In exceptional circumstances the Council is empowered to suspend subjects and to vary the syllabus of a subject. Any such alteration to the details of subjects will be announced on the Faculty noticeboards by the beginning of Orientation Week, 1970.
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Professor of Jurisprudence: P. BRETT, S.J.D. (Harv.), LL.B. (Lond.), LL.M. (W.A.), LL.M., Barrister-at-Law.
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Senior Lecturers:

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Miss M. E. HISCOCK, J.D. (Chicago), LL.B.
S. D. CLARK, LL.B. (Adel.), Barrister and Solicitor of the Supreme Court of South Australia.
R. SACKVILLE, LL.M. (Yale), LL.B., Barrister and Solicitor.
L. D. ELLIOIT, J.D. (Chie.), LL.B.
C. A. BRENNAN, LL.M. (Lond.), LL.B., Barrister and Solicitor.
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Senior Tutors.
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Administrative Officer and Secretary of the Law School: Miss F. M. SCHOLES, B.A.

**PART-TIME**

Independent Lecturer in Accounts: S. G. HOGG, B.Com., LL.M., Barrister-at-Law.

Independent Lecturer in Executors and Trustees: R. H. SEARBY, B.A. (Oxon), Barrister-at-Law.


A SHORT HISTORY OF THE LAW SCHOOL

The history of the Law School cannot be seen in isolation from that of the two institutions with which it has always been so intimately connected—the University as a whole, and the Victorian legal profession. Here we must be satisfied with a sketch, and must forego a truly comprehensive account, but some suggestions for further reading and reference can be given.

Ernest Scott, then Professor of History, wrote *A History of the University of Melbourne* in 1936. A more recent work is Geoffrey Blainey's *A Centenary History of the University of Melbourne* (1957). An excellent series of articles on student life over the last four decades appeared in *Melbourne University Magazine* for Spring 1961. The University of the present day is described in *The University of Melbourne: A Centenary Portrait* (1957) by Norman H. Olver and Geoffrey Blainey.


Many men have contributed to the life and work of the Law School over the years and have made us what we are. A full roll-call with any amount of biographical detail would be a long one—too long for an essay of this kind. But there is always an especial interest in the beginnings of institutions such as ours, and this would seem to justify giving an otherwise disproportionate amount of attention to the early years and the 'founding fathers', to that misty and surprisingly long period of law teaching before the creation in 1873 of the Faculty as such and the appointment of the first Dean.

The foundation Statute of the University of Melbourne, which expressly contemplated a law course, received the Royal Assent in January of 1853. In the last days of December, the first four professors arrived from England and took up residence. A little over a month later, in February 1854, the Supreme Court of Victoria made its first Rules for 'colonial admissions', as they were called, providing for the examination within Victoria and the admission to practice of barristers, attorneys, solicitors, proctors and conveyancers. This happy and largely coincidental conjunction of events made it at least very likely that when law teaching in Victoria began it would be found within the University, and no doubt this was rendered all the more probable by the fact that the University's colourful and energetic first Chancellor, Sir Redmond Barry, was also a Judge of the Supreme Court. Furthermore, one of the foundation Professors, William Edward Hearn, appointed to the Chair of Modern History and Literature, Political Economy and Logic, was a barrister himself, an LL.D of Trinity College, Dublin, and well qualified, therefore, to supervise, at least informally, the foundation of a law school.
So it came about, then, that law subjects were first offered within this University in 1857, two years after the institution had opened its doors to students. The course was of two years duration, and seems clearly to have been designed to assist those who sought 'colonial admission'. Thirty-nine law students are listed in the 1857 Calendar. The lectures were held at 8 p.m. on Mondays, Wednesdays and Fridays during the University Terms, and fees were £4 per term (or £2 for the few matriculated students). The course was so arranged that the student studied virtually the whole of the substantive law in his first year: Constitutional Law, Jurisprudence, Torts, Contracts, Real Property, Personal Property, Corporations, Wills, Family Law — all appear in various guises in the syllabus. The second year was given over to the rules of pleading, evidence and practice of common law (both civil and criminal) and equity. Both lectures and tutorials were offered. The course did not lead to a degree, but the Council of the University granted certificates to students who 'kept their terms' and passed the two annual examinations. The certificate entitled the holder to practice as a barrister and solicitor, exempting him (by a fresh Rule of the Supreme Court) from the examinations conducted by the Barristers' and Solicitors' Boards.

'The law students took little part in the life of the university', writes Blainey, as their lectures began long after the day students had departed. In fact they would have been happier if the lectures had been held elsewhere, for they objected to walking through unmade streets to the distant university and walking long distances home in darkness and rain. In May of that first year, twenty of them wrote to the Chancellor requesting that their lectures be held 'down town'. The Council refused the request, but arranged that 'the law lectures be delivered at an earlier hour during the winter months'. This qualified victory was to be followed soon after by an even greater one, as we shall see.

The first lecturer in the school, on the part-time basis which was to be standard practice for many years, was a respected criminal lawyer of the day, Richard Clarke Sewell, D.C.L., a Fellow of Magdalen College, Oxford, who had been called to the bar at Middle Temple in 1830 and had practised in Melbourne since 1856. He was the first editor of that short-lived journal The Victorian Law Times and Legal Observer (1856-7) and in his first editorial had supported the proposal for a local Inn of Court. We have preserved for us his Inaugural Lecture on 'The Study of the Law', delivered before 'The Chancellor and Students of the University of Melbourne'. It is a long, florid oration, rivalling some of those of Barry himself; here is the peroration:

And, lastly, to all who hear me—to all to whom the future prospects and well-being of Victoria is a matter of deep and earnest interest — and more especially to you, Sir, who, as our Chancellor, have with your associates, been more immediately engaged in the foundation and government of this University, and instituting this new school for the study of the youth of Victoria — may I be permitted to say, in words which bring back to my memory happy days long past, in the peaceful retreats of Oxford, when, on festal days, we celebrated the anniversary of our Wykeham or Waynfleete, and filled the grace-cup to their memory, and the prosperity of the glorious monuments of their munificence, the Colleges reared by them — 'Stet fortuna domus. — Floreat in Aeternum Haec Academia Nostra'. Long may it flourish! — long may it be the nursery of the learned, the wise, and the good — of Statesmen and of Patriots — of Lawyers with patience to learn, wit to understand, and prudence and justice to administer the laws of their country — and of Citizens who have been taught to honour and obey them. Still onward be her progress, till her fame extend far beyond Australian skies, wheresoever learning shall be honoured and civilization shall have spread; and the names of those who have been nurtured within these walls, (where, but yesterday, the tall gum tree tossed abroad its gnarled and riven branches to the winds of heaven, in a wilderness tenantless, save by the wild beast, or still wilder savage,) shall be associated in men's mouths with the noblest of those that have been the boast of Oxford or Cambridge, of Padua or Paris — or who, in earlier days, gave to the world their lessons of wisdom, under the Plane Tree of Tusculum, or sought for truth in the classic groves of the Academus. — Atq inter silvas Academi quaerere verum. — Horace.

But Sewell's career at the embryo Law School was to be as brief as his career as an editor. He missed his lectures so frequently that his students met one night at the
Temple Court Hotel and drew up a protest to the Chancellor. Dr Sewell, in reply, offered to make up lost time by lecturing during the vacation, a suggestion which the students rejected with dignified indignation. After an interview with the Chancellor, Sewell found it politic to resign on the ground of ill-health. It was hardly a propitious beginning!

On 29 June 1857, in time for the opening of the July Term, the Council appointed to 'the office of Law Reader' one of the most colourful figures of his day, Henry Samuel Chapman. (It may be noted here that, although usage was not consistent, the law teachers in this early period before 1873 were generally designated 'Readers' rather than 'Lecturers', at least in the Minutes of Council.)

In March-April of 1857, Chapman had been Attorney-General in the first O'Shannassy Ministry, and he again held that office in the second O'Shannassy Ministry of 1858-9. In 1862 he was made an Acting Judge of the Supreme Court while Sir Redmond Barry was overseas, and in 1864 he left Victoria permanently to take up a judgeship in New Zealand, where he had previously been a judge. We are told that he lectured here in law 'during the intervals of office', and we know held a lectureship for a continuous period between 1860 and 1862. His remarkable and varied career is summarized thus by Forde:

He began life as a bank clerk; then, spent some time in a stockbroker's office, and, before long, discovered that overcrowded London afforded no scope for his energy and ambition. He left England, and the rest of his life was spent in four British colonies, and two hemispheres. He became merchant, newspaper proprietor, politician, barrister, Minister of the Crown, and judge; sat on the bench of two different colonies; started the first daily newspaper in Canada; wrote on wool, and lectured on law; was familiar with the weaving of fabrics and making of constitutions, condemned transportation, and originated the ballot.

At the beginning of 1858, a second law class was formed. Chapman resigned to resume his political career, and he was succeeded by James Wilberforce Stephen and Richard Annesley Billing, who were responsible for first and second year teaching respectively.

Stephen, who was to hold his leadership until he resigned on grounds of ill-health in February 1860 (when Chapman was re-appointed), had been in the Colony since 1855. He was a Fellow of St. John's College, Cambridge, and had been called to the Bar of Lincoln's Inn in 1849. After a distinguished career as an equity lawyer, he became Attorney-General in the Francis Ministry of 1872. His most celebrated Parliamentary achievement was the Education Act of that year. In 1874 he succeeded Mr. Justice Williams on the Supreme Court bench, and died in 1881.

But it is Richard Annesley Billing, rather than Stephen, who really deserves our respectful attention, because he was the first of the early lecturers to hold his position for a considerable period of time, and thus to exercise a formative influence on the development of the school. He, Frank Stanley Dobson and William Edward Hearn, of whom more later, have the best claim to be regarded as the 'founding fathers'.

Billing was lecturer at the law school from 1858 until his death in 1882. He was one of that considerable group of early Melbourne barristers who had been called to the Bar at Queen's Inn, Dublin (in Billing's case, this was in November 1839). He was admitted to the Victorian Bar in 1856. His practice was large, and he took silk. For a few years before his death, he was a judge of the County Court. 'He was able without being brilliant', writes Forde. 'But he was a man of refined literary tastes, fond of good music, and never happier than when entertaining persons who excelled in the operatic or dramatic art.' For many years (until 1874) Billing gave a gold medal annually for competition amongst the members of his law class.

At the end of 1858, the first group of students completed the two-year course, and their certificates were issued by the Council in the following April: Bartrop, Finn, Henderson, Lanktree, Lewis, Nunn, Plummer, Presswell, Wardrop, Woolcott J. and Woolcott R. Peter Finn, who did the law course while reading for a B.A., was the second 'colonial' barrister to be admitted, and practiced in Ballarat, Melbourne and New Zealand. (The first 'colonial' admission, on 21 June 1859, was of one Henry Lawes, who appears to have passed the professional examinations without, alas, the assistance of the University law school.) The natural leader of this group would seem to have been Robert Edward Lewis. He it was who had communicated the various law student memorials to the Chancellor. At the end of his first year he had been awarded the Chancellor's Exhibition (twenty guineas), and in his second year
he was placed second and awarded 'Mr Chapman's Prize' (five guineas worth of books). He was a member of the firm of 'Crisp, Lewis and Hedderwick', which survives today in Melbourne as 'Hedderwick, Fookes and Alston'. The first prize at the end of the second year on that occasion — 'Mr Billing's Medal' — went to Henderson. He too became a solicitor. Indeed, it would appear that only Finn and Lanktree practised at the Victorian Bar.

It seems that the University did little for its law students in those days beyond providing lectures and tutorials. In May of 1859, the Council received yet another memorial from them, praying on this occasion 'that the books prescribed for the Law Courses might be added to the University Library'. This very reasonable request was deferred for some months, but it stimulated the Council to appoint a Library Committee and in August when £500 was placed at that Committee's disposal the law students' memorial was referred to it. We may hope that their prayer was answered.

In November 1860, the University finally fulfilled the promise of its Statute and instituted the degree of Bachelor of Laws. 'It will be seen', commented the Chancellor in his Annual Report, 'that the course of study enjoined is such as to secure a well grounded and liberal education for [the legal profession]'. It was in fact close to what we would describe today as an Arts/Law course. The first year consisted entirely of Arts subjects, 'Junior Greek' and 'Junior Latin' both being compulsory. It was also necessary to pass in English, Logie I & II, Ancient History, History of the British Empire and either Constitutional and Legal History or Political Economy in the remaining three years of the course. In the second year, the law student took four Arts subjects and a subject called Law Part I, which comprised Rights of Persons, Personal Property, Contracts and Torts. In the following year, three or four Arts subjects were taken, together with Law Part II which comprised Real Property, Estates, Conveyancing, Wills and Intestacy and a subject called 'Legal Remedies for Torts relating to Real Estate'. The final year of the law course consisted of one Arts subject, Law Part III and Law Part IV, which together covered the law relating to Trial, Evidence, Procedure, Crown Law, Criminal Proceedings, Equity, Insolvency, Admiralty and Courts of Inferior Jurisdiction.

Sir Redmond Barry himself seems to have had a good deal to do with the devising of this course, though the actual details of subjects were largely the work of the two Readers. No provision for further appointments was made, and the formidable programme of law teaching under the new regulations was committed on the same part-time basis to Chapman and Billing. The old two-year 'diploma course' (as it may be called) was still available to non-matriculated students, and remained so for some years. In 1861, the Council was asked by a member of the Bar, George Elliott Barton, to establish a branch lectureship in law at Ballarat, but it declined on the ground that 'as the University has already afforded to students facilities of obtaining admission to the Legal Profession by rendering the degree of LL.B. attainable without the necessity of attending lectures, it is not considered expedient to appoint a Law Reader to deliver lectures without the precincts of the University.' So the first attempt to establish a provincial law school failed.

Early in 1862, a most curious incident occurred. In the absence (at present) of more detailed information about it, it seems best to relate what appears in the Council Minutes and let the reader speculate as he will. At the last Council meeting of 1861, it was resolved to offer the Law readerships for 1862 once again to Chapman and Billing. When the Council met again, on 3 February 1862, it learnt that Billing had accepted the appointment, but that Chapman had declined 'in consequence of his having been appointed acting Puisne Judge during the absence of Sir Redmond Barry' (who had gone abroad). The Vice-Chancellor read to the meeting a letter from Barry suggesting John Atkins of the Equity Bar as Chapman's successor. But there was also before the Council an application for the position from George H. F. Webb.

Webb had been one of the first students in the Law School, obtained his certificate in May, 1860. In 1858, at the end of his first year, he had taken the Chancellor's Exhibition. He had been admitted to the Bar in December 1860. He was to become a Judge of the Supreme Court, the first 'colonial' barrister to reach that bench and his name is linked with early Victorian law reporting. There seems no question but that his candidature was a serious one.

The Rev. Irving Hetherington moved for the appointment of Atkins. The Rev. Alexander Morrison, a foundation member of Council, moved an amendment recommending Webb. The amendment was seconded and carried, and Webb was elected.
Sixteen days later the Council met again. Now in those days, as the Minute book discloses, Council meetings were rarely large. Many times they lapsed for want of a quorum, and the average attendance would be about six. But on this occasion, no less than eleven were present, including the Chief Justice and the Speaker of the Legislative Assembly. It was moved by the latter, and seconded by the former, that the resolution appointing Webb be rescinded "upon the ground that the notice required by the Statutes was not given." Discussion ensued, records the Minute laconically. Mr Speaker had to leave. The motion was put, and lost. Mr Webb remained in office.

Five days later (24 February 1862,) the Council met again. "A letter from Mr Geo. H. F. Webb, resigning his office as Law Reader was read. Upon the motion of his Honor the Chief Justice it was resolved that Mr. Webb's resignation be accepted and that the Registrar be instructed to convey to Mr. Webb the appreciation by the Council of the feelings which prompted him to tender his resignation". The Council decided to advertise its intention to appoint a Law Reader by notice in the Library of the University and the Library of the Supreme Court.

When the Council met on 10 March its only business was the appointment of the Law Reader. It had before it seven applications; the Minute does not name them, so we do not know if Mr Webb had applied again. But we do know that, upon the motion of the Speaker, the Council resolved to appoint—John Atkins!

Atkins, like Billing, had read at Queen's Inn, Dublin, and had been admitted to the Victorian Bar on the same day as Billing in 1858. Forde tells us that he 'drifted into an equity practice'. He resigned in 1864, but was reappointed in 1873, and held the lecturership in Obligations until his death in 1878.

The year 1863 saw the conferment of the first bachelor degrees in law (awarded by examination) upon Robert Craig, John Madden, Archibald Gilchrist, and John Thomas Smith Jr. Madden was to have a most distinguished career; he became Chief Justice of Victoria, and was Chancellor of the University from 1897 until his death in 1918. Craig and Gilchrist were called to the Bar, and became in later life Inspectors of Schools. It would seem that Smith did not practice.

