New South Wales and the Courts of Petty Sessions, dissolution of marriage, annulment, rights and duties of spouses inter se, custody of children, maintenance of parties to a marriage including principals upon which maintenance will be granted, declaration and adjustment of property rights and maintenance agreements, injunctions.

70601 SKILLS SEMINAR 6 - LEGAL PROFESSION

The course considers the present structure, functions and role of the legal profession in Australia. Particular attention is given to such matters as the regulation of the profession, ethics and professional conduct together with such contemporary issues as advertising and specialisation. The current Enquiry into the Legal Profession is considered in detail.

70611 CONSTITUTIONAL LAW

This subject is divided into two parts: the first is concerned with the source of constitutional law in its traditional form of parliamentary sovereignty and with emphasis on Australia's origins, together with the limitations and regulations of that power because of our federal, Westminster-style parliamentary system.

The second part of the course is the study of the Commonwealth of Australia Constitution Act (Imp) and related legislation, together with an examination of the legal and financial implications of federalism.

70612 ADMINISTRATIVE LAW

This subject is divided into three parts.

The old administrative law: natural justice; ultra vires; jurisdictional error; judicial remedies.

The new administrative law: Administrative Decisions (Judicial Review) Act; Administrative Appeal Tribunal; Ombudsmen; Freedom of Information legislation.

The Crown: what is the crown? the crown and statutes; crown privilege; crown liability in tort and contract.

70701 SKILLS SEMINAR 7 - PLEADINGS

The aim of this subject is to develop the skill of pleading and encourage the student to think about the matters which

must be present to establish a cause of action. It brings together in a practical way the matters which must be proved in order to establish a cause of action, be it based on contract, tort, land law, legislation regulating commercial transactions, or equity. The skills developed in Drafting are also reinforced.

The syllabus includes the following: Distinction between Statement of Claims and Summonses. Distinction between pleading and particulars. Material facts. The requirement of certainty. Answering your opponent's pleading and cross-claiming. Attacking your opponents pleading. Pleading in action of tort. Pleading in action for breach of contract. Pleading in actions based on (a) goods sold and delivered; (b) goods bargained and sold; (c) work done; (d) money lent.

70801 SKILLS SEMINAR 8 - PRACTICE & PROCEDURE

This subject is concerned with the study of practice and procedure in the Supreme Court and the District Court of New South Wales.

70902 SKILLS SEMINAR 9 - LITIGATION MANAGEMENT

This subject takes students through the steps in litigation between the originating process and the trial itself. It aims to develop students' drafting advocacy and interpersonal relations skills.

The syllabus includes the following: The roles of solicitors and barristers in litigation: mentions, directions, hearings, callovers, readiness hearings, motion, Drafting affidavits. Discovery, inspection and interrogatories. Subpoenas. Negotiations. Advocacy. Drafting index to counsel's brief.

71001 SKILLS SEMINAR 10 - MOOT

This unit requires each student to participate in a moot, a mock trial in which submissions on the law must be given on a problem consisting of a set of hypothetical, agreed facts. In addition to their oral argument the students are also required to provide written submissions giving the outline of their case. The moots are usually held before a judge of one of the federal or state courts or a senior member of the bar. At the beginning of the semester some seminars are held on the requirements of the moot programme, the skills and duties of the advocates and the method of presenting oral submissions in court.

71101 OFFICE MANAGEMENT

The course endeavours to give students an exposure to the basics of modern office management. It includes consideration of such matters as elementary organisational theory, business systems, office design etc., with a view to achieving an overall perspective of the operation of a modern legal office. Students visit legal practices during the course.

71102 LEGAL ETHICS

Structure of the profession. Divisions of the profession. Right of audience. Definition of Ethics. The nature of

a profession. The legal profession distinguished. Regulations of the profession. Professional misconduct - Statutory and Common Law. Barristers' Rules. Duty to the Court. Duty to the client. Duty to the State. Duties to third parties. Duty to opponent. Conflict of duties. Priority of duties. Relationship between Barrister and Solicitor. Barristers' etiquette. Disciplinary bodies (Barristers). Law Society of New South Wales. Fees. Liens (Solicitors). Undue influence.

71103 SECOND MOOT

In this unit students participate in a second moot conducted along the same lines as 71001, the first moot.

71104 ADVANCED LEGAL RESEARCH

The object of the subject is to allow students having completed the majority of the substantive law subjects, the opportunity to consolidate and perfect their researching skills gained in Skills 1 and 5. In addition, they are taught to quickly and efficiently locate and up-date the law of Canada, New Zealand, USA, and the European communities as well as to select source material used in international law.

