

Chapter 6

ANU College of Law

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Dean and Convenor: Professor M Coper

The Law degrees

The ANU College of Law offers undergraduate programs for the pass degree of Bachelor of Laws and for the degree of Bachelor of Laws with honours. Postgraduate programs in the areas of environmental law, government and commercial law, international law, migration law, and legal practice are also offered.

The College offers supervision of candidates for the degrees of Master of Philosophy, Doctor of Juridical Science and Doctor of Philosophy.

The Legal Workshop, which is part of the ANU College of Law, offers a practical legal training program, Graduate Diploma in Legal Practice, to students who have been admitted to, or who have successfully completed the program of study for, the degree of Bachelor of Laws or an equivalent degree at an Australian university or other approved tertiary institution.

Application for enrolment

Applicants for enrolment in the Law School of the ANU College of Law must first meet the University's admission requirements. There is a quota, determined from year to year, for new undergraduate enrolments in the Law School. Admission to the University does not guarantee admission to the Law School.

Applicants will be advised towards the end of January 2007 whether they have been accepted for entry. Those selected will then be given a time limit in which to notify the University whether or not they wish to take up the offer of a place.

There are no prerequisite school subjects for law studies. An important skill of the intending law student is the ability to write clear, concise and correct English and present a logical argument. For prerequisite subjects for combined programs please refer to the entry for the other discipline.

A student admitted to a combined program will be required to complete that study on a full time basis at least for the first year. A student admitted to the LLB or the LLB(G) may elect to undertake either full or part-time study.

Normal duration (in years)

	Full Time	Part Time	Max Time
LLB(G)	3	6	10
LLB	4	8	10
Combined	5	9	11

LLB Handbook

More details on undergraduate courses, College policies and procedures are contained in the LLB Handbook, which is available under "Quick Links" at <http://law.anu.edu.au>.

Bachelor of Laws

(Academic Program: 4300 | Academic Plan: 4300XLLB)

Duration: 4 years full-time

Minimum: 192 units

CRICOS Code: 002292M

The program is offered for full-time and part-time study. A full-time student may complete the program in four years, or less time if summer courses are taken.

The curriculum consists of compulsory and elective courses, each worth 6 units (with the exception of Honours Thesis, worth 12 units) and one semester in length, with 48 units per year being the standard load adopted by the University. The normal load in each semester is 24 units. The compulsory courses are designed to ensure that every student gains a sufficient grounding in the fundamental branches of the law, and the elective courses provide an opportunity to develop particular interests and to deepen understandings.

Students enrolled in a Bachelor of Laws program prior to 1999 should see the LLB Handbook for information about transition arrangements and if necessary consult a program adviser.

Program requirements

The Bachelor of Laws program consists of the following:

- 12 compulsory courses (named below), worth 72 units
- 20 elective courses, worth 120 units, which may include the 3 elective courses for admission to practice, and may include up to a maximum of 48 units of non-law elective courses, with no more than 18 units of non-law courses at 1000 level.

192 units in total.

Not all elective courses are offered each year and the list is subject to change from time to time. Law electives are not studied in the first year and there is no requirement for newly-enrolling first-year students to specify the elective courses they intend to study in later years.

By the time choice of electives is required students are usually well informed of the factors which should guide their choices; in any case the Sub-Dean or Student Administration Manager are happy to assist those who need help in choosing electives.

Compulsory law courses

LAWS1201 Foundations of Australian Law
 LAWS1202 Lawyers Justice and Ethics
 LAWS1203 Torts
 LAWS1204 Contracts
 LAWS1205 Australian Public Law
 LAWS1206 Criminal Law and Procedure
 LAWS2201 Administrative Law
 LAWS2202 Commonwealth Constitutional Law
 LAWS2204 Property
 LAWS2205 Equity and Trusts
 LAWS2249 Legal Theory
 LAWS2250 International Law

Elective courses required for admission to practise law:

LAWS2203 Corporations Law
 LAWS2207 Evidence
 LAWS2244 Litigation and Dispute Management

Students are only permitted to take courses that form part of the degree requirements. Students seeking to enrol in courses over and above those required for the degree should seek advice from the Sub-Dean or Student Administration Manager. Additional courses will normally require non-award enrolment and the payment of up-front fees. Courses taken in this way will not normally count towards honours.

Degree structure

Law – a standard full-time program pattern

(Courses in italics are not compulsory, but are required by admitting authorities for admission to practise as a lawyer)

	Semester 1	Semester 2
Year 1 Total 48 units	LAWS1201 Foundations of Australian Law LAWS1203 Torts LAWS1204 Contracts 1 non-law elective course	LAWS1202 Lawyers, Justice and Ethics LAWS2250 International Law LAWS1205 Australian Public Law 1 non-law elective course
Year 2 Total 48 units	LAWS2201 Administrative Law <i>LAWS2203 Corporations Law</i> LAWS1206 Criminal Law and Procedure 1 Law or non-law elective course	LAWS2202 Commonwealth Constitutional Law LAWS2249 Legal Theory 2 Law elective courses or 1 Law elective and 1 non-law elective courses
Year 3 Total 48 units	LAWS2204 Property 3 Law elective courses or 2 Law and 1 non-law elective courses	LAWS2205 Equity and Trusts 3 Law elective courses or 2 Law and 1 non-law elective courses
Year 4 Total 48 units	<i>LAWS2244 Litigation and Dispute Management</i> 3 Law elective courses or 2 Law and 1 non-law elective course	<i>LAWS2207 Evidence</i> 3 Law elective courses or 2 Law and 1 non-law elective courses
Program Total 192 units		

The degree with honours

This is a summary only: the Law School's honours policy is set out in full at http://law.anu.edu.au/Undergraduate/Policies_Guidelines.asp.

The length of the program of study for the degrees of Bachelor of Laws and Bachelor of Laws with honours is the same. The degree may be awarded at first class; second class, division A; or second class, division B levels.

The result for the final honours exam consists of two parts:

Part A, which consists of a mark derived by applying the honours scale to the eligible law courses undertaken by a student. The mark for Part A shall constitute 70 per cent of the final honours mark.

Part B, which consists of a mark derived by applying the honours scale to the candidate's result in Honours Thesis. The mark for Part B shall constitute 30 per cent of the final honours mark.

A candidate shall not qualify for the degree with honours unless the candidate has completed 14 or more eligible law courses and Honours Thesis.

Previous studies

A student who enrolls in the LLB degree program after completing studies at another university may only be granted status for up to half the courses prescribed for the degree including no more than 72 units of LAWS courses.

Bachelor of Laws (Graduate)

(Academic Program: 4303 | Academic Plan: 4303XLLBG)

Duration: 3 years full-time

Minimum: 144 units

CRICOS Code: 002293K

Graduates of non-law disciplines (or non-Australian law degrees) may apply to undertake a shortened program referred to as the LLB(G).

The College is conscious that students taking the law program for graduates of other disciplines have a more concentrated

program of study than other law students. Part-time students in this program particularly face greater difficulties than other students. They have to undertake a work load of up to eight lecture hours a week. There are regular tutorials in most courses. Students also need to devote a considerable amount of time to reading, private study and written exercises. Intending students are therefore urged to consider all their commitments very carefully before applying and, more especially, before accepting the offer of a place in the law program for graduates of other disciplines.

Program requirements

The LLB(G) program consists of the following:

- 12 compulsory courses, worth 72 units
 - 12 law elective courses, worth 72 units, which may include the 3 elective courses for admission to practice.
- 144 units in total.

Compulsory law courses

LAWS1201 Foundations of Australian Law

LAWS1202 Lawyers, Justice and Ethics

LAWS1203 Torts

LAWS1204 Contracts

LAWS1205 Australian Public Law

LAWS1206 Criminal Law and Procedure

LAWS2201 Administrative Law

LAWS2202 Commonwealth Constitutional Law

LAWS2204 Property

LAWS2205 Equity and Trusts

LAWS2249 Legal Theory

LAWS2250 International Law

Elective courses required for admission to practise law

LAWS2203 Corporations Law

LAWS2207 Evidence

LAWS2244 Litigation and Dispute Management

Students are only permitted to take courses that form part of the degree requirements. Students seeking to enrol in courses over and above those required for the degree should seek advice from the Sub-Dean or Student Administration Manager. Additional courses will normally require non-award enrolment and the payment of up-front fees. Courses taken in this way will not normally count towards honours.

Degree structure

LLB(G) – a typical pattern for a full-time student

(courses in italics are not compulsory, but are required by admitting authorities for admission to practice)

	Semester 1	Semester 2
Year 1	LAWS1201 Foundations of Australian Law LAWS1203 Torts LAWS1204 Contracts LAWS1206 Criminal Law and Procedure	LAWS1202 Lawyers, Justice and Ethics LAWS1205 Australian Public Law LAWS2250 International Law LAWS2249 Legal Theory
Year 2	LAWS2201 Administrative Law <i>LAWS2203 Corporations Law</i> 2 Law elective courses	LAWS2202 Commonwealth Constitutional Law 1 Law elective course 2 Law elective courses
Year 3	LAWS2204 Property <i>LAWS2244 Litigation and Dispute Management</i> 2 Law elective courses	LAWS2205 Equity and Trusts <i>LAWS2207 Evidence</i> 2 Law elective courses
Program Total 144 units		

The degree with honours

This is a summary only: the Law School's honours policy is set out in full at http://law.anu.edu.au/Undergraduate/Policies_Guidelines.asp.

The length of the program of study for the degrees of Bachelor of Laws (Graduate) and Bachelor of Laws (Graduate) with honours is the same. The degree may be awarded at first class; second class, division A; or second class, division B levels.

The result for the final honours exam consists of two parts:

Part A, which consists of a mark derived by applying the honours scale to the eligible law courses undertaken by a student. The mark for Part A shall constitute 70 per cent of the final honours mark.

Part B, which consists of a mark derived by applying the honours scale to the candidate's result in Honours Thesis. The mark for Part B shall constitute 30 per cent of the final honours mark.

A candidate shall not qualify for the degree with honours unless the candidate has completed 14 or more eligible law courses and Honours Thesis.

Previous law studies

A student who enrolls in an ANU LLB degree after completing law studies at another university may only be granted status for up to half of the courses prescribed for the ANU degree. A student may not repeat in the LLB program a course the syllabus of which is substantially similar to that of a subject passed for the award of another degree or diploma.

With respect to combined degree programs, a newly-enrolling graduate whose previous degree studies included law courses (eg a degree of Bachelor of Jurisprudence or a degree in Arts, Economics, Commerce or Science undertaken as part of a combined degree program with law) will not normally be enrolled in the three-year LLB(G) program. Instead, enrolment will usually be in the four-year LLB program, with status for ANU law courses which the Law School deems to be equivalent to law courses previously passed and, if necessary, with additional status for unspecified elective courses such that the graduate may, without an unduly heavy work load, complete the requirements of the LLB degree in the equivalent of a further two years of full-time study. The intention of this provision is to treat the graduate who has undertaken sufficient law studies in the previous degree in a manner similar to a student enrolled in an ANU five-year combined degree program.

Combined programs

The University offers many combined programs with law. A student may gain two degrees in five years of full-time study by taking one of the following combinations:

Bachelor of Actuarial Studies and Bachelor of Laws;
Bachelor of Arts and Bachelor of Laws;
Bachelor of Asian Studies and Bachelor of Laws;
Bachelor of Commerce and Bachelor of Laws;
Bachelor of Economics and Bachelor of Laws;
Bachelor of Finance and Bachelor of Laws;
Bachelor of Information Technology and Bachelor of Laws;
Bachelor of Music and Bachelor of Laws;
Bachelor of Science and Bachelor of Laws;
Bachelor of Science (Resource and Environmental Management) and Bachelor of Laws
Bachelor of Science (Psychology) and Bachelor of Laws

or in a period of six years full-time study:
Bachelor of Asian Studies (Specialist) and Bachelor of Laws.

The Law School encourages students other than graduates to take one of these combined programs. One of the reasons is to widen the student's education and understanding by studying society from a viewpoint outside that of legal scholarship. Please refer to the Combined Programs section of this Handbook.

General Information

More information and advice to students is available in the LLB Handbook under "Quick Links" at <http://law.anu.edu.au>.

Workloads

The Law School suggests the number and order of courses, compulsory or elective, which a student may take in any year. Generally a full-time student will have a contact workload of 16 hours a week and a part-time student 8 hours.

Lectures are usually timetabled within the period 8 am to 6 pm. Part-time students should, therefore, ascertain before they register their enrolment or apply to re-enrol whether they will be able to obtain leave of absence from their employment to attend lectures.

Students should be aware that varying their enrolment might have implications for their Austudy/Youth Allowance eligibility.

It is the students' responsibility to ensure that their program load is full time in each semester.

Summer and graduate employment

An interview scheme for summer and graduate employment is conducted during the year for students in their penultimate and final years of study. The participating employers include the major Sydney law firms, a diverse range of middle-sized and smaller firms in Sydney, Canberra and other areas, and public authorities of the Commonwealth, New South Wales and the Australian Capital Territory. The Sydney part of the scheme involves cooperation with law schools in NSW.

The scheme provides a standard application form and period for interviews for which the Careers Centre in liaison with the Law School acts as coordinator and conduit and encourages participating employers to provide information to students by way of written profiles and Careers Day presentations.