When Atkins left the Law School in 1864, the Council appointed Frank Stanley Dobson to the vacant lecturership. With Billing, Dr. Dobson (he took out his LL.D in 1870) was to carry the whole burden of law teaching until the creation of the Faculty in 1873, and he was to remain at the Law School until his death in June 1893, after over 30 years of service. Dobson was born in Tasmania in 1835, went to Hutchin's School, and graduated B.A., LL.B from Cambridge. He was called to the bar of Lincoln's Inn in 1860, and arrived in Victoria the following year. Three of his brothers became prominent in Tasmanian public life: Sir William was Chief Justice from 1885 to 1898, Henry was Premier from 1892 to 1894 (and later a Tasmanian Senator in the Federal Parliament), and Alfred was Attorney-General in 1877-8, leader of the Opposition in 1883-4, Speaker from 1885 to 1887, and Agent-General in London from 1901 to 1908. Dr. Frank Dobson shared his brothers political zeal. He was first elected to the Victorian Legislative Council in 1869, held the office of Solicitor-General from July 1881 to March 1883 in the O'Loghlen Ministry, and was Chairman of Committees in the Council from 1884 until his death.

"When he was appointed [to the Law School], writes Forde, one of the Melbourne newspapers objected that 'being a good flute-player was not a qualification for a law lectureship'. But the doctor justified his appointment. Great changes came to the Law School in 1873, and they were described thus by the Chancellor in his Annual Report:

"It [the School of Law] was formerly so blended with the School of Arts as hardly to possess a distinctive character. Now, by the establishment of a Faculty of Law, with the appointment of a Dean, and two additional lecturers, and three Public Examiners, two of whom are unconnected in any other respect with the University, a project long in contemplation has been carried out. The teaching will now ensure a more comprehensive and philosophical training than that which formerly obtained; and while the Classics, Mathematics, and General Literature are to be pursued during the first two years of the course, whereby an acquaintance with these branches of learning so necessary for an accomplished lawyer is required [sic], the studies of the last two years are directed exclusively to the attainment of a thorough understanding of the great principles of Roman, Constitutional, International, Common, Statute, and Criminal Law, and of Equity, with the other leading divisions of learning relating to the administration of justice"
And now, William Edward Hearn, who has hitherto been in the wings, as it were, moves to the centre of our stage. For Dr Hearn resigned from the Chair of History and Political Economy in July, 1873 to become the first Dean of the new Faculty of Law. He was, it will be recalled, a foundation Professor at the age of twenty-nine, and a member of the Irish Bar. Within a few months of his arrival in Melbourne, on the death of Professor Rowe, he found himself lecturing in Classics in addition to all his other duties. When the law school was established, he was asked by the Council to assist in the preparation of the examination papers, and, together with the Law Reader, to conduct the examinations, and we can safely assume that he continued his oversight of the school in the succeeding years. After 1860, of course, he was directly engaged in the teaching of law students on what might be described as the ‘Arts’ side of the degree course. It is for these reasons that he must be regarded as a ‘founding father’ of the law school.

Early in his Melbourne career, he precipitated a major controversy within the University, and, indeed, in the community at large, by announcing his candidature for Parliament. The election was held on 18 January 1859, and Hearn was decisively beaten. At the end of the month, the University Council passed a Statute to prevent (they hoped) such contentious activities for the future: ‘The Professors shall not sit in Parliament, nor become members of any political association’. But Hearn’s political ambitions were not so easily thwarted. His resignation from a professorship and his election as ‘Dean’ in 1873 bought him outside the terms of the prohibitory statute. He contested the election of 1874 unsuccessfully, but finally in 1878 was elected to the Legislative Council (of which, it will be recalled, his colleague Dr Dobson was already a member), where he gave distinguished service as un-official leader of the House until his death in 1888. For eight unhappy months in 1886, Hearn was Chancellor of the University, in which time he managed to alienate most of the staff and to stir up another public controversy, with the Argus championing him and the Age in attack.

He was a hard worker and a considerable scholar, and wrote pioneering works in constitutional law (‘The Government of England’), economics (‘Plutology’) and jurisprudence, (‘The Aryan Household’), as well as a students’ text (‘Legal Rights and Duties’). One of his great but unsuccessful projects was the codification of Victorian law, and he introduced a 678 page Bill to that effect in the Legislative Council in 1885. Here is Blaine’s description of him:

He was an impressive man in appearance, with his black wig that lapped his ears, small eye-shaped glasses and a black beard that had the texture of teased rope and obscured most features of his large head. Hearn’s lectures were restless and discursive, covering a wide field of knowledge, and strewn plentifully with jokes from his limited store. He would commence his lectures seated at his high desk, and then as he warmed to the subject he would descend the steps and pace up and down the room in his old slippers. Hitching his faded gown to his shoulder, plucking a book from his shelves of two thousand volumes, he would wander omnisciently from subject to subject until the sound of the bell made him hurry to finish his wandering theme. His influence lay in his infectious love of knowledge rather than in the knowledge he taught. ‘A big man who dominated your mind for three years and turned you out as a thinking being’—such was the tribute paid to Hearn by one of his gifted pupils.

When the Faculty began in 1873, Hearn had four part-time lecturers on his staff: Billing, now lecturer on Property; Dobson, now lecturer on Wrongs; Atkins re-appointed as lecturer on Obligations; and Thomas A Beckett, newly appointed as lecturer on Procedure.

Only A Beckett needs some introduction. A nephew of the first Chief Justice of Victoria (Sir William A’Beckett), he had been called to the Bar of Lincoln’s Inn in 1859, and had practised at the Victorian Equity Bar since 1860. He was to become himself a most distinguished member of the Supreme Court Bench.

Three examiners were also appointed in 1873. They were Hearn, Henry Lawes, and Hartley Williams. Lawes has already been referred to as the first ‘colonial’ barrister. Hartley Williams had been called at the Inner Temple in 1867, and he too became a Supreme Court Judge.

With the establishment of the Faculty, it is necessary to bring the detailed history of the law school to an end. For the rest, we shall do little more than notice the various professorial appointments to the present day.

Dr Hearn died in 1888, and in the following year the Council appointed as his successor a twenty-eight year old barrister and Cambridge graduate, Edward Jenks.
Prior to his appointment he was Director of Studies in Law and History at Jesus College and Lecturer at Pembroke, and in the same year (1889) he was made a Fellow of Kings. Jenks stayed in Melbourne, however, for only a short period. He quarrelled with the University administration, and with a good many other people as well, and found himself (like Hearn) a centre of public controversy. Both Scott and Blainey detail some of the incidents in which he was concerned, including his famous combat with the law lecturer Dr McInerney. After less than two years of marriage his wife died in childbirth, and in November 1891 Jenks resigned his position and returned to England. While in Melbourne, he published a work which has not yet been superseded, *The Government of Victoria* (1891). He too shared Hearn's enthusiasm for codification; he referred to the matter in his Inaugural Lecture, and between 1905-17 there was published under his editorship *A Digest of English Civil Law* arranged along the lines of the German Civil Code. Jenks' subsequent career after the brief and unfortunate Melbourne episode was long and distinguished. He held a Chair at Manchester, the Readership in English Law at Oxford, and from 1903 to 1924 was principal of the Law Society's school in London. In that year, he took a Chair in the University of London which he held to his retirement. He published many important books and articles, several of which are still in print, and was regarded as a great teacher. He married again, and lived until 1939, thereby outliving his Melbourne successor, William Harrison Moore.

Harrison Moore was 25 on his appointment, and was to be Dean of the Faculty for thirty-five years until his retirement in 1927, eight years before his death. Scott, who knew him well of course, wrote of him thus:

Slight in build and remarkably young in appearance, with, indeed, an aspect of youth which was preserved even after he attained a fairly advanced age, Moore was a very hard worker, devoted to the study of the law, but also finding time to engage in the affairs of the many societies in which he was keenly interested. His books, *Act of State in English Law* and *The Commonwealth of Australia*, though substantial works involving assiduous research and hard thinking, were but part of his literary output.

To his University work Moore brought a power of lucid exposition and a wealth of learning which made several generations of lawyers his debtors. In addition to these qualities he was the kindest and gentlest of men, impeccably courteous and friendly; and if in setting high standards in his examinations he appeared sometimes to be remorseless, that was only because he had a strong sense of responsibility towards the community wherein his students intended to practise in the law; and he would go to great pains to explain to a 'decent duffer' why he had failed, often writing detailed criticisms upon an unsuccessful paper.

Harrison Moore, too, was a Cambridge man, as so many teachers at our Law School have been, and he graduated there in Arts in 1891. He completed his LL.B at the University of London in the same year, and was called to the bar of Middle Temple. His interests lay primarily in constitutional and public law, and he made a special study of federal constitutional questions before and after Federation. For a few years he held the formal position of constitutional adviser to the Government of Victoria and his opinions were often sought over the years by both state and federal authorities. He was knighted in 1925, and retired from his chair in 1927. In that year, and again in 1928 and 1929, he represented Australia at the League of Nations. He was Australian delegate at the important 1929 Conference on the Operation of Dominion Legislation, and had a hand in the drafting of the Statute of Westminster. He married a daughter of Sir Thomas A'Beckett, who was, it will be recalled, a former lecturer in the School.

On the retirement of Harrison Moore, the Council appointed Kenneth Hamilton Bailey as Professor of Jurisprudence. When in 1930 the Chair of Public Law was created with an endowment from the Supreme Court Library Fund, Bailey took this Chair (retaining the Deanship), and George Whitecross Paton was appointed Professor of Jurisprudence. Under the leadership of these two young men, whose careers to that point had been remarkably similar, the Law School entered a new era. Miss Florence Scholes, the Secretary to the Law School came in 1932. In 1940, the first full-time Senior Lecturer was appointed (Geoffrey Sawyer, now Professor of Law A.N.U.), and the long history of substantially part-time teaching began to draw to a close.

Bailey was in his thirtieth year at the time of his appointment, and Vice-Master of Queen's College. He had graduated from this University, and was Victorian Rhodes
Scholar in 1918. At Oxford, he read for the B.C.L. He remained Dean of the Law School until 1946, in which year he was made Commonwealth Solicitor General. He was knighted in 1958.

Paton was 28 when he gained his Chair. He too was a Melbourne graduate and a Rhodes Scholar (1926), and had been called to the Bar at Gray's Inn. At the time of his appointment he was a lecturer in the London School of Economics. When Bailey left for Canberra, Paton became Dean of the Faculty of Law, a position he held until his appointment as Melbourne's Vice-Chancellor in 1951. He was knighted in 1957.

Bailey was succeeded in the Chair of Public Law by Wolfgang Gaston Friedmann. Friedmann had been born in Berlin, in which city he had taken his first degree, but had lived and worked in England since his late twenties. He held the London LL.M. and LL.D. and was Reader in Law in London University at the time of his appointment. After three years in Melbourne, he went in 1950 as Professor of Law in Toronto, and from there in 1955 to Columbia University.

With the resignations of Paton and Friedmann, both the law Chairs became vacant at almost the same time, and again the University Council appointed a pair of young men. In 1951, Zelman Cowen became Dean and Professor of Public Law, and David Plumley Derham was appointed to the Chair of Jurisprudence. Cowen was 31, and a Fellow and Tutor of Oriel College, Oxford. He was a Melbourne graduate in Arts and Law, and Victorian Rhodes Scholar for 1940. At Oxford he had taken the Vinerian Scholarship. He had served with the R.A.N., and after the War had spent some time as Consultant on Constitutional Problems to the British and American Military Governments in Germany.

Cowen resigned at the end of 1966 to take up an appointment as Vice-Chancellor of the University of New England, the Council conferring upon him at that time the title of Professor Emeritus.

Derham, too, was 31, and was practising at the Victorian Bar. He had graduated in Melbourne, and had served in the A.I.F. during the War. For several years prior to his appointment, he had been the Independent lecturer in Constitutional Law. He resigned from the Chair of Jurisprudence in 1964 to become the first Dean of the newly established Faculty of Law of Monash University. In 1968 he returned to the University of Melbourne to succeed Paton as Vice-Chancellor.

The third law chair was established in 1952 as a Chair of Commercial Law, and its first occupant was Francis Patrick Donovan. Again, he was 31 at the time of his appointment, and he too had been a Rhodes Scholar (from Queensland). Prior to coming to Melbourne, he was Reader in Law in the University of Adelaide. He resigned in 1961 to become Commercial Counsellor in the Australian Embassy at Rome.

Donovan's successor in the Chair of Commercial Law was Harold Arthur John Ford, who had as a Melbourne student read for the Articled Clerks' Course before taking the LL.B. degree. As was the case with both Cowen and Derham, his years of study had been interrupted by a long period of war service. He took his S.J.D. from Harvard University.

The fourth chair was established in 1962 as the Hearn Chair in Law and Peter Brett was appointed to it. Brett graduated from the University of London and saw war service with the British army. He later lectured in the University of Western Australia where he obtained an LL.M. He joined the Law School teaching staff in 1955 and was promoted to reader in 1961. He holds the S.J.D. from Harvard University. In 1964 Brett relinquished his chair to succeed Derham as Professor of Jurisprudence and was himself succeeded by Colin Howard as Hearn Professor.

Howard was born in England and is a graduate of the University of London. He came to Australia in 1958 as Lecturer in Law in the University of Queensland, and in 1960 he was appointed Senior Lecturer in Law in the University of Adelaide. He holds the LL.M. of both London and Adelaide and was awarded his Ph.D. also by the latter University.

Cowen was succeeded in the Chair of Public Law by Edward Irving Sykes, who took up the appointment in May 1967. Sykes is a graduate in Arts of the University of Queensland, and in Laws of the University of Melbourne, where he subsequently received firstly an LL.M. and then his LL.D. At the time of his appointment Sykes was Dean of the Faculty of Law in the University of Queensland, having been appointed to this full-time academic staff of that university since 1948.

Finally a word about the Law School buildings. Alone among the faculties of this University the Law School is housed today in the cloisters in which it began. The old quadrangle has been its home since 1857. This, the original section of the
University, consisting then of the northern wing and portions of the east and west wings, was built in 1856 at a cost of £16,637. The professors lived in the eastern and western wings. Hearn's rooms were on the east side, adjoining the Law lecture room, and he was accustomed to shuffle into lectures in his slippers. This lecture room was also used by Harrison Moore. On the floor above, the first women graduates established the "Princess Ida Club", and Harrison Moore's complaints about the noise they made inspired a cartoon in Melbourne Punch for 1897, which is reproduced in Scott. The north wing of the quadrangle once housed the entire University. In more recent years it was the general library. When the Baillieu was opened in 1959 the Law School was given the north wing for its exclusive use, and the interior was re-designed with the Law Library on the ground floor and Law School offices and staff studies on two new upper floors.

The Law lecture theatre and adjoining rooms are in a section added to the quadrangle in 1874. The theatre was intended as a ceremonial hall, and the Commencement of 1875 was actually held there, but it was outmoded almost immediately by Wilson Hall.

Another addition was made to the quadrangle in 1930 when the southern ends of the east and west wings were built. In 1951 the north-eastern wing was added, initially to provide additional accommodation for the general library, but subsequently to be occupied by the University Administration. In 1969 this wing, which was known variously as the Scarborough Wing and Students' Records Wing, reverted to library use for the Law Library and a new cloakroom and entrance were constructed. At the same time the southern side of the quadrangle was enclosed to provide at the first floor level a new council chamber. In an extension westwards from the west wing towards the old Arts Building, accommodation was provided for two lecture theatres for the Law School. In 1969 also, the Law School was given possession of almost all the quadrangle for its own use, the size and capacity of the Law Library being increased and additional provision being made for staff accommodation and teaching facilities.

The arms carved on the walls of the quadrangle pertain to members of the Building Committee of the Council at the time. Barry's arms appear on the east gable. Those over the old central doorway of the northern wing are of one Louchlan Mackinnon. There is no truth in the rumour that the women's heads carved above this doorway are portrait studies of the wives of former deans of the Faculty of Law.
CHAPTER 2

GENERAL INFORMATION

Dates in 1970

23 January  
Last day of enrolment for all students previously enrolled.
New students must enrol by the date specified in the notice of selection.

2 March  
Orientation for first-year students begins.
Lecture Terms: 1st: 9 March—16 May
2nd: 8 June—8 August
3rd: 31 August—17 October

9 March  
Lectures begin.

23 July  
Last day of entry for annual examinations.

26 October  
Annual Examinations begin.

Courses

The following courses are available in the Law School:

(a) Bachelor of Laws (Reg. 3.14) comprises 21 subjects and is normally completed in four years of full-time study. For further details attention is directed to the regulation.

(b) Master of Laws (Reg. 3.15).