The syllabus includes the following: Australian primary sources (consolidation). Australian and English Secondary sources (consolidation). American primary sources, concentrating on Federal law but including selected state material. American secondary sources, including the Digest, legal encyclopaedias and Shephards. Selected primary and secondary material of Canada and New Zealand. International law: Treaties: International Court of Justice: European Communities: International Law Organisations.

71111 LAW OF REMEDIES

For historical reasons the more common remedies are either those which are administered at common law or equity, and this is so despite the fusion of the courts of common law and equity. Thus, this subject is to a large extent taken up with the study of the law of damages, as administered at common law, and equitable remedies, including money remedies, Bankruptcy, Quasi Contract and Restitution will also be covered but administrative remedies, having been studied in Administrative Law, will not.

The objectives of the subject include the acquisition of a basic knowledge of the law of remedies and, in so far as they have been covered elsewhere in the Course, a reinforcement of that knowledge. They also include the development of the ability to use this knowledge and apply the law to relatively complex facts, in the form of legal problems. This assumes a general knowledge of the subjects already covered in the Course and the ability to research other areas of law not so covered. The ability to apply case law in the solving of problems will be further developed.

71112 CONFLICT OF LAWS

The subject 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 family law, contract, torts and the law of property. The subject also deals with the conflict problem as it arises between the Australian states with special reference to the full faith and credit provisions of the Constitution.

71201 SPECIAL PROJECT

This is a proposed optional skill. The student may select any project which receives the prior approval of the Head of School or nominee; develops relevant legal skills of the student; and is equivalent in its demand on the student to not less than a one semester hour subject.

71211 LAW OF EVIDENCE

Types of evidence. Relevance, admissibility, weight of evidence. The course of the trial. The 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. Corroboration.

71212 REVENUE LAW

The main objective of the course is a practical understanding of the law as it relates to the revenue areas, including an awareness of many of the unsolved problems in the revenue law area. Greater depth is given to the income tax areas.

The course covers the following areas:
The Federal and State Taxation Systems, the Scheme of the Income Tax Assessment Act, Concepts of Income and Capital, the Concept of Assessable Income, the Treatment of Trading Stock, Dividends, Allowable Deductions and Tax Accounting, the Taxation of Different Types of Taxpayers, Tax Avoidance, Objections Appeals and Other Administrative Procedures, and the questions of Source and Residence, the Scheme of the Stamp Duties Act, the Scheme of the Payroll Tax Act, the Scheme of the Land Tax Management Act and the Scheme of the Sales Tax Legislation.

OPTIONAL LAW SUBJECTS

Not all subjects are offered each semester.

- 77001 Comparative Law A
- 77002 Legal History
- 77003 Comparative Law B
- 77004 Administration of Criminal Justice
- 77005 Shipping Law
- 77006 Public International Law
- 77007 Human Rights
- 77008 Jurisprudence
- 77009 Air Law
- 77010 Research Project I
- 77011 Industrial & Intellectual Property

- 77012 Criminology
- 77013 Commercial Arbitration
- 77014 Law and Computers
- 77015 Labour Law
- 77016 Advanced Taxation Law
- 77017 Strata Titles
- 77018 International Economic Law
- 77019 Conciliation & Arbitration
- 77020 Research Project 2
- 77021 Law of Trade Unions
- 77022 Law of Insurance
- 77023 Consumer Protection Law
- 77024 Environmental Law
- 77025 Law of Banking
- 77026 Local Government Law
- 77027 Trade Practices Law
- 77028 Advanced Company Law
- 77029 Land Dealings
- 77030 Research Project 3
- 77031 Law and Society
- 77032 Legal Ethics & Trust Accounts
- 77033 Advanced Constitutional Law
- 77034 International Business Transactions
- 77035 European Community Law
- 77036 Law & the Arts
- 77037 Advanced Criminal Law
- 77038 Energy & Natural Resources Law
- 77039 Jessup International Moot
- 77040 Research Project 4
- 77041 Commercial Crime
- 77042 Communications Law
- 77043 Special Law Option
- 77044 Advanced Family Law
- 77045 Law and Medicine
- 77046 Women and the Law
- 77050 Research Project 5

77001 COMPARATIVE LAW A

The subject comprises two sections. The first is concerned with the historical development of Roman Law from the XII Tables to the Corpus Juris. The second section is devoted to an introduction to modern civil law systems, with special reference to the French Legal System.

77002 LEGAL HISTORY

This subject is designed to supplement the two principal common law areas of Contract and Tort. The aim is to trace the development of certain fundamental concepts in these areas through the sixteenth, seventeenth, eighteenth and nineteenth centuries and thus give greater insight into the present law.

77003 COMPARATIVE LAW B

This subject deals with the development and spread of Islamic Law; the establishment of the European Maritime Empires; the formation of the Straits Settlement (Malaysia-Singapore) and the introduction of English Law in India (development of the East India Company).