Information about participating employers, dates for employer presentations, and deadlines for student applications is available from the Careers Centre.

Law internship

The Law School has approved a course that enables students in their ultimate or penultimate years of the law program to obtain an internship with a senior law professional. Students are placed in a professional workplace (for example a law firm, a court, a government agency or a non-government organisation) to complete a 6000-word research paper on an agreed topic under the supervision of a workplace lawyer. Internships may also be available to work with members of the Faculty on projects of an applied nature. Successful completion results in the credit of an elective course towards a law degree.

The ANU Law Students' Society

The ANU Law Students' Society is a student organisation to which all law students are eligible to belong. Its program is directed by a committee elected by student vote in the third term of each year.

Throughout the year the Society sponsors a number of extra-curricular academic activities, such as talks by leading members of the profession, debates and career forums, and an extensive social program.

Perhaps the Society's most important function is its contribution to staff/student relations. Members of the Society sit on College committees that meet regularly to discuss matters of mutual concern and to consider suggestions from the students.

The Law Society has an office on the Ground floor. Messages may be left in the letterbox.

Undergraduate Studies Committee

The Undergraduate Studies Committee consists of twelve staff members and five students. It considers and advises the ANU College of Law on educational and curriculum matters relating to law programs, including the means of assessment in each course.

ANU College of Law Officers

At the head of the College is the Dean and Convenor, assisted by Associate Deans (one of whom is designated the Sub-Dean) and the College Executive Officer. Students should speak to the Student Administration Manager in the Law School Office in the first instance on matters concerning degree rules, regulations,

programs and general administration. Members of the teaching staff are always willing to advise students on problems arising from the programs in general or from particular subjects.

Academic performance

Academic performance is monitored by the Director, Student and Academic Services. See the General Information section of this Handbook. The University has a policy on Academic Progress in Undergraduate Awards, available at <http://info.anu.edu.au/policies/Policies/index.asp>.

Admission of ANU graduates to legal practice

The Bachelor of Laws degree of the University is recognised for admission in the ACT and NSW so long as students cover all the courses required under the Uniform Admission Rules. As well as the compulsory courses in the Bachelor of Laws degree, these Rules require Evidence, Litigation and Dispute Management, and Corporations Law for admission followed by a practical legal training program such as the Legal Workshop (see below). When graduates apply for admission to practice they will need to give evidence of having completed the courses prescribed by the Uniform Admission Rules. This evidence is usually in the form of a certificate by the Dean of Law. Inquiries concerning direct admission to practice in other jurisdictions should be directed to the Sub-Dean.

Once admitted to practice in any state or territory of Australia, graduates are entitled to be admitted in all other states and territories of Australia. They may also have their names entered on the High Court register, which entitles them to practice in all Federal jurisdictions.

For admission to some courts, but not others, it may be necessary to be an Australian citizen or a British subject. Students with any doubts on their eligibility for admission should consult the Secretary of the appropriate Admission Board as early as possible.

Practical Legal Training Program

The Legal Workshop offers the Graduate Diploma in Legal Practice (GDLP). Students can choose from several formats for the GDLP:

- full coursework attendance over five months
- a flexible option involving a one-week attendance with a series of distance modules, usually over the period of one year
- a reduced coursework version of the program for approved placements of 80, 60 or 40 days.

Students who have graduated or qualified to graduate as Bachelor of Laws from an Australian university or diplomats of the Solicitors Admission Board of New South Wales are eligible to enrol. The GDLP can be credited towards an LLM (Legal Practice). Concurrent enrolment is available to in the final year of their studies.

Details of the programs are in a separate brochure obtainable from <http://law.anu.edu.au/legalworkshop> or from the Legal Workshop, ANU College of Law.

The program provides common training for all practitioners, whether they ultimately propose to practice as barristers or solicitors or both. It consists mainly of instruction in common legal office procedures and skills training followed by a work program of exercises and simulated legal transactions, for students to practice procedures and skills. The GDLP includes trust accounts and legal ethics courses that the Uniform Admission Rules require for admission.

Law Library

The Law Library, as part of the ANU Library system, provides access to a wide range of legal material in both print and electronic form. The library houses a significant collection of cases, legislation, books and journals that is both supportive of academic research and relevant to the program curriculum offered by the ANU College of Law. In addition to the traditional print collection, legal resources are also available to ANU staff and students through legal databases such as Lexis and Westlaw and via the Internet.

Law Library staff are pleased to provide assistance in using all aspects of the law collection and offer a variety of training sessions on accessing legal databases and undertaking legal research.

Course Descriptions

Foundations of Australian Law LAWS1201 (6 units)

First Year

Semester 1, Semester 2

In every week there will be a one-hour lecture and a two-hour seminar. In some weeks there will also be a one-hour lecture and a one-hour research skills tutorial. It is anticipated that students will also undertake work on-line via Web-CT.

Coordinator: First Semester Fiona Wheeler, Second Semester Miriam Gani

Prerequisites: None

This course must be taken in the commencing semester of a student's LLB enrolment.

Syllabus: Foundations of Australian Law is designed to introduce students to the Australian legal system and the study of law. In particular, the course aims to assist students to develop a range of essential legal skills. These include skills in legal reading, writing and research. Skills in legal reasoning and analysis are also covered. The course also seeks to familiarise students with some of the basic features of our legal system and the history underlying that system. In this way, Foundations of Australian Law lays the groundwork for the remainder of students' legal studies.

The specific objectives of the course are:

- to introduce students to the various sources of law in Australia, including case law, legislation, the Australian Constitution, customary law and international law; also certain other fundamental features of the Australian legal system such as the doctrine of precedent
- to encourage students to consider the historical and social forces which have shaped (and continue to shape) our legal system via, eg, an examination of the *Mabo* decision, the history of the common law etc
- to assist students to develop skills in legal reading, writing and analysis. These skills include reading and analysing a case, reading and analysing legislation as well as more general legal reasoning and problem solving skills
- to assist students to develop legal research skills
- to encourage students to critically evaluate legal and contextual material

- to encourage students to critically reflect on their own developing legal skills and understanding through active participation in class, especially seminars and research skills tutorials.

This course is informally "twinning" with LAWS1203 Torts in Semester One and LAWS1204 Contracts in Semester Two. It is strongly recommended that students enrolled in Foundations of Australian Law simultaneously undertake the relevant companion course.

Proposed Assessment: The proposed means of assessment for this course will provide students with the option of undertaking at least two pieces of assessment, including one piece during the semester.

Details of the final assessment will be provided under the Assessment drop-down on the course web page in the last week before the relevant semester commences.

Prescribed Text:

<http://law.anu.edu.au/Undergraduate/courses/asp>

Lawyers Justice and Ethics LAWS1202 (6 units)

First Year

Semester 2

Three hours per week plus four additional hours spread over the course devoted to instruction in "skills".

Coordinator: Glenda Bloomfield

Incompatible: Law in Context

Syllabus: Whereas law is commonly studied as a body of doctrine or rules, Lawyers, Justice and Ethics makes a critical and contextual examination of legal process, legal practice, and the legal profession.

The course is designed:

- to impart an awareness of the social, political and economic contexts of legal practice, litigation and statutory law-making
- to generate insight into the realities and diversity of legal practice
- to examine the nature of legal processes and procedures and the limitations on access to the legal system
- to investigate the structure and workings of the legal profession from a political and sociological, as well as functional, perspective
- to explore the ethical dimension of legal practice and the various forms of regulation of professional conduct
- to introduce students through simulations and role playing to skills required for working in a legal setting, particularly in relation to clients, including interviewing, legal writing, negotiation and advocacy.

Proposed Assessment: The proposed means of assessment for this course will provide students with the option of undertaking at least two pieces of assessment, including one piece during the semester.

Details of the final assessment will be provided under the Assessment drop-down on the course web page in the last week before the relevant semester commences.

Prescribed Text:

<http://law.anu.edu.au/Undergraduate/courses/asp>

Guest lectures will be given by practitioners.

This course is taken in second semester of first year. Most students will have completed Foundations of Australian Law and Torts and will also be studying Contracts. Examples and case studies in Lawyers, Justice and Ethics will draw on both familiar and new material.

Torts LAWS1203 (6 units)

First Year
Semester 1
Four hours per week

Coordinator: Juliet Behrens

Corequisites: Foundations of Australian Law LAWS1201

Syllabus: The aim of this course is to study one of the basic disciplines of the common law. When a person has been harmed by the conduct of another - whether he or she incurs injury to the person, property or reputation, or financial loss, or interference with the use of land or goods - it is the rules of the law of torts which determine by whom the loss must be borne. Since the law of torts has predominantly derived from judicial decisions (although legislation is of increasing significance) and since it generates more litigation than any other area of the law, except criminal law, it also provides a wealth of material for the development of an understanding of the legal system. This course will focus on personal injuries and examine the torts of trespass to the person and negligence. The course will also consider one of the ways in which interests in property can be protected, namely through the tort of trespass to land.

As this is generally the first substantive law course that students encounter in their law course, this course is also designed to teach students to read, understand and write about cases and to read, understand and apply legislation.

At the conclusion of this course students should be able to:

- demonstrate an understanding of the core principles of the torts of negligence and trespass
- construct a proposition of law established by case law
- identify the relevant legal issues that arise on a given set of facts
- make arguments about the way in which those legal issues are likely to be resolved, noting contrary arguments and their strengths
- provide case authorities for propositions of law that they use in those arguments
- apply case law and legislation to a given set of facts
- where applicable, distinguish the facts in decided cases from those in a given set of facts and build this into argument
- structure an answer to a problem question in a logical and effective way
- comment critically on the outcome and reasoning in cases studied during the course and identify the considerations of policy that may underpin them.

Proposed Assessment: The assessment for this course will provide students with the option of undertaking either one final examination or a mid-semester and a final examination.

Details of the final assessment will be provided under the Assessment drop-down on the course web page in the last week before the relevant semester commences.

Prescribed Text:
<http://law.anu.edu.au/Undergraduate/courses.asp>

This course is taken in the first semester of first year by those commencing at the beginning of the year, and in the second semester of study by those commencing mid-year.

Contracts LAWS1204 (6 units)

First Year
Semester 1, Semester 2
First semester for LLB and LLB(G) students only (not available for students in combined degrees). Four hours per week

Coordinator: First Semester Anne McNaughton, Second Semester Joachim Dietrich

Prerequisites: None

Syllabus: The Contracts course is one of the foundation subjects in the law course and examines a central aspect of the law of obligations. The evolution of contract, its central role in a market economy and the criteria for making legally enforceable promissory obligations are explored before embarking on the requirements for the formation of contract. The content of agreements and the associated rules and doctrines for ascertaining the meaning and scope of the obligations expressly or impliedly undertaken by the parties is discussed. The course deals with breach and its consequences, including a discussion of the common law and equitable remedies. The invasion of contract by new rules, in particular estoppel and the prohibition on misleading or deceptive conduct, makes it clear that the commercial relationship is multi-faceted and that the study of contract law ranges more widely than the traditional rules. Equitable doctrines, such as duress, undue influence and unconscionability, that can provide grounds for avoiding contractual commitment, are also examined.

Proposed Assessment: The proposed means of assessment for this course will provide students with the opportunity of undertaking at least two pieces of assessment, including one piece during the semester.

Details of the final assessment will be provided under the Assessment drop-down on the course web page in the last week before the relevant semester commences.

Prescribed Text:
<http://law.anu.edu.au/Undergraduate/courses.asp>

This course is taken in the second semester of first year for all combined degree students. Students undertaking LLB(G) or non-combined LLB will study Contracts in the first semester of first year.

Australian Public Law LAWS1205 (6 units)

First Year
Semester 1, Semester 2
Second semester for LLB and LLB(G) students only (not available for students in combined degrees). Three hours per week.

Coordinator: First Semester Tony Connolly, Second Semester Amelia Simpson

Prerequisites: None

Syllabus: This course examines the structure and themes of Australian public law, and in that way provides a bridge to all other public law study in the curriculum. In essence, the course examines a prominent feature of the Australian legal system,

namely how power is structured, distributed, and controlled in Australia. The distinctive roles played by the legislature, the executive and the judiciary receive special attention. Subsidiary themes in the course are protection of individual rights in the Australian legal system, and constitutional change and evolution in Australia. The following topics will be covered:

- the constitutional and legislative framework for Australian public law
- major concepts and themes in Australian public law, including federalism, separation of powers, representative democracy, rule of law, and liberalism
- the Legislature, including the structure of Australian legislatures, parliamentary supremacy, and express and implied constitutional limitations on legislative power
- the Executive, including the structure of Executive government, executive power, and liability of the Crown
- the Judiciary, including the constitutional separation of judicial power, and the administrative law implications of judicial separation
- constitutional change and evolution, including constitutional amendment.

Proposed Assessment: The proposed means of assessment for this course will provide students with the option of undertaking at least two pieces of assessment, including one piece during the semester.

Details of the final assessment will be provided under the Assessment drop-down on the course web page in the last week before the relevant semester commences.

Prescribed Text:

<http://law.anu.edu.au/Undergraduate/courses.asp>

This course together with Commonwealth Constitutional Law, covers the essentials of Australian Constitutional Law. At the same time this course builds on Foundations of Australian Law, particularly the reception of law in Australia and the historical evolution of responsible and representative government, and also serves as an introduction to Administrative Law and to a number of the courses in the elective program. It must be taken early in the law degree.

