

[illegible]

**UTS**  
**UNIVERSITY**  
**OF TECHNOLOGY**  
**SYDNEY**

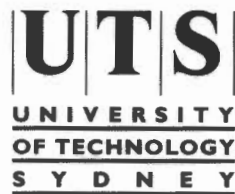
UNIVERSITY OF TECHNOLOGY, SYDNEY  
(KURUNG-GAI CAMPUS)  
GEORGE MUIR LIBRARY

**FACULTY OF  
LAW AND  
LEGAL PRACTICE**

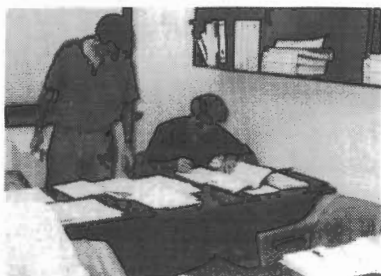
H A N D B O O K ♦ 1 9 9 1

NOT FOR LOAN





UNIVERSITY OF TECHNOLOGY, SYDNEY  
(KURING-GAI CAMPUS)  
GEORGE MUIR LIBRARY

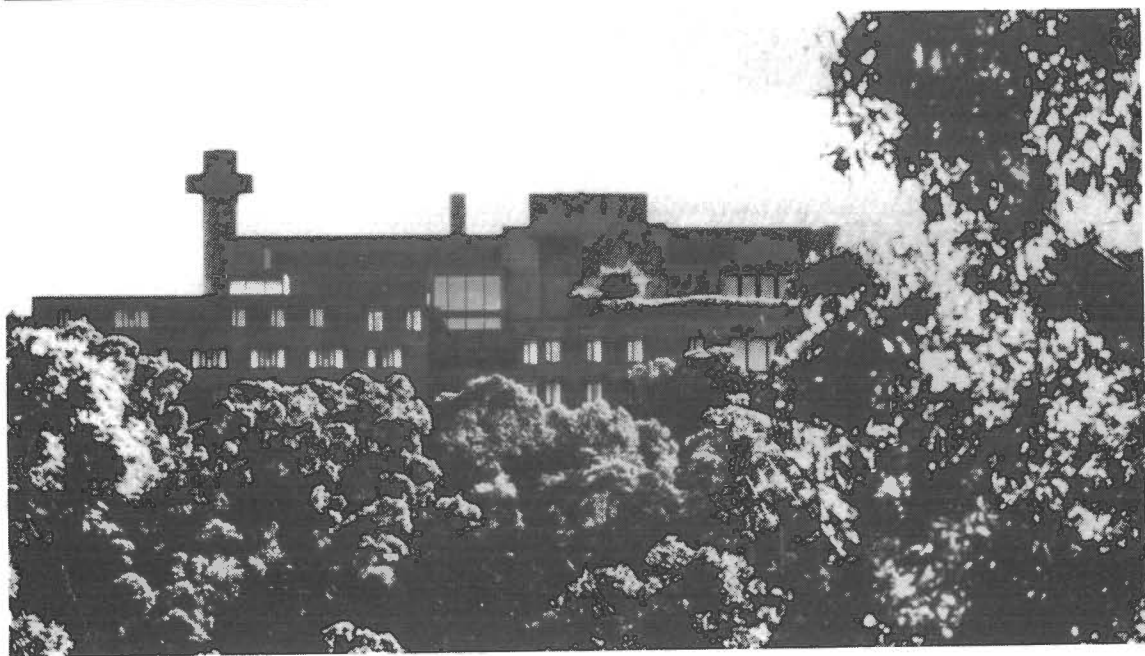
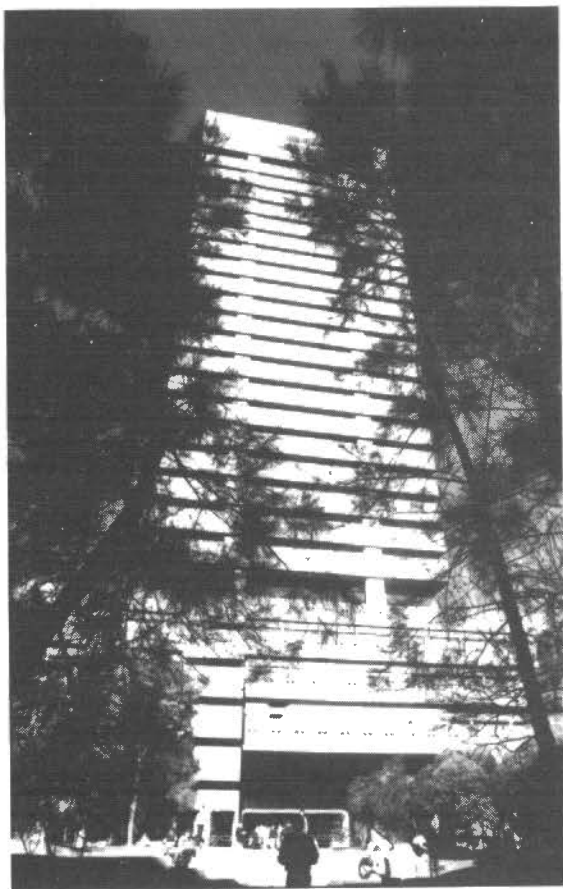


FACULTY OF  
LAW AND  
LEGAL PRACTICE



HANDBOOK  
1 9 9 1

NOT FOR LOAN



## UNIVERSITY OF TECHNOLOGY, SYDNEY

UTS has nine Faculties and each one has a separate Handbook which provides a detailed introduction to the Faculty's Undergraduate Courses.

Each Faculty also has a separate Postgraduate Studies Booklet Guide.

Reading these publications will show you how all courses at UTS aim to equip graduates for their professional career. Most courses can be undertaken with part-time attendance. Some are also offered with full-time and sandwich attendance. You do not have to be employed at the time you enrol in a sandwich pattern. And you can usually transfer from one attendance pattern to another at the end of a stage, provided the Head of School approves and there is space available in the class.

UTS does not offer external or correspondence Courses.

### Further information

The UTS Information Service is open all year in the Tower building at 15-73 Broadway (near Central Railway). If you cannot visit them, write to PO Box 123 Broadway 2007 Australia or telephone (02) 20930.

Representatives of UTS attend Career Days held in the Sydney region through the year.

The University Open Days - on 24 & 25 May 1991 - are your chance to visit the campus and discuss your career plans and Course preferences with members of the Academic staff.

At Kuring-gai campus there is an Inquiries Desk in the main foyer.

### Applications for admission

If you want to be admitted or readmitted to a UTS Undergraduate course, apply to the Universities Admission Centre by 27 September.

(There are some courses for which you can apply direct to UTS - the deadlines for these are advertised separately.)

If you want to enrol in a Doctoral programme or a Masters by Thesis, UTS will generally accept your application at any time.

For a Master of Arts, Master of Business or other higher degree by Coursework, you should lodge your application with the University by 31 October.

## UNIVERSITY E.E.O. POLICY

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 or homosexuality.

## MISSION

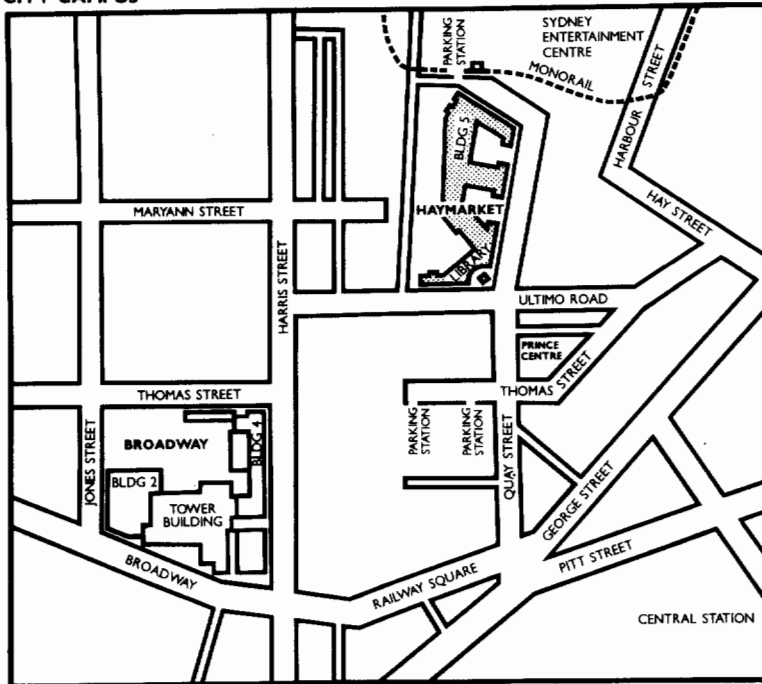
The mission of the University of Technology, Sydney is to provide higher education for professional practice which anticipates and responds to community needs and the effects of social and technological change. The University offers access to its human, physical and technological resources for the advancement of society. It is committed to freedom of enquiry and the pursuit of excellence in teaching, scholarship and research, and to interaction with the practising professions.

The University seeks to accomplish its mission in the following ways:

- by teaching an appropriate range of undergraduate, postgraduate and other educational programmes in a variety of attendance patterns for students wishing to enter the workforce at a professional level, those already employed at that level and those in employment who wish to attain that level.
- by ensuring that its courses are designed to enable graduates to carry out full professional practice in their chosen field. The courses aim to develop students' ability to learn, to solve problems, to adapt to change, and to communicate. Students should gain a broad understanding of social as well as technological issues, and acquire a greater perception of the nature and needs of modern society and of their responsibility to play a leading part in shaping it.
- by recognising that it has been established to serve the community as a major resource in vocational higher education. It therefore makes its technological expertise and facilities available to industry, commerce, government, and professional and community organisations. The means by which this is achieved include co-operative education, continuing education, pure and applied research and development, consulting, technology transfer and management, and contribution to national and regional policy development in education and technology.
- by promoting effective teaching and scholarship, professional activity and research by members of the University community to ensure the maintenance of high educational standards and their recognition at national and international levels.
- by continuing to develop and promote policies that ensure equality of opportunity in all its aspects.
- by seeking effective support for its educational activities
- by conducting regular consultative reviews of its mission and objectives.

## FACULTY LOCATION MAPS

### CITY CAMPUS



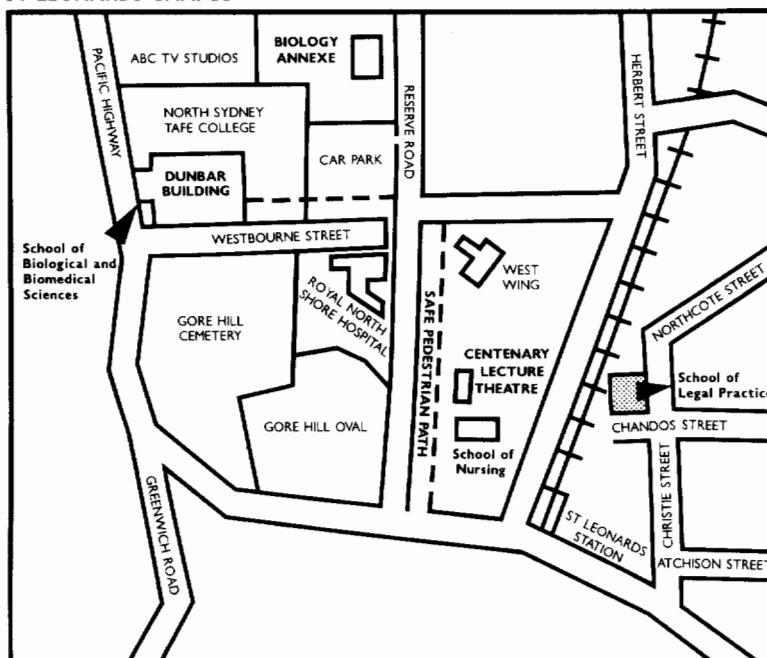
### Faculty of Law and Legal Practice

Faculty Office:  
Room 206, B Wing,  
Markets Building,  
Haymarket, City Campus

Postal Address:  
PO Box 123,  
Broadway NSW 2007

School of Law  
Room 206, B Wing,  
Markets Building,  
Haymarket, City Campus  
Telephone: (02) 218 9700

### ST LEONARDS CAMPUS



School of Legal Practice -  
The College of Law  
Chandos Street,  
St Leonards Campus  
Telephone: (02) 965 7000

## CONTENTS

---

Staff	7
Courses Advisory Committee	10

---

<b>School of Law</b>	
Course Objectives and Structure	10
Undergraduate Courses	12
Postgraduate Programmes	26
Graduate Courses	28

---

<b>International and Commercial Law Centre</b>	<b>34</b>
--	-----------

---

The Students' Association	35
University Principal Dates	36

---



## STAFF

### *Professor and Dean of Law*

D.E. Flint, LL.M (Syd), BSc (Ec) (Lond), DSU (Paris), Solicitor of the Supreme Courts of NSW and England

### *Secretary of the Faculty*

Vacant

### *Secretary to the Dean*

G. Dwyer

## School of Law

### *Professor and Head of School*

D.E. Flint, LL.M (Syd), BSc (Ec) (Lond), DSU (Paris), Solicitor of the Supreme Courts of NSW and England

### *Professor of Law*

G.W. Bartholomew, BSc, LLB (Lond), LL.M (Tas), of Gray's Inn and the Supreme Court of NSW, Barrister at Law

### *Associate Professor and Deputy Head of School*

P.B.C. Griffith, LL.B, BJur (Monash), LL.M (Lond)

### *Associate Professors*

K. Cutbush-Sabine, Dr Jur (Zur), LLB (Lond), MInstAM (UK)

R. Woellner, BA, LL.M (Hons) (Syd), GradDipTax (Riv-Mur), FTIA, Solicitor of the Supreme Court of NSW and the High Court of Australia