77004 ADMINISTRATION OF CRIMINAL JUSTICE

Prerequisite: Stage 2

This subject deals with criminal procedure. As such, it is concerned with the machinery of criminal justice, especially the police and the criminal courts, and the rules of law and practice governing its operation.

The course is divided into two broad components. It commences with a consideration of matters relating to the investigation of crime by the police, and police powers, and then moves to a consideration of the prosecution and trial of crimes in the criminal courts.

Under the first heading such topics as police questioning and its evidential implications (involving a review of the right to silence, records of interview, access by a person in police custody to legal advice, and the admissibility of confessional statements), arrest, search and seizure, custodial investigation (including fingerprinting, photographing, and identification parades), electronic surveillance, the entry of the police onto private premises, and the obstruction of police in the course of their duty, will be considered.

Under the second heading such topics as bail, summary proceedings, the committal hearing, trial by jury, and the principles governing criminal appeals will be reviewed.

77005 SHIPPING LAW

Prerequisite: 70411 Commercial Transactions

The subject deals with (i) certain elements of Admiralty law, and (ii) the law pertaining to the carriage of goods by sea. Within the former category, topics dealt with include registration, nationality and ownership of ships; sale of ships, mortgages; maritime liens; Admiralty jurisdiction; collisions; limitation of liability; pilotage and towage. The latter category examines the rights and obligations of parties to a contract for the carriage of goods by sea (carrier and shipper), with special reference to charter parties and bills of lading. Topics here include the Hague Rules, seaworthiness and the duty to take care of cargo, demurrage, general average and freight. Problems associated with intermodal and combined transport operations will be discussed, and attention drawn to the Hamburg Rules 1978 which are to replace the Hague Rules. Reference is also made to other international conventions regulating the navigation and commerce of the sea.

77006 PUBLIC INTERNATIONAL LAW

Prerequisite: Stage 2

Ten main 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 recognition of states; state jurisdiction; resources and territorial limits; the legal personality of international organisations; international responsibility; armed conflict; treaties and diplomatic and consular relations.

77007 HUMAN RIGHTS

Prerequisite: 70212 Criminal Law

This subject concentrates on the existing statute and case law in Australia relating to human rights. However, some comparative material from Europe, USA and Canada is also considered. Topics covered in the course will be taken from the following, in consultation with students:

1. Establishment and enforcement of human rights. Constitutional rights, common law rights, the Australian Bill of Rights.
2. Aborigines. Does our legal system, as it is operated, give proper recognition to the rights of minority groups? This question will be considered in terms of the Aborigines but it is a question relevant to all minority groups. The aboriginal land rights question will also be considered.
3. Discrimination. This topic will deal with the legislation of NSW and the Commonwealth dealing with discrimination and with the institutions set up under that legislation.
4. The right to protest. This topic encompasses many of the human rights questions which arise under Australia's democratic political system.
5. The right to free speech and free movement will be looked at in the context of the right of individuals to protest and the right of others to use public places without fear of obstruction. How freedom of speech is curtailed by contempt of court, contempt of Parliament, D notices, censorship, security and sedition will be considered. Defamation will also be studied in this context.
6. Security. This topic will deal with the impact of security organisations on human rights.
7. Privacy. How is privacy protected under the existing Australian law? Should there be a general right to privacy? What are the current proposals to reform the law of privacy in Australia?
8. International protection of human rights. Consideration will be given to international organisations such as the United Nations Human Rights Committee and to conventions, to which Australia is a party, which have impact on human rights.
9. Refugees. Consideration will be given to the role of the United Nations High Commissioner for Refugees and to the conventions, to which Australia is a party, which have impact on human rights.
10. Prisoners' rights.
11. Women's rights.
12. The jurisprudence of human rights.

77008 JURISPRUDENCE

Prerequisite: Stage 4

Part A

This part of the course deals with three traditional topics of legal philosophy, legal reasoning, the justification of punishment and the relationship of law to freedom. It is the first topic that receives most attention. Once it is

acknowledged that much legal reasoning is not rational in the sense that it does not follow the impersonal procedures of logic or science, then the problem is to give an account which does not reduce legal methods to arbitrariness or subjective waywardness. Is legal argument no more than pseudo argument? From this perspective the writings on legal reasoning offered by such theorists as Stone, Perelman, MacCormick and Dworkin are discussed and an attempt is made to treat the problems of legal reasoning and legal interpretation within the context of reasoning and interpretation in general.