(c) Doctor of Philosophy (Reg. 3.60, in Calendar).

(d) Doctor of Laws (Reg. 3.16).

For details of these three postgraduate courses candidates should consult the regulations quoted and the information given in Chapter 5.

Apart from these degree courses the Faculty provides instruction in the subjects of the courses prescribed by the Council of Legal Education (these courses are also taught in a school established for the purpose and conducted by the Council—see also Chapter 5), and in subjects in which stipendiary magistrates are required to qualify.

Matriculation Roll

When beginning a course for a degree or diploma which requires matriculation, all students must sign the prescribed declaration at the time of enrolment.

Unless this is done no subjects passed can count towards a degree or diploma requiring matriculation. Before enrolling students should satisfy themselves that they are eligible to sign the matriculation roll.

In order to be eligible to sign the matriculation roll, candidates must have—

(a) satisfied the university entrance requirements of the Victorian Universities and Schools Examinations Board. Full information regarding the board’s requirements and conditions of exemption may be obtained from the secretary of the board, 437 St. Kilda Road., Melbourne, Vic. 3004.

(b) satisfied the special course requirements, if any, for their particular course.

(c) been selected for and enrolled in their course.

(d) attained the age of seventeen years by 31 March of the year concerned.

Special Course Requirements

In addition to satisfying the University entrance requirements candidates must have satisfied the special course requirements (if any) prescribed for their course. For the LL.B. course no special course requirements are prescribed.
Quota Selection

Entry into the first year of Law is restricted to 250 students, who are selected by a committee formed for that purpose. In broad terms selection is on the basis of academic merit disclosed by the results obtained in the Victorian Matriculation Examination.

All students applying for entry to the Law course, who do not have, or who have not been granted, credit for Introduction to Legal Method, must follow the procedure outlined below.

1. Obtain from the Victorian Universities Admissions Committee, 437 St. Kilda Road, Melbourne, an application form and a handbook of instructions (these are distributed to Victorian secondary schools each year in about the month of August.)
2. Complete and lodge the application form according to the instructions.
3. Attend as required during the month of December prior to the intended year of entry for such interviews or admission tests as may be notified.
4. Await the result of the application and if an offer is made attend promptly as required at the University.

Intending students, who have been granted credit or who wish to apply for credit for Introduction to Legal Method should communicate with the Senior Administrative Officer of the Faculty, during the month of October preceding the proposed year of entry, for advice and information regarding entry and entry procedure.

Approval of Courses

Each student is required at the beginning of each year to submit to the Faculty for approval the names of the subjects for which he proposes to enrol in that year and must similarly submit any alteration subsequently proposed. Application cards for this purpose, which are available at Students' Records office, should be obtained at the same time as enrolment forms, and lodged with those forms.

Students are advised, in their own interest, to comply with this requirement at the earliest possible stage of each year. By so doing they escape the possibility of dislocation of their course later through failure to appreciate the effect upon their position of a previous year's performance, through misunderstanding of the regulations or through ignorance of changes in the regulations.

Enrolment

New Students

No student, with the exception of those enrolling for subjects of the course for Stipendiary Magistrates (see page 38), or those who have been permitted by the Faculty to enrol for single subjects in Law, may enrol in any Law subject unless he has been selected in the entry quota and produces to Students' Records Office evidence of his selection.

Students must enrol within seven days of receiving written authority to do so.

The forms to be completed are as follows:

(a) enrolment card for lectures (or, in the case of students outside the metropolitan area, for external studies)—this must be lodged afresh at the beginning of each year;
(b) (for students who have not previously signed the matriculation roll) application for matriculation;
(c) application for approval of course (see above);
(d) bank slip for correct fees.

Students Previously Enrolled

Students enrolled in Law in a previous year and who have credit for Introduction to Legal Method must lodge their enrolments and pay their fees by Friday, 16 January, 1970. The forms required are as stated above for "New Students".
Late Entries

These may in special circumstances be accepted on payment of an additional fee, but no candidate, who has not enrolled for any subject within one month after the beginning of first term, will be admitted to the annual examination in that subject, except with the special permission of the Professorial Board.

Terminal Re-enrolment

In order to maintain the accuracy of the University's records, every student is required to lodge at the end of the first term a special re-enrolment slip, showing the subjects which he proposes to study for the remainder of the year.

A student who does not wish to proceed with his course must notify Students' Records Office in writing immediately.

Fees

(All fees are subject to alteration without notice)

When enrolling students must consult the Fees Section of Students' Records before payment of fees.

All fees must be paid at a branch of the National Bank of Australasia or at the University sub-branch of the State Savings Bank. Special pay-in slips are provided for this purpose. Branches of the National Bank are next to the Bookroom and on the first floor of Union House. The State Savings Bank is on the ground floor of the Administration Annexe.

Lecture and service fees are paid yearly in advance, or in three terminal instalments. The first is paid on enrolment, and the second and third on or before 15 May and 23 July respectively. Registration and Library fees are paid with the first term's fees. Details of fees are shown on the Faculty notice-boards.

Every student enrolled for any lectures in Law shall pay to the University a fee of two dollars per annum to be known as the Law Publication fee. This fee must be paid at the same time as the Lecture fees for the First Term. Fees so paid shall be made available by the Council for defraying the cost of publication of Melbourne University Law Review.

Law Materials

Materials and notes in a number of subjects in the Law Courses are issued to students each year from the Law School Notes Office. Certain of these must be paid for by students. To facilitate their issue at the beginning of each year students already enrolled should call at the Notes Office between September and December of the preceding year to receive advice regarding charges and to collect bank pay-in slips. First year students will be advised during Orientation Week.

Examinations

Annual Examination. All candidates for the annual examination must have enrolled at the beginning of the year for lectures or for external studies, and must lodge an examination entry with the Registrar not later than 23 July. The entry must specify whether the candidate intends presenting for pass or honours in each subject, no candidate being permitted to enter for both pass and honours in the same subject. Candidates who take the honour paper in any subject, but fail to reach honour standard, are eligible to be granted a pass.

A time-table of the annual examination will be available at the Students' Records office some weeks before the examination commences. No additional examination fee is payable by those who have paid full lecture fees in the subjects for which they present themselves, but candidates sitting at country centres must pay a supervision fee of $3 per subject. Examination numbers for candidates presenting at the University will be available at Students' Records during the week before the examination begins, and must be applied for by candidates in person. Candidates sitting at country centres will receive their numbers by post.

Supplementary and Special Examinations

Applications for special consideration, together with medical or other evidence, must be lodged as required by Regulation 4.5. (See Chapter 3 at page 29.)
Suspension and Limitation for Unsatisfactory Progress

Any student in any faculty who fails at the examinations may be reported to the Professorial Board, and may be excluded from such course or courses as the Professorial Board shall specify or may be limited in any year to subjects specified by the faculty or the Board. Students should make themselves familiar with the provisions of Regulation 2.5. The Regulation is set out in full in Chapter 3 at page 28.

Graduation

The dates for conferring degrees in 1970 are as follows:

- Wednesday, 11 March
- Saturday, 21 March
- Saturday, 11 April
- Wednesday, 22 April
- Saturday, 15 August
- Saturday, 19 December

Candidates for degrees and diplomas must lodge an application on the prescribed form, obtainable from the Students' Records Office, by the due date.

Student Counselling and Housing

Counselling

The staff of the Student Counselling Office (Mr. Jon Frederick, Miss Marjorie Ross, and Mr. Denis Kelynack) are available to help students and intending students with problems such as:

- choice of course or career
- difficulties in settling down to study
- adjustment to University life
- financial and accommodation problems
- personal difficulties.

They are available in the usual University hours, preferably with, but if necessary without, an appointment. Matriculation students and others not yet enrolled should arrange an appointment by ringing 34-0484, ext. 6928.

The Student Counselling Office is located at 268 Elgin Street, Carlton, near tram stop 11 in Swanston Street.

Housing

The University Housing Office provides an accommodation service for students who require lodgings other than in colleges, halls of residence and hostels. Flats, full board, bed and breakfast, and rooms with the use of cooking facilities can be obtained through this office.

The Housing Officer, Mrs. Beth Robieson, is available during the usual University hours. Appointments can be made by ringing either 34-2023 or 34-0484, ext. 6930, or by calling at the Housing Office, which is located at 255 Elgin Street, Carlton, opposite the Student Counselling Office.

Appointments Board

The Appointments Board provides the following free services:

1. Advice on Careers

Long experience in matters relating to the employment and professional advancement of university men and women enables the officers of the Appointments Board to give reliable advice on professional careers. Careers handbooks may be obtained from the Appointments Board which also offers to students the use of a Careers library.

2. Employment Service

(a) Student Employment (Vacation Work, Part-time Work and Odd Jobs).

Undergraduates requiring vacation work should register early to give the board time to make the necessary arrangements; those wishing to work during the long vacation should register before the end of August.
(b) Professional Employment.

The Appointments Board maintains a comprehensive register of professional vacancies which the secretary and assistant secretaries are glad at all times to discuss with graduates. This assistance is available also to those students who, for one reason or another, fail to complete their courses, and in these cases special effort is made to enable undergraduates to use their university training in employment.

The Law Library

Within the Law School Building is a branch library of the Baillieu Library, which is the general university library. This branch, known as the Law Library, at present houses over 30,000 books. There is a catalogue of these books—indexed usually under author, title and subject—in the Law Library; duplicate entries are also found in the general catalogue in the Baillieu Library.

Hours

Throughout the academic year the Library is open from 8.45 a.m. to 10 p.m. Monday to Friday, and on Saturday from 8.45 a.m. to 5 p.m. During the long vacation the Library closes at 5.00 p.m. and is not open on Saturday.

Borrowing

The Library is primarily a reference, not a lending collection. Volumes of statutes, law reports, digests, encyclopaedias, dictionaries, sets of three books or more, and periodicals ordinarily may not be removed from the Library at all. Other books may be borrowed on overnight loan. This means that, on completion of the appropriate slip and production of a union card to the librarian on duty, a student may take out a book from 5 p.m. on any day Monday to Friday and must return it by 8.45 a.m. the next day. (Books borrowed on Friday afternoon must be returned on Saturday morning). On Saturday a book may be taken from 4 p.m. and must be returned by 8.45 a.m. on the following Monday. Books taken from the open shelves for use in the Library should not be returned to the shelves, but should be left on the reading desks. Books borrowed overnight must be returned to the Reserve Desk. Outside the Law Library, near the entrance, there is a slot for the return of books when the Library is closed.

Students participating in moots may take law reports to the actual hearing. Before doing so, however, students must leave a signed list of the reports at the Reserve Desk.

By means of inter-library loans, students engaged in research may obtain books from libraries in other parts of Australia.

Reserve Books

Certain books, which are in constant demand, are retained at the Reserve Desk. This is indicated in the catalogue by a blue marker placed on the card indexed under the author's name. There is also a separate set of such catalogue cards at the Reserve Desk. These books may be borrowed for two hours at a time for reading in the Library and must be returned to the Reserve Desk. They may also be borrowed on overnight loan, subject to the same rules as for all other books.

Regulations

The Baillieu Library regulations apply in the Law Library. These are displayed in the entrance hall to the Baillieu Library and are also distributed in leaflet form. The Law Library is a place for quiet study. A special area of the Library is set aside to enable students to discuss their work with each other, such discussions being an essential part of legal study. In all parts of the Library outside the discussion area, silence is the rule. Eating is prohibited in all parts of the Library; smoking and reading of newspapers are prohibited outside the discussion area.

The Law Students' Society

The Law Students' Society of Victoria is the Faculty club for law students. It exists to organize and encourage extra-mural social and academic activities amongst law students, and to this end various functions, both formal and informal, are from time to time arranged. Members of the Faculty staff attend many of these and students are thus able to meet their lecturers in an atmosphere free from the formality of the lecture theatre. The Annual Law Students' Conference is held during a week-end of the first term vacation.
Academically, the society arranges talks by leaders of the profession, has discussion with the Faculty on students' problems and encourages debating and forensic speaking among law students.

Perhaps the society's most important function is its contribution to the cordial relationship which exists between staff and students of the Faculty.

All Law students are members of the society and may attend its functions. They may also wear the society's lapel badge which enables its wearer to hear Supreme Court cases from seats in the body of the Court. The society is administered by a committee of 24, elected annually by law students.

The Melbourne University Law Review

The Melbourne University Law Review, which is published twice yearly, provides an outlet for legal research and writing by law teachers, practising lawyers and student members. The editorial work on the Review is performed entirely by students who are selected on the basis of their academic performance to be members of the Melbourne University Law Review Association.

Law reviews have had great influence in fostering and facilitating the publication of legal research. Law reviews assist the effective operation of our judicial system by providing comprehensive references to the case law on particular topics. The standard of a law review is regarded as a measure of the standing of the law school which produces it.

Members of the Association, in addition to performing the essential tasks of footnote-checking and proof-reading, are given the opportunity to write careful analyses of important decisions of the Courts and to participate in research projects. Senior members are appointed by the editors to the position of student contributions editor, book-review editor and business manager. The editors are elected by the student members at general meetings of the Association.

At the Annual Dinner, the members of the Association act as hosts to members of the Faculty, members of the judiciary and leaders of the profession who have assisted in the publication of the Review by writing articles or book reviews or in other ways.

While work on the Review makes demands on student time, it provides a very fine training in legal research and writing. It is regarded as an honour to be invited to join the Association. Moreover, experience has shown that those who have worked on the Review have found the experience very useful in their professional careers.
CHAPTER 3

REGULATIONS

Regulation 3.14—Degree of Bachelor of Laws

When enrolling, students must quote the NUMBER as well as the name of the subject as listed below.

1. (1) There shall be:
   (a) a degree of bachelor of Laws; and
   (b) a degree of bachelor of Laws with honours.

   (2) The degree of bachelor of Laws with honours shall be obtained by qualifying for the degree of bachelor of Laws and in addition being classed in a final honour class list in accordance with section 18.

2. (1) A candidate for the degree of bachelor of Laws must subsequently to his matriculation continue his studies for four Years, pass examinations in accordance with the conditions prescribed herein, and unless excused therefrom by the Dean, carry out such moot court work as shall be prescribed in the details of subjects.

   (2) For the purposes of this regulation a special examination and the immediately preceding annual examination in any subject shall be deemed to be one annual examination in that subject.

   (3) A candidate for the degree of bachelor of Laws who is taking the course for the degree of bachelor of Arts and has passed in two subjects of the Arts course shall not be required to pass in the two non-law subjects referred to in sections 3(1)(d) and 4(1)(e) hereof.

3. (1) The subjects of the examinations of the First Year shall be—
   (a) 251. Introduction to Legal Method.
   (b) 252. Criminal Law.
   (c) 253. Constitutional History; provided that with the permission of the faculty candidates taking a combined course may substitute another subject.
   (d) one subject chosen by the candidate from any other course for a degree or diploma which subject (hereinafter called a “non-law subject”), if a subject of the course for the degree of bachelor of Arts, shall, except with the approval of the faculty, be one of a group of two recognized in that course as the first two parts of a major or, if a subject of some other course, shall be one of a group of two regarded by the faculty of Law as equivalent to the first two parts of a major for the purpose of the degree of bachelor of Laws.

   (2) Any candidate who has passed in the subject 252 Criminal Law and Procedure pursuant to any repealed regulation shall be exempted from passing in the subject 252 Criminal Law.

4. (1) The subjects of the examinations for the Second Year shall be—
   (a) 256. The Law of Torts.
   (b) 257. Principles of Contract.
   (c) 258. Principles of Property and Conveyancing.
   (d) 239. Legal History.
   (e) one subject chosen by the candidate from any other course for a degree or diploma which subject (hereinafter called a “non-law subject”), if a subject of the course for the degree of bachelor of Arts, shall, except with the approval of the faculty, be one of a group of two recognized in that course as the first two parts of a major or, if a subject of some other course, shall be the second of a group of two regarded by the faculty of Law as equivalent to the first two parts of a major in Arts for the purpose of the degree of bachelor of Laws.
Provided that if a student in his previous work for the degree has shown a weakness in English expression the faculty may require him to pass in Rhetoric instead of the non-law subject hereinafter referred to.

(2) Any candidate who has received credit for Legal History pursuant to any regulation in force prior to the 1st March, 1965, shall be exempted from passing again in that subject.

5. The subjects of the examinations of the Third Year shall be—
   (a) 262. Equity.
   (b) 263. Administrative Law.
   (c) 264. Constitutional Law.
   (d) 265. Mercantile Law.
   (e) 266. Principles of Evidence.
   (f) One of the following: 267. Comparative Law, 268. Public International Law, 269. Jurisprudence.