### *Director, Undergraduate Programmes*

C. Ying, BA (Manit), LL.M (Lond), of Lincoln's Inn and the Supreme Court of NSW

### *Sub-Dean; Director, Undergraduate Programmes*

G. Payne, MA (Hons), LLB (Syd), Barrister of the Supreme Court of NSW

### *Director of Postgraduate Programmes and Sub-Dean*

K. Cutbush-Sabine, Dr Jur (Zur), LLB (Lond), MInstAM (UK)

### *Director of Legal Studies Programmes (Kuring-gai Campus)*

D. Barker, LLB (Lond), MPhil (Kent), LL.M (Cantab), DipLG (Kent), FCIS, ACI Arb, FBIM, FAIM, FCIM

### *Director of Business Law Programmes (City campus, Haymarket)*

J. Taggart, BA, LLB, LL.M (Syd), Solicitor of the Supreme Court of NSW

### *Director of International and Commercial Law Centre*

Vacant

### *Senior Lecturer and Law Collection Consultant*

R.J. Watt, BComm, DipLib (NSW), LLB (Syd), Solicitor of the Supreme Court of NSW

### *Senior Lecturer, Director, Skills Programme*

G.A. Moore, BA, LL.M (Syd), Barrister of the Supreme Court of NSW

### *Senior Lecturer, Director, Mooting Programme*

M.B. Evans, BA (Hons), LL.M (Syd), LL.M (Hons) (Cantab), Barrister of the Supreme Court of NSW

### *Senior Lecturers*

N.K.F. O'Neill, LLB (Melb), LL.M (Lond), Barrister and Solicitor of the Supreme Court of Victoria and of the National Court of Papua New Guinea, Solicitor of the Supreme Court of NSW

W.J. Taggart, BA, LLB, LL.M (Syd), Solicitor of the Supreme Court of NSW

C.A. Ying, BA (Manit), LL.M (Lond), of Lincoln's Inn and the Supreme Court of NSW, Barrister at Law

A.L.Y. Goh, LLB (Hons) (Sing), LL.M (Syd), Advocate and Solicitor of the High Court, Malaysia

### *Senior Lecturer and Computer Law Consultant*

A.S. Mowbray, BSc, LLB (NSW), Solicitor of the Supreme Court of NSW

### *Lecturers*

M. Adams, BA (Hons), LL.M (Lond)

J.A. Cooper, BEc, DipEd (Syd), LLB (NSW), LL.M (Syd), Solicitor of the Supreme Court of NSW and Attorney of the New York Bar

D. Barker, LLB (Lond), MPhil (Kent), LL.M (Cantab), DipLG (Kent), FCIS, ACI Arb, FBIM, FAIM, FCIM  
R.C. Daw, BA, LLB (Adel), DPhil (Oxon), Barrister of the Supreme Court of NSW

K.C. Gould, BA, DipEd (Macq), LLB (Hons) (UTS)

J.M. Housego, BA, LLB (Syd), LHB (NE), Solicitor of the Supreme Court of NSW and Queensland, Barrister and Solicitor of the ACT

G.F. Humphrey, BEc, LLB, DipEd (Syd), Solicitor of the Supreme Court of NSW

V. Nagarajan, BEc/LLB (Macq), LL.M (Monash)

G.S. Payne, BA, MA (Hons), LLB (Syd), Barrister of the Supreme Court of NSW

B. Pearson, LLB (Hons) (ANU), LL.M (Syd), Solicitor of the Supreme Court of NSW, Barrister and Solicitor of the Supreme Court of the ACT

S. Smith, BA, MHA (NSW), LL.M (Syd)

R. Tong, LLB (Syd), LL.M (Lond), Solicitor of the Supreme Court of NSW

P.M. Whitehead, BA, LLB (NSW), LL.M (Lond), Solicitor of the Supreme Court of NSW and the High Court of Australia

### *Senior Tutors*

M.G. Harvey, BA, LLB (Hons) (Macq), LL.M (Syd), Solicitor of the Supreme Court of New South Wales and of the High Court of Australia

R. Padua, BBA (U.E.) (Philippines), LLB (San Beda) (Philippines), LL.M (Syd), Attorney-at-Law, Philippines

### *Tutor*

M. Hustler, LLB (Auck) LL.M (Syd)

### *Visiting Professors*

B. Cheng, PhD, LLD (Lond), Hon LLD (ChUHK), Emeritus Professor of Air and Space Law of the University of London

J.L. Goldring, BA, LLB (Syd), LL.M (Col), Solicitor of the Supreme Court of NSW, Professor of Law, University of Wollongong

M. Pryles, LLB (Melb), LLM, SJD (SMU Texas), LLD (Melb), Barrister and Solicitor of the Supreme Court of Victoria and ACT, Solicitor of the Supreme Court of NSW

Hon. Justice A. Rogers, LLB (Syd), Judge of the Supreme Court of NSW

Hon Justice A. Rogers, LLB (Syd), Judge of the Supreme Court of NSW

Hon. Sir G. Slynn, MA, LLB (Cantab), Hon LLD (Birm, Buck, Ex), Hon DrJur (Mercer), QC

R. Vermeesch, LLM (Syd), Solicitor of the Supreme Court of NSW

#### *Adjunct Professors*

C.R. Craigie, LLB(Qld), BEc, LLM (Syd), Barrister of the Supreme Court of NSW

J.A. David, LLB (ANU), LLM (Syd), Solicitor of the Supreme Court of NSW, Victoria and the High Court of Australia

P.G. Gillies, LLB, LLM (Hons) BA (Hons) (Syd), PhD (NSW), Solicitor of the Supreme Court of NSW

G.A. Moens, Dr Jur (Louvain), LLM (North Western), PhD (Syd)

#### *Visiting Associate Professors*

G. Bugden, Solicitor of the Supreme Court of NSW

W. Pengilly, BA, LLB (Syd)

J.D. Vanderbilt, MComm, DSc (Newcastle), Solicitor of NSW, Solicitor and Barrister ACT

A. Ransom, BA (UBridge), LLB, Dr Jur (Sunny Buff), LLM (NYU), Barrister of the Supreme Court of NSW

#### *Visiting Lecturers*

M. Allen, BJur, LLB (NSW), Solicitor of the Supreme Court of NSW

S. Bishop, BA (Syd), LLB (NSW), Solicitor of the Supreme Court of NSW

A.R. Coleman, BA, LLM (Syd), Solicitor of the Supreme Court of NSW

H. Cox, BA, LLB (NSW), Barrister of the Supreme Court of NSW

S. Fisher, LLB (Hons) (UTS), Solicitor of the Supreme Court of NSW and of the High Court of Australia, Barrister and Solicitor of the Supreme Court of the ACT

J. Fitzgerald, Barrister of the Supreme Court of NSW

J. Gilbert, BA (Hons) (Syd), LLB (NSW), Solicitor of the Supreme Court of NSW

J. Gleeson, BA, LLB (Hons) (Syd), BCL (Oxon), Solicitor of the Supreme Court of NSW

R. Gowenlock, LLB (Syd), Barrister of the Supreme Court of NSW

R. Gurr, BA (Hons) (Syd), DipEd (Syd), LLB (Hons) (UTS), Barrister of the Supreme Court of NSW

C. Ktenas, BComm, LLB (NSW), LLM (Syd), Solicitor of the Supreme Court of NSW, Solicitor of the High Court of Australia

N. Lewis, AB (Bowd Coll), JD (Em Uni), Attorney-at-Law of the New York and New Jersey Bars (USA)

P. Luttrell, LLB (Tas) Solicitor of the Supreme Court of NSW

B. MacDonald, LLB (Syd), Solicitor of the Supreme Court of NSW

M. Mobbs, LLB (ANU), Solicitor of the Supreme Court of NSW

P. Murphy, BA, DipEd (Macq), LLB (UTS), Solicitor of the Supreme Court of NSW

R. Powell, BA, LLB (Hons) (Syd), BCL (Hons) (Oxon), Barrister of the Supreme Court of NSW

H.L. Raiche, BA, MA (GWashington) (USA), LLB (NSW), Solicitor of the Supreme Court of NSW

S. Ratnapala, LLB (Uni Col), LLM (Macq), Attorney at Law of the Sri Lankan Bar

D.B. Robertson, BEc (Hons), LLB (Hons) (Syd), LLM (Columbia), Solicitor of the Supreme Court of NSW

L. Spender, BA, DipEd (Syd), MA (NSW), LLB (UTS)

P. Underwood, BA, LLM (Syd), Solicitor of the Supreme Court of NSW

J. Wallace, BA (Hons) (Macq), LLB (UTS), Barrister of the Supreme Court of NSW

R. Yeo, Solicitor of the Supreme Court of NSW

#### **Administrative Staff of the School of Law**

##### *Administrative Officer*

P. Williams, BA (Syd)

##### *Secretary to the Dean*

G. Dwyer

##### *Secretary to the School*

V. Lock

##### *Administrative Assistant*

M. Fenaughty

##### *Graduate Courses Officer*

A.M. Payne, BA (Hons) (Syd)

##### *Senior Word Processor Operator*

D. Margaritis

##### *Word Processor Operators*

N. Grierson

N. Salenga

##### *Telephonist/Typist*

E. Gersbach

#### **School of Legal Practice - The College of Law**

##### *Head of School and Professor of Legal Practice*

A.R. Godfrey-Smith, LLB, LLM (Syd), Solicitor of the Supreme Court of NSW

##### *Secretary to the Head of School*

A.M. Murdoch

##### *Associate Professor and Head, Department of Legal Training*

N. Carter, BA, LLB (Syd), Solicitor of the Supreme Court of NSW

##### *Senior Lecturers*

R. Downs, DipLaw (SAB), Solicitor of the Supreme Court of NSW

K. Taylor, LLB (Syd), Solicitor of the Supreme Court of NSW

P. Underwood, BA, LLM (Syd), Solicitor of the Supreme Court of NSW  
 K. Winsor, LLB (Syd), MGST (NSW), MA Ed (Macq), Solicitor of the Supreme Court of NSW

#### *Lecturers*

C. Allan, LLB (Syd), Solicitor of the Supreme Court of NSW  
 J. Baker, BA, LLB (Syd), Solicitor of the Supreme Court of NSW  
 G. Bourke, LLB (Syd), Solicitor of the Supreme Court of NSW  
 J. Bourke, BComm, LLB (NSW), Solicitor of the Supreme Court of NSW  
 J. Boyd, LLB (Syd), Solicitor of the Supreme Court of NSW  
 B. Brown, BComm, DipLaw (SAB), Solicitor of the Supreme Court of NSW  
 S. Burns, BA (Qld), LLB ((Syd), Solicitor of the Supreme Court of NSW  
 J. Burton, BA, LLB (ANU), Solicitor of the Supreme Court of NSW  
 S. Carr-Cregg, BComm, LLB (NSW), Solicitor of the Supreme Court of NSW  
 K. Chikarovski, BEc, LLB (Syd), Solicitor of the Supreme Court of NSW  
 A. Dart, DipLaw (SAB), Solicitor of the Supreme Court of NSW  
 J. Davies, SSCJ (Eng), Solicitor of the Supreme Court of NSW  
 P. Egri, BA, LLB (Syd), Solicitor of the Supreme Court of NSW  
 M. Fitzimmons, DipLaw (SAB), Solicitor of the Supreme Court of NSW  
 J. Garling, BA, LLB (Syd), Solicitor of the Supreme Court of NSW  
 P. Gilmore, LLB (Syd), Solicitor of the Supreme Court of NSW  
 M. Gordon, BM, BA, BLS (Macq), Solicitor of the Supreme Court of NSW  
 R. Gouder, BA, LLB (Syd), Solicitor of the Supreme Court of NSW  
 M. Holland, DipLaw (SAB), Solicitor of the Supreme Court of NSW  
 R. Holt, LLB (Syd), Solicitor of the Supreme Court of NSW  
 A. Karpin, BA (Syd), DipLaw (SAB), Solicitor of the Supreme Court of NSW  
 F. Kotala, MEc (Prague), LLB (Syd), Solicitor of the Supreme Court of NSW  
 M. Langford, BA, LLB (Macq), Solicitor of the Supreme Court of NSW  
 H. Larcombe, BA, LLB (Syd), Solicitor of the Supreme Court of NSW  
 D. McCann, DipLaw (SAB), Solicitor of the Supreme Court of NSW  
 K. McKimm, LLM (Syd), Solicitor of the Supreme Court of NSW  
 P. Marsh, DipLaw (SAB), Solicitor of the Supreme Court of NSW

P. Mead, DipLaw (SAB), Solicitor of the Supreme Court of NSW  
 N. Meth, BA, LLB, (NSW), Solicitor of the Supreme Court of NSW  
 T. Miles, BA, LLB (Syd), Solicitor of the Supreme Court of NSW  
 G. Monahan, BA (Macq), LLB (Syd), Solicitor of the Supreme Court of NSW  
 K. Mulcahy, BA (Man), SSCJ (Eng), Solicitor of the Supreme Court of NSW  
 A. O'Donnell, LLB (Syd), Solicitor of the Supreme Court of NSW  
 B. Olliffe, BA, LLB (Syd), Solicitor of the Supreme Court of NSW  
 R. Pettit, BA, LLB (Macq), Solicitor of the Supreme Court of NSW  
 M. Pollard, DipLaw (SAB), Solicitor of the Supreme Court of NSW  
 J. Potts, LLB (Syd), Solicitor of the Supreme Court of NSW  
 S. Quinn, LLB (Syd), Solicitor of the Supreme Court of NSW  
 H. Reed, DipLaw (SAB), Solicitor of the Supreme Court of NSW  
 M. Russell, BA, LLB (Syd), Solicitor of the Supreme Court of NSW  
 K. Smith, DipLaw (SAB), Solicitor of the Supreme Court of NSW  
 P. Stewart, LLM (Syd), Solicitor of the Supreme Court of NSW  
 R. Storie, BBus, LLB (UTS), Solicitor of the Supreme Court of NSW  
 P. Stroud, BA, LLB (Syd), Solicitor of the Supreme Court of NSW  
 J. Tancred, LLB (NSWIT), Solicitor of the Supreme Court of NSW  
 M. Tzannes, BA, LLB (NSW), Solicitor of the Supreme Court of NSW  
 C. Willson, DipLaw (SAB), Solicitor of the Supreme Court of NSW