Part B

This part of the course aims at giving the students a general understanding of the relationship between law, justice and equality. The meaning and sources of legal positivism are discussed in detail. The positivist approach is contrasted with the natural law theories which maintain that there are certain immutable rules or 'higher' principles within which any legal system must operate. A study of these 'higher' principles also necessitates a discussion of the main similarities and differences between law and morality as well as a consideration of the limits of civil disobedience. In this part of the course, a number of related topics are discussed also, including the meaning of 'utilitarianism' as a principle of legislation, the affirmative action debate in Australia and overseas, Dworkin's rights thesis and the contribution of American legal realism to legal philosophy. All these topics are placed in an historical perspective.

77009 AIR LAW

Prerequisite: Stage 3

This subject is divided into two parts "international air law and Australian air law. Every topic is discussed from these two aspects. The topics examined include the structure and organisation of the air regimes (and the relationship between the states and the Commonwealth in Australian air law); liability in the carriage of passenger, baggage, luggage and cargo; operational liability; environmental problems; security problems presented to carriers and airports; and insurance

77010 RESEARCH PROJECT 1

Students may complete a research project as an optional subject. There are five research project subjects to choose from, ranging from one to five semester hours in length. The Research Project subjects are -

- 77010 Research Project 1 - 1 semester hour
- 77020 Research Project 2 - 2 semester hours
- 77030 Research Project 3 - 3 semester hours
- 77040 Research Project 4 - 4 semester hours
- 77050 Research Project 5 - 5 semester hours

The aim of the research projects is to further develop students' research skills and students are 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;

(d) the ability to present the results of the research in a coherent and comprehensive form.

Students who hope to graduate with honours must complete either Research Project 4 or Research Project 5 and the results will be taken into account in calculating the "honour mark".

Most students require two semesters to complete research projects and are therefore advised to commence work and submit a proposal at least twelve months before anticipated completion of the law course.

77011 INDUSTRIAL AND INTELLECTUAL PROPERTY

Prerequisite: Stage 4

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. It covers selected aspects of the field in depth but the basic structure is as follows:

Confidential Information: trade secrets and the problem of "know how", scope of the present law, classification of type of protection, relation to patent systems and design systems.

Patents: history of patents for invention, and the present system: subject matter, right to apply, employees' inventions, form of application, patent office and third party objections, grounds of invalidity, infringement, argument, licences, Crown use, patents of addition, extensions, and the value of a patent system in the economy.

Designs: present system: subject matter, registration, invalidity, infringement (in outline only), relationship to the copyright system.

Trade Marks and Trade Names: protection at common law, passing off, slander of title, slander of goods, unfair competition; trade mark legislation and its relation to common law protection; right to apply, purpose of registration, distinctiveness, deception and confusion, division of the register, defensive regulations, certification marks, infringement, assignment, registered law agreement, the licensing and exploitation of marks, non-use and use by competitors.

Copyright: history of copyright protection, nature of copyright works in which copyright subsists, law of copyright, ownership, assignment, licensing, infringement in relation to different classes of works, relationship to breach of confidence and "protection of know how".

77012 CRIMINOLOGY

Prerequisite: 70212 Criminal Law

The purpose of the course is to introduce students to a range of subjects, issues and theories within contemporary criminology. It is intended to be critical and skeptical. The first part of the course deals with popular understandings and conceptions of the crime problem. The rest of the course covers a number of selected topics

of continuing importance in criminological debate. An attempt is made to deal with particular theories in the context of a discussion of concrete issues and subjects. Teaching is by way of seminar discussion of materials provided in advance. Everyone is expected to take particular responsibility for preparing and introducing at least one class.

77014 LAW AND COMPUTERS

Prerequisite: Stage 4. Some knowledge of mathematics of logic is desirable, but not necessary.

The aim of this course is to introduce lawyers to the legal and practical effects of modern computer information systems. After a short introduction to basic computing concepts, the course focuses on particular areas in which computers have affected or will affect the law. Particular topics are data retrieval, computers and crime, patents and copyright in computer hardware/software, computer contracts, aspects of the law of evidence, and land titles. Logical and systematic analysis of legal operations is also taught.

77015 LABOUR LAW

Prerequisite: Stage 3

The course is in two parts:

1. Individual aspects of the employment relationship: the formation, foundation and termination of the employment contract. Also examined is the intrusion into and the modification of the employment relationship by awards and various pieces of industrial welfare legislation.
2. Industrial health and safety: occupational health and safety legislation; the rights and liabilities of employers and employees under common law principles and legislation.

77017 STRATA TITLES

Prerequisite: Stage 4

This subject is essentially a study of the law of Strata Titles. However, it is presented in such a way as to maximise its relevance to current land development practice and common conveyancing practice. Particular emphasis is given to the principles applying to the sale and purchase of home units.