Criminal Law and Procedure LAWS1206 (6 units)

First Year

Semester 1

Four hours per week

Coordinator: Mark Nolan

Prerequisites: None

Syllabus: A student who successfully completes the course should have:

- a sound knowledge and critical understanding of the relevant legislation and case law
- an ability to apply this knowledge and understanding in such a way as to identify the legal issues presented by a factual problem
- a familiarity with the important debates about the purpose of the criminal law and the fundamental concepts it embodies.

Topics will include:

- the nature and purposes of criminal law
- theories of criminal culpability; elements of criminal offences

- offences against the person (including homicide, assaults, sexual offences)
- offences against property, complicity
- the law of criminal procedure.

Proposed Assessment: The proposed means of assessment for this course will provide students with the option of undertaking at least two pieces of assessment, including one piece during the semester.

Details of the final assessment will be provided under the Assessment drop-down on the course web page in the last week before the relevant semester commences.

Preliminary Reading:

Chapters 1 and 2 of S Bronitt and L B McSherry, *Principles of Criminal Law* (2nd ed, 2005).

Prescribed Text:

A detailed course outline will be issued, together with extracts from cases not included in the prescribed textbook:
<http://law.anu.edu.au/Undergraduate/courses.asp>

English in a Legal Context LAWS1209 (0 unit)

First Year

Semester 1, Semester 2

Two hours per week

Coordinator: First Semester Anne MacDuff, Second Semester Miriam Gani

Prerequisites: None. This is only available to first-year students whose first language is not English, or who identify themselves as indigenous students.

Syllabus: The aim is to assist first year law students who have English as a second language to address and overcome any issues or problems they are experiencing with their legal studies as a result of their lack of English language background. The course takes material from subject areas to which students are exposed in their first year of law studies (Foundations of Australian Law, Torts, Lawyers Justice and Ethics and Contracts) and creates activities designed both to help students to develop a cultural context for their legal studies and to acquire the practical legal skills they will need for their future study and practice.

The following is an example of the kinds of issues that are addressed and skills that are practised:

- how to read cases
- how to write case notes
- techniques to simplify legal writing
- how to speed up reading of cases and other material
- preparing for tutorial problems
- participating effectively in discussion groups.

Proposed Assessment: This subject is not assessed.

Prescribed Text:

<http://law.anu.edu.au/Undergraduate/courses.asp>

This course runs in both first and second semester. Students may enrol for two semesters and are encouraged to do so.

Satisfactory participation in this course is a Faculty requirement for consideration for extra time in examinations under the University's Policy on Assessment.

Administrative Law LAWS2201 (6 units)

Later Year
Semester 1
Four hours per week

Coordinator: Daniel Stewart

Prerequisites: Australian Public Law LAWS1205

Completed or completing five courses at 1000 level

Syllabus: This course examines the legal framework for controlling decision-making by Commonwealth, State and local government agencies in Australia. The focus of the course is upon the legal restraints upon government, and the way in which the principle of government accountability is maintained. Particular attention is paid to the role played by courts, tribunals, Ombudsman and other agencies in reviewing government decision-making, and to the opportunities available to the public to question government activity. Control of government information practices is another distinct theme. The course covers the core administrative law material required for admission purposes and for work in the area of law and government. The following topics will be covered:

- theories of administrative justice
- accountability in an administrative state
- the administrative law framework for review of government decision-making
- concepts of administrative and judicial review
- judicial review principles
- administrative review principles
- standing
- remedies
- other administrative law avenues including information access rights; ombudsman; human rights bodies.

Proposed Assessment: A 10 per cent compulsory short answer examination, a 2400-word optional essay; and a two and a quarter hour examination in the semester examination period.

Details of the final assessment will be provided under the Assessment drop-down on the course web page in the last week before the relevant semester commences.

Preliminary Reading:

The reading timetable will be announced in the first class.

Prescribed Text:

<http://law.anu.edu.au/Undergraduate/courses.asp>

In a combined degree, this course will normally be taken in third year.

Commonwealth Constitutional Law LAWS2202 (6 units)

Later Year
Semester 2, Summer Session
Four hours per week

Coordinator: Semester 2: Fiona Wheeler; Summer Session: Amelia Simpson

Prerequisites: Australian Public Law LAWS1205

Completed or completing five courses at 1000 level

Syllabus: Building on previous public law studies, particularly Australian Public Law, this course aims to deepen student understanding of key aspects of the Commonwealth

Constitution and its judicial interpretation by the High Court. Particular attention will be paid to the historical, social and institutional forces which have helped shape the Constitution and the High Court's reading of it. The course includes:

- the historical, social and institutional context of Australian constitutional law
- the scope of Commonwealth legislative power, including a detailed examination of the trade and commerce power (s.51(i)), the corporations power (s.51(xx)) and the external affairs power (s.51(xxix)); the process of characterisation and the principle in the Communist Party Case
- inconsistency between Commonwealth and State laws (s.109)
- federal financial powers and economic union
- general principles and theories of interpretation; the Engineers Case and implied intergovernmental immunities
- an introduction to implied constitutional 'rights'
- the nature of judicial review and the role of the High Court.

Proposed Assessment: It is anticipated that this course will be assessed by a compulsory end of semester exam and some form of mid-semester assessment.

Details of the final assessment will be provided under the Assessment drop-down on the course web page in the last week before the relevant semester commences.

Prescribed Text:

<http://law.anu.edu.au/Undergraduate/courses.asp>

This course is normally taken in the third year of a combined degree.

Corporations Law LAWS2203 (6 units)

Later Year
Semester 1
Four hours per week

Coordinator: Michael Rawling

Prerequisites: Contracts LAWS1204

Completed or completing five courses at 1000 level

Syllabus: This course imparts an understanding of Australian corporate law. The course is structured to meet the admission requirements for practice as a legal practitioner in the Australian States and Territories. The following topics will be covered:

- incorporation and the concept of separate legal personality;
- the corporate constitution
- membership of the corporation and share capital
- corporate contracting
- duties and liabilities of directors and officers
- basic features of the management of companies
- shareholders' remedies
- company credit and security arrangements
- winding up.

Proposed Assessment: The proposed means of assessment for this course will provide students with the option of undertaking at least two pieces of assessment, including one piece during the semester.

Details of the final assessment will be provided under the Assessment drop-down on the course web page in the last week before the relevant semester commences.

Prescribed Text:

<http://law.anu.edu.au/Undergraduate/courses.asp>

This course is a prerequisite for Takeovers and Securities Industry Law and Bankruptcy and Insolvency. Corporations Law is normally taken in either 3rd or 4th year of a combined degree.

Property LAWS2204 (6 units)

Later Year

Semester 1

Four hours per week

Coordinator: Wayne Morgan

Prerequisites: Contracts LAWS1204

Completed or completing five courses at 1000 level

Syllabus: The course is designed to:

- examine basic concepts and principles of property law relating to personal and real property, with greater attention to interests in land
- examine the role of property law in providing tools for commercial and private property dealings, including transfers, financing loans, leasing land, sharing ownership, and regulating land use
- to examine the values and policy considerations in the legal regulation of such property transactions, including efficiency, security, certainty, equity and social justice
- to acquire skills in problem solving in relation to property disputes.

This course provides an overview of the law governing personal and real property, emphasising the concepts of possession and title, the fragmentation of proprietary interests, and the various ways in which common law and legislation resolve disputes between competing interests. The greater part of the course is devoted to the creation, acquisition, attributes and remedies for the protection, of interests in real property (land). The course covers legal and equitable interests in land, the acquisition and transfer of such interests by purchase and adverse possession, priority rules, leases, mortgages, easements, and concurrent ownership. Particular attention is paid to the Torrens system of registration of title.

Proposed Assessment: The proposed means of assessment for this course will provide students with the option of undertaking at least two pieces of assessment, including one piece during the semester.

Details of the final assessment will be provided under the Assessment drop-down on the course web page in the last week before the relevant semester commences.

Prescribed Text:

<http://law.anu.edu.au/Undergraduate/courses.asp>

Property assumes a sound grasp of contract principles and remedies. Equity and Trusts is a compulsory course which follows on from Property. Elective courses which deal further with personal property are Commercial Law and Intellectual Property, Succession, Environmental Law and Indigenous Australians and the Law build on principles established in Property.

Property is not a course in conveyancing, which is covered in Practical Legal Training courses.

Equity and Trusts LAWS2205 (6 units)

Later Year

Semester 2

Four hours per week

Coordinator: Pauline Ridge

Prerequisites: Property LAWS2204

Completed or completing five courses at 1000 level

Syllabus: The objective of the course is to provide students with an overall understanding of the law of equity with special emphasis on fiduciary obligations, trusts, equitable assignment of property and equitable remedies. The course will examine:

- the history of equity, basic principles which dominate its jurisprudence and the relevance of equity today
- the nature of fiduciary obligations, recognised categories of fiduciaries and the extension of these categories in recent times, breach of fiduciary obligations, defences and remedies for the breach of fiduciary obligations
- the nature and changing function of trusts, the creation of express trusts, the termination of trusts, illegality, the duties, powers, rights and liabilities of trustees, the rights of beneficiaries
- equitable proprietary and personal remedies including the liability of a third party to a breach of trust or fiduciary duty, resulting trusts, constructive trusts, tracing, specific performance, injunctions, equitable compensation and damages under Lord Cairns' Act
- equitable assignment of property.

Proposed Assessment: A compulsory mid-semester exam, an optional essay and a compulsory end of year exam.

Details of the final assessment will be provided under the Assessment drop-down on the course web page in the last week before the relevant semester commences.

Prescribed Text:

<http://law.anu.edu.au/Undergraduate/courses/asp>

This course assumes a knowledge of contract, property and legal history. The subject reinforces and deepens understanding of specific doctrines referred to in other courses such as Contracts, Property, Corporations Law and Family Law.

Evidence LAWS2207 (6 units)

Later Year

Semester 2, Summer Session

Two hours of lectures and a one-hour seminar per week, plus tutorials.

Coordinator: Gregor Urbas

Prerequisites: Torts LAWS1203 and Criminal Law and Procedure LAWS1206

Completed or completing five courses at 1000 level

Syllabus: This course covers important aspects of fact-finding and the adducing and admissibility of evidence in legal proceedings. The course is structured to meet the admission requirements for practice as a legal practitioner in the Australian States and Territories. Particular topics include:

- investigation and organisation of factual material
- adducing evidence in court
- testimonial, real and documentary evidence

- examination, cross-examination and re-examination of witnesses
- burden and standard of proof
- relevance of evidence to facts in issue
- admissibility rules (eg credibility, hearsay, opinion, tendency and coincidence, identification and character evidence), and exceptions
- privileges
- judicial discretions and conduct of proceedings.

The course will be based on the "Uniform Evidence Law" – comprising the *Evidence Act 1995* (Cth), which applies in proceedings in Federal and ACT courts, along with counterpart legislation in New South Wales, Tasmania and Norfolk Island. The course also makes reference to law reform perspectives such as the recent Australian Law Reform Commission report on Uniform Evidence Law (ALRC 102).

Proposed Assessment: To be advised, after consultation with class.

Details of the final assessment will be provided under the Assessment drop-down on the course web page in the last week before the relevant semester commences.

Preliminary Reading:

None, but students will benefit from re-reading cases with which they are already familiar from earlier law courses, such as Torts and Criminal Law and Procedure - though now focusing on the factual bases of these cases and considering how 'the facts' are actually established in legal proceedings, rather than concentrating on the principles of substantive law which are applied to the facts to reach a decision. Some aspects of criminal investigation and trial procedures are also portrayed (though not always realistically in terms of accuracy and analysis) in various 'real crime' literature and courtroom drama.

Prescribed Text:

<http://law.anu.edu.au/Undergraduate/courses.asp>

The course is designed to be taken towards the end of the degree. The study of evidence is required for admission to legal practice.

Commercial Law LAWS2210 (6 units)

Later Year

Semester 1

Three hours per week

Coordinator: To be advised

Prerequisites: Contracts LAWS1204

Completed or completing five courses at 1000 level

Corequisites: Property LAWS2204

Syllabus: Commercial Law aims to provide students with a grounding in the law applicable to common commercial transactions. Commercial Law builds upon the principles studied in Contracts by examining the regulatory framework that impacts upon contracts entered into by parties in both a commercial and consumer context. Many common commercial and consumer contracts involve personal property and the course will also examine the framework for the regulation of interests in personal property.

The subject may also involve a selection of the following topic areas:

- Agency
- Sale of Goods
- Consumer Credit
- Insurance
- Property Security
- Bailment

Proposed Assessment: The proposed means of assessment for this course will provide students with the option of undertaking at least two pieces of assessment, including one piece during the semester.

Details of the final assessment will be provided under the Assessment drop-down on the course web page in the last week before the relevant semester commences.

Prescribed Text:

<http://law.anu.edu.au/undergraduate/courses.asp>

This course provides essential background for advanced commercial law courses.

Conflict of Laws LAWS2212 (6 units)

Later Year

Semester 2

Three hours of in-class time per week.