### **Administrative Staff of the School of Legal Practice**

#### *Administration Manager*

B.R. Nicholls, BA, LLB (Syd), Solicitor of the Supreme Court of NSW

#### *Course Co-ordinator*

C. Denison

#### *Administrative Assistants*

V. Cooper  
 S. Enfield, BA (Macq)  
 M. Gates  
 J. Groat  
 M. Vlahos  
 R. Wyllie

#### *Records Management Clerk*

N. Read

#### *Switchboard Operator*

M. Delbridge

*Publications Officer*

S. Kavanagh, BA (Syd)

*Home Officer*

W. Koppel

*Attendant*

L. Vatalis

**Staff of the College of Law Library***Librarian*

Vacant

*Assistant Library Technicians*

L. Davies

G. Meares

**COURSE ADVISORY COMMITTEE****Ex-Officio Members***Dean of Law*

D.E. Flint (Chair)

*Professor of Law*

G.W. Bartholomew

*Associate Professor*

Vacant

*Senior Lecturer*

R.J. Watt

*University Secretary's Representative*

Vacant

**Nominated Members**

G.F. Bugden, Mallesons Stephen Jacques

His Honour Judge H.L. Cooper, District Court

B.S.J. O'Keefe, QC, Barrister at Law

S. McMahon, Legal Officer, Commonwealth Bank

D. Sharpe, Baker &amp; 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 Association**

A.R. Godfrey-Smith, Director, College of Law

M. Strickland, Head, Continuing Legal Education, College of Law

Secretary, Law Graduates Association

**THE COURSE****Course Objectives**

The objective 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. The range of knowledge and skill which lawyers now require is extensive. Today lawyers are increasingly called upon to act as negotiators to settle matters, to advise and counsel parties. The function of the lawyer also includes foreseeing problems and preventing the incidence of disputation as well as resolving disputes when they cannot be avoided. The course is concerned with the total range of functions of lawyers in the community. A preventative emphasis will also be apparent in the teaching of the various subjects throughout the course. Consideration will be given to how 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 subjects have been selected on the basis of two criteria: to provide (a) an overview of the legal system as a whole, and (b) an opportunity for the student to practise legal skills in differing contexts. The subjects are introductions, not to the law as a whole, but to the relevant branch of the law. They are designed to provide an understanding of the conceptual framework involved, its development and a consideration of areas of current controversy. It is in the latter area that the opportunity will be provided for students to develop their skill in the handling of legal material and thus reach the stage of independent legal creativity.

**Course Structure**

The School of Law offers a part-time course of six years duration. The course is arranged on a semester basis. The Autumn Semester commences in March and the Spring Semester commences in July each year.

Students must complete sixteen compulsory subjects (64 semester hours), twelve skills seminars (12 semester hours) and eight optional subjects (32 semester hours). A stage is defined as one semester's academic work as prescribed in the course programme. A total of 108 Semester hours are required for course completion.

### The Summer Programme in Law

The School offers a Summer Programme which enables students to undertake an optional subject during the period January/February. Students must apply to enrol by the end of October. Approval for enrolment is at the discretion of the Head of School; *however students with failures in the preceding semester, who are on probation, or who obtained a W.A.M. of less than 55, will not be eligible for acceptance into the Programme.*

### Course Programme

Stage	Subject	Hours/Week
<b>STAGE 1</b>		
70111	Legal and Constitutional History	.....4
70112	Introduction to the Legal System	.....4
70100	Skills Seminar 1, Legal Research and Writing	.....1
<b>STAGE 2</b>		
70211	Elements of Contract	.....4
70212	Criminal Law	.....4
70200	Skills Seminar 2, Statutory Interpretation and Legal Drafting	.....1
<b>STAGE 3</b>		
70311	Law of Tort	.....4
70312	Land Law (including Elementary Conveyancing)	.....4
70300	Skills Seminar 3, Conveyancing	.....1
<b>STAGE 4</b>		
70411	Commercial Transactions	.....4
70412	Law of Associations	.....4
70400	Skills Seminar 4, Computer Legal Research	.....1
<b>STAGE 5</b>		
70511	Equity and Trusts	.....4
70512	Family Law (including Succession)	.....4
70500	Skills Seminar 5, Advanced Legal Drafting	.....1
<b>STAGE 6</b>		
70611	Constitutional Law	.....4
70612	Administrative Law	.....4
70600	Skills Seminar 6, Pleadings	.....1
<b>STAGE 7</b>		
	Options	.....8
70700	Skills Seminar 7, Practice and Procedure	.....1
<b>STAGE 8</b>		
	Options	.....8
70800	Skills Seminar 8, Litigation Management	.....1
<b>STAGE 9</b>		
	Options	.....8
70900	Skills Seminar 9, Moot	.....1
<b>STAGE 10</b>		
	Options	.....8
	Option Skills Seminar	.....1

### STAGE 11

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

### STAGE 12

71211	Law of Evidence	.....4
71212	Revenue Law	.....4
	Optional Skills Seminar	.....1

### Progression Variation

Any students who wish to vary their programme from the norm of nine semester hours as set down for each stage of the course must submit a Faculty progression variation form for approval by the Sub-Dean one week prior to enrolment. The approved progression variation form must be presented by the student at enrolment. No approval will be granted while enrolment is in progress.

Acceleration may be permitted if the student can satisfy the Sub-Dean that by reason of the stage reached in the course, available time, academic record and other significant reasons, such acceleration should be allowed. No student will be permitted to undertake a programme of study exceeding eighteen semester hours.

### Attendance Pattern

The normal attendance pattern is one afternoon and two evenings per week. If possible the afternoon lectures are repeated in the evenings, making attendance over three evenings a week possible for some students. Final examinations, in June and November, are usually held on a Saturday.

Students are expected to be regular and punctual in attendance at all classes in the subjects in which they are enrolled.

### Assessment

There is no uniformity in the method of assessment used in the LLB course. A student's final mark may be based on his or her performance in a final examination. In some subjects no final examinations are held and students for example may be assessed on the basis of their written assignments and participation in class discussions.

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

Students should obtain information on assessment for a particular subject from the Subject Coordinator at the beginning of the semester in which they enrol in that subject.

### Graduate Programmes

The Faculty of Law introduced in 1989 a Master of Laws by Thesis (LLM), Master of Laws by Coursework (LLM) and Doctor of Juridical 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 LL.M. to be eligible to make application for admission.

In 1990 a Graduate Certificate in Industrial Property and a Graduate Certificate in Comparative Law were introduced.

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

(Note: In 1991 the subject numbers will change when the new student records computer is installed by the University. The number will remain the same but it will be preceded by the letters LL.)

### 70100 SKILLS SEMINAR 1 - LEGAL RESEARCH AND WRITING

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.

The student is consequently taught:

- to find quickly all relevant legislation pertinent to problem using the various legislative indexes;
- to be able to effectively use the various digest services that exist as well as the subject indexes that cover certain report series;
- to use the available indexes to the appropriate rules and regulations that exist, both in official published form and in the current awareness publications;
- to update all legislative and regulatory information and case law, and to be confident that, subject to the resources of the library used, the law found has not been amended or overruled.

The student is also taught to initiate research in one of the secondary sources that are available:

- The legal encyclopaedia (*Halsbury's Laws of England, American Jurisprudence, or Corpus Juris Secundum*;

- Dictionaries, particularly those that refer to cases and legislation (e.g. Words and Phrases);
- Indexes to legal journals and the articles themselves;
- Textbooks.

### 70111 LEGAL AND CONSTITUTIONAL HISTORY

This subject is divided into two parts: the study of the origins of the legal system, principally by examining the origins of the courts and of the development of the common law, and how to study the constitutional history of England and Australia.

In the legal history component, special emphasis will be given to the reasons for the development of the common law; the Royal Courts and Chancery; the early development of land law, contract, tort and equity; and methods of procedure, including proof, from the medieval period up until the major reforms of the 19th century.

In the constitutional history component, the examination will commence with Magna Carta and proceed through the Tudor and Stuart periods to the emergence of the modern constitution in the 18th and 19th centuries. The development of responsible government and Federation will also be examined in the Australian colonial context with special emphasis on the emergence of Australia as a constitutionally independent nation.

### 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 of sovereignty, Federation, divided sovereignty and the statute of Westminster.

Common Law: judgments 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.

## **70200 SKILLS SEMINAR 2 - STATUTORY INTERPRETATION**

*Prerequisite: completion of Stage 1*

The aim of this course is to:

- introduce students to the drafting of simple forms of legal documents;
- develop the students' skill of interpreting statutes. Since legal documents are a fabrication of the facts, the law and the language form, the student will be introduced to the skill of analysis and communication in a simple and effective manner, and to the use of precedents.

The syllabus includes the following:

- Theory of drafting:
  - analysis of the facts and instructions
  - analysis of the applicable law
  - analysis of the language form
- Form of documents eg. deed, contract;
- Advisory writing eg. letters written for the client;
- Statutory interpretation - here students will be given a series of problems to develop their skill of interpreting statutes. This part of the subject reinforces the rules on this topic which were learnt in Introduction to the Legal System and shows how the rules are applied.

## **70211 ELEMENTS OF CONTRACT**

*Prerequisite: completion of 70112 Introduction to the Legal System*

*Corequisite: 70200 Skills 2 - Statutory Interpretation and Legal Drafting*

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 (agreements, 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**

*Corequisite: 70112 Introduction to the Legal System*

The course 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.

This course commences with the problem of defining crime and the legal characterisation of New South Wales as a common law jurisdiction.

Major topics are: the presumption of innocence, the doctrine of *mens rea*, the elements of the substantive offences, the inchoate offences, offences against justice, the construction of statutory provisions, vicarious and corporate liability, complicity, and the criminal defences. Finally, some aspects of the law of criminal investigation and the criminal prosecution are studied.

## **70300 SKILLS SEMINAR 3 - Conveyancing**

*Prerequisite: completion of Stage 2*

This course considers the steps in a typical Conveyancing transaction for land and a dwelling house erected thereon in New South Wales and the examination of the 1988 edition of Agreement for Sale of Land.

The matters covered include aspects of contracts for sale and purchase. Consideration of examples of Certificate of Title, Folio Identifier, Deposited Plan, S.88B Instrument Transfer and Drainage Diagram; Formalities for an enforceable contract for the sale of Real Property; S.54A Conveyancing Act, 1919.

Consideration of open contracts i.e. where parties have bound themselves without having exchanged a standard form contract. Exchange of a standard form contract, employment of real estate agents to sell land, Survey Certificate and Building Certificate, example of survey considered.

## **70311 LAW OF TORT**

*Prerequisite: completion of Stage 1*

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)**

*Prerequisite: completion of Stage 1*

*Corequisites: 70211 Elements of Contract, 70212 Criminal Law*

The major topics covered in the course are as follows:

- (a) Torrens Title and Priorities
- (b) Old System Title
- (c) Adverse possession of possessory Title
- (d) Legal definition of land including fixtures
- (e) The Doctrine of Waste
- (f) Concurrent ownership
- (g) Easements
- (h) Covenants
- (i) Mortgages
- (j) 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.

#### **70400 SKILLS SEMINAR 4 - COMPUTER LEGAL RESEARCH**

*Prerequisite: completion of Stage 3*

The subject aims to familiarise students with the basic tools available to engage in computer legal research.

The syllabus includes the following:

- (a) Introduction to the concept of computerised researching and Boolean logic;
- (b) Examination of a number of on-line systems including INFO ONE, SCALE and LEXIS;
- (c) Introduction to the use of CD-ROM based services such as INFO ONE's LAW PAC CDROM's and DISKROM's Commonwealth Statutes.

#### **70411 COMMERCIAL TRANSACTIONS**

*Prerequisites: completion of Stage 2, 70311 Law of Torts, and 70312 Land Law*

The subject considers a variety of commercial transactions involving personalty. The following topics are considered: supplies of goods and suppliers', financiers', and manufacturers' liabilities; import/export contracts and the law of bailment; the law of insurance; chattel securities; the law of negotiable instruments including cheques law.

#### **70412 LAW OF ASSOCIATIONS**

*Prerequisite: completion of Stage 2, 70311 Law of Torts; Corequisite: 70312 Land Law*

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

#### **70500 SKILLS SEMINAR 5 - DRAFTING**

*Prerequisite: completion of Stage 4*

The drafting of legal documents involves intellectual and analytical skills of the highest order. This subject aims to develop those skills. The principles and problems of legal drafting will be examined, discussed and analysed. Students will apply their knowledge of substantive law to given sets of facts and clients' instructions.

Appreciation and understanding of the principles of good drafting will be required, including communication, clarity, originality of expression and use of an adaptation of precedents.

There will be a series of lectures and seminars. Students will draft, redraft and critically analyse various clauses and documents. Exercises will be drawn from examples such as agreements, deeds, powers of attorney, statutory declarations, articles of association, wills.

#### **70511 EQUITY AND TRUSTS**

*Prerequisite: completion of Stage 3*

*Corequisites: 70411 Commercial Transactions, 70412 Law of Association*

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

- (a) The Nature of Equity
- (b) Equitable Estates and Interests
- (c) Equitable Priorities
- (d) Assignments in Equity
- (e) Fiduciary Obligations
- (f) Confidential Information
- (g) The Nature of Trusts
- (h) Express Trusts
- (i) Charitable Trusts
- (j) Implied Trusts
- (k) Constructive Trusts
- (l) Powers, Rights and Duties of Trustees
- (m) Rights of Beneficiaries

## **70512 FAMILY LAW (INCLUDING SUCCESSION)**

*Prerequisites: completion of Stage 3, and 70412 Law of Associations*

Family Law and Succession are two parallel strands in this course and each is worth 50% of the overall mark.