6. (1) The subjects of the examinations of the Fourth Year shall be—
   (a) 272. Private International Law.
   (b) Two of the following, neither being a subject for which the candidate has obtained credit in the Third Year of the course: 267. Comparative Law, 268. Public International Law, 269. Jurisprudence, 273. Advanced Constitutional Law, 274. Advanced Legal History.

   And either—
   (c) two of the following: 275. Legal Persons, 276. Family Law, 277. Taxation; and
   (d) one of the following: 278. Executors and Trustees, 279. Securities and Creditors’ Rights, 280. Industrial Law, 281. Problems of Proof, 282. Land Contracts; or
   (e) one of the following: 275. Legal Persons, 276. Family Law, 277. Taxation; and

   (2) With the special permission of the faculty a candidate may enrol for all three subjects referred to in paragraph (c) of the preceding subsection, provided that he shall not enrol then for any subject prescribed by paragraph (d) of that subsection.

6A. Where the faculty is satisfied that a candidate has received a sufficient training at a post-matriculation academic level, or otherwise has had experience which the faculty considers to be adequate in substitution for such training other than in the study of law, the faculty may by resolution exempt him from the requirement of passing in one or both of the non-law subjects.

7. (1) Every candidate shall at the beginning of each year submit to the faculty for approval the names of the subjects for which he is enrolling in that year and shall similarly submit any alteration subsequently proposed thereto. No candidate shall receive credit for any subject unless his enrolment therefor is approved by the faculty.

   (2) Subject to the provisions of sections 8, 8A and 8C a candidate who has passed in any subject or subjects of a Year shall be entitled to credit therefor and may obtain credit for the remaining subject or subjects of that Year at a subsequent examination or examinations; and the faculty may determine in what subject or subjects (if any) of a later Year of the course he may present himself for examination in conjunction with the subject or subjects in which he has failed to pass.

   (3) A candidate who has not obtained credit for Introduction to Legal Method, Criminal Law and Constitutional History (hereinafter called “the required first year subjects”) may not enrol for any other subjects of the course for the degree of bachelor of Laws with the exception of the non-law subjects without first obtaining permission from the faculty granted under the provisions of these regulations.

8. (1) Except as otherwise provided in this section or in sections 8A, 8B or 8C, in order to obtain credit in the course for the required first year subjects a candidate shall study such subjects concurrently and shall pass in such subjects at one annual examination.

1 To be renamed International Law during 1970.
2 To be renamed Conflict of Laws during 1970.
(2) Where a candidate has before 31st March 1984 been allowed credit for any one or more of the required first year subjects he may retain such credit.

(3) (a) Where a candidate who studies the required first year subjects concurrently, passes at one annual examination in two of them and at the same annual examination passes in a non-law subject the faculty shall allow him credit for the subjects in which he has passed and shall prescribe the conditions on which he may be permitted to continue the course.

(b) Where a candidate at one annual examination passes in two of the required first year subjects but in no other subject and the faculty is of the opinion that he ought to be allowed credit for those subjects notwithstanding his failure in the third required first year subject, the faculty may in its discretion allow him credit for the two subjects in which he has passed and shall prescribe the conditions on which he may be permitted to continue the course. In allowing such credit the faculty shall consider, among other things, whether the deficit of marks in the required first year subject in which the candidate has failed is sufficiently compensated for by the marks obtained in the said two subjects he has passed, his performance in all the required first year subjects and his performance in any work done during the year.

(c) Where a candidate who has enrolled as a part-time student in the required first year subjects:

(i) passes at one examination in two of them; and
(ii) satisfies the faculty by such proof as it may require that he was engaged, apart from study at the University in paid employment requiring substantial service during the academic year the faculty shall allow him credit for the two subjects in which he has passed and shall prescribe the conditions on which he may be permitted to continue the course.

8A. Where a candidate is not studying the required first year subjects concurrently because:

(i) he has enrolled at the same time for a course for another degree in addition to the course for the degree of bachelor of Laws, or
(ii) he has received credit under regulation 3.1.7 for Constitutional History, the provisions of section 8 shall apply to him as if the expression "the required first year subjects" meant Introduction to Legal Method and two other subjects which he is studying concurrently therewith.

8B. Where a candidate:

(i) has already completed or has passed in three subjects of a course for another degree, or
(ii) has been granted credit pursuant to Regulation 3.3 for a subject or subjects of the course for the degree of bachelor of Laws and is not studying the required first year subjects concurrently

the provisions of section 8 shall not apply to him.

8C. (1) Notwithstanding the provisions of section 8 a candidate who:

(i) is qualified to matriculate; and
(ii) thereafter passes, in accordance with the rules of the Council of Legal Education (as defined in section 11 (1) of this regulation), any subject or subjects at the University,

may with the permission of the faculty receive credit in the course for the degree of bachelor of Laws for the subject or subjects so passed. A candidate who passes in Constitutional Law (Articled Clerks' Course) may receive credit for Constitutional Law part I.

(2) A candidate who, in accordance with the provisions of the preceding subsection, has received credit for any subject or subjects may, notwithstanding the provisions of sections 7 (3) and 8 hereof, enrol as prescribed by the faculty and may be admitted to the degree of bachelor of Laws on passing, subsequent to matriculation, in the remaining subjects of the course.

9. Except with the permission of the faculty, no candidate may obtain credit for more than four subjects in the First Year of the course, nor in more than five in
the Second Year of the course, nor in more than six in the Third Year of the course, nor in more than six in the Fourth Year of the course. For the purpose of this section a candidate shall be deemed to be pursuing his First Year until he has received credit for at least three subjects of his course and thereafter to be pursuing his Second Year until he has received credit for seven subjects of his course, and thereafter to be pursuing his Third Year until he has received credit for thirteen subjects of his course, and thereafter to be pursuing his Fourth Year.

10. Where pursuant to regulations subsequently repealed or amended a candidate has obtained credit or may obtain credit in the course for the degree of bachelor of Laws, the faculty may determine in what further subjects he must pass in order to obtain the degree; and notwithstanding anything to the contrary the faculty may exempt him from such subjects of the course as are in its opinion the substantial equivalent of subjects already passed pursuant to such repealed or amended regulations.

11. (1) In this section (unless inconsistent with the context or subject matter) “admitted to practise” means admitted to practise as a barrister and solicitor of the Supreme Court of Victoria after taking the course for articled clerks or after qualifying for admission as a managing clerk in accordance with the rules of the Council of Legal Education in force from time to time, but the expression shall apply only to those persons who have passed at the University in the subjects prescribed by those rules.

(2) Notwithstanding the provisions of section 8 a candidate who has been admitted to practise may receive credit in the course for the degree of bachelor of Laws for the subjects in which he has passed.

(3) Any such candidate, who in accordance with the provisions of the preceding sub-section has received credit for the said subjects may, notwithstanding the provisions of sections 7(3) and 8, enrol for the remaining subjects of the course as prescribed by the faculty and may be admitted to the degree of bachelor of Laws on passing, subsequent to matriculation, in such subjects.

(4) Any candidate who has been admitted to practise for not less than ten years may, if the faculty is satisfied that he has achieved distinction in the application of the law whether in private legal practice or other occupation, be admitted to the degree of bachelor of Laws upon his submitting a thesis on a subject approved by the Faculty, which thesis is considered by examiners appointed by the Faculty to make a contribution to legal learning. The thesis may consist in whole or in part of articles, papers or books which the candidate has already published, but may not incorporate work previously submitted for a degree in this or any other university.

12. Notwithstanding anything to the contrary in any Regulation a candidate who has passed at the University in the subjects required to be passed at the University for appointment to the office of Stipendiary Magistrate according to the regulations made under the Public Service Act 1946, or any amendment thereof, may be admitted to the degree of bachelor of Laws on passing, subsequently to the completion of the course required for Stipendiary Magistrates, in the remaining subjects of the course for the said degree in such order as the faculty may approve: Provided that no such candidate may obtain credit for any such remaining subjects unless at least six months before presenting himself for examination he has matriculated.

Provided also that for the purposes of this section the expression “the course for the said degree” shall mean the course for the degree of bachelor of Laws as defined by sections 3, 4, 5 and 6 of this regulation with the exception of the subject Introduction to Legal Method.

13. At the annual examination there shall be open to competition among students then taking in their course the subjects hereafter mentioned the following exhibitions and scholarships:

<table>
<thead>
<tr>
<th>Subject</th>
<th>Exhibition or Scholarship</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introduction to Legal Method</td>
<td>Sir George Turner exhibition</td>
</tr>
<tr>
<td>The Law of Torts</td>
<td>J. R. Maguire exhibition</td>
</tr>
<tr>
<td>Criminal Law</td>
<td>J. R. Maguire exhibition</td>
</tr>
<tr>
<td>Principles of Contract</td>
<td>Jessie Leggatt scholarship</td>
</tr>
</tbody>
</table>

1 The Emmerton scholarship of $50 per annum, tenable for four years, in certain subjects to be prescribed is open to competition among articled clerks.
Legal History
Principles of Property and Conveyancing
Comparative Law
Public International Law
Administrative Law
Jurisprudence
Constitutional Law Part I
Constitutional Law Part II
Private International Law
Law Relating to Executors and Trustees
Company Law
Industrial Law

Wright prize
Jessie Leggatt scholarship
Jessie Leggatt scholarship
Bailey exhibition of $30
John Madden exhibition
Hearn exhibition of $30
Harrison Moore exhibition of $30
Jenks exhibition of $30
John Madden exhibition
Robert Craig exhibition
Robert Craig exhibition


15. Candidates may be admitted to the examination in any subjects for the degree of bachelor of Arts with honours and may upon the conditions prescribed in the regulations for that degree be placed in the class lists and compete for the exhibition therein.

THE DEGREE OF BACHELOR OF LAWS WITH HONOURS

16. (1) The course for the degree of bachelor of Laws with honours shall be that prescribed for the degree of bachelor of Laws with the additional requirement of a research paper.

(2) Admission to candidature for the degree of bachelor of Laws with honours shall be at the discretion of the faculty, which shall approve the subject of the proposed research paper to be submitted by the candidate.

17. (1) There shall be a final honour board of the Faculty made up of the Dean and four other members of the Faculty nominated by the Faculty.

(2) The final honour board shall after considering the whole of a candidate’s course and his research paper determine his position in a final honour class list.

(3) The final honour board may co-opt or consult with such persons as it thinks fit.

18. A final honour class list shall be published containing in order of merit the names of the candidates who have obtained first class, second class or third class honours and indicating from among those who have obtained second class honours those who are in division A and those who are in division B. Candidates who have been so classed and who have qualified for the degree of bachelor of Laws may be admitted to the degree of bachelor of Laws with honours.

19. Notwithstanding anything now contained in this regulation, candidates who qualify for the degree of bachelor of Laws not later than 1st May, 1970, and who would have been admitted to the degree of bachelor of Laws with honours under the provisions of the regulations in force at any time prior to May, 1969, may be so admitted as if those provisions had remained in force.

Regulation 3.15—Degree of Master of Laws

1. A candidate for the degree of master of Laws shall be either —

(a) a bachelor of Laws with honours, or

(b) a bachelor of Laws who has at a preliminary examination satisfied the faculty of his ability to pursue the advanced studies for the degree of master of Laws.
2. The preliminary examination for a candidate who is not a bachelor of Laws with honours shall be prescribed by the faculty in the light of the candidate’s proposed advanced studies.

3. A candidate shall pursue advanced studies through not less than one academic year.

4. A candidate shall submit a thesis upon a subject approved by the faculty within a time limit prescribed by the faculty.

5. A candidate who satisfies the examiners shall be classified either as having passed or as having been awarded first class or second class honours and may be admitted to the degree of master of Laws.

6. A candidate who at or before the final honour examination held in the first term 1950 was placed in any class at a final honour examination and who is a bachelor of Laws of not less than one year’s standing, may be admitted to the degree of master of Laws without further examination or submission of thesis.

7. A candidate who is not a bachelor of Laws with honours and who has been enrolled in 1952 as a candidate for the degree of master of Laws shall be required to submit a thesis only, and shall not be required to pass the preliminary examination.

Regulation 3.16—Degree of Doctor of Laws

1. A candidate for the degree of doctor of Laws shall be either—
   (a) a bachelor of Laws with honours, or
   (b) a bachelor of Laws,
      in either case of not less than four years’ standing, or
   (c) any other graduate of not less than four years’ standing who satisfies the faculty of Law that he has received an adequate legal training.

2. Every candidate must submit for examination a book or books, or a thesis or theses, or papers, or some combination of these, treating in a scientific manner of one or more legal subjects and forming an original and substantial contribution to legal learning.

3. Where the work submitted incorporates work previously submitted for a degree in this or in any other university, the candidate must clearly indicate which portion of the work was so submitted.

4. If any of the work submitted was prepared in collaboration with some other person, the candidate must state clearly and fully the nature and extent of that collaboration.

5. A candidate who has given evidence of research and ability satisfactory to the examiners and has fulfilled the prescribed conditions may be admitted to the degree of doctor of Laws.

Regulation 2.5—Suspension and Limitation for Unsatisfactory Progress

1. Where a student fails in or is absent from any annual examination (including any supplementary or special examination) and the appropriate faculty or board of studies is of the opinion, after investigating the circumstances and giving the student concerned an opportunity to be heard, that—
   (i) his attempt at the examination was so unsatisfactory, or
   (ii) his absence was so inexcusable that the subjects for which he may enrol in any subsequent year should be specified, it shall notify the student accordingly and thereupon the subjects for which he may enrol shall be as specified.

2. (1) Where a student fails in or is absent from any annual examination (including any supplementary or special examination) and the appropriate faculty or board of studies is of the opinion, after investigating the circumstances and giving the student concerned an opportunity to be heard that—

* Three copies of each item must be submitted (see Regulation 4.6).
* See Regulation 4.6.
(i) his attempt at the examination was so unsatisfactory, or  
(ii) his absence was so inexcusable that he should be suspended from the 
course or subject concerned, it shall report its opinion to the Professorial 
Board.

“(2) Where a student without the permission of the appropriate faculty or 
board of studies fails to re-enrol for the course or subject concerned such faculty 
or board of studies may require the student to show cause why he should not be 
suspended from such course or subject and if it is of the opinion that he should be 
suspended from the course or subject concerned it shall report its opinion to the 
Professorial Board.”

3. In considering a report pursuant to section 2, after giving an opportunity to 
the student to be heard, the Professorial Board may determine that the student shall—

(i) be suspended from all courses or such course or courses as it shall specify, or
(ii) be suspended from all subjects or such subject or subjects as it shall 
specify, or
(iii) be limited in any year to such subject or subjects as it shall specify, or
(iv) be permitted to continue his course 
subject to such conditions as the Board may determine and the determination of the 
Board shall be effective from the date thereof.

4. Any student suspended from any course or courses or from any subject or 
subjects under section 3 may apply for re-admission to any such course or subject. 
If the Professorial Board is satisfied that the condition or circumstances of any such 
student have so changed that there is a reasonable probability that he will make 
satisfactory progress in any such course or subject, it may authorize the re-admission 
of that student to any such course or subject, and may impose such conditions as it 
may determine.

5. No student who has entered a course for a degree or diploma in any uni-
versity or university college and who has been suspended from that course shall be 
permitted to enter for any course in the university for a degree or diploma without 
the permission of the faculty or board of studies controlling that course: 
Provided that a student who has been refused such permission may appeal to the 
Professorial Board.

6. For the purposes of this regulation five members of the Board not including 
the dean of the faculty concerned shall constitute a quorum.

Regulation 4.5—Supplementary and Special Examinations

1. Any faculty or board of studies may direct that students in courses appropriate 
to that faculty or board of studies who fail in any subject at the annual examination 
may, subject to recommendation by the appropriate examination board and to such 
conditions as the faculty may determine, be admitted in that subject to a supplemen-
tary examination which shall be held early in February of the following year or at 
such other time as Council may in special cases on the recommendation of a faculty 
approve. Unless a faculty or board of studies so directs in any year there shall be 
no supplementary examination in that faculty or in relation to that board of studies 
in that year. Except when otherwise provided an annual examination and its 
supplementary examination shall be deemed to be one examination.

2. When a candidate is prevented by illness or other serious cause from pre-
senting himself for examination at the annual examination the appropriate faculty or 
board of studies may order a special examination for that candidate in the subject 
or subjects in which he has been unable to present himself at the annual examination.

3. When a candidate's studies during the academic year have been gravely 
hampered by illness or other serious cause the appropriate faculty or board of studies 
may (upon application being made to the Registrar prior to the commencing date 
of the annual examination supported by medical or other proper evidence) direct 
the examiners to take the circumstances into account in determining whether or not 
a special examination or test should be provided for the candidate in any subject in 
which he does not pass at the annual examination.
4. When a candidate at the annual examination is to a substantial degree affected by illness during the course of an examination in any subject the appropriate faculty or board of studies may (upon application being made to the Registrar within three days after such examination supported by medical or other proper evidence) direct the examiners in that subject to take the circumstances into account if the candidate does not pass therein in determining whether or not a special examination or test should be provided for him:
Provided that no such application shall be considered unless the candidate either during or immediately after such examination reports to the supervisor in charge the circumstances relied on in the application.
ADVICE TO NEW STUDENTS

How do I become a Lawyer?