Coordinator: Kent Anderson

Prerequisites: None

Completed or completing five courses at 1000 level

Syllabus: Conflict of Laws, also sometimes called Private International Law, is concerned with what happens in cases where not all of the facts are tied to one jurisdiction. In the federal system of Australia, this can occur both within a domestic intra-Australia context and in an international context. While this course deals with a number of specific theoretical frameworks, it is taught largely from a practical standpoint aimed at preparing lawyers for handling cases with trans-jurisdictional issues. The three core components of the course investigate:

- Jurisdiction: When domestic courts can hear cases that involve parties and property from outside the territory of the court
- Choice of Law: Which law is applicable when a case has connections with a number of different jurisdictions. In particular, this course considers contract and tort disputes that involve a variety of jurisdictions
- Enforcement of Judgments: How to enforce a court judgment or arbitral awarded from another jurisdiction in local courts.

Proposed Assessment: A compulsory mid-term exam (40 per cent) and a compulsory final exam (60 per cent).

Details of the final assessment will be provided under the Assessment drop-down on the course web page in the last week before the relevant semester commences.

Preliminary Reading:

Students wishing to gain an understanding of the subject may wish to read the introductory chapter in either P E Nygh and M Davies, *Conflict of Laws in Australia* (7th ed, 2002) or Martin Davies, Sam Ricketson and Geoffrey Lindell, *Conflict of Laws: Commentary and Materials* (1997).

Prescribed Text:
<http://law.anu.edu.au/Undergraduate/courses.asp>

This is an extremely useful course both for people who plan to practice litigation in a domestic and international context. People who intend to be transactional lawyers will also benefit from having a sound grounding on the issues to be able to draft predictable outcomes in light of Conflicts risks.

Contemporary Issues in Constitutional Law LAWS2213 (6 units)

Later Year
Semester 1

Coordinator: James Stellos

Prerequisites: Commonwealth Constitutional Law LAWS2202

Completed or completing five courses at 1000 level

Syllabus: This course builds upon concepts and doctrines introduced in the subjects Australian Public Law and Commonwealth Constitutional Law.

It is anticipated that there will be two main components to the course in 2007. First, the course will focus on Chapter III of the Constitution, including consideration of federal jurisdiction and its exercise by federal courts (particularly the High Court) and state courts. Secondly, the course will give close attention to express and implied "constitutional rights" and critically assess whether their "rights" status is compatible with constitutional history and context and judicial interpretation.

Proposed Assessment: The proposed means of assessment for this course will provide students with the option of undertaking at least two pieces of assessment, including one piece during the semester.

Details of the final assessment will be provided under the Assessment drop-down on the course web page in the last week before the relevant semester commences.

Prescribed Text:
<http://law.anu.edu.au/undergraduate/courses.asp>

Environmental Law LAWS2215 (6 units)

Later Year
Semester 1
Three hours per week

Coordinator: James Prest

Prerequisites: None

Completed or completing five courses at 1000 level

Syllabus: This course is concerned with the institutional arrangements and legal principles that underpin the practice of environmental and planning law.

The course examines environmental law from theoretical and practical perspectives, taking a broad national and thematic approach. Whilst it places particular emphasis on the applicable Commonwealth, NSW and ACT law, the course reviews fundamental concepts, useful tools and insights with which to understand and critically analyse environmental law.

The course commences with an introduction to concepts relating to defining the 'environment', including the notion

of 'ecologically sustainable development'. It then considers environmental protection in a federal system.

This is followed by consideration of the role of local and state/territory governments in the implementation of environmental protection objectives through statutory land-use planning and other measures (including consideration of techniques for development control such as environmental impact assessment).

The course also covers regulatory strategies and techniques for pollution control, the enforcement of environmental protection measures (including the topics of standing and access to justice), and issues of practice and procedure that commonly arise in environmental litigation.

Proposed Assessment: Mid-semester examination and research essay.

Details of the final assessment will be provided under the Assessment drop-down on the course web page in the last week before the relevant semester commences.

Prescribed Text:
<http://law.anu.edu.au/Undergraduate/courses.asp>

Family Law LAWS2217 (6 units)

Later Year
Semester 2
Three hours per week

Coordinator: Juliet Behrens

Prerequisites: None

Completed or completing five courses at 1000 level

Syllabus: The course is designed to equip students with the theoretical and contextual material to enable them to think critically about, and to take a considered position on family law issues. It is also designed to enable students to acquire understanding of law and its contexts in relation to the following areas: marriage, nullity and dissolution; violence and abuse in families; decision-making about parenting after separation; economic aspects of marriage and relationship breakdown. Themes which run through the course (and associated questions) include:

- the public/private dichotomy (to what extent and in what ways is "the family" a private sphere?)
- the focus of regulation (has marriage as the benchmark of family law been replaced by parenthood?)
- gender and domestic violence (how well does the family law system respond to domestic violence? Are family laws and decision-making gendered?)
- child-centredness (to what extent are laws, decision-making, process and research on family law child-centered?)
- the form of regulation (to what extent does family law rely on discretion, principles and rules? What are the advantages and disadvantages of these various forms of regulation?)
- private ordering (to what extent is family law privately ordered? What are the implications of this?).

Proposed Assessment: The proposed means of assessment for this course will provide students with the option of undertaking at least two pieces of assessment, including one piece during the semester.

Details of the final assessment will be provided under the Assessment drop-down on the course web page in the last week before the relevant semester commences.

Preliminary Reading:

Students should read the outline, including the class guides, and Chapter 2 of the prescribed text.

Prescribed Text:

<http://law.anu.edu.au/undergraduate/courses.asp>

This course can be taken at any stage in a degree. Students sometimes say that they find it easier to cope with if they have done Property.

There is a lot of feminist writing on family law, and those who have an interest in feminist legal theory and women and the law will find this course enhances their study in those areas.

The course is also particularly recommended for those who are interested in social welfare and social security issues. There are also commercial aspects to the course, and links with Property, Equity and Trusts and Corporations Law.

Health Law, Bioethics and Human Rights LAWS2219 (6 units)

Later Year

Semester 1

Three hours per week

Coordinator: Tom Faunce

Prerequisites: None

Completed or completing five courses at 1000 level

Syllabus: The course examines the regulation of health care in Australia, involves analysis and development of moral and bioethical argument about the development of health law in Australia, and addresses the principal human rights issues which arise in the practice of health care law.

The course begins with an overview of the Australian health system and its constitutional and legislative framework. Emphasis is placed on the concepts of medical ethics, patients' rights and efficiency and safety in health care including healthcare whistleblowing. Particular topics which are covered include: confidentiality, consent, negligence, accountability, health records, expert evidence, research and experimentation, organ donation, emergency treatment, intensive care, abortion, safety and cost-effectiveness regulation of pharmaceuticals and new medical technologies, nanomedicine and biotechnology regulation, stem cells and medical research, new reproductive technologies, and death and dying.

Consideration is also given to the law relating to mental health and public health, as well as the impact of international trade agreements on access to essential medicines and Australia's Pharmaceutical Benefits Scheme.

Proposed Assessment: Optional essay (2000 words) or participation in a medico-legal moot in the ACT Supreme Court with medical students from the Canberra Hospital - 40 per cent. End of course examination.

Details of the final assessment will be provided under the Assessment drop-down on the course web page in the last week before the relevant semester commences.

Preliminary Reading:

I Freckleton and K Petersen, *Controversies in Health Law* (2006).

Prescribed Text:

<http://law.anu.edu.au/Undergraduate/courses.asp>

The course draws on almost every main area of law in so far as they have bearing on the health care system, particularly tort, contract, criminal, family, child, human rights and competition law. It raises matters discussed in Lawyers, Justice and Ethics, Legal Theory, Feminist and Critical Legal Theory, Australian Public Law and Human Rights Law in Australia.

Human Rights Law in Australia LAWS2220 (6 units)

Later Year

Semester 2

Three hours per week

Coordinator: Peter Bailey

Prerequisites: Completed or completing five courses at 1000 level

Corequisites: Commonwealth Constitutional Law LAWS2202

Syllabus: The course is concerned with the recognition and establishment in Australia of legal norms protective of human rights in constitutional, statutory and common law. It aims to provide students with an understanding of Australian human rights law and practice. A contextual approach to the teaching of the subject is adopted, drawing on human rights theory, constitutional theory and the perspectives of comparative and international law. Practical means and skills to protect human rights will be identified and their implications considered. As far as possible, the course will deal with current issues.

Topics to be covered include:

- theories of human rights
- the constitutional framework for protection of human rights in Australia including express constitutional rights, implied constitutional rights, common law and statutory protections
- institutional mechanisms for the protection of rights, particularly the Human Rights and Equal Opportunity Commission
- discrimination law
- the comparative merits of protecting human rights by constitutional, statutory and common law means; the ACT Human Rights Act 2004 - what about Australia?
- review of aspects of Australian law against human rights, eg to life, an adequate standard of living, terrorist and refugee legislation, indigenous rights.

Proposed Assessment: A two part assessment package is in place to give a range of choices and to enable students to have some feedback on their progress. It will be settled after consultation with the class. Assessment options may include essays, take-home assignments, responses to a video presentation and class presentations.

Details of the final assessment will be provided under the Assessment drop-down on the course web page in the last week before the relevant semester commences.

Preliminary Reading:

See outline on the web.

Prescribed Text:

<http://law.anu.edu.au/Undergraduate/courses.asp>

Students may find it helpful to take International Law of Human Rights (LAWS2225) as well as some point in their degree: the two courses together provide a comprehensive introduction to human rights law.

Income Tax LAWS2221 (6 units)

Later Year

Semester 1

Three class hours per week

Coordinator: Michael Kobetsky

Prerequisites: None

Completed or completing five courses at 1000 level

Syllabus: This course introduces students to the main principles of Australia's income tax system. In order to understand the critical function of taxation in the Australian community, the taxation system is studied in its legal, economic, social and political context. Given the speed with which changes are made to the technical details of tax law, this course seeks to provide students with an understanding of the principles of the income tax system rather than knowledge of a particular but limited set of technical rules.

Topics to be considered include:

- the concept of income
- personal service income
- business income
- property income
- the deductions that are available to taxpayers
- the taxation of capital gains
- the taxation of fringe benefits
- residency, source and double tax agreements
- the taxation of trusts and partnerships
- the anti-avoidance measures
- tax administration.

Proposed Assessment: The proposed means of assessment for this course is two take-home exams.

Details of the final assessment will be provided under the Assessment drop-down on the course web page in the last week before the relevant semester commences.

Prescribed Text:

<http://law.anu.edu.au/Undergraduate/courses.asp>

This course has been accredited by both the Institute of Chartered Accountants in Australia and the Australian Society of Certified Practising Accountants.

Intellectual Property LAWS2222 (6 units)

Later Year

Semester 2

Three hours per week

Coordinator: Matthew Rimmer

Prerequisites: None

Completed or completing five courses at 1000 level

Syllabus: The course provides an overview of the different areas of law that relate to the protection and exploitation of ideas, information and knowledge. It briefly covers the main aspects of copyright, design, confidential information, patents,

trade marks and passing off. The course concentrates on the relationship between the different forms of Intellectual Property and the process of reform to provide students with an understanding of the underlying principles behind such forms of protection.

Proposed Assessment: The proposed means of assessment for this course is likely to include a substantial comment on a recent case or legislative proposal, and an exam. Students may be given a choice as to the respective weights to be given to these pieces of assessment.

Details of the final assessment will be provided under the Assessment drop-down on the course web page in the last week before the relevant semester commences.

Prescribed Text:

<http://law.anu.edu.au/Undergraduate/courses.asp>

All classes will be interactive and students are offered the opportunity to pursue inquiry-based learning. Students will work through electronic materials and attend a two-hour lecture discussing reform initiatives, international comparisons and recent cases. There will also be a problem-based tutorial each week.

This subject is generally taken in later years of the law degree. Intellectual Property is generally regarded as an important subject within a law degree which has commercial law specialisation. However, because it deals with property rights in information and expression it has a broad utility and should be equally stimulating for students interested in the arts, cultural studies and legal theory.

International Law of Human Rights LAWS2225 (6 units)

Later Year

Semester 1

There will be three contact hours per week, made up of one large group lecture and two smaller seminars.

Coordinator: Kevin Boreham

Prerequisites: International Law LAWS2250

Completed or completing five courses at 1000 level

Syllabus: This course critically assesses international efforts to protect human rights. It aims to provide students with an in depth understanding of international human rights law and practice and to develop some of the relevant legal skills. The course examines theories of rights, international legal and structural frameworks and the political, social, economic, religious and cultural environment in which human rights norms are developed and implemented.

Topics to be covered include:

- historical development of international human rights law
- theories of rights
- supervisory mechanisms in the UN and treaty body systems, including the new UN Human Rights Council
- threats to rights in the context of the war on terror
- the development of further human rights instruments
- the rights of women and the rights of indigenous peoples
- application of international human rights law in Australia, including refugee issues, anti-terror legislation and the argument about an Australian Bill of Rights.

Proposed Assessment: The package is varied to give students feedback on their progress and to ensure that the final mark is not dependent on only one form of assessment.

Details of the final assessment will be provided under the Assessment drop-down on the course web page in the last week before the relevant semester commences.

Preliminary Reading:

Students should visit the website of Human Rights Watch (www.hrw.org) to familiarise themselves with current human rights issues.

Students should follow the media relating to human rights issues before and during semester.