### **Family Law**

This course is designed to introduce students to the principles which govern the legal relationship between members of families when there is a breakdown in the family unit. While the course is predominantly concerned with the legal relationship arising out of marriage, the position of de facto couples and their families is also examined.

Family Law is unique in that it requires the lawyer to consider wider issues than the stated law. For this reason an important feature of this course is its consideration of the interaction between social issues and the relevant law.

In addition to introducing students to a study of the relevant law within its social context, this course is also designed to develop the student's legal skills of case analysis, independent research and essay writing. This will be facilitated by the use of a written assignment, by the requirement that students prepare for seminars and read the cases set for study.

### **Succession**

This course aims to provide an outline of the Law relating to: grants of probate, intestacy, Family Provision Act, administration of assets in a solvent estate.

## **70600 SKILLS SEMINAR 6 - PLEADINGS**

*Prerequisite: completion of 70500 Skills 5 - Drafting*

The aim of this subject is to develop the skill of pleading and encourage the student to think about the facts which must be present to establish a cause of action.

## **70611 CONSTITUTIONAL LAW**

*Prerequisite: completion of Stage 2*

This course commences with a discussion of a number of basic concepts of Constitutional Law - Sovereignty of Parliament, Rule of Law, Separation of Powers, and Judicial Review. The meaning of these notions is explained by way of a consideration of the NSW as well as the Federal Constitution. The major part of the course focuses upon Federal Constitutional Law - the Commonwealth Constitution and its interpretation, federal powers and the Commonwealth/States relationship.

## **70612 ADMINISTRATIVE LAW**

*Prerequisite: completion of Stage 2*

The subject deals with the functions, powers and obligations of the executive government, review of administrative decisions and access to information.

Topics covered are:

- (a) Grounds of review of administrative decisions:
  - Natural justice
  - Ultra Vires
  - Jurisdictional error
- (b) Remedies
- (c) Judicial review by the Federal Court under the *Administrative Decisions (Judicial Review) Act 1977 (Cth)*
- (d) Review by the Administrative Appeals Tribunal
- (e) Ombudsmen
- (f) Access to Information
  - Public interest immunity
  - Freedom of Information.

## **70700 SKILLS SEMINAR 7 - PRACTICE AND PROCEDURE**

*Prerequisite: completion of Skills 5 - Drafting*

*Corequisite: Skills 6 - Pleadings*

This skill serves partly as introduction to procedure dealt with in more detail in Skills Seminar 9. A general examination is made of the civil jurisdiction of the NSW Supreme, District and Local Courts.

## **70800 SKILLS SEMINAR 8 - LITIGATION MANAGEMENT**

*Prerequisite: completion of 70500 Skills 5 - Drafting*

*Corequisite: 70700 Skills 7 - Practice and Procedure*

This skill is one of a sequence of four skills developing skills relevant to litigation, viz: Pleading, Practice and Procedure, Litigation Management and Mooting. The subject aims to take students through the steps in civil litigation between originating process and the trial itself.

Emphasis is on the practical aspects of litigation including the conduct of notices of motion, drafting affidavits, discovery and inspection of documents, drafting interrogatories, set matters for hearing, mentions state of readiness hearings, preparation for the hearing.

## **70900 SKILLS SEMINAR 9 - MOOT SKILLS 1-8**

*Prerequisite: completion of 70800 Skills 8 - Litigation Management*

The skills unit requires the students to participate in one moot, or mock trial on a point of law arising from a set of agreed facts before a judge or barrister. The aim of the unit is to instruct students in techniques, skills and basic etiquette involved in arguing cases, particularly on points of law, in court.

Attendance is required at two seminars, each of one hour, at the beginning of the semester and thereafter at a moot before a judge or senior barrister. Most of the work in this unit involves unsupervised preparation in the library. A Faculty Guide to Mooting has been prepared and this is used as the basis of instruction for the mooters. They are divided into groups of four, within which there are two teams of two mooters, and are allocated a moot. That involves being given a set of facts, in which they are arguing one side or the other, and a date on which they must present argument on those facts to a designated moot judge. They are required to present the moot judge with written submissions, including a list of authorities, at least three days before the moot is scheduled.

#### **71000 OPTIONAL SKILL 10 - LAW OF MEETINGS**

*Prerequisite: completion of 70400 Skills 4 - Computer Legal Research*

The objectives of the course are to familiarise students with the basic procedure, law and practice of meetings. The course deals with meetings of both incorporated and unincorporated associations.

The syllabus includes the following: 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.

Students are required to participate in the conduct of meetings with a view to obtaining the basic skills necessary to organise and conduct meetings.

#### **71001 OPTIONAL SKILL 10 - ADVANCED COMPUTER LEGAL RESEARCH**

*Prerequisite: completion of Stage 6*

The subject aims to give students a fuller understanding of computerised systems which can be of assistance in legal research and practice. Apart from updating and expanding upon material presented in the earlier subject - Skills 4, the use of computer databases for in-house purposes such as litigation and precedent support is also dealt with.

#### **71002 OPTIONAL SKILLS 10 - THE LEGAL PROFESSION**

*Prerequisite: completion of Stage 3*

*Corequisite: 70400 Skills 4 - Computer Legal Research*

The course will consider the present structure, functions and role of the legal profession in Australia. Particular attention will be given to such matters as the regulation of the profession, ethics and professional conduct together with contemporary issues such as advertising and specialisation. A detailed examination will be made of

the reports on the legal profession by the NSW Law Reform Commission and the way in which the recommendations have been carried into practice.

#### **71101 OPTIONAL SKILL 11 - OFFICE MANAGEMENT**

*Prerequisite: completion of 70400 Skills 4 - Computer Legal Research*

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

#### **71102 OPTIONAL SKILL 11 - LEGAL ETHICS**

*Prerequisite: completion of 70400 Skills 4 - Computer Legal Research*

This skill prepares students for entry into the legal profession with an awareness of the ethical requirements of that profession, both by statute and by custom.

Students will be expected to achieve a thorough knowledge and understanding of the laws, regulations and ethical conduct relevant to practice as barristers or solicitors in New South Wales. In addition, particular consideration will be given to contemporary issues facing the legal profession including the various matters arising out of the current enquiry into the legal profession in New South Wales.

For the purposes of admission to the Bar, it is necessary to complete 71002 Optional Skills 10 - The Legal Profession, as well as Legal Ethics.

#### **71103 OPTIONAL SKILL 11 - SECOND MOOT**

*Prerequisite: completion of 70900 Skills 9 - Moot*

For those students intending to practice at the Bar this skill gives considerable practical background to the theoretical material taught in the major subjects and provides students with an opportunity to take some of their theoretical knowledge out of the library and lecture hall and test it out in an external, if somewhat controlled, environment.

This skills unit requires the students to participate in one moot, or mock trial on a point of law arising from a set of agreed facts before a judge or barrister. The aim of the unit is to reinforce the students in techniques, skills and basic etiquette involved in arguing cases, particularly on points of law, in court.

### **71104 OPTIONAL SKILL 11 - ADVANCED LEGAL RESEARCH**

*Prerequisite: completion of Stage 6*

This skill allows students, having completed the majority of the substantive law subjects, the opportunity to consolidate and perfect their researching skills gained in earlier research skills. In addition they are taught to quickly and efficiently locate and update the law of Canada, New Zealand, USA, the European communities in addition to select source material used in international law.

The syllabus includes the following:

- (a) Australian primary sources, being a revision;
- (b) Australian and English Secondary sources, being a revision;
- (c) American primary sources, concentrating on Federal law but including selected State material;
- (d) American secondary sources, including the Digest, legal encyclopaedias and Shephards;
- (e) Selected primary and secondary material of Canada and New Zealand;
- (f) International law:
  - Treaties
  - International Court of Justice
  - European Communities
  - International Law Organisations.

### **71200 OPTIONAL SKILL 12 - SPECIAL PROJECT**

*(approved by the Head of School)*

*Prerequisite: completion of Stage 6*

The aim of the skills subjects is to develop the ability of students to apply their theoretical knowledge in practical situations. This is achieved by requiring students to study nine compulsory skills subjects and also three optional skills subjects. The "Special Project" enables students to develop their legal skills in an approved area of interest to them. The Project will require work equivalent to one semester hour. A member of Faculty will be appointed by the Head of School to supervise the student's work. Students interested in attempting this subject should speak to the Head of School or Sub-Dean before enrolling to ensure that the proposed work is appropriate as a "Special Project".

### **71201 OPTIONAL SKILL - DISPUTE RESOLUTION**

*Corequisite: Stage 5*

This course aims to provide students with an understanding of, and competence in, the techniques and theory of Dispute Resolution processes, for practice as a lawyer. It also develops competence in negotiation and mediation skills.

The subject is a prerequisite for the optional subject Dispute Resolution.

The syllabus includes the following:

- (a) An introduction to the various types of Dispute Resolution.
- (b) An introduction to the fundamental negotiation concepts of listening and questioning.
- (c) Principles of successful Dispute Resolution.
- (d) The theory and techniques of negotiation with a simulation to illustrate principles and participation in a skills exercise.
- (e) A brief examination of conciliation and arbitration methods, with distinctions being drawn between the main forms of Dispute Resolution.
- (f) An examination of Dispute Resolution criteria prepared in the first section and a formal debriefing for the simulation exercises.

### **71111 LAW OF REMEDIES**

*Prerequisite: completion of Stage 4 and 70511 Equity and Trusts*

*Corequisites: 70611 Constitutional Law, 70612 Administrative Law*

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, Remedies under the Trade Practices Act. 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**

*Prerequisite: completion of Stage 5*

*Corequisites: 70611 Constitutional Law, 70612 Administrative Law*

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 including questions of crossvesting jurisdiction.

**71211 LAW OF EVIDENCE**

*Prerequisite: completion of Stages 5 and 6*

*Corequisites: 71111 Law of Remedies, 71112 Conflict of Laws*

The following topics will be considered:

- (a) Types of Evidence
- (b) Relevance, Admissibility, Weight of Evidence
- (c) The Course of the Trial
- (d) The Functions of the Judge and Jury
- (e) The Burden and Standard of Proof
- (f) Competence and Compellability of Witnesses
- (g) Privilege
- (h) Character Evidence
- (i) The rule against Hearsay Evidence and the Common Law and Statutory Exceptions
- (j) Confessions and Illegally Obtained Evidence
- (k) Presumptions
- (l) Corroboration.

**71212 REVENUE LAW**

*Prerequisite: completion of Stages 5 and 6*

*Corequisite: 71211 Law of Evidence*

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: 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, 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, Capital Gains Tax, Imputation and Fringe Benefits Tax.

**OPTIONAL SUBJECTS**

There are currently 47 options available in the LLB course. In order to assist students to perceive the interrelationship of the various options and their general orientation, and to make a more informed choice, the options are classified into the groups indicated below. The various groups are not mutually exclusive, and many options can be found in more than one group. Students may prefer to broaden their knowledge by choosing options from as many groups as possible. Alternatively, they may wish to specialise by confining their choices to one group. Whatever the decision, the Faculty encourages students to take at least one subject from the group, Legal Theory and Perspective Subjects. Students should also note that all Research Projects can in principle be classified under any of the groups, since the subject matter covered in a Research project is determined at the outset by the student.

**Criminal Law**

Administration of Criminal Justice  
Human Rights  
Criminology  
Advanced Criminal Law

**Commercial Law**

Industrial and Intellectual Property  
Law and Computers  
Advanced Taxation Law  
Law of Insurance  
Deceptive Trade Practices and Product Liability  
Trade Practices Law  
Advanced Company Law  
Transport Law - Selected Problems  
Dispute Resolution  
Advanced Contracts

**Environmental Law**

Environmental Law  
Local Government

**Technology**

Industrial and Intellectual Property  
Law and Computers  
Communications Law

**International Law**

Public International Law  
Human Rights  
Environmental Law  
Transport Law  
International Trade and Business  
Jessup International Moot

**Research**

Research Projects 1-5

**Labour and Industrial Relations**

Labour Law  
Industrial Law

**Land Law**

Strata Titles and Community Schemes  
Environmental Law  
Local Government  
Land Dealings

**Legal Theory and Perspective Subjects**

Comparative Law A  
Comparative Law B  
Human Rights  
Jurisprudence  
Law and Society  
Arts and the Law  
Women and the Law  
Law and Medicine  
Advanced Family Law  
Citizenship and Immigration Law  
Advanced Public Law

**77001 COMPARATIVE LAW A**

The subject will allow students interested in the comparative method of legal research to develop a deeper understanding of our own legal system. The subject also

sharpens the student's awareness of the growing 'interdependence' and similarity of the civil law and the common law methods.

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

### **77003 COMPARATIVE LAW B**

The course is designed to introduce students to the reception of legal systems in the countries of South and South-East Asia with special reference to the reception of English law and Islamic law.

### **77004 ADMINISTRATION OF CRIMINAL JUSTICE**

*Prerequisite: 71211 Evidence*

This course deals with the law of procedure for a criminal prosecution in New South Wales.

The administration of criminal justice is essentially controversial. The object of the course is to place the policy issues in context. Current law reform proposals are examined.

The course covers:

- (a) Criminal investigation: police interrogation, arrest, detention, search, seizure, remedies against the police, reception of confessional evidence and discretion to exclude evidence.
- (b) The criminal prosecution: bail, summary proceedings, committal proceedings, jury trials, discretion to prosecute, indictment, joint trials, pleas, duties of prosecutor, duties of trial judge, course of evidence, verdict, sentencing, criminal compensation, appeals.