If you intend to practise as a lawyer in Victoria the usual means is for you to obtain the degree of bachelor of Laws (LL.B.) at a University and then to spend some time (usually one year) as a clerk articled to a practising solicitor and during that time, to pass examinations in certain additional subjects. If you complete this course and training satisfactorily, you will normally be entitled to admission as a Barrister and Solicitor of the Supreme Court of Victoria.

Another road to admission is to complete a course prescribed by the Council of Legal Education (which includes a majority of the subjects of the course for the LL.B. degree) while spending most of your working hours as a clerk articled to a practising solicitor. This course will take you longer to complete, as you will have far less time for your studies; but it is open to you to choose this method of qualifying. However, you will not obtain a University degree.

Details of the course for the LL.B. Degree and the "Articled Clerks' Course" are set out in Chapter 3 and Chapter 5 respectively.

What Subjects will I study at the Law School?

The Degree Course consists of some 21 subjects; it may be completed in a minimum of four years of full-time study.

FIRST YEAR

In the First Year, if you are a full time student, you will study these four subjects.

1. Introduction to Legal Method
2. Criminal Law
3. Constitutional History
4. One non-law subject (which you may choose from a fairly wide range, usually in Arts or Science).

A full-time student may not proceed to the second year unless he has passed in three of the four subjects of first year, or in certain circumstances in two of those subjects (See regulation 3.14.8(3)(b). If he passes in less than two he is unlikely to be eligible to continue in the course.

A part-time student must pass in at least two subjects of the three for which he is required to enrol, in order to proceed (Regulation 3.14.8(3)(c)). After first year, he is not required to pass any specified number of subjects in any one year.

The regulations also permit students to combine other courses with Law. The student who wishes to broaden his knowledge and take advantage of an even fuller education may do a combined course in Arts and Law, or Commerce and Law. He may do these at the level either of Honours or Pass. Many of the more able students take combined courses and show real wisdom in spending an additional year or two at the University if their circumstances allow.

The general purpose of the First Year syllabus is to provide a sound foundation for future study and to enable the beginner to find out if he has the ability to complete a course in Law.

The subjects themselves illustrate this aim. For example:

Constitutional History: Law has not developed as an isolated phenomenon. The well-equipped lawyer needs to appreciate the general historical framework—in particular the constitutional issues—within which our law developed in England, her colonies and dominions over some eight hundred years.

Additional Subject: The Lawyer is also a citizen and he obviously ought to have a broad comprehension of some areas related to law such as economics, politics, philosophy, a foreign language, psychology. In his first year he can cover only a
limited area but, by taking one such subject, he can maintain his general education. This subject must be chosen as the first of a group of two comprising a course of study in a single discipline.

**Introduction to Legal Method:** He must make a start in grasping the techniques a lawyer requires. Lawyers, like other intelligent people, use logic and analogy and observation of facts in coming to conclusions; but they have their own special ways of applying these intellectual tools. In this subject the student will investigate—

(a) the **system of Courts** in Australia and in England, the rules of procedure applied in legal proceedings, the authority of legal decisions; the history of these courts; the Introduction of English law into Australia;

(b) the **fundamental principles and attitudes** of the Common Law as we inherited them from England, the methods of analysing decisions and as the judges have used them to decide legal rights and duties; the effective kinds of lawyers’ reasoning;

(c) the **interpretation of Legislation**—Statutes and of rules and regulations made under Statutes;

(d) the best ways of **finding** the law—in Reports, Statutes and legal literature and of writing in a lawyer-like manner.

**Criminal Law:** In order that his growing knowledge may find immediate application, the first year student finds himself involved in a close study of one important sphere of actual legal debate: that of the criminal law.

In first year he will participate in the course in Legal Writing and tackle tasks set for him in the discovery and use of library materials and the correct methods of collecting and setting out information thus obtained. This course is not a matter for examination but it is an essential adjunct to the other subjects of the first year.

At the end of the year he ought therefore, to be able to understand a law report, to work out the meaning of a statute and to know his way about in a law library.

**SECOND YEAR**

In his Second Year he applies these techniques to other selected areas of law, which between them include the bulk of matters with which a lawyer has constantly to deal. These are divided into the subjects of Torts, Property in Land, and Contracts.

In addition he learns something of the development of the law and the relationship of its doctrines in the subject of Legal History. He maintains his general interest by taking the second non-law subject.

**TAML AND FOURS YEARS**

In his Third and Fourth Years he continues to learn about certain fields of law affecting relations between individuals (Mercantile Law, Equity); he ventures also into new fields of “public law”, in which individuals are brought into touch with government operations (Constitutional Law and Administrative Law) or with situations in which the legal rules of foreign governments or courts or institutions may be relevant (Public or Private International Law, Comparative Law). He is encouraged in Jurisprudence to see Law as a whole, to realize the influence of social forces and of legal philosophers on the forms, decisions and practices of the past and the present legal order.

Finally, he has an opportunity of grasping the essential features of specialized matters that his future clients will ask him to attend to—in such subjects as Taxation, Industrial Law, Legal Persons, Family Law.

He will, after all this, have a great deal more to acquire before he is a competent lawyer. But he will know, as far as a University can teach him;

- where the law is to be **found** and how to find it,
- the main principles, rules, concepts and standards which constitute the tools of trade of a lawyer,
- a solid core of useful **information**,
- how to think, argue and write, analyse and form opinions,
- some of the influences derived from social behaviour, economic trends, religious and moral beliefs, political attitudes, which directly or indirectly affect legislators and judges—and therefore himself and his clients—in the operating of a legal system as a vital part of a modern community.

In his Fourth Year, and to a lesser extent in his Third Year, the student has some degree of choice of the subjects which he may study.
What are the Special Capacities of the Lawyer and How are They Acquired?

The lawyer will find it essential to develop certain capacities in his special professional work:

(1) Ability to use and interpret words and terms

Law, like every other occupation and discipline has its own vocabulary. The lawyer who has to draw a will, a lease or a contract, who has to read a Statute or a by-law must come to realize the legal meaning and effect of words, phrases, and clauses in these documents—and to use them so that their meaning will be precise and clear to Courts and to other lawyers.

(2) Ability to express legal ideas in speech and writing

He will need to be able to stand before a tribunal and argue in good English or to draft pleadings setting out the client's case before trial or to write a letter that aptly expresses his intentions—all tasks involving skill in communicating his ideas to others.

(3) Ability to find the law

Today, no one can know all the law; but there are many technical aids which will enable him to discover the legal rules governing any particular issue. In practice, he will often have to depend on his own skill and knowledge, without outside help, to find the relevant materials.

(4) Ability to discover what is relevant in a mass of information

In any issue he must be competent to discard what is immaterial or trivial and to move easily from one step in thought to the step following—and so to a correct conclusion, always seeing the legal implications of particular facts. Such abilities are developed and become fully effective only after long experience and training. During the four years of his course the student will have dealt with many hundreds of cases in which rules of Statute or Common Law have been discussed, will have read many textbooks and listened to many experts talking about these rules and techniques. Moreover, he will have been obliged to make strenuous efforts to grasp and explain legal concepts and rules—and it is by such personal activity that he will best acquire "legal" wisdom.

To enable him to develop his intellectual strength the Law School provides:

(a) discussions of cases in class after preparation;
(b) tutorial discussions and exercises;
(c) written exercises;
(d) Moot Court arguments and procedures;
(e) lectures.

Case Discussion

The student taking four subjects in the First Year will have nine or ten lecture classes per week. It is most important that he should not expect—especially in his first two years—merely to memorize notes (dictated in class or issued in printed form) which he will give back in an examination. He will find in Introduction to Legal Method for example, that he receives little formal instruction. He is provided with a set of cases and materials. The lecturer will announce in advance that certain cases will be discussed at the following class. The student will be expected to have spent adequate time before class reading carefully these cases, analysing their contents, making his own summary of them. In class he will be called upon to give facts of propositions of law and to argue for or against a particular explanation of the decision. The lecturer will interrogate, raise Issues, comment, perhaps sum up, but the value of his effort will depend on the work done by the student before class begins.

If therefore, you have not done the preliminary work, you will gain little from attending lecture classes. In general, you should aim at giving three hours of your own study for every hour you spend in class—most of it in preparing for the class. It is most important then to have made your own summary of the case, stressing:

(a) the Courts in which it was heard;
(b) the claim of the plaintiff, the objections of the defendant;
(c) the material facts of the situation;
(d) the decision of the Court;
(e) the reason (usually set out in the judgment) given by the Court for its decision.

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You will need your own notebook in which to make these points, leaving space to include, at or after the class, any other information you have acquired. You will be referred occasionally to books or to articles in law reviews which will be helpful in supplementing your original material.

It is, however, what the student does for himself that matters—how seriously he prepares his cases and how actively he joins in discussion. One of the main reasons for dividing the class in I.L.M. into small groups is to make it easier for everyone to have his say in class.

**Tutorial Classes**

These are provided in a number of subjects. In that small group of about a dozen people to which you will be assigned, you will again find yourself engaged in writing and reading short papers on a prepared subject, in advancing ideas or combating other people's ideas, in arguing for a plaintiff or defendant. If you seize your opportunities, you will grow more ready, fluent, accurate in ideas and language, more accustomed to debate among your peers. Your tutor is there to prompt, to query, to answer some difficulties—but not to deliver another lecture or save you the trouble of “working it out”. You should of course come to him for advice if you are encountering difficulties.

**Written Exercises and Essays**

These will be set at intervals in several subjects. Everyone is expected to undertake them. They consist of projects or problems involving some research and argument on difficult issues. In some subjects longer essays or mid-year tests are prescribed. These are taken up, corrected, marked and returned; the student is very unwise who declines such tasks or does them perfunctorily. Doing them well is the best preparation both for examinations and for understanding the law.

**Moot Courts**

After the first year students are required to take part in Moot Court work. Here in a “judicial atmosphere”, in an assembly presided over by an experienced lawyer, he will be able to develop his talents of exposition and debate in conditions similar to those he will encounter in real trials later.

**Research**

You are well aware how futile it would be to study physics and biology without a laboratory where your materials and instruments are stored. The library is the lawyer's laboratory as well as his treasury. It can, however, be a confusing place until one learns one's way around in it. In your first year you will be shown in the Legal Writing Course how and where to find a reported case, a section in a Statute, a valuable review article, a history of a case in digest form. Thus equipped, you will be able to put your hands on the material needed for study or for research for moot trial briefs in later years. What a lawyer needs above all is to know where to look for his law.

**Law Review**

The Melbourne University Law Review is published and edited by an editorial board, consisting of students of proved ability, under guidance of a member of the Law School staff.

**Will all this make me a Good Lawyer?**

Such training, as you will see, is far from being merely "academic" in the derogatory sense in which that term is often employed. It covers many of the practical situations with which a lawyer will have to cope in his office, attacks concrete issues to be settled by investigation and reasoning based on known principles and rules. At the same time the process is "intellectual": it involves a combination of qualities, including especially:

(a) **Analysis**

The student will have dissected numerous cases, selecting those facts which had legal results, noting how the courts applied principles of law to those results. He will have considered possible variations of those facts, in class and outside, realizing that no client will ever come to him with facts exactly similar to those in any reported case.
(b) Inductive Reasoning

He will have collected legislation, decisions, review articles, opinions of experts, coming to conclusions as to the probable legal effect of certain words or behaviour—striving to predict, with some confidence, what a court would regard as the principles most relevant to these facts.

(c) Deductive Reasoning

In class, in set exercises, in examinations he will frequently have been obliged to put forward accepted legal propositions and to maintain that these provide an authoritative answer to complex and difficult fact situations. This is the opposite process to induction: we need to employ both methods, each according to the different situations.

(d) Practical Reasoning

He will have realized that much legal reasoning is "reasoning by example", involving often subtle distinctions or similarities which a court will have to consider—keeping in mind the history of the doctrines, their relationship to other principles, the degree to which common-sense or justice or precedent would allow a decision in one field to be applied in a "like" field. Lawyers are accused of relying over much on "nice distinctions": these distinctions, however, must be made by thoughtful men in every sphere of life in order to meet actual situations where a "line has to be drawn". The Common Law grows from case to case, usually by analogy, until a general principle can be established from the cases.

Theory and Practice

Everyone realizes that, while the law is all in the books, it is there for use by human beings. It is intimately concerned with life itself, with the vagaries of human behaviour, with the tensions and uncertainties of human relationships. It has been shaped by history, by a people's sense of justice, by practical convenience. Just as one cannot learn to ride a horse by working through treatises on equitation, so one can not ultimately become an efficient practising lawyer other than by dealing with clients in one's office or in the Courts. Certain qualities cannot be gained by a university training: for example, shrewd judgment, ability to handle human beings, office management or the art of cross-examination. It would be absurd to expect a university to guarantee financial and forensic success for its graduates, or to teach them those minute details of their craft which only an experienced legal practitioner can impart "on the spot", or to furnish them with personal skills required for particular purposes.

It is a very important fact, however, that an increasing number of Law graduates do not engage in private practice. The truth has long been recognized abroad that a trained lawyer is a valuable man in many spheres. Today in Australia lawyers are being sought by large business organizations for executive roles, and by governments for administering laws, in foreign trade advising on commercial dealings. The solicitor may feel that his prime duty is to help his clients; but other lawyers need to look abroad more widely and to comprehend how much law today is made by legislators and administrators under the influence of social pressures. For such men a narrow technical instruction would be quite inadequate: they obviously require a knowledge of Constitutional Law, of Psychology, of History, and of Philosophy to be competent guides to those who rely on them in this fast moving world of ours.

So all this apparatus of training will be only partly effective unless the student makes good use of it. For example, if he neglects to prepare the problem set in a tutorial, fails to take part in discussions unless prodded by the tutor, makes no effort to grapple with the issues debated (through shyness or apathy), he will be largely wasting his time.

Similarly he must do something to fill gaps in his own knowledge. For example, he will be constantly encountering unfamiliar terms in his books. He must train himself to discover their meaning without delay—by asking his tutor or by looking at his Law Dictionary. He must sharpen his mind by informal discussions with fellow students on controversial questions.

He will need to remember, too, that the University year is quite brief—only 28 weeks of lectures generally. Thus the short vacations are not a "holiday": they are periods left for the student to catch up on his reading, not to abandon work entirely.
What to Read

Preliminary Reading for New Students

They should realize that in many University courses the lecturer does not cover the whole subject matter in class. A considerable amount of general reading is left to the student's own efforts.

The more essential reference to books and review articles are listed in the Details of Subjects; these will be added to or varied by the lecturer during the year. In every subject the wise student will begin his reading early—remembering that there will be many distractions—meetings, dances, concerts, sports, special functions—from his regular studies in the early weeks and that, if he does not watch out, he will find an entire term has slipped by without his having done more than the essential preparation for lectures, notetaking, essays and exercises.

We recommend that all new students try to read before lectures begin in first term:

*An Introduction to Law* (Derham, Maher, Waller) Law Book Co. 1966, specially written (and designed) for Australian first year students.

*The Queen's Courts* by Archer (Pelican) which provides useful and interesting information about many aspects of the English legal system and of legal history.

*The Pelican History of England*—Vols. III, IV, V, VI, VII, VIII. Many new students, we find, have little knowledge of English history; they would find it helpful to have some background of medieval and Tudor history before the year starts.


Reading throughout the Year

A student who wants to make the most of a University life will not be content to read only prescribed texts. Our law itself is not a series of edicts, nor an electronic brain which produces automatic responses. It has been the work of human hands toiling patiently over ten centuries or more. It bears the imprint of the great judges, the sage writers, the forceful advocates. Nothing is more likely to inspire a young man with a sense of the dignity and worth of the law (as well as of its natural weaknesses and past errors) than the lives of its many great architects.

You will find some interesting biographies and sketches of eminent lawyers in the Law Library. Examples are:

- Birkenhead, *Fourteen English Judges*.
- Sullivan, *The Last Serjeant*.
- Biddle, *Mr. Justice Holmes*.

There are, too, some legal novels—such as those of Henry Cecil, which provide useful information about lawyers and the law as well as entertaining reading. Cecil's *Brief to Counsel* is specially recommended, as are the "Misleading Cases" of Sir Alan Herbert.