Prescribed Text:

<http://law.anu.edu.au/Undergraduate/courses.asp>

Students may find it helpful to take the course Human Rights Law in Australia (LAWS2220) as well at some point in their degree, as the two courses together provide a comprehensive introduction to the law on human rights. This course is also a useful adjunct to Indigenous Australians and the Law in presenting the international context of such issues as the indigenous right to self-determination.

**International Trade Law
LAWS2226 (6 units)**

Later Year

Semester 1

Three class hours per week

Coordinator: James Stellios

Prerequisites: International Law LAWS2250

Completed or completing five courses at 1000 level

Syllabus: The course introduces students to the fundamental principles of international trade law. The primary goal of the course is to acquaint and familiarise students with the main pillars in this arena of international law and their effect on domestic law and policy.

The course covers the key agreements and principles of international trade law and the jurisdiction, policies and processes of the WTO, the IMF and the World Bank. It also encompasses major critical analyses of international trade law together with an in-depth review of relevant GATT/WTO panel and appellate body decisions.

Themes that will be addressed throughout the course will include the origins of international trade law, fundamental principles of the GATT/WTO regime, Services (GATS), the WTO Dispute Settlement Understanding, the WTO Dumping and Subsidies regimes and the Sanitary and Phytosanitary Agreement.

The effects of trade liberalisation in general on developing countries will also be the subject of review together with an analysis of the on-going conflict between the basic dictates of international trade agreements on the one hand and the need to enshrine and protect international environmental and labour standards on the other.

Proposed Assessment: The proposed means of assessment for this course will provide students with the option of undertaking at least two pieces of assessment, including one piece during the semester.

Details of the final assessment will be provided under the Assessment drop-down on the course web page in the last week before the relevant semester commences.

Preliminary Reading:

A perusal of the web sites of the WTO, IMF and the World Bank would be useful.

Prescribed Text:

<http://law.anu.edu.au/undergraduate/courses.asp>

This course has close links with International Law in that it investigates a particular area of international law.

**Japanese Law and Society
LAWS2227 (6 units)**

Later Year

Semester 1

Three class hours per week

Coordinator: Kent Anderson

Prerequisites: None

Completed or completing five courses at 1000 level

Syllabus: Law may arguably be described as the rules a society creates to govern how its members should interact with one another. Thus, in examining a country's laws and legal system we should be able to come to a better understanding of the dynamics and values of that society. The purpose of this course is to provide a foundation for understanding the place and use of law in modern Japan. The class will cover the history, structure, and fundamental substantive areas of Japanese law. Further, we will investigate and challenge some of the assumptions about the place of law in Japanese society. Topics covered in the first part of the course on Japanese legal structure include its legal history, judicial system, legal education, and legal profession. Topics covered in the second part of the course on Japanese legal society include Japan's views on litigation, foreigners, women, and minorities. Topics covered in the third part of the course on Japanese substantive law include the foundations and current topics in Japanese constitutional, criminal, contract, tort, and commercial law.

Proposed Assessment: The proposed means of assessment for this course will provide students with the option of undertaking at least two pieces of assessment, including one piece during the semester.

Details of the final assessment will be provided under the Assessment drop-down on the course web page in the last week before the relevant semester commences.

Prescribed Text:

<http://law.anu.edu.au/Undergraduate/courses.asp>

When to take this course: This course does not assume you have a knowledge of Japan or Japanese. However, if you have a background in Japanese or Asian Studies, you will be able to use this in your analysis of the topics covered in this course.

**Labour Law
LAWS2228 (6 units)**

Later Year

Semester 2

Three hours per week

Coordinator: Michael Rawling

Prerequisites: Contracts LAWS1204

Completed or completing five courses at 1000 level

Syllabus: This course examines labour law in Australia. Students are introduced to practical and theoretical perspectives on the legal rules, principles and institutions that regulate work. In particular, the *Workplace Relations Act 1996* (Cth), as recently amended by the *Workplace Relations Amendment (Work Choices) Act 2005* (Cth) will be examined. Both the historical significance and practical effects of these substantial changes to federal labour laws will be highlighted. Students are offered a practical analysis of Australian labour laws but are also invited to critically assess those laws.

Topics covered include:

- the history and development of Australian labour law including the role of conciliation and arbitration and industrial awards
- international influences on Australian labour laws
- the constitutional framework and its impact on workplace relations systems; employees and other categories of workers
- the common law contract of employment; termination of employment
- individual and collective workplace bargaining; freedom of association
- the regulation of industrial conflict and transmission of business rules.

Proposed Assessment: The proposed means of assessment for this course will provide students with the option of undertaking at least two pieces of assessment, including one piece during the semester.

Details of the final assessment will be provided under the Assessment drop-down on the course web page in the last week before the relevant semester commences.

Prescribed Text:

<http://law.anu.edu.au/Undergraduate/courses.asp>

This course together with Work and Law - Selected Topics, makes up a specialisation in labour law. Discrimination law, studied in Human Rights Law in Australia, is also relevant. Nowadays, labour law adds an important dimension to studies in commercial law and social welfare law.

Law and Society in South East Asia LAWS2229 (6 units)

Later Year

Summer Session

Coordinator: Daniel Fitzpatrick

Prerequisites: None

Completed or completing five courses at 1000 level

Syllabus: This course introduces students to the legal systems of Southeast Asia, an area of immediate importance to Australia. Legally speaking, the area is one of the most complex in the world. It comprises a range of customary, Islamic and State laws. These laws exist today in varying combinations, occasionally in harmony and, not infrequently, in conflict.

Part 1 of the course will provide an historical outline and general overview of these systems.

In Part 2, the focus will be on land law and legal pluralism, as a representative case-study of law-in-action in Southeast Asia.

Proposed Assessment: The proposed means of assessment for this course will provide students with the option of undertaking at least two pieces of assessment, including one piece during the semester.

Details of the final assessment will be provided under the Assessment drop-down on the course web page in the last week before the relevant semester commences.

Preliminary Reading:

To be advised

Prescribed Text:

<http://law.anu.edu.au/Undergraduate/courses.asp>

Law Internship LAWS2230 (6 units)

Later Year

Semester 1, Semester 2, Summer Session

Coordinator: Peter Ford, Summer, Semester 1 and Semester 2

Prerequisites: A student must be in their penultimate or final year with a credit average

Completed or completing five courses at 1000 level

Syllabus: The student serves as an intern with a lawyer in a workplace (eg law firm) to complete a research paper on a practical topic chosen by the workplace. The workplace may be in the public or private sector. The project, which is settled by written agreement among the student, professional, and internship director, may be multidisciplinary but must have a strong law element.

Internships may also be available to work with members of the ANU College of Law on projects of an applied nature. These projects may include submissions to inquiries and parliamentary committees, responses to discussion and issue papers, and projects of bodies with which members of the ANU College of Law are involved (for example, advisory councils).

A Law School protocol governs these internships. College staff will advise the internship coordinator when such projects are available.

The time to be spent at the work site is variable; it reflects factors such as availability of data, library resources, interviewing needs, and degree of professional supervision.

Proposed Assessment: A final paper of approximately 6,000 words.

Details of the final assessment will be provided under the Assessment drop-down on the course web page in the last week before the relevant semester commences.

Prescribed Text:

<http://law.anu.edu.au/Undergraduate/courses/asp>

Internships are available during each semester, and during the summer vacation. To assist in placements, applications for an internship have to be made earlier than for other subjects - by end December in the preceding year for first semester, and by end May for second semester.

For the summer internships, applications need to be in by mid-October. This is in addition to the normal course enrolment.

Further information (including application form) is available on the ANU College of Law website.

Special Law Elective 1: Refugee Law LAWS2234 (6 – 12 units)

Later Year
Summer Session
Thirty nine hours

This course is capped at 50 students

Coordinator: Eve Lester

Prerequisites: LAWS2201 Administrative Law and LAWS2250 International Law

Completed or completing five courses at 1000 level

Syllabus: The course will introduce students to the following issues:

- history of the international refugee protection regime, including regional systems for refugee protection
- key foundational concepts and debates in refugee protection (Is there a right to asylum? Who is a refugee?)
- the international rights framework applicable to refugees and asylum-seekers
- the interface between the refugee protection regime and the broader movement of people (asylum-migration; asylum-internal displacement; asylum-statelessness; asylum-trafficking; asylum-terrorism)
- refugee law and practice in Australia (refugee status determination [RSF] procedures; detention and RSD; offshore/extra-territorial processing facilities)
- the role of the Office of the High Commissioner for Refugees (UNHCR), including in Australia.

Upon completion of this course, students should be able to demonstrate:

- an appreciation for the historical development of the international refugee protection regime and its placement within the broader political context (World War II; Cold War, post-Cold War)
- a grasp of key foundational concepts relevant to refugee protection
- an understanding of the interface between different international legal frameworks as they apply to the protection of refugees and asylum-seekers and possibilities for engaging international human rights mechanisms
- the ability to name some of the similarities and differences between asylum and the broader phenomenon of the movement of people
- awareness of some of the gaps in the international protection regime
- the capacity to identify some of the major challenges to refugee protection in Australia
- an appreciation of the global refugee protection environment and Australia's place in that broader context
- the ability to apply legal principles to fact situations and case students
- skills in listening and engaging in oral argument
- improved skills in case reading, interpretation and critical analysis.

Proposed Assessment: The means of assessment for this course will provide students with the option of undertaking at least two pieces of assessment, including one piece during the semester.

Details of the final assessment will be provided under the Assessment drop-down on the course web page in the last week before the relevant semester commences.

Prescribed Text:
<http://law.anu.edu.au/Undergraduate/courses.asp>

Special Law Elective 2: Clinical Youth Law Program LAWS2235 (6 – 12 units)

Later Year
Semester 1, Semester 2, Winter Session
Six hours per week. Two groups in each semester capped at 10 students per group.

Coordinator: To be advised

Prerequisites: Completion of 48 units of law courses.

Completed or completing five courses at 1000 level

Syllabus: This is a clinical program enabling students to participate in FirstStop a non-profit legal service for the youth of the ACT. Students will commit to on-site participation for four hours a week for nine weeks and participate in seminars and on-line discussion groups for twelve weeks. The course objectives are:

- to contextualise the study of law and student learning in a wide range of other law courses
- to guide and support students in identifying, developing and applying ethical legal practice skills
- to develop students' critical understanding of legal practice approaches, the roles of lawyers in relation to individual clients and social justice issues
- to encourage, promote and validate student aspirations to promote access to justice and equality before the law.

The following are some of the issues presented in the course:

- the concept of 'reflective practice'
- the legal framework in which legal services of all kinds are provided
- the links between the legal framework and operating routines that apply to provision of all legal services (duties to client, confidentiality, conflict of interest)
- legal and non-legal problems - implications for practice/ service provision of an appreciation of the relevant services and the meshing of non-legal issues
- interviewing routine - difference between legal information and legal advice
- legal practice approaches - 'reactive', 'proactive', 'preventative', 'activist'
- debriefing/reflection - enhancing on client issues/dealing with clients.

Proposed Assessment: It is proposed that the assessment scheme will involve 4 compulsory elements, on-site participation, learning and performance, 30 per cent seminar participation and contribution to on-line discussion in WebCT, 20 per cent: Reflective journal, 25 per cent and Research project of 1,500 words, 25 per cent.

Details of the final assessment will be provided under the Assessment drop-down on the course web page in the last week before the relevant semester commences.

Prescribed Text:
<http://law.anu.edu.au/Undergraduate/courses.asp>

Succession LAWS2236 (6 units)

Offered in: Summer Session, 2007

Coordinator: Charles Rowland

Prerequisites: None

Completed or completing five courses at 1000 level

Syllabus: The course examines the law governing succession to property after the death of the owner.

Major topics include:

- the nature of wills and their relationship to contracts
- capacity to make a will, fraud on the testator, undue influence, formalities for making a will and how a will is revoked
- what wills mean and how they are applied
- the principles and practice of drafting of wills
- loss of capacity to benefit under a will; for instance, for killing the testator
- how an estate is divided when there is no will
- how the law protects family members against being disinherited by will.

The law on the various topics is considered in a social and political context, and the principles and rules re related to theory and to practice.

The course concentrates on the law of the ACT. However, the ACT law is constantly compared with and considered in the light of the law in other jurisdictions. It follows that considerable attention is given to pressures and directions for reform.

Proposed Assessment: The proposed means of assessment for this course will provide students with the option of undertaking at least two pieces of assessment, including one piece during the course.

Details of the final assessment will be provided under the Assessment drop-down on the course web page in the last week before the relevant semester commences.

Prescribed Text:
<http://law.anu.edu.au/Undergraduate/courses.asp>

Other Information: It is preferable to take Succession after, or at least with, Property.

Takeovers and Securities Industry Law LAWS2237 (6 units)

Later Year

Summer Session

Three hours per week

Coordinator: Stephen Bottomley

Prerequisites: Corporations Law LAWS2203

Completed or completing five courses at 1000 level

Syllabus: This course examines important facets of the regulation of corporations. It investigates the law and policy issues relating to the acquisition of control of corporations, particularly by takeover and the regulation of the stock market generally.