The course deals with the Australian history of flat ownership with particular emphasis on New South Wales. It also covers the various aspects of title; development procedures (including Local Government and registration aspects); staged Strata Development; Corporate nature of the Body Corporate and its various powers; authorities' duties and functions; the application of common law principles to a Strata Title Body Corporate; the regulation of Common Property, rights and duties of Proprietors and other office bearers; the interrelationship between the Strata Title legislation and the Auctioneers & Agents Act, 1941; provisions relating to settlement and arbitration of

disputes; principles affecting day to day transactions and, time permitting, comparisons are made with similar legislation in other Australian states and overseas.

77018 INTERNATIONAL ECONOMIC LAW

Prerequisite: Stage 4

This is a branch of Public International Law concerned with the application of that law to the international economy. Because of the vastness of the topic, it is not possible to fully cover the subject in one semester; it is therefore proposed to deal with certain basic aspects, as well as a number of topics which are particularly pertinent at the time of lecturing. In this introductory topic, the following items are discussed:

Sources of Law

The Present Regime

The New International Economic Order

The New World Corporate Order

The International Economic Order and Specific Resource Issues: the Common Heritage; the deep sea bed; Antarctica; Outerspace; New World Information Order; Territorial Disputes and Demarcation; Boycotts and Sanctions.

Investment; State Contracts; Nationalisation and Compensation; Pacta Sunt Servanda; Aspects of International Petroleum Law; the Control of the Multinational Corporation; the Settlement of International Investment Disputes.

Finance: the International Monetary Fund; Floating Currencies; Foreign Exchange Control Law and International Contracts "Article VII of the IMF; Aspects of International Fiscal Law; European Monetary System; Sovereign Debt Problems; Eurocurrency Markets.

Trade: the General Agreement on Tariffs and Trade; the Tokyo Round; Protectionism and Legal Reactions; Trading Blocs "EEC, ASEAN, UNCTAD and the GSP; Political Controls and Boycotts; International Contracts; Uniformity of International Trade Law; International Commodity Agreements.

National Law and International Economic Law: Sovereign Immunity; Extraterritorial Jurisdiction - Subject matter Jurisdiction; Antitrust Law; Other Law - Corrupt Practices, Securities Law etc.; Extraterritorial Jurisdiction - Personal Jurisdiction; Taxation - some current problems, transfer pricing, unitary taxation.

77019 CONCILIATION & ARBITRATION

Prerequisite: Stage 4

This course aims to give students an understanding of our system of industrial relations which is based on conciliation and arbitration. Topics include: the role of the High Court of Australia, Federal Court of Australia, Australian Conciliation and Arbitration Commission and the Industrial Commission of New South Wales in our industrial relations system; limitations imposed by the

Australian Constitution on industrial relations: the contents of, the parties to, the ambit of, and the enforcement of Federal Awards: other ways of regulating industrial relations: proposals for reform.

77020 RESEARCH PROJECT 2

See 77010.

77021 LAW OF TRADE UNIONS

Prerequisite: Stage 4

This course treats the legal framework which regulates contemporary Australian unions in both their external activities and in their internal affairs. The topics discussed include the legal status of unions, the constitutional limits in this area to federal power, the arbitration system and its controls over union activities, the rights of unionists, the protection of unions and the regulation of industrial conflict.

77022 LAW OF INSURANCE

Prerequisite: Stage 4

This subject concentrates on a study of the general principles of insurance law; it is not intended to examine the special rules governing each type of insurance contract. After the nature of the contract of insurance is noted, key concepts are dealt with: insurable interest, indemnity and subrogation, risk, non-disclosure, misrepresentation, conditions, warranties, premium. Subsidiary matters such as assignment of policies, liens and reinsurance, may be included. The role of intermediaries in the formation of contracts of insurance is 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 is given to the regulatory framework within which the insurance industry operates.

77023 CONSUMER PROTECTION LAW

Prerequisite: Stage 4

Consumerism. Introduction to the scope of the Common and Statute Law protecting consumers in Australia. Constitutional Limitations. What is meant by Consumer Liability of Seller or Supplier. Manufacturers' Liability. Prescription of Standards. Deceptive Practices. Redress and Special Remedies. Occupational Licensing. Consumer Credit.

77024 ENVIRONMENTAL LAW

Prerequisite: Stage 4

The environmental law course provides a comprehensive guide to the major statutory and common law controls over the use of land and of pollution. The aim of the course is to introduce students to those areas of law which are usually or occasionally encountered when development is proposed or opposed. Thus, students are introduced to the environmental licenses and approvals required, and the procedures and problems which may be encountered for developments such as: aluminium smelters, coal mines, residential flats, forestry, industrial developments, uranium mining, developments on public land (say, by the Maritime

Services Board, Elcom, State Rail Authority, etc) and so on. Heritage legislation is also addressed.