### **77006 PUBLIC INTERNATIONAL LAW**

*Prerequisite: completion of Stage 2*

The following topics are selected for study in this subject with particular attention being paid to the development of the law through the machinery of the United Nations

in its relationship with the State, international organisations and even the individual. The topics are nature, characteristics and function of international law; sources of international law (including the role and characteristics of the International Court of Justice); the law of treaties, concept of state sovereignty and domestic jurisdiction; the relationship between international law, municipal law and the individual (including the international protection of human rights); statehood and sovereignty; the personality, rights and duties of states; the recognition of states and governments; state succession, territorial sovereignty of the land and the sea (with emphasis on limits); the jurisdiction of states (including jurisdictional competence, immunity from jurisdiction, asylum and extradition); immunities and privileges in diplomatic and consular relations; international organisations (especially the United Nations); armed conflict and the settlement of international disputes.

### **77007 HUMAN RIGHTS**

*Prerequisite: completion of 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, as are aspects of the international human rights protection systems.

Topics covered in the course will be taken from the following, in consultation with the students:

- (a) Establishment and enforcement of human rights, Constitutional rights, common law rights, and Australian Bill of Rights.
- (b) 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.
- (c) 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.
- (d) The right to protest. This topic encompasses many of the human rights questions which arise under Australia's democratic political system. The rights to free speech and assembly 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. The legislation of New South Wales and other States will be considered as will the common law.  
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.
- (e) Security. This topic will deal with the impact of security organisations on human rights.
- (f) 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?

- (g) 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.
- (h) 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.
- (i) Prisoners' rights.
- (j) Women's rights.
- (k) The jurisprudence of human rights.

#### **77008 JURISPRUDENCE**

*Prerequisite: completion of Stage 4*

This course commences with one of the central questions for contemporary legal philosophy - what is the nature of legal reasoning? The problem is to give an account of law's methods and procedures which concedes that they are unlike the impersonal procedures of logic or science but which does not reduce them to personal interests and beliefs. The writings of J Stone, C Perelman, R Dworkin, N MacCormick and others are discussed and the interpretive and reasoning practices of law are contrasted with those of other disciplines, with those of literary criticism in particular.

From this starting point the rest of the course considers, to put it simply, the common law tradition. Topics treated range from particular discussions of such notions as the Rule of Law, Individualism, Formalism, developments in certain areas of the law (especially contract law), the "crisis" in contemporary law, to the more general issue of whether grand social theory (esp. Marx & Weber) has anything to offer to an analysis of the common law.

#### **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 will be:

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

- (a) 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, licences, assignments, Crown use, patents of addition, extensions, and the value of a patent system in the economy.

- (b) Designs: present system; subject matter, registration, invalidity, infringement (in outline only), relationship to the copyright system.
- (c) 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.
- (d) 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".

In each area the effect of the Trade Practices Act 1974 will be considered.

#### **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 sceptical. The course deals with the various theoretical explanations of the causes of crime, the role and effectiveness of prisons and alternatives to imprisonment and a number of selected topics of continuing importance in criminological debate. An attempt will be made to deal with particular theories in the context of a discussion of concrete issues and subjects. Teaching will be by way of seminar discussion of materials provided in advance. Everyone will be expected to take particular responsibility for preparing and introducing at least one class.

#### **77014 LAW AND COMPUTERS**

*Prerequisite: completion of Stage 4*

The course aims to introduce students to computers as they relate to the administration and practice of the law and to specific areas of the law as they relate to computers.

#### **77015 LABOUR LAW**

*Prerequisite: completion of Stage 3*

The course is in two parts:

- (a) 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.

- (b) The rights and liabilities of employers and employees under common law principles and legislation, together with a consideration of principles of workers' compensation in New South Wales.

#### **77016 ADVANCED TAXATION**

*Prerequisite: completion of 71212 Revenue Law*

This course builds on the understanding obtained from the completion of the core subject Revenue Law, particularly in application of the law to the Taxation of Trusts, Companies Partnership and Superannuation Funds.

Topics covered include:

- (a) Comparative Study of Taxable Entities: Case Study
- (b) Budget Implications
- (c) Companies: Specific Tax Issues
- (d) Imputation/Frinking Credits
- (e) Companies: CGT Issues
- (f) Trusts: Specific Tax Issues
- (g) Taxation of Beneficiaries and Trustees
- (h) Partnerships: Specific Tax Issues
- (i) Joint Ventures and Partnerships: Tax Consequences
- (j) Income Splitting and Assignments
- (k) Part IVA and Section 260: Tax Planning
- (l) Partnership and Trusts Capital Gains Tax Issues
- (m) Companies, Partnerships and Trusts: Practical Tax Issues
- (n) Taxation of Superannuation Funds.

#### **77017 STRATA TITLES & COMMUNITY SCHEMES**

*Prerequisite: completion of Stage 4*

The aim of this course is to introduce students to the laws governing the regulation of planned communities in New South Wales - strata titles, strata leasehold titles and community schemes legislation. Students will be equipped with the necessary skills to enable them to deal with strata titles and community problems that may occur in general legal practice, either directly related to conveyancing or the broader spectrum of home unit and community living.

The syllabus includes the following:

- (a) History of flat ownership, both general and Australian. Strata titles and community schemes will also be distinguished from other titles.
- (b) Development (various types such as strata, community and leasehold schemes) and title, local government requirements, registration procedures, lot and common property/association property titles, and the effect of strata and community titles on the principles of indefeasibility.
- (c) Management, encompassing the body corporate, its corporate nature, powers, duties and functions, the application of *ultra vires* and other general law principles, by-laws, the rights and duties of proprietors and occupiers, council members as fiduciaries, and managing agents.

- (d) Disputes as they relate to the Strata Titles and Community Schemes Commissioners, the Strata Titles and Community Schemes Boards, the jurisdiction of the Supreme Court, and orders, offences and prosecutions.
- (e) The role of a solicitor acting for a developer/ original proprietor and a mortgagee, from sales and purchasers, contractual and title aspects, body corporate involvement, the rights of exclusive use and enjoyment/restricted common property.
- (f) Comparative studies of other Australian State and overseas legislation.

#### **77022 LAW OF INSURANCE**

*Prerequisite: completion of Stage 4*

This subject concentrates on a study of the general principles of insurance law, and 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 will be dealt with: insurable interest, indemnity and subrogation, risk, non-disclosure, misrepresentation, conditions, warranties, premium. Subsidiary matters such as assignment of policies, liens and reinsurance, may be included. The role of intermediaries in the formation of contracts of insurance will be examined. The subject will thus focus on the legal rights and liabilities of parties to an insurance contract in the context of common law principles and statutory modification. In addition, consideration will be given to the regulatory framework within which the insurance industry operates.

#### **77023 DECEPTIVE TRADE PRACTICES AND PRODUCT LIABILITY**

*Prerequisite: completion Stage 4*

The following topics are considered:

- (a) The Constitutional Basis of the Trade Practices Act
- (b) Liability under the Trade Practices Act and Fair Trading Legislation for misleading and deceptive conduct
- (c) Civil and criminal liability under the Trade Practices Act
- (d) Liability for unconscious conduct.
- (e) Suppliers', service providers', financiers' and manufacturers' liability for defective products (including standards and bans).

#### **77024 ENVIRONMENTAL LAW**

*Prerequisite: Stage 4*

The aim of this subject is to introduce students to those areas of the law which attempt to control or regulate environmental quality. The subject provides a comprehensive guide to the major statutory and common law controls over pollution, use of land and natural resources and heritage. Students will be introduced to the environmental licenses and approvals required, and the procedures and problems which may be encountered for industrial development, use of natural resources such

as mining and forestry, and developments on public land. In addition, the subject covers the jurisdictions of the Supreme Court, Land and Environment Court and Local Court in enforcement by criminal prosecutions and by civil proceedings.

### **77026 LOCAL GOVERNMENT**

*Prerequisite: completion Stage 4*

This subject deals with the functions, powers and duties of local government authorities and covers the following topics:

- (a) Councils:
  - Member of Council
  - Council Servants
  - Council Meetings
  - Council powers
  - Enforcement of local government and planning laws
- (b) Control of local government authorities:
  - Administrative review
  - Judicial review
  - Common Law actions against councils and their employees
- (c) Finance:
  - Rates
  - Valuation of land
- (d) Acquisition of land
- (e) Land use control:
  - Land use planning
  - Development control
- (f) Building regulation

### **77027 TRADE PRACTICES LAW**

*Prerequisite: completion of Stage 4*

Topics covered in the course are as follows:

- (a) Introduction and Economics
- (b) Monopolisation and Relevant Market Analysis
- (c) Mergers
- (d) Anti-competitive Agreements
- (e) Resale Price Maintenance
- (f) Price Discrimination
- (g) Exclusive Dealing
- (h) International Anti-trust and Extraterritoriality

### **77028 ADVANCED COMPANY LAW**

*Prerequisite: completion of Stage 4*

This subject will cover the following topics:

- (a) Equity finance, law of maintenance of capital, law of dividends, law concerning preference shares, share repurchases, financial assistance.
- (b) Debt finance, debentures, secured indebtedness, priorities, guarantees.
- (c) Takeovers, takeovers code, defences, corporate disclosure
- (d) Securities market.
- (e) The NCSC.

- (f) The strata exchange and stockbroker.
- (g) Regulation of specific market behaviour.

### **77029 LAND DEALINGS**

*Prerequisite: completion of Stage 6*

This is an important area of the law and this course will give students a thorough understanding of the law relating to an Agreement for the Sale of Land in New South Wales.

The syllabus will include the formation of enforceable contract, agreements and deeds, open contracts, *Caveat Emptor* and pre-contract enquiries, auction sales, deposit, risk and duty of care pending completion, statement of life, requisitions and objections, title defects, errors and misdescription, legality and structures of use, inquiries and affectations, rates and notices, vacant possession, time for completion, and remedies.

### **77031 LAW AND SOCIETY**

*Prerequisite: completion of Stage 3*

This course treats our common law tradition - its institutions and procedures - from a sociological viewpoint. It considers such matters as the social limits of law, how law is rendered legitimate, the role of the legal profession, the courts and the police and it concludes with a discussion of legal anthropology.

### **77035 EUROPEAN COMMUNITY LAW**

Not currently offered.

### **77036 LAW AND THE ARTS**

Not currently offered.

### **77037 ADVANCED CRIMINAL LAW**

*Prerequisite: completion of 71211 Law of Evidence*

This course deals with topics in the general part of the criminal law and may include: the definition of crime, the principles of harm and responsibility, identification of the subject matter of criminal proceedings (substantive and procedural aspects), imputed liability, defence classification, locality, international criminal law, offences of special character (possession, dishonesty, offences against the peace, offences against religion, decency and morality, etc).

Other topics of special interest may be introduced from time to time.

### **77039 JESSUP INTERNATIONAL MOOT**

*Prerequisites: completion of 70600 Skills 6 Pleadings, 70900 Skills 9 Moot*

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 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.

#### **77042 COMMUNICATIONS LAW**

*Prerequisite: completion of Stage 6*

Communications Law is a valuable study in its own right. It combines the skills and knowledge gained from administrative, commercial, constitutional and company law, but put in the context of new technologies, often considerable investment and a constantly changing policy and regulatory framework.

Telecommunications law covers the ever expanding ways in which information is exchanged, altered and/or on-sold not only between individuals, but increasingly between companies and between their information processing equipment. In the area of broadcasting regulation, the policies behind the legislation are formed against the backdrop of very carefully structured

commercial arrangements of licensees. At issue is the tension between public accountability and commercial efficiency, and in the changing environment of changing delivery technologies for programming.

Controls over all media include the obvious areas of defamation and contempt. However, the controls over electronic media do not apply to the print media, and the contrast of that regulation will be examined.

The syllabus includes the following:

- (a) The overall framework for the regulation of electronic or electromagnetic communications
- (b) Telecommunications - what it includes and how it is regulated
- (c) Mass communications, including national, public and commercial broadcasting regulation, as well as regulation of other services such as pay television or services like Sky Channel; Specific topics will include:
  - the regulatory and policy framework
  - the role and functions of the Australian Broadcasting Tribunal
  - licensing of broadcasters
  - inquiry procedures
  - issues of ownership and control of commercial licensees
- (d) Defamation
- (e) Contempt
- (f) Control over the print media, including the role of the Trade Practices Commission, the Australian Journalists' Association and the Press Council.

#### **77044 ADVANCED FAMILY LAW**

*Prerequisite: completion of 70512 Family Law, including Succession*

The aim of this course is to develop students' understanding of the principles of law which apply to families. 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. Student participation is an important component of this course, and students with a particular area of interest in a specific area of study are encouraged to bring their interest to the lecturers' attention.

#### **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**

*Prerequisite: completion of 70512 Family Law*

The course deals with:

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

Students will be expected to become familiar with the substantial body of knowledge relating to feminist jurisprudence and to conduct their own empirical research into particular areas of the law. Classes and assignments will involve the formulation of ideas and theories from relevant materials and also critical assessment of those ideas and theories. Particular attention will be paid to:

- the relationship between women, law and the family
- women in the criminal justice system
- women and art
- women in the legal profession.

#### **77047 ADVANCED CONTRACTS**

*Prerequisite: completion of 70211 Elements of Contract*

The aim of this course is to build on the student's knowledge of the law of contracts with special emphasis on the many defences available to a party to a contract in equity, and by virtue of legislative intervention.