*Law Dictionaries* are less exciting but more useful. The new student, as we pointed out, will encounter, on almost every page of a Statute or a Report, terms and phrases about whose meaning he will be either ignorant or vague. It is foolish to remain in this uninformed state: he must make it a habit to consult a reference work forthwith. There are many larger works in any law library; but it is a good investment for the student to buy a smaller one (say Osborn's *Legal Dictionary*) and keep it handy for use.

Quota for Students entering the Course

The number of students who may enter for Introduction to Legal Method is now limited and as this is one of the essential first year subjects, failure to get into the quota means that one cannot begin any course in Law at the University.
On present indication, there will be more applicants than the number for whom facilities are available. The Faculty of Law will select the most suitable candidates according to standards approved by the University. The most important criterion is success in previous examinations, especially those for Matriculation purposes.

It is open to new students to apply for admission to courses in more than one faculty. Those selected in the quota for Law will be notified as soon as practicable and asked to make a final decision almost immediately.

Examinations

There is no space here to discuss study methods. They are obviously most important: many industrious students fail because they do not know how to work. The University leaves you free to work when and as you wish. You should, then, consult people with experience: senior students, lecturers and tutors. If you get into real difficulties, arrange to talk with the Student Counsellor.

In preparing for examinations there is much value in making yourself work on questions set in previous examinations. These papers are printed in book form and can be seen in the Library or bought at the Bookroom.

As a general rule there are no supplementary examinations in Law. Examiners, however, may recommend a special examination after the annual examinations in certain situations. If you had an illness or some other real personal handicap during the year, you would be wise to write to the Registrar before your examinations, informing him of the facts and enclosing evidence such as medical certificates. These will then be available to the authorities should it be necessary to consider them in a student's favour.

Faculty Officers

At the head of the Faculty organization is the Dean. To assist him he has the Sub-Dean and the Senior Administrative Officer. It is to these officers that students should apply on matters concerning regulations, courses in general and administration. Members of the teaching staff are usually very willing to advise students regarding the problems of the course at large or of a particular subject.
DETAILS OF COURSES - ADMISSION TO PRACTICE

MOOT COURT

Degree Courses

BACHELOR OF LAWS

For this degree a course of study of four years duration is required of full-time students. The course normally includes twenty-one subjects.

The degree of LL.B. (Hons.) is awarded on the basis of—

(i) a review of the student's course for the degree of LL.B.; and
(ii) an assessment of a research paper of 12,000-15,000 words to be written between the end of the Third Term of the Third Year and the end of the Second Term of the Fourth Year.

The review of the course will be conducted in such a way as not to exclude a candidate whose academic results become distinguished only in the latter part of his course: a "late-developer" could obtain the degree with honours.

A paper of 12,000-15,000 words should be submitted before the end of the Second Term of the candidate's final year. In the case of a part-time student there is a discretion to allow submission in a year other than his final year.

The subject of the paper should in general be chosen by the student from a list of subjects prescribed by the Final Honour Board of the Faculty. The subject will be approved or rejected by the Faculty not later than the end of the second week of First Term of the Final Year and not earlier than the end of the Third Term of the Third Year of the course. Students who contemplate preparing a Final Honour research paper in 1971 should lodge with the Secretary of the Law School an application for approval of subject after 15 September 1970 and before 30 January 1971. Application forms are available at the Law School Office.

Admission to candidature for the degree of LL.B. (Hons.) is at the discretion of the Faculty of Law.

Each research paper is to be accompanied by a written statement by the candidate that the paper is the product of his own work.

To be in proper form for submission a paper should be typed and should be accompanied by a bibliography and tables of cases and statutes.

The research papers will be graded in time for the final honours results to be published in December.

BACHELOR OF ARTS (ORDINARY DEGREE)—BACHELOR OF LAWS

If approved Arts subjects are taken, these two courses may be taken together over a period of five years. A candidate will receive credit in the Arts course for three subjects in group 2 in respect of his Law studies. This will be granted after the candidate has completed the third year of the Law course. He must pass in not less than six Arts subjects of his choice, plus either Constitutional History, British History, or later British History. These subjects must include one major and a

For candidates writing research papers in 1970 the following list of subjects was prescribed:

<table>
<thead>
<tr>
<th>Administrative Law</th>
<th>Legal Persons</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial Law</td>
<td>Property</td>
</tr>
<tr>
<td>Comparative Law</td>
<td>Private International Law</td>
</tr>
<tr>
<td>Constitutional Law</td>
<td>Statutory Interpretation</td>
</tr>
<tr>
<td>Criminal Law</td>
<td>Succession</td>
</tr>
<tr>
<td>Evidence</td>
<td>Taxation</td>
</tr>
<tr>
<td>Family Law</td>
<td>Torts</td>
</tr>
<tr>
<td>Industrial Law</td>
<td>Trusts</td>
</tr>
<tr>
<td>Jurisprudence</td>
<td></td>
</tr>
<tr>
<td>Legal History</td>
<td></td>
</tr>
</tbody>
</table>

Subjects could be chosen from any of the foregoing classifications or any combination of them. However, the Final Honour Board of the Faculty has been willing to consider individual requests to submit a paper on a subject falling outside the list.

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sequence of two subjects. He must satisfy the Arts group requirements for the combined course by passing in subjects taken from at least three of the five Arts groups.

Students proposing to take these combined courses should, for the purpose of planning their subjects, consult the Sub-Dean of the Faculty of Arts and the Senior Administrative Officer (Law).

Two possible courses are:

1. Including a major in Group 1, a sequence of two subjects in Group 3 and completing the remaining Arts subjects in Group 1, 2, 3, 4 or 5.

   **First Year:**
   - Introduction to Legal Method
   - Criminal Law
   - Part I Language
   - Group 3 subject e.g. Philosophy I

   **Second Year:**
   - British History
   - Part II Language
   - Group 3 subject e.g. Ethics
   - The Law of Torts

   **Third Year:**
   - Part III Language
   - Group 1, 2, 3, 4 or 5 subject, e.g. Part I of second language, Economics A, Logic, Geology I, or English I.
   - Principles of Contract
   - Principles of Property and Conveyancing
   - Legal History

   **Fourth Year:** Third Year Law
   **Fifth Year:** Fourth Year Law

2. Including a major in Political Science (Group 2), a sequence of two subjects in group 5 and completing the remaining Arts subject in Group 1, 3 or 4.

   **First Year:**
   - Introduction to Legal Method
   - Criminal Law
   - Modern Government A
   - Group 5 subject e.g. English I

   **Second Year:**
   - Constitutional History
   - The Law of Torts
   - Modern Government B
   - Group 5 subject e.g. English II

   **Third Year:**
   - Modern Government C
   - Group 1, 3 or 4 subject e.g. French I, Philosophy I or Geography I
   - Principles of Contract
   - Principles of Property and Conveyancing
   - Legal History

   **Fourth Year:** Third Year Law
   **Fifth Year:** Fourth Year Law

**BACHELOR OF ARTS (HONS)—BACHELOR OF LAWS**

Special six-year courses have been approved for students who wish to combine a course for bachelor of Arts (degree with honours) with the course for bachelor of Laws. Details of these courses in the School of History and the School of Political Science will be found in the Faculty of Arts Handbook. For details of other combined Arts (Honours) and Law courses students should consult the Sub-Dean, Faculty of Arts.

**BACHELOR OF COMMERCE—BACHELOR OF LAWS**

The courses for these two degrees may be combined over a period of five years. The approved order of subjects is as follows:

   **First Year:**
   - Economics A
   - Accountancy I
   - Economic Geography I or an approved Group III Commerce subject
   - Economic History A
Second Year: Economics B
   Statistical Method
   An approved Group II (Grade 2) Commerce subject
   Introduction to Legal Method
   Criminal Law

Third Year: Economics C
   Principles of Contract
   Principles of Property and Conveyancing
   The Law of Torts
   Legal History

Fourth Year: Third Year Law

Fifth Year: Fourth Year Law—including Legal Persons and Taxation, and Securities and Creditors Rights or Industrial Law

The candidate does not qualify for admission to either degree until the whole of the work of the five years has been completed.

Because there is no Law content in the First Year of the course, intending students should apply initially for selection in the Commerce course only, but they must indicate on enrolment an intention to pursue the combined course.

Students will be required, at the end of the First Year, to apply for selection in Law. Those who have been completely successful in their First Year studies will be permitted to proceed with the second and later years. Students who have not been so successful may be offered places in the Law quota, but as they will not be permitted at that time to proceed in the combined course they must make an election between continuing in the Commerce course and transferring to the Law course.

Students who wish to undertake studies in the combined course (but who have not enrolled for the regular course shown above) may make application to do so. They should consult the Sub-Dean, Faculty of Economics and Commerce and the Senior Administrative Officer, Faculty of Law, for advice.

Students who have commenced six-year combined courses approved prior to 1970 may elect to proceed in the new course. They, also, should consult the Sub-Dean (Commerce) and the Senior Administrative Officer (Law).

Diploma in Social Studies—Bachelor of Laws

The course for the diploma in Social Studies may be combined with that for the degree of bachelor of Laws over a period of six years. An approved course is shown below. For further advice students should consult the Reader-in-Charge, Department of Social Studies and the Senior Administrative Officer, Faculty of Law.

First Year: Introduction to Legal Method
   Criminal Law
   Psychology I
   Social Biology

Second Year: Constitutional History
   The Law of Torts
   Psychology II A
   Social Work I

Third Year: Principles of Contract
   Principles of Property and Conveyancing
   Social Work II
   *Social Organization A

Fourth Year: Legal History
   Social Work III
   *Social History

Fifth Year: Third Year Law

Sixth Year: Fourth Year Law

* Subject to attendance at certain lectures and the submission of satisfactory essays, students may be exempted from passing the annual examination in these subjects.
DIPLOMA IN CRIMINOLOGY—BACHELOR OF LAWS

The course for the diploma in Criminology may be combined with that for the degree of bachelor of Laws over a period of five years. For further advice students should consult the Reader-in-Charge, Criminology Department, and the Senior Administrative Officer, Faculty of Law.

The course will be taken normally as follows:

First Year: Introduction to Legal Method
- Criminal Law
- Constitutional History
- Psychology I

Second Year: The Law of Torts
- Principles of Contract
- Principles of Property and Conveyancing
- Legal History
- Criminology A

Third Year: Equity
- Administrative Law
- Constitutional Law
- Mercantile Law
- A second Psychology subject.

Fourth Year: Principles of Evidence
- One of the following: Comparative Law, Public International Law, Jurisprudence.
- Two of the following: Legal Persons, Family Law, Taxation.
- Criminology B

Fifth Year: Private International Law
- Two of the following, neither being a subject for which the candidate has obtained credit in the Fourth Year of the course: Comparative Law, Public International Law, Jurisprudence, Advanced Constitutional Law, Advanced Legal History.
- One of the following: Executors and Trustees, Securities and Creditors Rights, Industrial Law, Problems of Proof, Land Contracts.
- Criminology C
- Social Organization B or a third Psychology subject.

MASTER OF LAWS

Candidates will, under supervision, prepare a thesis on a subject chosen by the candidate and approved by the Faculty. They may do so as either full-time or part-time students.

Preliminary Examination

A bachelor of Laws with honours may enrol as a candidate for the degree of master of laws without preliminary examination.

A bachelor of Laws, who is not a bachelor of Laws with honours, who desires to become a candidate for the degree of master of Laws is required to satisfy the Faculty of his ability to pursue the advanced studies for the degree of master of Laws, by passing a preliminary examination. The preliminary examination will be prescribed by the Faculty in the light of the candidate's proposed advanced studies.

A candidate for the preliminary examination must submit before 31 May the subject of his proposed advanced studies to the Sub-Dean of the Faculty for approval.

When the subject has been approved, the candidate will be informed of the scope of the examination prescribed, and he must lodge an entry for the examination with the Registrar at the time and subject to the rules relating to Annual Examinations.

The preliminary examination will be held as necessary.

Enrolment as Candidate for the Degree of Master of Laws

Candidates must lodge an enrolment card with the Registrar not later than the end of the third week of first term. A candidate should arrange an interview with the Sub-Dean of the Faculty for the purpose of obtaining approval of the proposed subject of the thesis. This approval must be obtained before enrolment.
A supervisor for each candidate will be appointed.

An entry form for examination for higher degrees must be submitted to the Registrar when the thesis is submitted.

If the thesis has not been submitted by 28 February in the year following enrolment the student must re-enrol if he wishes to renew his candidature.

Three copies of each thesis (quarto, typewritten, double-spaced) should be submitted. One copy, bound in the manner prescribed by the Faculty, will be deposited in the University Library.

**DOCTOR OF PHILOSOPHY**

This is a degree for full-time research workers. A candidate must be a graduate of this or some other university recognized for the purpose, must be of such standing as may be required by the Professorial Board for graduates in his Faculty, and must be accepted as such by the Professorial Board on the recommendation of the head of the department concerned. He must pursue for at least two years a course of advanced study and research under a supervisor or supervisors appointed by the Board, and on its completion must present a satisfactory thesis embodying the results of his research. The only part-time candidates who are accepted by the Professorial Board are permanent members of staff. (See Reg. 3, 60, 1969-70 Calendar.)

**DOCTOR OF LAWS**

This degree is awarded for work comprising an original and substantial contribution to legal learning and involving the scientific treatment of one or more legal subjects. A candidate for the degree must normally be a bachelor of Laws of not less than four years' standing.

**Other Courses**

**THE ARTICLED CLERKS' COURSE**

The course is one of those prescribed by the rules of the Council of Legal Education as a pre-requisite to admission to practise. The following subjects are offered in the Law School. By completing these a student will comply fully with the rules as regards formal studies in Law.

- Introduction to Legal Method
- Criminal Law
- Principles of Contract
- The Law of Torts
- Constitutional Law
- Administrative Law
- Mercantile Law
- Principles of Property and Conveyancing
- Equity
- Land Contracts
- Securities and Creditors' Rights
- Principles of Evidence
- Taxation
- Procedure
- Executors and Trustees
- Legal Persons
- Private International Law or Family Law
- Accounts
- Professional Conduct

Note: (1) Students who have passed in Conveyancing are not required to pass in Land Contracts, and Securities and Creditors' Rights.

(2) Students who have passed in the old course in Constitutional Law offered prior to 1967 will not be required to pass in the new course in Constitutional Law or in Administrative Law.
Examinations in the first four subjects must be passed before the student enters into articles of clerkship. These four subjects may be taken in one year of full-time study, but must be taken over two years by part-time students. The remaining subjects are taken over the four-year period of articles in the order prescribed by the Faculty. In the first year of articles three subjects may be attempted, in the second year, three, in the third year, four, and in the fourth year, five.

The rules should be consulted by all candidates for this course and, if in doubt, reference should be made to the Secretary of the Board of Examiners of Barristers and Solicitors, Supreme Court, Melbourne.

THE MANAGING CLERKS' COURSE

This course is another prescribed by the rules of the Council of Legal Education. The candidate must pass in the same subjects as for the articled clerks' course. His service as a managing clerk is governed by the rules, which should be consulted, and advice should be obtained from the Secretary of the Board of Examiners.

Note: The Council of Legal Education has now established a school to give instruction in the subjects of the articled clerks' and managing clerks' courses. Entry is restricted to persons who are otherwise eligible to enrol for the subject of Introduction to Legal Method, but have been prevented from doing so by reason of the operation of the quotas in Law. Applicants for this course must therefore apply, in the first instance, for selection in Law at this University and Monash University.

STIPENDIARY MAGISTRATES

Under Public Service regulations candidates for appointment as stipendiary magistrates are required to pass in the subjects of Introduction to Legal Method, Principles of Contract, Tort, Criminal Law, Mercantile Law, Evidence, Constitutional Law, Administrative Law, Advanced Constitutional Law, Family Law and Legal History. Because of the operation of certain conditions of quota provisions, it is unlikely that these candidates will be able to enrol for Introduction to Legal Method. Normally they will be required to pass a departmental examination in this subject and will then be permitted to enrol in the University for the remaining qualifying subjects.

SINGLE SUBJECTS

No person may enrol at the University in any law subject without the permission of the Faculty. Intending students should consult the Sub-Dean regarding this.

EXTERNAL STUDIES

No external studies are available for students taking the course for the degree of bachelor of Laws.

Students resident in Victoria outside the metropolitan area, who are taking subjects in the articled and managing clerks' courses, or for qualification as a stipendiary magistrate, and who are employed full-time either in solicitors' offices or in the Law Department of the State of Victoria, as the case may be, will be permitted to enrol as external students. No formal correspondence tuition is given, but students may seek advice from the teaching staff on any specific problems which may arise. Apart from this students must work alone relying on their own resources. The task of studying law, with its requirements of reference to textbooks, law reports and journals, is extremely difficult in these circumstances. The fees for tuition are the same as those payable by students attending lectures. External students are not required to pay Union, sports, Students' Representative Council and Library fees.