In addition, the course covers the jurisdictions of the Supreme Court, Land and Environment Court and Magistrates Court. The choices between these courts whether for a developer, council, citizen or other body is discussed and a brief glance is given to the differing practices and procedures of these courts. These are matters with which legal practitioners and many other people in NSW are becoming increasingly involved.

77026 LOCAL GOVERNMENT

Prerequisite: Stage 4

This subject includes consideration of traditional areas such as: Environmental planning and assessment, Building regulation, Subdivision, Rating of Land and Environment Court, Judicial review of Council's actions, Actions by the Council.

There is heavy emphasis on Local Government Law. A knowledge of or interest in administrative law would be a useful adjunct. It is anticipated that students will need to refer to a large number of cases.

77027 TRADE PRACTICES LAW

Prerequisite: Stage 4

Constitutional Issues. Monopolisation, Mergers, Secondary Boycotts, Extraterritoriality, Protection of Industry, Competitive Agreements, Exclusive Dealing, Price Discrimination, Resale Price, Maintenance.

77028 ADVANCED COMPANY LAW

Prerequisite: Stage 4

The course covers eleven topics. The first two topics are covered in formal lectures. The remaining topics are covered in seminars.

1. Shares
2. Loans to a company and charges on its assets: Power of the company to borrow, forms of company security, floating charge, registration and priority of the charges, effect of appointment of receiver.
3. Offering Company Securities: Regulation of a public offer, the prospectus, nature of underwriting, penalties for non-compliance.
4. Directors: (a) Eligibility, appointment, powers, remuneration, and removal; (b) Fiduciary duty, consequences of breach of duty, contracts with company, disclosure; (c) Skill and diligence, power of general meeting to excuse director, duties of other company officers.
5. Financial reporting: (a) Balance Sheet requirements, purpose and nature of Profit and Loss Account, statutory requirements to make financial reports, director's responsibilities; (b) Appointment of auditor, auditor's duties and powers.
6. Protection of minority: Majority powers, remedies available to minority, examination of persons connected with company, compensation.
7. Company meetings: Statutory requirements, special resolutions, proxies, irregularity.

8. Schemes of arrangement: Obtaining approval, part of the administrator, role of the court.

9. Take-overs: (a) Form and nature of take-overs, legislation and legislative requirements, exemptions from legislative control, disclosure of substantial shareholdings; (b) Offer requirements, Part A and Part B Statements; (c) Announcement of offer and Part C and Part D Statements, acquisition by stages, withdrawal of offer; (d) Defences available to target company, compulsory disposition and compulsory purchase of shares, prohibition against premium.

10. Insolvency and liquidation: (a) Appointment of official manager, functions and powers of official manager; (b) Compulsory and voluntary winding up, procedural steps, effects on company, creditors and directors; (c) Appointment of liquidator, liquidator's powers and duties, dissolution of company.

11. Securities Industry: The legislative scheme, the role of the Stock Exchange and brokers, prohibition on certain forms of trading.

77029 LAND DEALINGS

Prerequisite: Stage 5

The subject "Land Law" concentrates on the law which underpins the practice of conveyancing. It also provides a substantial introduction to the major topics of modern Land Law.

Skills 3 provides an introduction to the procedures for the sale and purchase of Torrens System land. It also deals with some of the law underlying the standard contract for the sale of land.

Land Dealings covers in greater depth the law relating to contracts, the practice of conveyancing and procedures for the sale of land principally under the Real Property Act.

It also involves a detailed study of Leases and Tenancies, Mortgages and further study of a number of topics which are only generally dealt with in Land Law and Skills 3, including Options, Powers of Attorney, detailed consideration of the Conveyancing Act, 1919 etc.

77030 RESEARCH PROJECT 3

See 77010.

77031 LAW AND SOCIETY

Prerequisite: Stage 3

This course is an external view of our legal tradition that attempts to place some of this tradition within its historical/social context. The material discussed is of three types. First is the topic of the "rule of Law": what it means, its connection with 19th century political theory and to such notions as "individualism" and "formalism": developments within contract and tort law as examples of this model; criticisms of the "rule of Law" and whether there is a breakdown and crisis for the "rule of Law" as a model for contemporary law.

Second are some standard topics of the sociology of law such as the social limits of law, legal anthropology and

courts. Third is a (brief) discussion of social theory and law as treated within Marxism and by Weber and Durkheim.

77033 ADVANCED CONSTITUTIONAL LAW

Prerequisite: 70611 Constitutional Law

This subject builds on the knowledge gained in the subject Constitutional Law. The following topics are considered:

The Three Arms of Government: Legislative Power of the Commonwealth; specificity of federal power, with respect to and the incidental power, characterisation, severability; Executive Power of the Commonwealth; Judicial Power of the Commonwealth; Separation of Powers Doctrine.