Topics to be covered include:

- (a) Misrepresentation (other than fraudulent);
- (b) Fraud in equity;
- (c) Undue influence;
- (d) Duress;
- (e) Unconscionable bargains;
- (f) Section 52 of the Trade Practices Act;
- (g) Contracts Review Act and section 52A of the Trade Practices Act;
- (h) Section 88F of the Industrial Arbitration Act;
- (i) Lack of Writing and Doctrine of Part Performance;
- (j) Contracts for personal services and those requiring constant court supervision;
- (k) Laches and Acquiescence;
- (l) Waiver, affirmation and estoppel;
- (m) Penalties and forfeiture;
- (n) Agency;
- (o) Quasi-contract;
- (p) Trends in contract law.

#### **77048 CITIZENSHIP AND IMMIGRATION LAW**

*Prerequisite: completion of Stage 6*

This course deals with the development of a distinct Australian citizenship, the right to travel and immigration control in Australia. Constitutional law issues, the legislative framework and the Australian Government's humanitarian and international obligations are treated. Particular topics include: granting of citizenship, passports, statutory concept of entry, refugee status, change of status, deportation, Government policy, immigration programmes, departmental procedures, administrative discretion, legal institutions, natural justice, criminal offences, legal practice and procedure, comparative study of immigration control systems.

#### **77049 TRANSPORT LAW - Selected Problems**

*Prerequisite: completion of Stage 4*

This course aims to give an overall understanding of the complexities and, at times, interdependent nature of the operation of the transportation system(s) within the confines of the legal system. Certain important and recurrent issues will be selected for more in-depth study, to assist student's research, analytical and critical skills.

The five components of the course will include discussion about international and domestic rules:

- (a) The regulatory regime of air, sea, land (road/rail), and multimodal transport.
- (b) The carriage of goods and passengers by sea. Distinctions will be drawn between intra-state, interstate, and international carriage of goods by sea. Rights and responsibilities arising from carriage of passengers will be considered separately.
- (c) The domestic and international carriage of goods, luggage, baggage and passengers by air, mainly from the viewpoint of the liability regime and discussion of the Warsaw system.
- (d) The carriage of goods by land and rail, including topics such as dangerous cargoes, the Commonwealth Constitution Sections 92 and 102, contractual immunity versus fundamental breach, deviation and unconscionability and the Trade Practices Act 1974.
- (e) Legal issues connected with the multimodal transport of goods.

#### **77051 LAW OF INTERNATIONAL TRADE AND BUSINESS**

*Prerequisite: completion of 71112 Conflict of Laws*

This course aims to give students an understanding of the International Trade and Business Law as applied to various transactions, enhancing that obtained from the completion of the Conflict of Laws core subject. International Trade and Business Law permeates nearly all aspects of legal practice, including highly specialised areas such as Family Law.

The syllabus includes:

- (a) The conduct of business abroad as it relates to agency and distributional agreements, branches and subsidiaries, and the Competition Law.
- (b) The international sales of goods as in terms of offer and acceptance, stamp terms, performance and the modes of payment, acceptance and rejection of goods, the rights of the unpaid seller, frustration, foreign law, and uniformed laws.
- (c) Customs and law, including the customers tariff, audit dumping and countervailing duties, sales tax on imported goods, and physical and documentary controls of imports and exports.
- (d) The financial aspects of exports, export credit guarantees, insurance, and carriage of exports.
- (e) Dispute resolution by arbitration, alternative dispute resolution, and litigation.

### 77052 DISPUTE RESOLUTION

*Prerequisite: completion of 71201, Optional Skills 12 Dispute Resolution*

*Corequisite: 71111 Law of Remedies*

This course aims to provide students with an understanding of the jurisprudence of dispute resolution, the theory, dynamics and essential characteristics of each dispute resolution process so that effective strategies for resolving a wide range of disputes can be formulated, and to provide students with some exposure to, and training in, Dispute Resolution so that they can improve their use of negotiation, mediation and arbitration in practice.

A logical analysis of the interpersonal aspects of dispute resolution in legal practice and an examination of the changing role of lawyers in the resolution of disputes will also be provided, in an environment that will permit a systematic and reflective understanding.

The use of Dispute Resolution as a technique for narrowing or resolving disputes will be examined. Adversarial and co-operative techniques will be studied with reference to relevant case studies.

The syllabus consists of:

- (a) Concepts of Dispute Resolution including negotiation, mediation, conciliation and arbitration.
- (b) Disputes and litigation including the natures of disputes and existing resolution procedures, advantages/disadvantages of the legal system as a procedure for dispute resolution, and analysis of persons/groups "outside" the legal.
- (c) The theoretical, ethical and practical issues of negotiation techniques and styles. Elements of negotiation theory, an introduction to the analysis of resistance points, settlement range, commitments, and rationalisations, distributive and integrative bargaining will also be covered. A simulation exercise and debriefing will follow.

- (d) The theoretical, ethical and practical issues of mediation.
- (e) The procedures and specialised use of arbitration, enforcement of orders, costs and links with the litigation system, and court referrals to arbitration.
- (f) International trade disputes and procedures for their resolution, such as study of the UNCITRAL Model Rules in an international context, the International Court of Justice, and other developments in model conciliation rules with reference to the case law in this area.
- (g) The role of the legal profession and Dispute Resolution within the court system, encompassing the mediation versus adversary system, the Law Society guidelines for solicitors/mediators, part 72 of the Supreme Court Rules, the discretion of the arbitrator and absence of requirement of rules. Functioning systems of Dispute Resolutions will be presented.
- (h) Presentation of seminar papers from areas including, but not limited to, family law, environmental law, trade law, contract, crime, international (maritime or aviation) disputes, and consumer protection.
- (i) The evaluation of Dispute Resolution techniques and processes in comparison to the advantages/disadvantages of litigation, the objectives of Dispute Resolution, and the combining of techniques.

### 77053 INDUSTRIAL LAW

*Prerequisite: completion of Stage 3*

This course examines the Australian system for resolving industrial disputes by compulsory conciliation and arbitration. It will impart a basic understanding of the workings of the arbitration machinery, the limitations imposed upon this area by the Australian Constitution and the legal framework which regulates Australian unions - both their external activities and their internal affairs. The course concentrates on the Federal Arbitration System (and on federally registered unions) but reference will be made to State and overseas legislation where appropriate.

The syllabus consists of:

- (a) The constitutional limits in this area to Federal power (51(35), separation of powers, doctrine, etc).
- (b) The workings of the Industrial Relations Act, including the content of awards.
- (c) The legal status of trade unions.
- (d) The legislative controls upon a trade union's internal affairs.
- (e) How the Industrial Relations Act protects unionism.
- (f) Legal controls over trade unions activities ie, the sanctions to be found in the Industrial Relations Act, Trade Practices Act, the Common Law through economics torts, and in other legislation such as Crimes Act and Essential Services legislation.

**77054 ADVANCED PUBLIC LAW***Prerequisite: completion of Stage 6*

This course builds upon some of the more complex issues presented in the core subjects Constitutional Law and Administrative Law, developing an overall perspective on public law and equipping students to deal with issues of increasing relevance in legal practice. Where relevant, comparisons are made with the concept of Federalism developed in other major Federal States.

The syllabus includes the following:

- (a) The three arms of Government, covering the executive power of the Crown and the Cabinet government. Legislative power as delegated legislation, judicial power of the High Court, encompassing jurisdiction and techniques/methods such as characterisation and interpretation of privative clauses. Judicial review is considered in terms of its limitation, standing, justiciability, and facts in constitutional cases.
- (b) Federalism from the viewpoint of separation of powers and intergovernmental relations.
- (c) Recent developments of current interests in Public Law.

**THE RESEARCH PROJECT**

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

- 77010 Research Project 1 - One semester hour
- 77020 Research Project 2 - Two semester hours
- 77030 Research Project 3 - Three semester hours
- 77040 Research Project 4 - Four semester hours
- 77050 Research Project 5 - Five semester hours

The aim of the research projects is to further develop the 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.

Applications may be obtained from the General Papers Office.

**POSTGRADUATE PROGRAMMES**

LLM by Coursework; LLM by Thesis; Graduate Certificate in Comparative Law; Graduate Diploma in Industrial Property; SJD; PhD

The School of Law offers a variety of postgraduate programmes to suit lawyers with differing needs. In addition to the traditional degrees of LLM by Thesis

and PhD, the Faculty offers an LLM by Coursework, a Graduate Certificate in Comparative Law (part of the Recommended Programme for Civil Lawyers), a Graduate Diploma in Industrial Property and the Doctor of Juridical Science (SJD) and a Graduate Diploma in Australian Law (subject to final approval).

**MASTER OF LAWS BY COURSEWORK AND DOCTOR OF JURIDICAL SCIENCE****1. MASTER OF LAWS BY COURSEWORK****Attendance**

The LLM by Coursework requires the completion of four units or subjects; there are a variety of ways in which these subjects may be undertaken. The majority of subjects offered involve 2 hours per week of seminars over two semesters. A limited number of subjects are available involving 2 or 4 seminar hours per week over one semester. The Research Project and the International Comparative Law Project do not require formal attendance at the Faculty.

As another alternative, the Faculty of Law offers encapsulated subjects in its Summer and Winter Programmes. These programmes involve a concentrated period of internal attendance, which is equivalent to the attendance requirement of LLM and SJD subjects in the year-long mode. Assessment is completed externally, over the following semester. The subjects are the equivalent of four or two semester hours.

The Masters programme may be completed in a minimum of four semesters of part-time attendance, or of two semesters of full-time study. The maximum period allowed for completion of all work required for the Masters degree is nine semesters for part-time students, and six semesters for full-time students.

LLM by Coursework candidates may opt, during the period of candidature, to transfer to the SJD degree. This option may be exercised at any time after the completion of two subjects in the LLM programme, prior to taking out the Masters degree. LLM candidates transferring directly to the SJD degree must have attained a grade point average of 67.5% for coursework completed. Candidates who transfer from the Masters programme will not take out the Masters degree.

**Admission to the LLM by Coursework**

There are two categories of admission. Those candidates who have an LLB with Honours, or high professional standing, may enter the programme without further requirements as "Category A" candidates. All other candidates, "Category B" candidates, are assessed on the basis of qualifications and professional experience, and are required to attend seminars in Advanced Legal Research. The Faculty requires students to reach a satisfactory level in this subject. "Category B" candidates are also required to complete satisfactorily all courses attempted during the first year of candidature.

As the Faculty of Law is essentially a professional law school, strong emphasis is placed upon professional standing and experience in assessing candidates. The number of places in each year is limited.

### LLM with Honours

Honours candidates are required to submit a Research Project as one unit of the required four. The recommended length of the Project is between 20,000 and 30,000 words; it consists of a major paper suitable for publication, or any other type of research work approved by the Faculty Board. It will normally develop and extend work done in one or more of the subjects already undertaken, but in appropriate circumstances a candidate may be permitted to undertake a new topic.

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

### Concentrations in the LLM by Coursework

By choosing an appropriate mix of subjects it is possible, but not obligatory, to major within the LLM. The major, or concentration, will appear on the testamur and any transcript of subjects undertaken. The concentrations include:

- Asian Law
- Commercial Law
- Industrial Property Law
- International Banking and Financial Law
- International Business Law
- International Transport Law
- Public Law
- Taxation Law

At least three subjects, (or for Honours candidates two subjects and a research project) must fall within the area of the concentration.

## 2. DOCTOR OF JURIDICAL SCIENCE

The Doctor of Juridical Science programme offered by the Faculty of Law was the first of its kind in Australia. It consists of ten units, combining a concentrated coursework programme and original research culminating in a doctoral dissertation.

A candidate for the SJD must complete four subjects which constitute four units of the course. Subjects will be selected from the LLM programme or similar programmes in other law schools.

The candidate must also undertake a doctoral dissertation, constituting six units of the course. The dissertation must represent an original contribution to a field of study, and should be approximately 50,000 - 70,000 words in length.

The SJD, with its unique combination of coursework and individual research, counters the isolation experienced by many PhD candidates. It provides candidates with the opportunity to develop their doctoral dissertation within the context of a coursework programme, allowing them to benefit from contact with other candidates. The coursework ingredient ensures that the candidate's studies are not too narrowly based or limited to the precise subject, ensuring that doctoral study is broadened by coursework subjects related to the dissertation in associated subjects.

### Admission to the SJD

The University's Doctoral Regulations require an LLM or an LLB with Honours for admission to the SJD. (This is subject to certain restrictions which are set out in paragraph 3.5.2.1 of the Regulations for the Doctoral Programme.)

Students who have satisfactorily completed at least two subjects in the LLM at an appropriate standard (a grade point average of 67.5%), may request a transfer to the SJD programme.

### Attendance

The SJD programme may be undertaken full time or part time and, as regards the dissertation, externally if desired. The following minimum attendance requirements apply:

- (1) For those holding a Bachelors degree the minimum time for completion is six semesters full time or eight semesters part time.
- (2) For those holding a Masters degree the SJD programme can be completed in four semesters of full-time study or six semesters part time.

Maximum time periods for completion also apply.

### Subjects available within the LLM and SJD

The following are subjects available in the LLM and SJD programmes. The summaries of the syllabus for each subject are an indication of the scope of the subject; the precise topics to be dealt with in each year will be determined in the light of recent developments and other relevant factors.