The following topics will be covered:

- issues prompting, and theories shaping, the regulation of takeovers and the securities industry generally
- the regulation of securities

- the powers of the Australian Securities and Investment Commission and the Australian Stock Exchange over listed companies and other participants in the industry
- the obligations of listed companies, brokers and dealers
- controls upon market manipulation and insider trading
- the legal requirements for prospectuses
- directors' responsibilities in a takeover situation
- controls upon the acquisition of shares under Part 6 of the Corporations Law
- compulsory acquisition powers
- controls of merger activity.

Proposed Assessment: The proposed means of assessment for this course will provide students with the option of undertaking at least two pieces of assessment, including one piece during the semester.

Details of the final assessment will be provided under the Assessment drop-down on the course web page in the last week before the relevant semester commences.

Prescribed Text:
<http://law.anu.edu.au/Undergraduate/courses.asp>

The course builds upon knowledge acquired by students in Corporations Law as well as pursuing specialised legal applications in the area of public company regulation. Students seeking a strong corporate law specialisation in their degree would also enrol in Bankruptcy and Insolvency.

Special Law Elective 3: Law Reform LAWS2239 (6 – 12 units)

Later Year

Semester 2

Coordinator: Hugh Selby

Prerequisites: None

Completed or completing five courses at 1000 level

Syllabus: The course will examine law reform from a number of interdisciplinary perspectives.

The topics to be covered in the course are as follows:

- the institutions and processes of law reform
- the politics of law reform
- the history of law reform
- the economics of law reform
- what is law reform
- comparative and international perspectives
- case studies in law reform.

Proposed Assessment: The proposed means of assessment for this course will provide students with the option of undertaking at least two pieces of assessment, including one piece during the semester.

Details of the final assessment will be provided under the Assessment drop-down on the course web page in the last week before the relevant semester commences.

Preliminary Reading:

There is no single text that is recommended. However, Opeskin and Wiesbrot (eds), *The Promise of Law Reform*, Federation Press 2005, contains a number of very relevant contributions.

Prescribed Text:
<http://law.anu.edu.au/Undergraduate/courses.asp>

Special Law Elective 4: Community Law Clinical Program LAWS2240 (6 – 12 units)

Later Year

Semester 1, Semester 2

Two days (fifteen hours) per week on site, plus two hours per week seminar. The courses run continuously for twelve weeks without a mid-semester break.

Course is capped at 8 students.

Coordinator: To be advised

Prerequisites: Completion of 48 units of law courses including LAWS2201 Administrative Law and LAWS2204 Property

Completed or completing five courses at 1000 level

Syllabus: This course offers students the opportunity to work on site at the Welfare Rights and Legal Centre where they will provide legal information and undertake casework under the supervision of the Supervising Solicitor/Clinical Legal Educator. In addition to the on site component, a series of weekly seminars will be held. Seminar topics may include:

- professional responsibilities
- legal writing and drafting
- interviewing clients, taking instructions, working with interpreters and dealing with difficult clients
- negotiation
- introduction to Public Interest Law
- law reform
- substantive law in Welfare Rights and Legal Centre's areas of practice; tenancy, Social Security and Disability Discrimination.

Proposed Assessment: There will be a minimum attendance requirement. It is proposed that the assessment scheme will involve three other compulsory elements, quality of client assistance including casework; seminar participation and presentation.

Details of the final assessment will be provided under the Assessment drop-down on the course web page in the last week before the relevant semester commences.

Special Law Elective 5: Migration Law LAWS2241 (6 – 12 units)

Later Year

Semester 1

Coordinator: Hitoshi Nasu

Prerequisites: Australian Public Law LAWS1205. Students will benefit from having completed Administrative Law LAWS2201

Completed or completing five courses at 1000 level

Syllabus: The course studies the law relating to regulation of entry into Australia. The Migration Act and Regulations and relevant court decisions are examined, developing skills in statutory interpretation and legal analysis. The role of administrative review, the relationships between executive governments and the courts and the relationship between multiculturalism and the law are discussed. The links and relationship between Migration Law, Administrative Law, International Law and Constitutional Law are considered. Students will be enabled to provide migration clients with practical advice on the law.

Proposed Assessment: Two assignments.

Details of the final assessment will be provided under the Assessment drop-down on the course web page in the last week before the relevant semester commences.

Prescribed Text:

<http://law.anu.edu.au/Undergraduate/courses.asp>

Litigation and Dispute Management LAWS2244 (6 units)

Later Year

Semester 1

Four hours per week

Coordinator: Lauren Honchope

Prerequisites: Torts LAWS1203 and Contracts LAWS1204

Completed or completing five courses at 1000 level

Syllabus: This course is an introduction to dispute resolution focussing upon mediation and civil litigation. The course will examine dispute resolution within and outside the legal system and will explore litigation via the principles of civil procedure. The interlocutory steps in civil litigation will be analysed alongside the strategies adopted by lawyers in the conduct of litigation. The course is structured to meet the requirements for admission as a legal practitioner in the Australian States and Territories but also provides opportunities for critical appraisal of litigation policy and practice.

Topics to be covered include:

- access to justice
- the importance of process
- mediation procedures
- confidentiality and power imbalances in dispute resolution
- when and how to commence proceedings in court
- class actions
- urgent applications
- gathering evidence.

Proposed Assessment: The proposed means of assessment for this course will provide students with the option of undertaking at least two pieces of assessment, including one piece during the semester.

Details of the final assessment will be provided under the Assessment drop-down on the course web page in the last week before the relevant semester commences.

Prescribed Text:

<http://law.anu.edu.au/Undergraduate/courses.asp>

This course is best undertaken by students later in their degree. In particular, students will benefit from an understanding of Corporations Law.

Information Technology Law LAWS2245 (6 units)

Later Year

Semester 1

Three hours per week. (This course is restricted to 80 students.)

Coordinator: Sasha Agafonoff from RuleBurst

Prerequisites: None

Completed or completing five courses at 1000 level

Syllabus: This course focuses on the cultivation of IT awareness, which is important for understanding the issues presented in the course:

- sufficient knowledge for students to be able to critically evaluate proposals for regulation of the web. In the context of a reasonable level of computer literacy, the following legal issues will be examined:
 - proposals and models for regulation of "cyberspace", the current Internet and the "information super highway"
 - computers and information technology as they impact on intellectual property rights
 - electronic commerce
 - computer crime and related issues.

Proposed Assessment: Details of the final assessment will be provided under the Assessment drop-down on the course web page in the last week before the relevant semester commences.

Preliminary Reading:

Olujoke Akindemowo, *Information Technology Law in Australia*, (1999), S Dayal, *eLaw Research*, (1999).

Prescribed Text:

<http://law.anu.edu.au/Undergraduate/courses.asp>

Survey of United States Law LAWS2247 (6 units)

Later Year

Summer Session

Taught at the University of Alabama Law School in Tuscaloosa, Alabama in January and February

Applications must be submitted in early August of the preceding year.

Coordinator: Bill Andreen (University of Alabama)

Prerequisites: Enrolment in the summer course is restricted to the students who have been accepted in the 5-week intensive ANU/UA Joint Teaching Program. Priority will be given to later year students (12 or less semester courses left to complete). Subject to this priority, students will generally be selected on a first-come first-serve basis, as enrolment will be strictly limited (10 students in 2006). Where appropriate, academic merit may be taken into account.

Completed or completing five courses at 1000 level

Syllabus: The course will consist of a series of introductory lectures by various University of Alabama Law School staff members on various aspects of American Law, supplemented by field trips to, eg, the Civil Rights Museum in Birmingham, the Alabama Supreme Court in Montgomery, the Southern Poverty Law Center, and a large American law firm (forming an integral part of the course's class work and included in the contact hours). It will concentrate on non-common law subjects (eg, Constitutional Law, Administrative Law, Labor Law, Limited Liability Corporations, Bankruptcy, Consumer Protection, Environmental Law, Federalism, etc.).

Proposed Assessment: Examination at the end of the Alabama Program.

Details of the final assessment will be provided under the Assessment drop-down on the course web page in the last week before the relevant semester commences.

To derive maximum benefit from the course, it is suggested that students undertake it in the latter part of their studies, when they have achieved a reasonable degree of familiarity with law in general.

Selected Topics in Australian-United States Comparative Law (Alabama) LAWS2248 (6 units)

Later Year

Summer Session

Taught at the University of Alabama Law School in Tuscaloosa, Alabama in January and February.

Coordinator: To be advised

Prerequisites: None

Completed or completing five courses at 1000 level

Enrolment in this summer course is restricted to the students who have been accepted in the 5-week intensive ANU/US Joint Teaching Program. Priority will generally be given to later year students (12 or less semester courses left to complete). Subject to this priority, students will be selected on a first-come first-serve basis, as enrolment will be strictly limited (10 students in 2006). Where appropriate, academic merit may be taken into account.

A prerequisite may on occasion be introduced in respect of the specific subject area of the course in a particular year.

Completed or completing five courses at 1000 level

Syllabus: The course will be taught jointly by a visiting ANU academic and an academic from the University of Alabama Law School. While the specific subject area of the course will vary from year to year, depending on the particular field of interest of the ANU/UA visitors, it will involve a comparative study of Australian and US approaches to the particular subject matter. Assessment details, teaching methods and type of course materials will vary from year to year depending on the subject matter and personnel involved in each offering of the course, but will be specified prior to student enrolment in the course.

In 2007, the course will involve a comparative study of Environmental Justice and Human Rights and the Environment. It will involve a comparative treatment of the US jurisprudence of "environmental justice" and International Human rights approaches to environmental protection important in Australia and the United States.

Proposed Assessment: The proposed means of assessment for this course will provide students with the option of undertaking at least two pieces of assessment, including one piece during the semester.

Details of the final assessment will be provided under the Assessment drop-down on the course web page in the last week before the relevant semester commences.

Prescribed Text:

<http://law.anu.edu.au/Undergraduate/courses.asp>

To derive maximum benefit from the course, it is suggested that students undertake it in the latter part of their studies, when they have achieved a reasonable degree of familiarity with law in general and with the particular subject area of the course in any given year.

Legal Theory LAWS2249 (6 units)

Later Year

Semester 2

Three hours per week

Coordinator: Leighton McDonald

Prerequisites: None

Completed or completing five courses at 1000 level

Syllabus: This course explores a number of important theoretical issues concerning law. These issues include the nature and function of law in modern societies, the nature of citizens' obligations under law, the nature of legal reasoning and the interpretation of legal texts, the relationship between law, power, justice and democracy and the capacity of the law to provide for gender, cultural and other forms of difference. The course proceeds by way of a critical examination of the leading contemporary schools of thought about law and legal issues. In the course of this examination, specific attention may be paid to the perspectives of these schools on such topical issues as civil disobedience, freedom of speech and indigenous sovereignty.

Its objectives are:

- to familiarise students with key thinkers and the main types of descriptive, justificatory and critical argumentation about law and legal systems
- to develop students' ability to engage in reflective and critical thinking about the law and legal reasoning
- to enable students to appreciate the theoretical background of legal decisions and contemporary legal issues.

Proposed Assessment: Examination (closed book) two questions, two hours 60 per cent. Essay (1200 words) based on seminar presentation 20 per cent. Seminar presentation (5-10 minutes) and discussion of presentation - 10 per cent. Seminar attendance and participation - 10 per cent.

Details of the final assessment will be provided under the Assessment drop-down on the course web page in the last week before the relevant semester commences.

Prescribed Text:

<http://law.anu.edu.au/Undergraduate/courses.asp>

This course builds on Foundations of Australian Law, and Lawyers, Justice and Ethics. It presupposes that students have some legal knowledge through the study of a central area of law, such as Torts or constitutional law.

International Law LAWS2250 (6 units)

Later Year

Semester 2

Second semester

Two to four hours per week

Coordinator: Don Rothwell

Prerequisites: None

Completed or completing five courses at 1000 level

Syllabus: No major area of Australian law remains unaffected by international law, so an understanding of international law is essential for any legal practitioner in the twenty-first century. Given this vast scope, this course does not seek to

cover all aspects of international law. Instead it aims to offer an introduction to the main principles and substantive elements of the international legal system, both for those students who will go on to study some of the many international law electives available in the Faculty and for those who intend to study and practise in other fields. The course seeks to achieve these objectives by clarifying the institutional framework, theoretical bases and processes of the international legal system and then applying them, in a practical way, both to Australian law and to some specific fields of international law.

Accordingly, the course is designed to enable students to:

- identify, locate and evaluate the principles of international law
- appreciate how the international legal system operates in practice and its effect on the Australian legal system
- understand the language and methodology of international law
- analyse international legal issues
- become familiar with the different theoretical bases of international law.

Proposed Assessment: The proposed means of assessment for this course will provide students with the option of undertaking at least two pieces of assessment, including one piece during the semester.

Details of the final assessment will be provided under the Assessment drop-down on the course web page in the last week before the relevant semester commences.

Preliminary Reading:

Students are encouraged to read the first two chapters of Antonio Cassese, *International Law* (OUP, 2001). These will be made available on electronic reserve.

Prescribed Text:

<http://law.anu.edu.au/Undergraduate/courses.asp>

There are no prerequisites for studying International Law. It offers a significant foundational framework for the study of: International Criminal Law, Law of the Sea, International Dispute Resolution, International Environmental Law, International Human Rights Law, International Trade Law, and any other specialised international law unit, and provides the substantial grounding needed for participation in the Jessup Moot LAWS1202.

Legislative Drafting and Technology LAWS2251 (6 units)

Later Year

Semester 2

Three hour lecture/lab each week.