The special attention of country students is drawn to the regulations, which provide that no student shall be admitted to examinations in any subject in which he has not entered either for lectures or for external studies within one month after the beginning of the first term. Applications for extension of time for enrolment must be made to the Registrar.

Admission to Practise

The admission of barristers and solicitors in Victoria is regulated by the rules of the Council of Legal Education administered by a board of examiners appointed by the Supreme Court. Students proposing to seek admission should make themselves familiar with them in due course. The requirements for candidates qualifying by way of the Articled Clerks' course are that they pass in the nineteen subjects of the course and serve in articles for four years.
Candidates who have obtained the degree of bachelor of Laws are required to serve for twelve months in articles. They must also pass, either as a part of the course for the degree or otherwise, in the subjects of Evidence, Taxation, Procedure, Accounts, and Professional Conduct.

No person will be admitted who is not a British subject aged 21 years or more.

**Professional Admission Summer School**

The University of Melbourne Law School in conjunction with Monash University Law School conducts a Professional Admission Summer School on behalf of the Council of Legal Education in the period January-March.

The subjects of the Summer School are—

- Accounts
- Evidence
- Procedure
- Professional Conduct
- Taxation

Persons qualified for the degree of LL.B. of the University of Melbourne, Monash University or the Australian National University may in certain circumstances be admitted to the Summer School. The conditions of eligibility and further details are exhibited on the Law School Notice Board.

Persons qualified for the degree of LL.B. who contemplate service under Articles of Clerkship outside the Melbourne city area may find it advantageous to qualify for their post-degree subjects in the Summer School.

**Moot Court**

A Moot Court is held during first and second terms in the Law School Moot Court Room and elsewhere in the Law School.

The main purposes are to extend the legal skills of students in applying legal rules and principles to a known set of facts and in searching for and framing and justifying legal rules applicable to a known set of facts in such a way as to promote a client's case, and then to set out a "brief" putting forward that case and finally to expound the case "in court".

Students from second, third and fourth years are assigned to argue the cases as senior and junior counsel while others are required to act as solicitors and to prepare the necessary papers and instructions. Junior counsel are expected to participate actively in some stage of the argument.

Students are required to participate as assigned by the Moot Office. Students desiring to ensure participation in the moot programmes or of being allotted a preferred role or date may apply in the appropriate manner to the Moot Office.
CHAPTER 6

DETAILS OF SUBJECTS

DEGREE OF BACHELOR OF LAWS

AND

Subjects Prescribed by the Council of Legal Education or in the Course
for Qualification as a Stipendiary Magistrate

WRITTEN WORK DURING THE YEAR

Whenever in these Details there is a statement in respect of a subject that
written work is required, the satisfactory performance of that written work is a
condition precedent to obtaining a pass or honours in the examination in that subject
unless the Faculty of Law otherwise directs.

VACATION STUDIES

Students are advised to use a considerable part of the summer and spring
vacations in studying their subjects. In some subjects vacation readings are speci-
fied in the following details; in others lists of readings may be posted on the notice
boards. Where essays are required to be done during the vacation particulars will
be posted on the notice boards.

READING GUIDES AND MATERIALS

In a number of Law subjects reading guides are prepared for issue to students
either at the beginning of the year or periodically throughout the year. These give
references to text books, journals, cases and statutes on each topic dealt with. In
addition case and other materials may be available for issue. Details will be posted
on the notice board at the beginning of the year.

PURCHASE OF BOOKS

Books marked with an asterisk are essential and students should buy them.
Students are advised to consult their tutors or lecturers before buying books not
so marked, or before choosing between alternatives which are so marked.

HONOUR WORK

Except in subjects where special details are published, the Syllabus for Hon-
ours will be the same as that for Pass.

CLASSES IN LAW SUBJECTS

Where classes are divided students are expected to remain in the divisions to
which they have been allotted and must not change without permission. This is vital
in view of the methods of teaching used in the school.

256. ACCOUNTS

Mr. S. G. Hogg

A course of one class per week throughout the year with such class exercises as
may be directed by the lecturer.

SYLLABUS

A general knowledge of the principles of accounting and the practice of book-
keeping; partnership and company accounts; book-keeping in a solicitor’s office;
executors’ and trustee accounts.
Recommended for reference:
Further references will be given by the Lecturer.

EXAMINATION. One 3-hour paper for Pass only.

263. ADMINISTRATIVE LAW

Professor E. I. Sykes and Mr. F. K. H. Maher

A course of two classes per week throughout the year.

SYLLABUS

This course examines from a legal point of view the relationships between the citizen and the executive branch of government.

This subject owes its significance to the fact that in the modern community the life of the citizen is likely to be very much affected by increasing powers of regulation and decision-making vested in the executive arm of government or instrumentality brought into being by the executive arm of government. Such powers may be manifested by wide authority to enact subordinate legislation given to the Governor-in-Council or by considerable discretions in decision-making given to tribunals which function quite independently of the courts of law.

The subject concerns the extent to which and the means by which such powers are rendered subject to judicial control and scrutiny. Judicial control may be exercised over delegated legislation, whether by the executive or by local authorities, by means of the doctrine of ultra vires and by various techniques, such as the prerogative writs, over those powers of decision-making vested in 'administrative tribunals' which are usually, though not very precisely, termed 'judicial' or 'quasi-judicial'.

The changing face of administrative law, which now produces an ever-increasing number of decisions each year, involves more and more critical inquiry into the adequacies of the traditional methods of review. The topic primarily involves the question of the validity of administrative decisions, but the issue of the liability of the administrators for their acts may be also involved. Hence the question of the liability of the Crown and of other bodies of a public nature is also considered.

Throughout the course, attention is given mainly to problems which are common to the States and the Commonwealth. The student's attention is directed to the special problems which arise under the Commonwealth Constitution, but detailed consideration of these problems is omitted. The method of instruction is mainly through an analysis of the cases which are either printed at length or summarized in the Case Book mentioned below. The details of the main topics are substantially those dealt with in the Case Book itself, but any recent decisions of significance will be considered.

BOOKS

(a) Prescribed casebook:

(b) Recommended for reference:
Rubenstein, A., Jurisdiction and Illegality. (O.U.P., 1963.)
De Smith, S. A., Judicial Review of Administrative Action. (Stevens, 1959.)
Hamson, C. J., Executive Discretion and Judicial Control. (Stevens, 1954.)
EXAMINATION

One 3-hour paper for Pass and/or for Honours. A mid-year test may be held; if it is the results obtained may be taken into account in assessing a candidate's final result.

273. ADVANCED CONSTITUTIONAL LAW

Professor C. Howard

A course of two classes a week throughout the year.

SYLLABUS

This course is for students who want a more detailed understanding of the operation of Australian federal constitutional law than is imparted in the third year constitutional law course. Each year certain areas of the federal Constitution are selected for intensive study. The selection varies from year to year, depending partly on current developments, but in general is made from the following topics: techniques of construction; distribution of power; separation of powers; judicial power; federal jurisdiction; legislative powers of the Commonwealth; constitutional guarantees. Discussion is not limited to judicial interpretation of the Constitution. The capacity of the Commonwealth to regulate critical areas of the national life, such as finance, trade, natural resources, health, education, housing, regional planning, aviation, defence and external affairs comes under consideration to a greater or lesser extent, depending on the emphasis in any particular year. The effectiveness of the functioning of the Constitution in the selected areas also receives consideration. Class discussion of the problems which arise is required.

BOOKS

(a) Prescribed textbook and materials:

* Commonwealth of Australia Constitution Act, 1900. (Government Printer.)
* Judiciary Act, 1903-1968 (Cth.) (Government Printer.)

(b) Recommended for further reading or reference:

Sawer, G., Australian Federalism in the Courts. (M.U.P., 1967.)
Report of the Joint Committee on Constitutional Review, 1959. (Govt. Printer, Canberra, 1959.)
Cowan, Z., Federal Jurisdiction in Australia. (O.U.P., 1959.)

EXAMINATION

One 3-hour paper, for Pass or for Honours respectively. Students selected for a research group will be required to submit a written paper on the subject of their research and may elect to be graded for honours on this paper instead of on the November examination. It remains open to all members of the course to obtain honours in the usual way at the November examination. Membership of the research group is restricted to a maximum of ten.
274. ADVANCED LEGAL HISTORY
Mrs. E. R. Campbell

A course of two classes per week throughout the year.

SYLLABUS

The aim of this subject is to explore the relationships between a changing society and its legal order. The period of British history 1760 to 1930 will be investigated, the time of the emergence and growth of an industrial society.

Students will be able to specialize in those areas of particular interest to them. During the year, students will be required to present two class papers, each of approximately 2,000 words in length.

BOOKS

(a) Recommended for preliminary reading:
Fifoot, C. H. S., Judge and Jurist in the Reign of Queen Victoria. (Stevens, 1959.)
Abel-Smith, B., and Stevens, R., Lawyers and the Courts. (Heinemann, 1967.)
Taylor, P. A. M. (ed.), The Industrial Revolution in Britain. (Heath, 1958.)
Trevelyan, G. M., British History in the Nineteenth Century and After: 1782-1919. (Penguin, 1965.)

(b) Recommended for reference:
Detailed reading lists will be supplied at the beginning of the year and throughout the year.

EXAMINATION. One 3-hour paper, which will be a common paper for Pass and Honours.

The class papers described above will be taken into account in assessing a candidate’s final result.

267. COMPARATIVE LAW
Miss M. E. Hiscock

A course of two classes per week throughout the year.

SYLLABUS

The first part of the course will deal with the reception of European law into Japan, a general study of the legal system, its organization, its history and its contemporary role and of the structure and concepts of the Japanese Civil and Commercial Codes.

The second part of the course will be an examination of particular concepts in the law of contract including the formation of contracts; the principle of good faith; the source, nature, and extent of sales warranties; and remedies for breach of contract. These will be studied on a comparative basis, considering the law of Australia, Japan, and relevant international conventions.

Student numbers are normally limited in this subject to 35.

BOOKS

(a) Recommended for preliminary reading:
Lawson, F. H., A Common Lawyer Looks at the Civil Law. (Univ. of Michigan Law School, 1955.)
*Ryan, K. W., An Introduction to the Civil Law. (Law Book Co. of Aust., 1962.)

(b) Recommended for reference:


Lawson, F. H., *Negligence in the Civil Law.* (O.U.P., 1950.)

Williams, I., *The Sources of Law in the Swiss Civil Code.* (O.U.P., 1923.)

Roneoed materials will be supplied to students.

**EXAMINATION.** One 3-hour paper for Pass or for Honours respectively.

### 253. CONSTITUTIONAL HISTORY

**Mrs. E. R. Campbell**

Note: Students who are taking the LL.B. degree with an Arts degree including a major in History may enrol for British History (Arts) and should consult the Arts Handbook for details of the subject.

A course of two classes per week, with tutorial classes once every two weeks, throughout the year.

**SYLLABUS**

This is a course in British constitutional history, from the middle ages to the twentieth century. It consists of studies in the history of government in England from the eleventh century; of government in Great Britain from the eighteenth century; and of British imperial relations, with special reference to North America and Australia.

Most of the course is concerned with the history of government in England and Great Britain. This involves studying, not only written constitutional laws, but also the development of political institutions and of constitutional relationships—of habits, customs, conventions—of unwritten usages which have become accepted as part of the constitution. Other aspects of British history—especially economic and social changes, political thought and religion—are also studied, not for their own sake, but for the light which they throw on constitutional development.

The course also includes some examination of the development of constitutional relationships between Britain and her North American and Australian colonies in the eighteenth and nineteenth centuries, and a brief consideration of the federal constitutions adopted by the United States, Canada and Australia.

Lectures are given on all or nearly all parts of the course. Fortnightly tutorial classes are held throughout the year, while some special classes may also be held, in the second and third terms.

During the year, students are required to write one essay of about 2,000 words, as well as two shorter exercises and a mid-year test paper.

**BOOKS**

(a) Recommended for preliminary reading:


(b) Prescribed textbook:

*Stephenson, C. and Marcham, F. C., Sources of English Constitutional History.* (Harper.)

(c) Recommended for reference:


Elton, G. R. (ed.), *The Tudor Constitution.* (C.U.P.)

Tanner, J. R., *English Constitutional Conflicts of the Seventeenth Century.* (C.U.P.)

Williams, E. N. (ed.), *The Eighteenth Century Constitution.* (C.U.P.)

Smellie, K. B., *A Hundred Years of English Government.* (Duckworth.)

**EXAMINATION**

One 3-hour paper which will be a common paper for Pass and Honours. Written work and test described above may be taken into account in assessing a candidate's final result.

49
SYLLABUS

This course deals with the basic principles of the Constitution of both the States and the Commonwealth. The study embraces not only the formal constitutional documents, such as the Constitution Acts of the various States, the Colonial Laws Validity Act, 1905, the Commonwealth of Australia Constitution Act, 1900 and the Statute of Westminster Adoption Act, 1942, but also some of the unwritten and ill-defined constitutional conventions that shape the actual working of government at both the State and Federal level. In addition, there is an analysis of some of the problems posed by the clash of the interests of the community and those of the individual; this analysis is undertaken within the context of a discussion of the law of public meetings and processions.

In Australia, the Commonwealth Constitution allocates specific governmental powers to the Commonwealth, the residue of powers remaining with the States. This course briefly analyses the distribution of powers and the main problems facing courts in the interpretation of the Constitution. A detailed discussion of specific problems arising for interpretation under the Constitution will be reserved for the course in Advanced Constitutional Law.

BOOKS

(a) Recommended for preliminary reading:
Menzies, Sir Robert, Central Power in the Australian Commonwealth. (Cassell, 1967.)

(b) Prescribed textbooks:
*Commonwealth of Australia Constitution Act. (Government Printer.)

(c) Recommended for reference:
Evatt, H. V., The King and his Dominion Governors. (2nd ed., F. W. Cheshire, 1967.)
Encel, S., Cabinet Government in Australia. (M.U.P., 1962.)
Sawer, C., Australian Federalism in the Courts. (M.U.P., 1967.)
Howard, C., Australian Federal Constitutional Law. (Law Book Co., 1968.)

EXAMINATION

One 3-hour paper which will be a common paper for Pass and Honours. A mid-year test may be held; if it is the results obtained may be taken into account in assessing a candidate's final result.

252. CRIMINAL LAW

Professor P. Brett and Mr. I. D. Elliott

A course of two classes per week throughout the year.

SYLLABUS

This course includes an investigation of the nature and purposes of the criminal law and the aims which that branch of the law seeks to achieve. The crimes of
homicide, less serious offences against the person, and theft (including crimes analogous to theft) are examined in considerable depth, and certain other crimes are dealt with in less detail. Finally, the course examines the doctrines applicable to all crimes, e.g., the various defences which can be made to a criminal charge, the law of conspiracy and attempt, and the requisite mental element of a crime. Throughout the course the student is encouraged to consider not only what the law is, but also what it ought to be.

BOOKS
(a) Recommended for preliminary reading:
(b) Prescribed textbooks:
*Howard, C., Australian Criminal Law. (Law Book Co., 1965.)
*Crimes Act, 1938 and amending Acts.
(c) Recommended for reference:
Williams, G. L., Criminal Law. (2nd ed., Stevens, 1961.)
Hall, J., General Principles of Criminal Law. (2nd ed., Merrill, 1960.)
Brett, P., An Inquiry into Criminal Guilt. (Law Book Co., 1962.)
Howard, C., Strict Responsibility. (Sweet & Maxwell, 1963.)

EXAMINATION
One 3-hour paper for Pass and for Honours.

262. EQUITY
Professor H. A. J. Ford

A course of two classes per week.

SYLLABUS
The first section of the course is concerned with intestate and testate succession. It includes a study of arrangements inter vivos as substitutes for wills, the formalities of execution and revocation of wills, revival of wills, republication of wills, probate of wills, grants of administration, failure of testamentary dispositions by lapse, disclaimer, etc., and equitable doctrines of conversion, election, satisfaction and ademption.

The second section of the course consists of a study in depth of the equitable doctrines governing the creation of trusts. The trust-concept underlies much of modern property and taxation law and it has had an influence on the law of corporations. In the early part of the course the trustee-beneficiary relationship is distinguished from a number of similar relationships such as those involved in agency, bailment, debt and a company. In the course of considering intention to create a trust the opportunity is taken to consider dispositions on condition, dispositions subject to a charge and powers in the nature of a trust. The doctrine of consideration is studied next in relation to trusts by declaration, imperfect gifts, trusts by transfer, assignments of future property, assignment of choses in action by way of trust, covenants to create trusts and trusts of covenants. Requirements of form are considered by dealing with the Statute of Frauds, and various doctrines affecting testamentary trusts such as those relating to secret trusts and the cognate topic of incorporation by reference. In dealing with the object of a trust the problem of trusts of imperfect obligation is considered. The treatment of property the subject-matter of a trust includes consideration of the difference between an interest and an expectancy and the problem of trusts of promises with special reference to life insurance trusts. The effect of a trust for illegal purposes is studied next. There follows a study of perpetuities doctrine and legislation affecting trust funds and of the rules affecting accumulation of trust income. The treatment of trusts is concluded by a study of charitable, resulting and constructive trusts. The administration of trusts is left for study in the fourth-year subject of Executors and Trustees.
BOOKS

Prescribed books:

* Ford, H. A. J., *Cases on Trusts.* (Either 1st or 2nd ed., Law Book Co.)
* Cases and Materials on Wills—Obtainable from the Law School.