Subject	Concentration	Semester hours
Advanced Legal Research	-	4
Advanced Administrative Law	(p)	4
Advanced Constitutional Law	(p)	4
Advanced Media Law	(c)	4
Air Law	(c)(ib)(it)	4
Banking Law	(c)(if)	4
Capital Gains Tax	(c)(t)	4
Chinese Trade and Investment Law	(a)(c)(ib)(if)(t)	2

Computerised Legal Information Systems	-	4
Corporate Finance and Securities	(c)	4
Corporate Insolvency and Restructuring	(c)	2
Current Problems of Public International Law	(ib)	4
Deceptive Trade Practices and Product Liability	(c)	4
Designs Law	(ip)	4
European Community Law	(c)(ib)	4
International Banking and Finance Law	(c)(ib)	4
International Business Transactions	(c)(ib)(if)	4
International Commercial Dispute Resolution	(c)(ib)	4
International & Comparative Law Project International Economic Law	(c)(ib)(if)(t)	4
International Taxation	(c)(ib)(if)(t)	4
International Trade Law	(c)(ib)	4
Japanese Law	(a)(c)(ib)	2
Maritime Law	(c)(ib)(it)	4
Patent Law	(ip)	4
Planning and Development Law Research Project	-	4
Restrictive Trade Practices	(c)	4
Tax Procedures, Sales Tax & Stamp Duties	(c)(t)	4
Trade Marks Law	(ip)	4
Welfare Law	(p)	4

Key to concentrations appropriate to subjects:

- p = public law concentration
- c = commercial law concentration
- t = taxation law concentration
- ib = international business law concentration
- if = international banking and financial law concentration
- ip = industrial property concentration
- it = international transport concentration
- a = Asian law\*

\*Proposed

(The Faculty cannot undertake to offer all subjects in all years).

## SYNOPSIS

### 77700 ADVANCED LEGAL RESEARCH

These seminars are on the methodology of research appropriate to graduate study involving the primary and principal secondary sources of law in NSW and the Commonwealth. In addition, the sources of law in a selected number of jurisdictions - England, United States, New Zealand and Canada - are considered. The sources of international law constitute a special topic. Advanced

Legal Research is a corequisite for "Category B" LLM candidates, but is open to all LLM and SJD candidates. No fee is payable for the seminars.

### 77701 INTERNATIONAL ECONOMIC LAW

This subject is designed to develop an understanding of the law governing the international economy and relations between participants in that economy. The concept of international economic law will be examined, and topics will include specific resource issues such as the common heritage, the deep sea bed, Antarctica, international legal regulation of investment, finance and trade, the institutions - IMF, GATT, IBRD, and the relationship between national and international economic law involving such concepts as extraterritoriality, sovereign immunity, etc.

### 77702 CURRENT PROBLEMS OF PUBLIC INTERNATIONAL LAW

This subject will permit students to develop an advanced understanding of the subject, including topics such as recent developments, sources of public international law, dispute resolution, diplomatic immunity, the law of the sea, extradition and asylum, international protection and human rights, treaty practice and procedure, recognition of states and governments.

### 77703 INTERNATIONAL BUSINESS TRANSACTIONS

Topics include international trade law, transport of goods, taxation of international business transactions, financial aspects, foreign investment law, extraterritoriality, international business contracts and dispute settlement.

### 77704 EUROPEAN COMMUNITY LAW

Topics include the activities of the European institutions especially the EEC, the political and economic origins of the EEC and its institutional structures with emphasis on the Court of Justice, and the laws of the member states and the free movement of goods, workers, capital and services. The subject concentrates on the emerging trans-national protection of social and economic rights and the jurisprudence of the European Court of Justice.

### 77705 MARITIME LAW

This subject is divided into two main areas - admiralty law and the law pertaining to the carriage of goods by sea. In both cases, reference will be made to pertinent international conventions and their adoption (or otherwise) in Australia, as well as to current international deliberations. Within the first main group of topics, the areas of admiralty law studied include safety; registration, nationality and ownership of ships; sale and purchase of ships; securities (mortgages and maritime liens); admiralty jurisdiction; collisions and limitation of liability; salvage, towage and pilotage; maritime employment. The

of shipping conferences, and the rights and obligations of parties to contract for the carriage of goods by sea (carrier and shipper), with special reference to charter parties and bills of lading. The areas studied include anti-trust laws, the Hague Rules, seaworthiness and the duty to take care of cargo, demurrage, general average, freight, and marine insurance. Problems associated with intermodal transport operations will also be discussed.

#### **77706 ADVANCED ADMINISTRATIVE LAW**

Topics will include major developments in the common law and in Federal administrative law. Particular attention will be paid to developing forms of remedies, the alternative forms of review of administrative action through, for example, the Ombudsman, and current issues and prospective developments. Administrative law is relevant to all forms of government activity including regulation of trade and commerce.

#### **77707 ADVANCED CONSTITUTIONAL LAW**

This subject involves a consideration of current issues in Constitutional Law, the three arms of government, and a review of recent developments in various aspects of Federal powers.

#### **77708 WELFARE LAW**

This subject examines legal developments from government policies to reduce inequalities in the distribution of resources and the provision of access to justice. There will be a consideration of Federal social security system, veterans' administration, international declarations and treaties relevant to children, with consideration of tenancy law and practice, housing policy, etc, and access to justice through the provision of legal aid.

#### **77709 PLANNING AND DEVELOPMENT LAW**

Topics in this subject include government involvement in the planning and development process as developer and as intervener; executory discretions in the development process; individual participation in the planning process; review of decisions; costs of environmental protection; a case study for the interaction between private rights and public interests; a case study for the interaction of planning law and environmental concerns; and recent developments.

#### **77710 INTERNATIONAL AND COMPARATIVE LAW PROJECT**

This subject permits a candidate to undertake an approved course of study, of a limited duration, at various locations in Europe and elsewhere with institutions such as the Hague Academy of International Law and Santa Clara University Law School. Upon returning to Australia candidates must present evidence of work completed which will be assessed. Candidates may submit proposals for alternative programmes.

#### **77711 CORPORATE FINANCE AND SECURITIES**

This subject considers a number of topics of current relevance to corporations law, securities law, and corporate finance. The topics covered in the course include takeovers; the close corporation; share buy-backs; the new Federal company law regime; investigations and related topics; developments in directors' duties; an overview of the financial markets from an economist's viewpoint; the securities industry; controls on public offerings; criminal and civil sanctions relevant to the securities industry; financial advisers; secured and unsecured finance; corporate and unincorporated joint ventures; leasing; subordination; use of commercial paper as a financing technique; syndication and participation credit facilities; controls on foreign investment; and taxation issues in the context of finance law.

#### **77712 DECEPTIVE TRADE PRACTICES AND PRODUCT LIABILITY**

This subject is an advanced study of Parts V and VI of Trade Practices Act (and analogous legislation). Topics covered include deceptive trade practices; remedies; unconscionable conduct; and liability of suppliers, service providers and manufacturers. Emphasis is placed upon recent legal developments.

#### **77713 TAX PROCEDURES, SALES TAX AND STAMP DUTIES**

The topics covered include the Commissioner's powers to obtain information; imputation of tax; administrative law and tax; tax avoidance; tax appeals and objections; sales tax; and stamp duties.

#### **77714 COMPUTERISED LEGAL INFORMATION SYSTEMS**

This subject involves the study of free text retrieval systems and knowledge-based applications (expert systems). Although principally a practical subject, the implementation of programmes which are capable of legal reasoning will necessitate consideration of the nature and types of such reasoning.

#### **77715 BANKING LAW**

This is an advanced study of the following topics: the banking system, regulatory framework, relationship between bank and customer, bills of exchange, and duties and responsibilities of paying and collecting banks.

#### **77716 INTERNATIONAL TRADE LAW**

Topics include the sale of goods; representation overseas; finance; export credits and insurance; carriage of goods; arbitration and litigation; customs law; and international trade regulation.

## **77717 INTERNATIONAL COMMERCIAL DISPUTE RESOLUTION**

The topics covered include negotiation in commercial conflict situations, cross-cultural commercial negotiations, trans-national aspects of arbitration, arbitration as contract, statutory regulation of arbitration, international arbitration law, negotiating with the Japanese, the role of Dispute Resolution Centres, arbitration institutions, and drafting and analysing arbitration agreements. At the close of the subject students will attend an IDR Skills Workshop held at the ACDC.

## **77718 AIR LAW**

This subject is dealt with at both the international and domestic levels. The topics considered include the regulation and organisation of aviation (including sovereignty); the system of carrier liability with emphasis on the Warsaw system; third-party liability (including damage caused to third parties on surface, environmental damage and aviation products liability); aviation insurance; and security issues.

## **77719 CAPITAL GAINS TAX**

This subject involves an in-depth study of capital gains tax (CGT) including consideration of legislative amendments since introduction of CGT, the effects of CGT on partnerships, trusts, companies, non-residents, and death, the "nightmare" provisions, CGT and convertible notes, CGT and roll-over provisions, current practical problems, overseas experience, the role of the CGT Subcommittee, and ATO rulings and practice.

## **77720 INTERNATIONAL TAXATION**

This subject considers the following topics: changes enacted and proposed since the 1985 Tax Reform measures; impact of international tax changes on Australian businesses; capitalisation and foreign controllers; the foreign credit tax system and imputation system; Australian measures against tax havens; taxation of foreign service income; relocation of corporate residence off-shore; tax consequences of international information flows; non-resident trusts; transfer-pricing; enforcement and compliance moves by the Australian Taxation Office; New Zealand and US experiences; and controlled foreign corporations.

## **77721 RESTRICTIVE TRADE PRACTICES**

This subject is an advanced study of recent directions in trade practices law including monopolisation, mergers, exclusive dealing, and re-sale price maintenance.

## **77722 ADVANCED MEDIA LAW**

This subject involves an examination of legal problems relating to both electronic and print communications. In the field of electronic communications the various aspects of establishment and regulation will be considered. In addition, there will be a consideration

of the law applicable to all media - defamation, contempt - particularly in relation to recent developments.

This subject involves an examination of the role in Japan; the building of the modern Japanese legal system; judicial control/review of government action; tort law; commercial and contract law; the legal profession in Japan and the role of foreign lawyers; the litigation process; company law; establishing a business in Japan; foreign exchange and foreign trade control law; industrial relations; and issues in Australia - Japan legal relations.

## **77724 INTERNATIONAL BANKING AND FINANCIAL LAW**

The subject is an advanced study of monetary systems, monetary obligations, foreign money obligations, the problem of the governing law, sovereign risk, exchange control, covenants, default and types of finance.

## **77725 RESEARCH PROJECT**

Candidates for the LLM with Honours must undertake the Research Project: however, the Research Project is open to all candidates for the LLM or SJD. Candidates undertaking the Research Project must research and write a paper of approximately 20,000 to 30,000 words of a standard suitable for publication. In most cases the Research Project will extend and develop research done in one or more of the LLM or SJD subjects already undertaken, but in appropriate circumstances a candidate may undertake a new topic. The Research Project is subject to rules approved by the Faculty Board.

## **77726 PATENT LAW OF AUSTRALIA**

The subject provides candidates with an opportunity to study the current law and practice relating to the protection of industrial property rights in inventions and technological advances. Topics include: confidential information, history of patents for inventions, current legislation and reform, subject matter, right to apply, employees' inventions and joint ownership, form of application, specifications and fair basing, novelty and obviousness, opposition, grounds of invalidity, Crown use, patents of addition, extensions of term, Patent Conventions, infringement, licences, assignment, remedies and penalties and the value of the patent system in the economy.

## **77727 DESIGN LAW**

The subject comprises a study of the law relating to the registration of designs. Topics include the history of registered design legislation, meaning of design, requirements for registration, novelty or originality, registration process, term, ownership of registered design, rights created by registration, rectification of the register, licences and assignment, compulsory licences, transition provisions, design and copyright overlap, relevance of the Trade Practices Act 1974, international obligations, and Circuits Layout Act 1988.

## 77728 TRADE MARK LAW

The subject comprises a study of the law relating to protection of goodwill and reputation in marketing and trading in goods and services. Topics include: protection at common law, passing off, slander of title, slander of goods, unfair competition, misleading or deceptive conduct under the Trade Practices Act 1974, Trade Mark legislation, right to apply, purposes of registration, distinctiveness, deception and confusion, the possibility of protection for misappropriation rather than confusion, division of the register, defensive registration, certification marks, infringement, assignment, the registered user system, the exploitation of marks, remedies, international conventions, and commercial counterfeiting.

## 77729 CHINESE TRADE AND INVESTMENT LAW

This subject comprises an introduction to trade and investment law of the People's Republic of China. Topics considered include: the role of law in China, the law-making process and interpretation, legal aspects of China's foreign trade, legal aspects of foreign investment in China, contractual and equity joint ventures and wholly-owned foreign enterprises, taxation of foreign interests, foreign exchange control, banking and finance, and dispute resolution.

## 77730 CORPORATE INSOLVENCY AND RESTRUCTURING

The subject comprises an advanced study of corporate insolvency law. Topics considered include: the regulating structure, secured and unsecured creditors, reservations, liquidation, schemes of arrangement, official management, the role of directors, and foreign companies and foreign proceedings.

### Assessment

Assessment in LLM and SJD subjects involves a variety of methods including a 15,000 word research paper requiring high standards of legal scholarship, seminar participation, and seminar presentation. Examinations may form a small percentage of the total marks in any subject.

### Intake

SJD and LLM by Coursework candidates may apply for admission at four stages throughout the year: at the beginning of the Summer, Autumn, Winter and Spring semesters. The majority of the subjects listed commence in the Autumn semester; a limited number of subjects will be offered in the other semesters. Information concerning forthcoming subjects may be obtained from Ms Anne Maree Payne, the Faculty's Graduate Courses Officer.

## Summer Term/Winter Term

The Faculty of Law offers certain of its postgraduate subjects in a partially encapsulated mode. In these subjects, contact hours are equivalent to those of year-long subjects, as the lectures are held five days a week for approximately one month. Candidates are required to commence preparation in advance of the lectures; they complete their assessment in the semester following the period of lectures.

## Studying Off-shore - The International and Comparative Law Project

Because of career commitments, most practising lawyers are unable to undertake postgraduate work overseas, and therefore miss the advantages of studying in a different culture and environment. In an endeavour to redress this, the Faculty offers the International and Comparative Law Project. This subject permits a candidate to undertake an approved course of study overseas of a limited duration, and credit this towards the LLM by Coursework or SJD at UTS. Upon return to Australia, the candidate must present evidence of work completed which will be assessed; further written work may be required.