Control of Economic and Commercial Activity: Trade and Commerce Power: Corporations Power: Limitations imposed by s.92.

Federalism: The Legal Relationships: Inconsistency between Commonwealth and State Laws: Inter-governmental Immunities: State Laws and the Commonwealth: The Territories Power.

Federalism: Distribution of Fiscal Powers: Taxation Power: Excise Duties: Commonwealth Grants: Appropriations Power: Loans.

Australia as a Nation in External and Internal Affairs: International Agreements: External Affairs Power apart from Treaty Implementation: Nationhood as a Legal Principle: The States and relations with the United Kingdom.

77034 INTERNATIONAL BUSINESS TRANSACTIONS

Prerequisite: Stage 4

The aim of this subject is first, to present an overview of the legal environment affecting persons engaged in international business with some connection with Australia, and second, to examine in detail selected major aspects of international business transactions.

Topics: International Trade Law, International Transport of Goods, Exchange Control and International Finance Law, Taxation of International Business Transactions, Foreign Investment Law, including Foreign Takeovers, Extraterritoriality, International Business Contracts, Dispute Settlement.

77035 EUROPEAN COMMUNITY LAW

Prerequisite: Stage 4

This subject is an introduction to the constitutional, administrative and economic law of the European Economic Community (EEC), popularly known as the Common Market. The topics discussed in this subject include the political and economic origins of the EEC, its institutional structures (with emphasis on the European Court of Justice), the interrelationship between community law and 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.

Throughout the course, the relevance of Community Law, processes and institutions for the Australian federal system and the Australian economy and EEC-Australia trade is investigated. The activities of the Australian Council of Chambers of Industry and Commerce of EEC-Countries are covered also.

77036 LAW AND THE ARTS

Prerequisite: Stage 4

This course examines the law of the visual and performing arts and the legal issues affecting the provision of entertainment.

The syllabus includes: Historical background and current practices. Copyright and Commissions. Royalties, residuals and moral rights. Conflict of rights and protective legislation. Obscenity, censorship. Defamation. Legal relationships - landlord and tenant, local government, statutory authorities. Contracts - visual artists, galleries, performing arts, writers and composers. The law of associations - co-operatives and groups. The Arts Industry and industrial relations.

77037 ADVANCED CRIMINAL LAW

Prerequisite: 70212 Criminal Law

This course is aimed at -

- (1) developing a deeper understanding of the criminal law through the study of selected areas in it, and
- (2) developing legal research and writing skills in the context of criminal law.

The topics from which areas for study are selected include: General principles of the criminal law; regulatory offences including consideration of strict liability and vicarious liability; the effect of standard words and phrases in modern statutory provisions creating criminal liability; the criminal liability of companies and their officers; conspiracy; complicity in crime and issues of controversy and reform in the criminal law.

77038 ENERGY AND NATURAL RESOURCES LAW

Prerequisite: Stage 6

The aim of this subject is to give students a grounding in the laws which presently govern the exploitation of resources and to examine energy policy and the role of the law in influencing and effecting it.

Topics include: Petroleum and mining law. Solar energy and the renewable resources and legal devices needed to accommodate the same. Regulation of nuclear power overseas and its implications for Australia. Energy distribution in New South Wales and its regulatory apparatus (in particular, the role of the Energy Authority and the working of the electricity distribution system). Incentives and disincentives: taxation, bounties, research and development schemes and tariffs (with particular reference to the role of the Commonwealth). Theories of policy-making: citizen participation and the Chicago School of economic thought. International energy law and policy: the law of the sea-bed and oceanic thermal

technology. The near future: the hydrogen economy, wind energy etc.

77039 JESSUP INTERNATIONAL MOOT

Prerequisite: 70700 Skills 7

The aim of this optional subject is to permit and encourage participation in the Jessup International Moot.

This moot was founded in the United States in 1962 by the American Society of International Law and is named in honour of Professor P.C. Jessup, Professor of International Law and Diplomacy at Columbia, and judge of the International Court of Justice 1960-1969. 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 competition is held annually in two divisions: the US domestic division in which more than 100 United States law schools participate and the International division in which regional eliminations are held in approximately twenty-five to thirty countries. Winners of two divisions compete in a grand final held each year in Washington for the Jessup Cup. The moot is probably the most prestigious of International moots. Australia first entered the competition in 1977 and the University first entered a team in 1983.

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

Assessment will be based on -

- (a) performance in preliminary moots held with the faculty;
- (b) an oral examination of each candidate held within the faculty;
- (c) an assessment of advocacy, if any, in the Jessup Moot;
- (d) an assessment based on the assessment by the memorial judges of the team's written work.