Coordinator: Sasha Agafonoff from RuleBurst

Prerequisites: None

Students should be familiar with Microsoft Word and have basic computer literacy

Completed or completing five courses at 1000 level

Syllabus: The aim of this course is to give students an appreciation of issues involved in administering legislative rules and to teach students ways of preventing these issues during the legislative drafting phase. It also looks at how technology can be used throughout the legislative lifecycle.

Students will be introduced to a methodology which emphasises the importance of precise and structured legal expression, and it offers many options to analyse and represent the structure of complex legal material. The course contains both theoretical and practical components through which students will be required to demonstrate their understanding of the material.

There are two parts to the course:

- Rule drafting - The rule drafting component of this course will give students an awareness of legislative drafting styles and common drafting structures, practice in discerning the meaning of legislation and an understanding of both the importance and ingredients of good drafting technique.
- Legislation and Technology - This part of the course will demonstrate how an increasing number of government agencies are using to interpret and administer complex law, and expose students to technologies for the analysis and visualisation of legal rules. This type of toolkit aids in navigating complex webs of tightly integrated statutes, regulations and policy determinations.

This second section of the course will allow students to use the same tools governments around the world are using to analyse and administer legislation.

Proposed Assessment: The proposed means of assessment for this course will provide students with the option of undertaking at least two pieces of assessment, including one piece during the semester.

Details of the final assessment will be provided under the Assessment drop-down on the course web page in the last week before the relevant semester commences.

Prescribed Text:

<http://law.anu.edu.au/Undergraduate/courses.asp>

This course is restricted to 20 students.

International Criminal Law LAWS2252 (6 units)

Later Year

Semester 1

Coordinator: Gabriele Porretto

Prerequisites: International Law LAWS2250

Completed or completing five courses at 1000 level

Syllabus: The primary objectives of this course are:

- to introduce you to the (contested) field of international criminal law and its basic concepts and methodologies
- to provide you with an understanding of the evolution of the concept of international crime, starting from piracy *juris gentium* and the development of the laws and customs of war
- to explore the contribution made to the development of international criminal law by the Nuremberg and Tokyo International Military Tribunals, the International Criminal Tribunals for the former Yugoslavia and Rwanda, as well as national tribunals, and to consider the legal and political questions to which those proceedings gave rise
- to examine the different international and national procedures for prosecuting or otherwise dealing with international crimes, and the political and legal determinants of those procedures, also with regard to their enforcement

- to examine the role played by the United Nations and its subsidiary bodies in the development of international criminal law
- to provide you with an introduction to sources and methods of research in the field of international criminal law.

The course will first explore the definition and the progressive development of the concepts of international crime and international criminal law. This will include the development of criminal responsibility of individuals under international law and the correlative development of national and international mechanisms for its enforcement. Attention will be focused essentially on the so called "Nuremberg crimes" and on the subsequent developments, even if reference will also be made to other international/trans-national crimes such as acts of terrorism or acts against the security of aerial and maritime navigation, on the basis of the time available.

The analysis of the criminal prosecution of international crimes will be centred on the most recent case-law of both national courts and international criminal courts. The application and interpretation of some general principles and notions of (international) criminal law by domestic and international courts will be assessed, including an analysis of the objective and the subjective element of a crime, non-retroactivity of criminal offences, defences and grounds for excluding criminal responsibility. Reference will also be made to forms of implementation other than criminal prosecution (eg truth and reconciliation commission), as well as to the question of amnesties.

The last part of the course will be dedicated to the impact of the elements discussed above on Australian law.

Proposed Assessment: The proposed means of assessment for this course will provide students with the option of undertaking at least two pieces of assessment, including one piece during the semester.

Details of the final assessment will be provided under the Assessment drop-down on the course web page in the last week before the relevant semester commences.

Prescribed Text:

<http://law.anu.edu.au/Undergraduate/courses.asp>

Restitution LAWS2254 (6 units)

Later Year

Semester 1

Coordinator: Joachim Dietrich

Prerequisites: Contracts LAWS1204

Completed or completing five courses at 1000 level

Syllabus: The course covers aspects of the law of restitution as it has developed in Australia, England and (to a lesser extent) Canada, and considers the inter-relationship between restitution, contract, equity, and other categories of legal obligations.

The course is divided into four unequal parts. The first section of the course considers:

- the history of restitution
- theories of restitution and the concept of unjust enrichment.

The second part of the course examines various situations where restitutionary relief may be sought including:

- mistake
- compulsion
- ineffective contracts
- restitution after breach of contract
- restitution for wrongs
- other topical issues.

The third part highlights various defences including:

- estoppel
- change of position.

The fourth part of the course examines personal and proprietary remedies for unjust enrichment.

Proposed Assessment: Research Essay of 3000 words, worth 50 per cent, and end of semester exam worth 50 per cent.

Details of the final assessment will be provided under the Assessment drop-down on the course web page in the last week before the relevant semester commences.

Prescribed Text:

<http://law.anu.edu.au/Undergraduate/courses.asp>

Restrictive Trade Practices LAWS2255 (6 units)

Later Year

Semester 2

Three hours per week

Coordinator: Alex Bruce

Prerequisites: Contracts LAWS1204

Completed or completing five courses at 1000 level

Syllabus: Fair, competitive and informed markets are essential ingredients contributing to high standards of living and international competitiveness. Australia's dynamic National Competition Policy is maintained by the Federal Trade Practices Act 1974 (Cth) ('the TPA'). The TPA aims to enhance the welfare of Australians through the promotion of competition and fair trading and provision for consumer protection. The TPA is enforced by the Australian Competition and Consume Commission.

The object of this course is to consider the National Competition Policy and the way the TPA seeks to promote fair and competitive markets for the benefit of Australians. This is principally involve a consideration of Part IV of the TPA in preventing conduct such as price-fixing, boycotts, misuse of market power, anti-competitive exclusive dealing, resale price maintenance and anti-competitive mergers. In addition the course will examine the Access and Telecommunications Regimes and will consider the enforcement agenda and powers of the ACCC.

The Course will conclude with a consideration of the consequences for a breach of the TPA including the penalties and remedies that can be sought by the ACCC and by private parties.

Proposed Assessment: It is anticipated that students will complete an assignment and an exam during the course. There will also be compulsory tutorial exercises.

Details of the final assessment will be provided under the Assessment drop-down on the course web page in the last week before the relevant semester commences.

Prescribed Text:

<http://law.anu.edu.au/Undergraduate/courses.asp>

Selected Topics in Australian-United States Comparative Law (ANU) LAWS2257 (6 units)

Later Year

Semester 2

The course will be taught on a semi-intensive basis over a period of 4-5 weeks in Canberra right at the start of the semester, in conjunction with the visiting University of Alabama students taking part in the ANU session of the ANU/UA Joint Teaching Program. (Capped at 20)

Coordinator: Don Anton

Prerequisites: None

Completed or completing five courses at 1000 level

Incompatible: Please note this course is a repeat of LAWS2248 taught in January and February of the same year at the University of Alabama and cannot be taken by students who have completed that course.

Syllabus: The course will be taught jointly by a visiting ANU academic and an academic from the University of Alabama Law School. While the specific subject area of the course will vary from year to year, depending on the particular field of interest of the ANU/UA visitors, it will involve a comparative study of Australian and US approaches to the particular subject matter. Assessment details, teaching methods and type of course materials will vary from year to year depending on the subject matter and personnel involved in each offering of the course, but will be specified prior to student enrolment in the course.

In 2007, the course will involve a comparative study of Environmental Justice and Human Rights and the Environment. It will involve a comparative treatment of the US jurisprudence of "environmental justice" and International Human rights approaches to environmental protection important in Australia and the United States.

Proposed Assessment: The proposed means of assessment for this course will provide students with the option of undertaking at least two pieces of assessment, including one piece during the semester.

Details of the final assessment will be provided under the Assessment drop-down on the course web page in the last week before the relevant semester commences.

To derive maximum benefit from the course, it is suggested that students undertake it in the latter part of their studies, when they have achieved a reasonable degree of familiarity with law in general and with the particular subject area of the course in any given year.

International Organisations (Geneva) LAWS2258 (6 units)

Later Year

Summer Session

Intensive delivery over 3 weeks in Geneva (late January to early February).

Coordinator: Jean-Pierre Fonteyne

Prerequisites: International Law (or Principles of International Law). In addition, priority will be given to later year students who have completed at least one additional international law elective. Subject to this priority, students will generally be selected on a first-come first-serve basis. Where appropriate, academic merit may also be taken in account. Due to practical considerations enrolment numbers will be strictly limited to 20 students from all sources (a limited number of places may go to non-ANU summer school students and/or to postgraduate students).

Completed or completing five courses at 1000 level

Syllabus: This course will be taught in conjunction with the equivalent postgraduate course. Enrolment will be strictly limited (20 students in total). Priority will be given to later year LLB students and to students who have completed at least one additional international law elective. Subject to this priority, students will be selected on academic merit. Enrolment is subject to the payment of the applicable administrative fees and accommodation costs.

The purpose of the course is to provide participants with a substantive overview of the activities of international organizations (governmental and non-governmental) located in Geneva, focusing on the legal issues arising in their operations or area of concern.

Students will spend three weeks in Geneva. Classes will address legal aspects of the work of various international organisations and agencies, both governmental and non-governmental, with a specific focus on those located in Geneva. The participants will attend approximately 20 hours of formal academic instruction provided in part by the accompanying ANU staff member and in part by staff drawn from local academic institutions, NGOs etc. In addition they will take part in coordinated visits to a range of governmental and non-governmental organisations in Geneva, including up to 30 hours of presentations by legal specialists addressing the organisation's operations. The first week will be devoted to general aspects of the operation of international organizations, the second week will focus on human rights and related issues, the third week will mainly address trade and environmental questions.

The precise composition of the program will vary to some extent from year to year. A copy of the day-by-day schedule of the last course is available on the Faculty webpage as an indicator of the likely content of the next course.

The classes will be given at the Graduate Institute of International Studies and in various international organizations in Geneva. All classes and visits will be conducted in English and knowledge of French is not required.

Proposed Assessment: 20 per cent for class participation and 80 per cent for completion of a 4,000 to 4,500 word essay on a topic approved by the convenor, to be completed in the early part of the following semester.

Details of the final assessment will be provided under the Assessment drop-down on the course web page in the last week before the relevant semester commences.

This unit is particularly suitable for later-year students who have completed at least one international law elective in addition to the basic international law course. Students interested in international trade law or international human rights in its various guises (including labour law, refugees,

health, etc) might find the unit especially useful, as these two aspects of international law will feature prominently in the course given the location in Geneva of WTO and of various UN and NGO human rights organisations (HCHR, UNHCR, ICRC, etc). International environmental law, international intellectual property and a number of other specialised areas are likely to be the subject of specific visits as well.

Law and Psychology LAWS2260 (6 units)

Later Year

Semester 2

Three hours per week

Coordinator: Mark Nolan

Prerequisites: None. The course is pitched at students who have never studied psychology and also aims to extend those who have studied psychology.

Completed or completing five courses at 1000 level

Syllabus: This course explores the interface of psychology and criminal law. One focus is psychology and courts, specifically the issues of eyewitnesses, psychologists as experts, witnesses, mental illness and the law, judicial decision making, children in court, persuasion and advocacy, language used in the courtroom, and jury research. Another focus is on the psychological study of legal processes outside courts, including policing, interviewing, detecting deception, restorative justice, and therapeutic jurisprudence. Material discussed is primarily of relevance to the Australian legal system. The course offers a critical perspective on the developing discipline of legal psychology. Students are also shown how to research the interdisciplinary literature via relevant databases.

Proposed Assessment: The proposed means of assessment for this course will provide students with the option of undertaking at least two pieces of assessment, including one piece during the semester.

Details of the final assessment will be provided under the Assessment drop-down on the course web page in the last week before the relevant semester commences.

Preliminary Reading:

Chapter 1, Kapardis, *Psychology and Law: A Critical Introduction* (2nd ed, Cambridge: Cambridge University Press, 2003).

Prescribed Text:

<http://law.anu.au/Undergraduate/courses.asp>

Some understanding of criminal law and process is beneficial.

Selected Topics in Criminal Law LAWS2261 (6 units)

Later Year

Semester 2

Three hours per week

Coordinator: Miriam Gani

Prerequisites: Criminal Law and Procedure LAWS1206

Completed or completing five courses at 1000 level

Syllabus: The object of this course is to provide an opportunity for students:

- to consolidate and build upon the skills and knowledge gained during their study of Criminal Law and Procedure

- to undertake in-depth study of specific areas of the substantive criminal law
- to engage with contemporary and emerging issues in the area
- to consider the purpose and role of the criminal law in our society.

The course will take a theoretical, doctrinal and comparative approach both to traditional areas of the criminal law and to new offences against the Commonwealth Criminal Code and against the various State and Territory Acts. Topics will be selected from a range of areas which may include: theories of crime and punishment; attempt, cyber crimes; drugs and prohibited commodities; corporate and industrial crimes; terrorism and political offences; defences and future directions in the criminal law.

Proposed Assessment: The assessment will be settled after discussion with students.

Details of the final assessment will be provided under the Assessment drop-down on the course web page in the last week before the relevant semester commences.