The Faculty has approved programmes of study in various locations in Europe with the Hague Academy of International Law and Santa Clara University Law School. Other programmes are available; students may submit proposals for alternative programmes. Details may be obtained from Anne Maree Payne, the Faculty's Graduate Courses Officer.

## Subjects in other Law Schools and Universities

Subject to appropriate approvals, credit may be given for a subject or subjects undertaken in other LLM programmes at other law schools. Up to one half of the LLM by Coursework degree and half of the coursework component for the SJD may be undertaken at another university. A formal application should be made to the Faculty. Applications to take subjects at non-Australian universities will also be considered.

## Non-Degree Students

Depending on availability of places, the LLM/SJD subjects are open to students undertaking postgraduate law studies at other universities.

## External Students

Depending on availability of places, the LLM/SJD subjects are open to students undertaking postgraduate law studies at other universities.

For further information contact the Faculty, or the External Award/Extension Studies Officer, Ph: 20930.

### **Fees**

Fees for permanent residents of Australia are currently \$850 per LLM or SJD subject. In addition, part-time postgraduate students are charged the usual University services fees.

## **POSTGRADUATE DEGREES BY THESIS: MASTER OF LAWS BY THESIS AND DOCTOR OF PHILOSOPHY**

### **3. LLM BY THESIS**

A candidate for the Master of Laws by Thesis is required to submit a thesis of approximately 40,000 - 60,000 words, representing an original investigation, criticism or review of the field of research, of a standard suitable for publication.

Candidates are required to submit reports to their supervisor each semester, detailing their progress. Candidates may undertake the Master of Laws by Thesis on either an internal or an external basis.

#### **Admission**

Candidates must possess an LLB, or an equivalent qualification. Intending applicants should contact the Postgraduate Sub-Dean, Dr Ellen Beerworth, to discuss details of their proposed research programme before submitting their application.

#### **Eligibility for Award**

The Master of Laws by Thesis programme may be completed in a minimum of 4 semesters of full-time study, or 6 semesters of part-time study. The maximum period allowed for completion of the thesis is 6 semesters of full-time study, or nine semesters of part-time study.

#### **Intake**

Candidates for higher degrees by Thesis may apply for admission at any stage of the academic year.

### **4. PhD**

A candidate for the PhD is required to submit a thesis, of approximately 100,000 words, representing an original contribution to the knowledge of a subject.

Candidates must submit a report to their Principal Supervisor each semester, and during the first year of study candidates undergo a Doctoral Assessment, to ensure that they are equipped with the knowledge to complete their research programme within the prescribed time.

#### **Admission**

Candidates for the PhD must have a Masters Degree, or an LLB with First Class Honours or Second Class Honours, Division 1.

Candidates in the LLM by Thesis programme may apply to transfer to the PhD after a minimum of one year's study, having reached a standard equivalent to that of a Bachelors degree with First Class Honours or Second Class Honours, Division 1.

Intending applicants may contact the Postgraduate Sub-Dean, Dr Ellen Beerworth, concerning academic issues prior to the submission of their application.

#### **Eligibility for Award**

The PhD requires the following minimum enrolment periods:

- (1) For candidates with a Masters Degree, the programme can be completed in a minimum of four semesters of full-time enrolment, or six semesters of part-time enrolment.
- (2) For candidates with a Bachelors Degree (Honours), the programme can be completed in a minimum of six semesters of full-time enrolment, or eight semesters of part-time enrolment.

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

## **GRADUATE CERTIFICATES AND DIPLOMAS: Graduate Certificate in Comparative Law and Graduate Diploma in Industrial Property**

### **5. GRADUATE CERTIFICATE IN COMPARATIVE LAW: LLM BY THESIS FOR CIVIL LAWYERS**

The Faculty offers coursework designed for lawyers from civil law jurisdictions, entitled Advanced Comparative Law - The Common Law. This course explains the basic features of the common law tradition, and particularly its approach to contract law and business transactions. The topics treated include: sources of the common law; the development of the common law in England and its reception into Australia; courts and lawyers in Australia; law-finding in the common law; contract law in the common law; Australian public law; and aspects of the law regulating business transactions in Australia.

#### **Attendance**

Contact hours in the Advanced Comparative Law seminars allow candidates the opportunity to engage in part-time employment.

#### **Admission**

Candidates must hold a Bachelors Degree in civil law or be admitted to practice as a lawyer in a civil law jurisdiction. It is considered that civil lawyers on secondment with Sydney law firms are suitable applicants.

Successful completion of the subject Advanced Comparative Law entitles candidates to a Graduate Certificate. Alternatively, a candidate may then opt to enter the LLM by Thesis programme. The LLM by Thesis may be completed internally or externally; the suggested word length is 30,000 words for candidates who have successfully completed the subject Advanced

Comparative Law. Students transferring to the LLM are not then eligible to receive the Graduate Certificate.

### **Fees**

Information about fees and enrolment is available from The Director, International Programmes, PO Box 123, Broadway 2007. Ph: 20930. Int: 61 2 20930.

Permanent residents of Australia interested in the Graduate Certificate should contact Ms Anne Maree Payne, Graduate Courses Officer, Ph 218 9710.

## **6. GRADUATE DIPLOMA IN INDUSTRIAL PROPERTY**

The Faculty offers a programme leading to the award of Graduate Diploma in Industrial Property.

Candidates for the award must satisfactorily complete four subjects. These subjects are:

- 72100\* Legal Process
- 72101 Patent Law of Australia and the Practice of the Patent Office
- 72102 Trade Marks Law of Australia and the Practice of the Trade Marks Office
- 72103 Designs Law and Related Intellectual Property Laws of Australia and the Practice of the Designs Office.

\*Candidates possessing legal qualifications may apply for an exemption from Legal Process.

(For detailed descriptions of Graduate Diploma subjects refer to the subject listings for the LLM/SJD).

### **Admission**

The Graduate Diploma in Industrial Property is suitable for persons qualified in Science or Engineering who wish to apply for registration as a Patent Attorney. The Diploma is taught and examined at a high standard, and a graduate may apply to the Board of Examiners of Patent Attorneys under the Patent Attorneys' Regulations for exemptions from further examinations in subjects listed in Reg. 10(2) (a), (b), (c) and (d) referred to Regulation 10(2).

Candidates holding an LLB or equivalent are also eligible for admission to the Graduate Diploma in Industrial Property. The Diploma is particularly suited for those who wish to obtain detailed knowledge in the rapidly expanding field of Industrial Property Law.

Lawyers may wish to undertake the same subjects as part of a concentration in industrial property in the LLM by Coursework or the SJD degree.

### **Attendance**

The Diploma requires a total of eighteen semester hours of part-time study over two years. Attendance will ordinarily be two or three hours a night on two nights a week for fifteen weeks. Summer/Winter School teaching may become available.

### **Assessment**

Graduate Diploma candidates are required to undertake two pieces of assessment per semester\*:

- (1) An essay on an approved topic of between 3,000 - 4,000 words (40% of assessment)
- (2) A three hour examination (60% of assessment)

\*Assessment may vary at the discretion of the course co-ordinator.

Candidates undertaking Industrial Property subjects in their Masters programme will be required to submit an essay of 15,000 words per subject (see Masters assessment requirements).

### **Fees**

Fees for the Graduate Diploma are presently \$850 per subject per semester, plus university service fees, which total \$191 for new students and \$171 for re-enrolling students.

### **Intake**

Candidates may enter the Graduate Diploma in either the Autumn or Spring semesters.

### **APPLICATIONS**

Applications to postgraduate programmes should be made on the University's postgraduate form which may be obtained from:

Postgraduate Studies  
University of Technology, Sydney  
PO Box 123  
Broadway 2007  
PH: (02) 20930

or from the

UTS Information Service  
Level 4  
Tower Building  
Broadway  
PH: 20930

or from the

Graduate Courses Officer  
RM B304  
Faculty of Law  
Haymarket, City Campus  
Quay Street and Ultimo Road  
Haymarket  
PH: (02) 218 9710

Completed applications should be posted or delivered to:

The Graduate Studies Officer  
University of Technology, Sydney  
PO Box 123  
Broadway NSW 2007

### **Overseas students**

Applicants from overseas are required to have an adequate proficiency in oral and written English. Details of fees and other requirements and application forms may be obtained from The Director, International Programmes, University of Technology, Sydney, PO Box 123, Broadway NSW 2007. PH: 61 2 20930.

## **INTERNATIONAL AND COMMERCIAL LAW CENTRE**

### **Objectives**

The Centre emanates from the Faculty of Law, University of Technology, Sydney, and maintains close links with the legal profession, the commercial community generally and with the wider international arena, integrating Australia into the wider Pacific Rim and European regions. The Centre assists in facilitating the dissemination of knowledge about commercial law and foreign legal systems.

The Centre's activities promote the internationalisation of our legal profession, and should ultimately have an impact in creating closer relations with Australia's trading partners. The Centre exports legal knowledge which will help raise Australia's profile in the immediate area and worldwide, and will also perform the much needed function in Sydney of facilitating the collection and dissemination of knowledge concerning rapidly evolving commercial law areas such as banking and financial law, international taxation, and corporate securities and regulation, which have increasing international implications.

### **Activities**

The Centre publishes the Australian International Law News and Lawasia, and provides ongoing support to postgraduate programmes (LLM and SJD) within the Faculty of Law. The Centre also provides a postgraduate legal education programme for lawyers from civil law jurisdictions. The Centre is currently engaged in a joint venture with the Insearch Language Centre, UTS, to provide a postgraduate course for lawyers and businessmen on Japanese commercial law, business culture and language. In 1990 the Centre has sponsored a number of successful seminars of relevance to the legal profession and the business community.

Forthcoming Centre seminars will be on Section 52 Trade Practices Act, Intellectual Property Law, Telecommunications Law and Immigration Law.

Major sponsorship opportunities are available in connection with the Centre's activities, including sponsorship of specific seminars, workshops, international forums or course programmes. These activities attract a high profile audience and represent valuable sponsorship vehicles.

As a commercially aware organisation, the Centre welcomes sponsorship enquiries from interested parties. Sponsorship enquiries should be directed to the Director of the Centre, Dr Ellen Beerworth, Telephone: (02) 281 8272 or (02) 218 9700.

Further information about ICLC activities may be obtained from Ms Anne Maree Payne, Telephone: (02) 218 9710.

## THE STUDENTS' ASSOCIATION (SA)

All students of the University are members of the SA. In general the SA plays a representative and advocacy role on behalf of the students. It also operates to organise and encourage students themselves to become active in campaigns. 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 interest 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 SA is governed by the Student Representative Council (SRC) which deals with University-wide issues and is responsible for controlling the SA's funds. At a campus level there are Campus Committees dealing with campus related issues. There are five Campus Committees:

- Balmain
- Broadway
- Kuring-gai
- Haymarket
- Northern (Gore Hill & St Leonards)

The SRC and the Campus Committees are elected by students and are accountable to the student body. Any student is welcome to attend the SRC and Campus Committee meetings.

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 SRC and the day-to-day management of the Association. The Education Vice-President is employed to represent student education interests. At a campus level the Campus Convenor carries out the directions of the Campus Committee and generally represents the Campus.

A Women's Officer and International Students' Officer are employed on a full-time basis. A Special Needs Officer is employed on a part-time basis to provide support and representation to students with disabilities.

The SA provides resource centres at Broadway, Haymarket, Gore Hill and Balmain, second-hand bookshops at Broadway, Haymarket and Kuring-gai and photocopying is provided at Broadway, Haymarket, Gore Hill, St Leonards and Balmain. Three Education Officers are employed by the SA to provide assistance in educational matters and Austudy.

For further information contact the main office of the SA which is located at the Broadway campus on level 3A of the Tower building (telephone 218 9064). Opening hours: 9.00am to 7.00pm. Or alternatively contact the Students' Centre at Balmain campus (Batty Street).

## PRINCIPAL DATES FOR 1991

### AUTUMN SEMESTER

#### January

- 14 Release of HSC results
- 21 Closing date for changes of preference of 1990 NSW HSC applicants (4.30 pm)
- 26 Australia Day
- 29 Public School Holidays end
- 29-31 Enrolment of continuing students at Broadway Campus

#### February

- 1-21 Enrolment of continuing and new students at Broadway Campus
- 25-28 Enrolment at Kuring-gai Campus
- 27-28 University Orientation Day at Broadway Campus

#### March

- 1 University Orientation Day at Kuring-gai Campus
- 15 Last day to enrol in a course or add subjects
- 28 Last day to apply for leave of absence
- 29 Public School Holidays commence
- 29 Good Friday
- 31 HECS Census Date

#### April

- 1 Easter Monday
- 1-5 Vice-Chancellors' Week (non-teaching)
- 7 Public School Holidays end
- 12 Last day to drop a subject without academic penalty
- 12 Last day to withdraw from course without academic penalty
- 25 Anzac Day
- 29 Graduation Ceremonies commence

#### May

- 10 Graduation Ceremonies finish
- 24-25 Information Evening
- 31 Closing date for applications for Spring Semester

#### June

- 7 Formal examinations commence
- 29 Public School Holidays commence

### SPRING SEMESTER

#### July

- 5 End of formal examinations
- 3-12 Vice-Chancellors' week (non-teaching)
- 14 End of Public School Holidays
- 19-26 Enrolment of new students

#### August

- 9 Last day to enrol in a course or add subjects
- 23 Last day to apply for Leave of Absence
- 31 HECS Census Date

#### September

- 6 Last day to drop a subject
- 6 Last day to withdraw from a course
- 28 Public School Holidays commence
- 30 Undergraduate applications close for admission in 1992
- 30 Vice-Chancellors' Week (non-teaching)

#### October

- 6 End of Public School holidays

#### November

- 11 Formal examinations commence

#### December

- 6 End of formal examinations
- 14 Public School Holidays commence