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

77040 RESEARCH PROJECT 4

See 77010.

77041 COMMERCIAL CRIME

Prerequisite: 71211 Law of Evidence

1. Introduction to commercial crime. The nature of companies and corporate crime will be discussed, as

well as the sources of criminal law most relevant to commercial crime.

2. Duties of a company director as fiduciary agent to the company; effect of section 229, Companies Code.
3. Selected provisions of the Crimes Act, 1900 (N.S.W.); sections 173, 174, 175, 176, 177, 178A, 178BA, 178BB, 178C, 179, 180. Forgery will also be dealt with.
4. Examination of the most common element in commercial criminal offences, the intent to defraud (a particular *mens rea*).
5. Documentary evidence. The technical rules governing the admissibility of bankers' and business records in criminal trials will be considered.
6. Special investigations and the privilege against self-incrimination. The provisions relating to special investigations under the Companies and Securities Industry Codes, together with the privilege against self-incrimination, will be studied.
7. Offences under the Companies and Securities Industry Codes. As regards the Companies Code, the more serious offences thereunder will be analysed (together with prospectus offences), and where appropriate compared to their Crimes Act alternatives. As regards the Securities Industry Code, the trading offences will be examined.
8. Miscellaneous commercial crimes. Included here for study will be social security frauds, Medibank, insurance and credit card frauds, bribery and secret commissions, industrial espionage.
9. Current areas of controversy and reform.

77042 COMMUNICATIONS LAW

Prerequisite: Stage 6

1. Telecommunication "what it is and who has control over it.
2. Regulation of telecommunications between individuals.
3. Mass telecommunications, including *Broadcasting and Television Act 1942*: Regulatory framework and planning: Australian Broadcasting Tribunal; Commercial broadcasting and television; Ownership and control of commercial licensees, Tracing and quantification of interests in and "control" over commercial licensees, Effects of ownership and control provisions on proximate and remote commercial arrangements; Public broadcasting; Licences and Inquiries; Programming and advertising; National broadcast and television services; New developments - e.g. satellite; Self regulation and codes of conduct.
4. Print communications - primarily newspapers and magazines. Press Council.
5. Journalism ethics - Australian Journalists' Association Code of Ethics. Protection of journalist sources.
6. Defamation.
7. Contempts - of Parliament, of Court.

77044 ADVANCED FAMILY LAW

The aim of of this course is to develop students understanding of the principles of law which apply to

families by a study of the adjudicative, protective and justive function of the relevant law.

The course will explore the legal relationships arising between members of families with particular emphasis on families involved in a breakdown of their family unit.

Families constituted under the Family Law Act, 1975 and through de facto relationships will be the main focus of this course. Other family units (eg homosexual couples) will be referred to whenever relevant to the laws being studied.

OUTLINE

Topics to be covered are:

1. Introduction to the Scope and Function of Family Law
2. Constitution and Jurisdictional Issues
3. The Accrued and Associated Jurisdiction of the Family Court
4. Referral of Powers and Cross-Vesting
5. The Appellate Jurisdiction
6. The Protective Function of the Law: Domestic Violence and Child Protection
7. Access
8. Custody
9. The role of Dispute resolution in Family Law
10. Negotiation and Mediation
11. Property Settlements within and without marriage
12. Non-domestic property and contributions
13. Superannuation, Bankruptcy and Capital Gains Tax
14. The Family Provisions Act
15. Finalising a property application
16. Enforcement of Orders under the Family Law Act
17. The Child Support Legislation

77045 LAW AND MEDICINE

This subject deals with those areas of law which interact with the practice and administration of medicine and other health services. It includes medical negligence, consent, medical records, expert medical evidence in criminal and civil cases, the regulation of the medical profession and other health services, the law and medical ethics, 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.

77046 WOMEN AND THE LAW

The objective of this course on Women and the Law are to provide information and stimulation for students, to study, formulate and critically assess:

- the role of the law in constructing and deconstructing inequalities between men and women; and
- women's place in society and within the legal profession

There is a substantial 'body of knowledge' relating to women and the law - most of it emanating from the United Kingdom and the United States of America where courses

on women and the law are well established. At the moment, there is very little published material relating to the Australian situation and it is proposed that students spend a specified part of the course on research into particular issues arising out of the areas covered in lectures and seminars. It is one of the aims of the course that student research will lead to publication in one of several journals which are keen to see, in print, information on women and the law. This would involve students in doing more than simply submitting a version of 'received' knowledge, gleaned and rearranged from textbooks. It will actively involve them in:

- empirical research into particular areas of the law;
- the formulation of ideas and theories from their research; and
- critical assessment of those ideas and theories.

77050 RESEARCH PROJECT 5

See 77010.