Prescribed Text:
<http://law.anu.edu.au/Undergraduate/courses.asp>

This course has Criminal Law and Procedure as a prerequisite. It complements the other criminal law related courses offered by the Faculty including Criminal Justice and International Criminal Law.

Advanced International Law LAWS2264 (6 units)

Later Year
 Semester 2
 Three hours per week

Coordinator: Gabriele Porretto

Prerequisites: International Law LAWS2250

Completed or completing five courses at 1000 level

Syllabus: This course is a follow-up to the compulsory International Law course (LAWS2250).

It is intended to round out the coverage of "general" public international law by focusing on those areas not (or only partially) dealt with in the compulsory course. It consists of three inter-related modules.

At this stage, it is anticipated that the course will cover:

- state responsibility
- state immunity, Heads of State (and other high officials) immunities, consular and diplomatic immunities
- counter-terrorism and international law.

Proposed Assessment: Details of the final assessment will be provided under the Assessment drop-down on the course web page in the last week before the relevant semester commences.

Prescribed Text:
<http://law.anu.edu.au/Undergraduate/courses.asp>

International Arbitration and Negotiation Moot Competition in Japan LAWS2266 (0 unit)

Later Year
 Summer Session
 39 hours minimum

Capped at 5 students

Coordinator: Kent Anderson

Prerequisites: LAWS2250 International Law

Students must be fluent in Japanese to undertake this course

Completed or completing five courses at 1000 level

Syllabus: The course objective is to provide students with a practical education in international dispute resolution. This covers the procedural/mechanical aspects of both arbitrated and negotiated settlement. Thus, the students will develop a familiarity and expertise in the UNCITRAL Rules of Commercial Arbitration and standard negotiation processes. Further, the competition problems require research and development of an expertise in the following substantive legal areas: international contracting law, private international law and comparative law.

Most significantly, the course and competition provides practical experience and training in cross-border lawyering. Through the preparation phase, which requires reading and processing an extremely long and convoluted factual problem, the students must use and hone their skills at client counselling and fact deciphering. The arbitration branch develops brief writing skills and oral argumentation. Finally, the negotiation portion provides an opportunity to develop creative and strategic thinking in a fluid environment very similar to the so-called "real world".

Topics covered in this course generally include:

- Private International Law: Basic Concepts
- Jurisdiction over disputes, people, property
- Choice and conflict of laws
- Substantive Cross-Border Legal Matters
- UNIDROIT Principles of International Commercial Contracting
- Comparative law topics (the specific subject will be determined by the factual problem and may cover constitutional law, administrative law, environmental law, torts etc)
- Arbitration
- Introduction to arbitration
- UNCITRAL Rules of Commercial Arbitration
- Advocacy and Cross-Cultural Communication
- Effective oral advocacy in arbitration
- Effective written advocacy for arbitration and for negotiation
- Effective Japanese language and cross-cultural communication in a legal context
- Negotiation
- Basic principles and strategies of negotiation
- Cultural based negotiation?

Proposed Assessment: Assessment will be based on:

- student contribution to the team's preparation
- the team's two memorandum for arbitration and negotiation

- assessment of the student's participation in the competition
- a reflective essay following the competition.

Details of the final assessment will be provided under the Assessment drop-down on the course web page in the last week before the relevant semester commences.

Prescribed Text:

<http://law.anu.edu.au/Undergraduate/courses.asp>

Jessup Moot LAWS3010 (6 units)

Later Year

Summer Session

Coordinator: Kevin Boreham

Prerequisites: Only students selected by the Coordinator for the course, on the basis of criteria adopted by the ANU College of Law, to represent ANU in the Jessup Moot Competition will be eligible to enrol in the course. Familiarity with International Law and/or mooting and research experience is desirable, as well as a willingness to devote most of the summer period to the undertaking.

Completed or completing five courses at 1000 level

Syllabus: Participation in the Australian Round of the Philip C. Jessup International Law Moot Court Competition, consisting of:

- the joint preparation of written memorials in support of the claims of each of the two parties in the dispute
- the presentation by some or all of the team members of oral argument in a competition with teams representing other Australian Law Schools.

Proposed Assessment: Members of the Jessup team are expected to prepare the written memorials and participate in the internal ANU practice moots. Assessment reflects the performance of the team through the entire Jessup period. The mark awarded to each Jessup team member may also take account of their individual performance.

Law and the Environment LAWS3103 (6 units) E

Later Year

Semester 2

Three hours of lectures per week

Coordinator: Judith Jones

Prerequisites: Not available to Law students

Syllabus: This is a 6 unit Group E course offered by the Faculty of Law to students interested in environmental issues, and may be credited towards any single undergraduate program of the Faculty of Science. This course may not count towards the Bachelor of Science (Psychology), Bachelor of Science (Resource and Environmental Management) or Bachelor of Science (Forestry) component of combined programs. Science students can take this course however it will not be classed as a science course ie it will not count towards the Group C science requirement of your degree. Instead it will be classed as an out of Faculty course.

It should be understood that this course is not offered to law students; it is rather a specially designed course for non-law students, especially students in environmental or environmentally-related disciplines.

The course seeks to examine Environmental Law from theoretical and practical perspectives, taking a broad national and thematic approach rather than simply annotating the law of one jurisdiction. The course will examine the sources of Environmental Law, looking at the roles of the common law, of statutes and the growing importance of International Law. It will then move to look at environmental regulation, including economic approaches to land use control, planning and licensing systems; environmental decision-making, including environmental impact assessment processes and exceptions to the usual decision-making process; enforcement of environmental controls through criminal and civil means and alternative sanctions; and environmental litigation, in particular, rights of standing and legal aid in public interest litigation. The course will also look at philosophical and ethical bases for environmental protection, as well as a detailed examination of the role of scientific evidence in environmental decision making.

Proposed Assessment: The proposed assessment is an in-class test and final examination.

Principles of Intellectual Property LAWS3104 (6 units)

Later Year

Semester 1

Two hours per week

Coordinator: Matthew Rimmer

Prerequisites: Not available to Law students

Syllabus: This is a six unit Group E course offered by the Faculty of Law for students with no prior law knowledge, as awareness, establishment and protection of intellectual property has become a fundamental attribute of scientific research, particularly biotechnology. Awareness of intellectual property is crucial in guiding directions for research as well as providing information on research already conducted. The establishment and protection of intellectual property is influenced by procedures adopted at the earliest stages of research and development, and a lack of understanding may significantly affect future research as well as preventing the fruits of any research being successfully commercialised.

This course will not count towards the Bachelor of Science (Psychology) or Bachelor of Science (Forestry) component of combined programs. The course is not offered to law students; it is specially designed for non-law students. This is a compulsory course in the Bachelor of Biotechnology and other science students can take this course however it will not be classed as a science course ie it will not count towards the Group C science requirement of your degree. Instead it will be classed as an out of Faculty course.

This course will cover the fundamental principles relating to the development and commercialisation of intellectual property including confidential information, copyright, patents, designs and trademarks. Students will be able to:

- Identify, apply and assess issues relating to each of these areas of intellectual property;
- Take steps to prevent the protection of intellectual property being undermined by action inconsistent with that protection; and be able to demonstrate a capacity to identify, apply and assess ownership rights and marketing protection under intellectual property law as applicable to information, ideas, new products and product marketing.

The principles of intellectual property will then be applied to the development and protection of biotechnology.

Proposed Assessment: 40 per cent essay, 40 per cent exam; 20 per cent seminar

Prescribed Text:

Australian Law Reform Commission, *Genes and Ingenuity: Gene Patenting and Human Health*. Report 99.

Sydney: Australian Commonwealth, June 2004, www.austlii.edu.au/au/other/alrc/publications/reports/99/

Honours Thesis LAWS3202 (12 units)

Later Year

Semester 1, Semester 2

Coordinator: Pauline Ridge

Prerequisites: Enrolment in Honours Thesis is restricted to students who satisfy the following requirements:

- the candidate, at the time of completion of his or her studies in the Law School, will have completed 14 or more eligible law courses
 - the candidate has, by the end of the first week of the semester in which they will undertake Honours Thesis, submitted to the Law School Administration Office a form signed by their supervisor indicating that the supervisor has read and approved a detailed research proposal prepared in accordance with issued guidelines, and has agreed to supervise the student
 - the candidate is in a position to complete the requirements for admission to the degree in a period of one year or less as a full-time student
 - at the time that the candidate qualifies under paragraph 3, the candidate has an Honours mark of 4.5 in the eligible law courses completed by the candidate, after disregarding the three courses (or less, if the Policy on Award of Honours in the Law Faculty otherwise requires) in which the candidate has scored the lowest marks.
- Please note that it is no longer a requirement that students take another law course or courses alongside Honours Thesis (although most students will continue to do so).

In relation to paragraph 2, guidelines for the detailed research proposal will be available in the course outline for Honours Thesis (which can be accessed via the Law web page) or by request from the course convenor.

Syllabus: The course serves as Part B of the final Honours Examination for students wishing to graduate with an honours degree. The course objectives are:

- to test the ability of a student to undertake a limited but systematic study of an issue in the law of the student's own choosing, and to present the results of that study in a written form which is accessible to an interested, but not necessarily informed, legal reader
- to facilitate the development of legal research and writing skills
- to assist the student to educate himself or herself further in the law, its methods and limits.

The honours thesis (11,000 - 13,000) words, is supervised by a member of the Law School or other approved supervisor and assessed by two examiners. A group of examiners coordinates the grading of the theses.

Proposed Assessment: 11,000 - 13,000 words honours thesis.

Details of the final assessment will be provided under the Assessment drop-down on the course web page in the last week before the relevant semester commences.

To assist students to prepare their detailed research proposal and to undertake Honours Thesis, the ANU College of Law offers Honours Thesis Workshops each year. Attendance is voluntary. Dates for 2007 will be advised. It is strongly recommended that students attend a Workshop *at least three months before* the semester in which they enrol in Honours Thesis. Students may attend more than one Workshop. See also the brochure about Honours in Law available on the noticeboard at the student's login page.

Students should consult the course outline for details.

Exchange Program for Law Students LAWS5920 (6 - 24 units)

Later Year

Semester 1, Semester 2

Students enrol in this course when they have been approved to participate in a formal Law exchange with one of our overseas exchange partners.

For information regarding Law exchanges, selection criteria, etc, please go to the following website: <http://law.anu.edu.au/Exchanges/index.asp>.

For further information on academic aspects of exchanges and the necessary approvals, please contact Dr Jean-Pierre Fonteyne, Assistant Sub-Dean (International Exchanges, Law): jp.fonteyne@anu.edu.au. Please note that all law students in combined degrees require Law School approval prior to applying, even if they do not intend to study law while on exchange.

All administrative functions are handled by the International Education Office. For details on how to apply, application forms, cost estimates, and other questions of an administrative nature, please go to the following website: www.anu.edu.au/ieo/admissions/admission_howtoapply.html/ Further information may be obtained by contacting the IEO directly.

Courses not offered

The following courses will not be offered in 2007. Most will be offered in subsequent years. For the most up-to-date information on when courses will be offered, please go to Study@ANU at <http://info.anu.edu.au/studyat/> or contact the College involved.

Bankruptcy and Insolvency LAWS2209 (6 units)

Prerequisites: Corporations Law LAWS2203

Comparative Legal History LAWS2211 (6 units)

Prerequisites: None

Criminal Justice LAWS2214 (6 units)

Prerequisites: Criminal Law and Procedure LAWS1206

**Environmental Law Elective
LAWS2216 (6 units)**

Prerequisites: None

**Feminist and Critical Legal Theory
LAWS2218 (6 units)**

Prerequisites: None

**International Dispute Resolution
LAWS2223 (6 units)**

Prerequisites: International Law LAWS2250

**International Law Elective: Law of the Sea
LAWS2224 (6 units)**

Prerequisites: International Law LAWS2250. (This course is capped at 25)

**Work and Law – Selected Topics
LAWS2231 (6 units)**

Prerequisites: Completed or completing five courses at 1000 level

**Selected Topics in Torts
LAWS2233 (6 units)**

Prerequisites: Torts LAWS1203

**Indigenous Australians and the Law
LAWS2238 (6 units)**

Prerequisites: Australian Public Law LAWS2201, Criminal Law and Procedure LAWS1206.

Corequisite: Property LAWS2204.

Completed or completing five courses at 1000 level

**Special Law Elective 6: Race and the Law
LAWS2246 (6 – 12 units)**

Prerequisites: None

Completed or completing five courses at 1000 level

**International Environmental Law
LAWS2253 (6 units)**

Prerequisites: International Law LAWS2250

Completed or completing five courses at 1000 level

**Law and Sexualities
LAWS2256 (6 units)**

Completed or completing five courses at 1000 level

**Consumer Protection and Product Liability Law
LAWS2259 (6 units)**

Prerequisites: None

Completed or completing five courses at 1000 level

**Current Issues in Administrative Law
LAWS2262 (6 units)**

Prerequisites: Administrative Law LAWS2201

Completed or completing five courses at 1000 level

**Special Topics in Intellectual Property
LAWS2263 (6 units)**

Prerequisites: Intellectual Property LAWS2222

Completed or completing five courses at 1000 level

**International Advocacy and Procedure
LAWS2265 (6 units)**

Prerequisites: LAWS2250 International Law (capped at 56 students)

Completed or completing five courses at 1000 level