Administration and Probate Act 1958 (Victoria).
Perpetuities and Accumulations Act 1968 (Victoria).
Trustee Act 1958 (Victoria).
Wills Act 1958 (Victoria).

EXAMINATION

One 3-hour paper for Pass or for Honours respectively. A mid-year test may be held; if it is the results obtained may be taken into account in assessing a candidate’s final result.

278. EXECUTORS AND TRUSTEES

Mr. R. H. Searby

A course of one class per week throughout the year.

SYLLABUS

This subject consists of the law relating to the administration of trusts and the law relating to the administration by personal representatives of estates of deceased persons. The former limb comprises five main topics, viz. duties of trustees, consequences of breach of trust, powers of trustees, rights of trustees, and appointment of trustees; the latter, four main topics, viz. appointment of personal representatives, devolution of assets of deceased persons upon their personal representatives, powers of personal representatives in respect of property devolving upon them, and duties of personal representatives.

The subject is not treated primarily on historical principles; in that and other respects the syllabus is designed not to repeat what has been covered at an earlier stage in the course. The intention is to present to students the basic propositions of the developed law under the two headings abovementioned, with particular reference to the Victorian statutes; it is essentially a practical treatment of the subject. Procedural matters are not, however, adverted to, nor, except incidentally, the problems so far as they affect the subject involved in the construction of trust instruments.

BOOKS

There is no prescribed textbook. The following books are recommended for reference:

Underhill, A., *Law of Trusts and Trustees.* (8th, 9th, 10th or 11th ed., Butterworth.)
Ford, H. A. J., *Cases on Trusts.* (1st or 2nd ed., Law Book Co.)
Ashburner, W., *Principles of Equity.* (2nd ed., Butterworth.)
Lewin, T., *Trusts.* (14th, 15th or 16th ed., Sweet & Maxwell.)

In addition, students should provide themselves with copies of the following Acts, which will be used in lectures:

(i) Trustee Act 1958  
and the following amending Acts:

Trustee (Amendment) Act 1959.
Trustee (Mortgages) Act 1959.
Trustee (Variation of Trusts) Act 1962.
Trustee (Mortgages) Act 1962.

(ii) Administration and Probate Act 1958.

Reprint No. 3 (22 March, 1968) of this Act incorporates amendments up to and including Act No. 7732 and is complete for present purposes. Alternatively students should obtain the Act as originally printed and the following amending Acts:

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Administration and Probate (Amendment) Act 1962.
Administration and Probate (Family Provision) Act 1962.
Administration and Probate (Surviving Actions) Act 1965.

(iii) Probate Duty Act 1962


EXAMINATION
One 3-hour paper for Pass or for Honours respectively.

276. FAMILY LAW
Mr. R. Sackville
A course of two classes per week throughout the year.

SYLLABUS
The role of law and lawyers in establishing, administering and reorganizing family relationships will be considered. Existing legal rules and the function of lawyers in their administration will be examined and a critical evaluation of these rules in the light of social objectives will be undertaken.

Topics for discussion will include: the establishment of formal family relationships, including the role of the State in regulating marriage and adoption; the formal family relationship as viewed by other branches of law; State assistance to the family and social welfare; informal family relationships and the rights of de facto spouses and illegitimate children; the adjustment of intra-family conflicts short of formal dissolution, e.g. disputes as to property, maintenance or custody; State intervention into the family relationship, as with the withdrawal of children from parental custody.

The dissolution and consequent formal reorganization of the family will require a study of the law and practice of matrimonial causes and ancillary relief, particularly maintenance, custody and settlements; the role of lawyers and others in the process of dissolution and reorganization; an evaluation of the merit of the existing system. The dissolution of the family relationship by death and related problems will also be discussed, e.g. testator's family maintenance, the appointment of guardians.

BOOKS and STATUTES
(a) Recommended for preliminary reading:
Finlay, H. A. (ed.), *Divorce, Society and the Law.* (Butterworth, 1969.)

(b) Prescribed statutes and regulations:
*Matrimonial Causes Act, 1959-1966.* (Com.)
*Marriage Act, 1961.* (Com.)
*Marriage Regulations, 1963.* (Com.)
*Marriage (Consanguinity) Regulations, 1961.* (Com.)
*Marriage (Affinity) Regulations, 1961.* (Com.)
*Maintenance Act, 1965.* (Vic.)
*Maintenance Rules, 1966.* (Vic.)
*Marriage (Property) Act, 1962.* (Vic.)

(c) Recommended for reference:
Toose, P., Watson, R. S., and Benjafield, D. G., Australian Divorce Law and Practice. (Law Book Co., 1968.)


EXAMINATION

One 3-hour paper for pass or honours respectively. Students may be required to submit an essay not exceeding 3,000 words. The result achieved in such essay may be taken into account in assessing a candidate's final result.

280. INDUSTRIAL LAW

Professor E. I. Sykes

A course of one class per week throughout the year.

SYLLABUS

A Study of the Law Relating to:

1. The employer-employee relation as a legal relationship in industry.

A knowledge of the general principles of the law of contract and tort is presumed and this part of the course deals with the formation of the contract of employment, the terms commonly implied into such a contract, the duties owed by both the employer and employee to each other, and the remedies for the breach thereof, the performance and termination of the contract, and the liability of the employer for the wrongs of the employee (in which the social philosophy running behind the judgments is examined especially in relation to insurer's indemnity).

2. Protection of the employee against injury.

3. Workers' compensation.

The general background of the workers' compensation law is discussed followed by a general study of the Victorian Act. Selected parts are studied in depth and in this sphere the Commonwealth Act, the acts of the other States as well as workers' compensation legislation of other countries are examined.

4. The general structure of the Federal and State industrial tribunals.

5. State and Federal Law relating to the organization of labour and trade unions, and the law governing industrial conflict between management and organized labour.

6. State and Federal law relating to wages and working conditions in industry.

BOOKS

(a) Prescribed textbooks and materials:

*Cases and Materials on Industrial Law.—(Obtainable from the Law School.)

*Wedderburn, K. W., The Worker and the Law. (Penguin.)

*Trade Unions Act, 1958. (Victoria.)

*Employers and Employees Act, 1958. (Victoria.)

*Labour and Industry Act, 1958. (Victoria.)

*Workers Compensation Act, 1965. (Victoria.)

*Conciliation and Arbitration Act, 1904-66. (Commonwealth.)

*Students must obtain copies of these.

(b) Recommended for reference:


An Outline of Industrial Law. (Commonwealth and New South Wales). (2nd ed., Law Book Co.)

Outline of Industrial Law.—Reprint of Part I of the Law Book Co.'s Industrial Arbitration Service.

Brissenden, P. F., The Settlement of Labor Disputes on Rights in Australia. (Institute of Industrial Relations: University of California, 1966.)

Citrine, N. A., Trade Union Law. (Stevens.)

Foenander, O. de R., Development of Law Governing Workers Compensation in Victoria. (Law Book Co.)

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EXAMINATION
One 3-hour paper for Pass and Honours respectively.

251. INTRODUCTION TO LEGAL METHOD
Mr. F. K. H. Maher and Miss M. E. Hiscock
A course of two classes per week throughout the year.

SYLLABUS
The course provides a general introduction to the study of law. It includes the following:

1. An elementary analysis of the legal system and the legal process; sources of law, divisions of the law, civil procedure, technical rules of precedent.
2. Statutory interpretation.
3. Basic legal concepts, especially the concepts of legal rights and legal personality.
4. The principles and techniques of the judicial method and of lawyers' reasoning.
5. The history of the English Courts of Law and Equity and of the introduction of English law into Australia.

Students will be required to
(a) complete a course of exercises in Legal Writing,
(b) sit for a Mid-Year test,
(c) write an essay during the year on an approved topic.

BOOKS
(a) Recommended for preliminary reading:

(b) Prescribed textbooks:
* Campbell, F., and MacDougall, D., Legal Research: Materials and Methods. (Law Book Co., 1967.)

(c) Prescribed statutes:
Students must obtain their own copies of the:
Acts Interpretation Act, 1958. (Victoria.)
Imperial Acts Application Act, 1922.

(d) Recommended for reference:
Weihofen, H., Legal Writing Style. (West Publishing Co., 1961.)
Williams, G., Learning the Law. (7th ed., Stevens, 1963.)
Cross, R., Precedent in English Law. (Oxford, 1961.)
EXAMINATION. One 3-hour paper which will be a common paper for Pass and Honours. Written work and test described above may be taken into account in assessing a candidate's final result.

269. JURISPRUDENCE

Professor P. Brett (for Pass students)
Professor Sir George Paton (for Honours students)

A course of two classes per week throughout the year.

SYLLABUS

Throughout the ages the term Jurisprudence has been used to cover a wide range of enquiries and pursuits, which differ considerably in their aims. Analytical Jurisprudence has concentrated upon the analysis of legal concepts and the study of the techniques of legal reasoning. Legal Philosophy has endeavoured to explore the relationship between law and justice. Sociological Jurisprudence has concentrated upon the workings of law in its social context.

In this course, an endeavour is made to examine the role of the law and the lawyer in contemporary society. Specific problems of proposed legal reforms are studied in depth and the different solutions to which the differing approaches of the various jurisprudential "schools" lead are discussed and evaluated. The two great techniques of legal reasoning—statutory interpretation and the use of precedent—are also studied in depth and evaluated.

As regards reading, all students should obtain and read the book starred below. They should also endeavour to read a wide range of different writers who have expounded their own particular outlooks. A suggested selection of suitable works from which students can choose is also given below.

There will be separate papers for Pass and for Honours, in each case the paper being of three hours' duration. In addition, students who wish to obtain an Honours' grading may be required to submit, before a date to be announced at the beginning of the year, an essay on an approved topic of their own choice.

BOOKS

(a) Prescribed for preliminary reading:

(b) Recommended for reference:
Austin, J., Jurisprudence (ed. Campbell), 2 vols. (Murray, 1873.)
Cardozo, B. N., The Nature of the Judicial Process. (Yale U.P., 1921.)
Cray, J. C., The Nature and Sources of the Law. (Beacon Paperback, 2nd ed., 1921.)
Lloyd, D., Introduction to Jurisprudence. (Stevens, 1999.)
Maine, H. S., Ancient Law. (Beacon Paperback, 10th ed., 1983.)
Pollock, F., Jurisprudence and Legal Essays. (Macmillan, 1961.)
Posner, R., An Introduction to the Philosophy of Law. (O.U.P., 1954.)
Stone, J., The Province and Function of Law. (Maitland, 1948.)

EXAMINATION. One 3-hour paper for Pass or for Honours respectively.
282. LAND CONTRACTS

Mr. J. K. Aitken

A course of one class per week, throughout the year.

SYLLABUS

Generally:

The Course deals with the sale of land under the Torrens system and the general law; and related topics.

The following topics will be covered:

Options and other documents preliminary to the formal contract of sale of freehold land.


Investigation of title; usual searches and inquiries; completion.


Regulation of land use under the Town and Country Planning Acts and by municipal by-law under the Local Government Act.

Slum Reclamation and Housing Legislation. Building Regulation.

Subdivision of Land.

Ownership of and dealings in flats and home units.

Estate Agents: Estate Agents Act 1958; entitlement to commission; power to bind principal and receive money on his behalf.

Dealing in leasehold interests, including registration of leases under the Transfer of Land Act.

BOOKS

(a) Prescribed textbook:

Voumard, L., Sale of Land. (2nd ed., Law Book Co.)

Copies of the following Acts will be required:


Instruments Act 1958.


Town and Country Planning (Amendment) Act 1968.


Strata Titles Act 1967.

and all amendments to the above-mentioned Acts.

(b) Recommended for reference:


Storey, H., Real Estate Agency in Victoria. (Butterworth, 1967.)

EXAMINATION

One 3-hour paper for Pass or Honours respectively.
256. THE LAW OF TORTS

Dr. R. L. Sharwood, Dr. C. L. Pannam and Mr. H. Luntz

A course of two classes per week throughout the year. Tutorials will also be arranged.

SYLLABUS

The law of torts is concerned with the protection of interests in personal security (both bodily and otherwise), property, and various human and economic relationships. It operates primarily by requiring the person who invades such an interest to make monetary compensation at the suit of the person harmed.

The syllabus covers the law of torts generally. Particular attention is given to such topics as the tortious remedies for personal injuries and damage to property, compensation to relatives, the respective liability of the master and his servant, problems that arise between neighbouring property-holders, and libel and slander. Although important statutes exist in this field, and will be studied, the rules of the law of torts are still primarily common law rules, and the student will therefore be expected to read a large number of cases. A Casebook is prescribed, but the honours student certainly will need to go beyond it.

Students will be required to (a) sit for a mid-year test, (b) submit either two exercises each of 1,000 words, or one exercise of 3,000 words. Full details will be given to students at the beginning of the academic year.

BOOKS

(a) Suggested preliminary reading:
Llewellyn, K. N., The Bramble Bush. (Oceana, 1951.)

(b) Prescribed casebook:

(c) Statute:
*Wrongs Act (Victoria) 1958.

(d) Recommended textbooks:
(More detailed advice on the selection of a text or texts to buy will be given at the beginning of the course.)

(e) Recommended for reference:

EXAMINATION

One 3-hour paper for Pass or for Honours respectively. The written work and test described above may be taken into account in assessing a candidate's final result.

259. LEGAL HISTORY

This subject will not be available in 1970.

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275. LEGAL PERSONS
Professor H. A. J. Ford and Mr. G. A. Brennan
A course of two classes per week throughout the year.

SYLLABUS
A study of the law relating to unincorporated associations, companies, unit trusts, partnerships and trade unions.

BOOKS
(a) Prescribed textbook:
Cases and Materials on Company Law. (Obtainable from the Law School.)

(b) Prescribed statutes:
Students must obtain their own copies of the:
Companies Act 1961 (Vic.)
Conciliation and Arbitration Act 1904-1965 (Cth.)
Partnership Act 1958 (Vic.)
Trade Unions Act 1958 (Vic.)

(c) Recommended for reference only:
Wallace and Young, Australian Company Law and Practice. (Law Book Co., 1965.)
Charlesworth, Company Law. (7th ed., Stevens, 1960.)
Kavass, I. I., Australian Supplement to Cower on Modern Company Law. (Law Book Co., 1964.)
Ford, H. A. J., Unincorporated Non-Profit Associations. (O.U.P., 1959.)
Portus, J. H., The Development of Australian Trade Union Law. (M.U.P.)

EXAMINATION
One 3-hour paper for Pass or for Honours respectively.

265. MERCANTILE LAW
Mr. H. Luntz and Mr. M. P. Ellinghaus
A course of two classes per week throughout the year.

SYLLABUS
Mercantile law embraces those rules of law which are of particular importance to those who engage in commerce. It is built on the foundation of the law of contract.

In this course a study is made of two special types of contract which were the subjects of codified legislation in the late nineteenth century, viz. sale of goods and negotiable instruments. A study is also made of the development of the law relating to insurance contracts. The law relating to each of the following topics is considered: hire-purchase, carriage of goods by land, sea and air, and restrictive trade practices. (Other matters of importance in mercantile law are dealt with in other courses; for instance, the law relating to securities and to bankruptcy will be discussed in the course on Securities and Creditors' Rights, and partnership in the course on Legal Persons.)
**BOOKS**

(a) Recommended for preliminary reading:

(b) Prescribed books:

Students must obtain copies of the following Acts, which will be used in classes:
*Goods Act (Victoria) 1958.*
*Hire Purchase Act (Victoria) 1959.*
*Bills of Exchange Act (Commonwealth) 1909-58.*
*Instruments Act (Victoria) 1958.*
*Sea-Carriage of Goods Act (Commonwealth) 1924.*
*Life Insurance Act (Commonwealth) 1945-61.*
*Trade Practices Act (Commonwealth) 1965-6.*
*Collusive Practices Act (Victoria) 1955.*

(c) Recommended for reference:
Paton, G. W., *Bailment in the Common Law*. (Stevens, 1952.)
Richardson, J. E., *Introduction to the Australian Trade Practices Act*. (Hicks Smith and Sons Pty. Ltd., 1967.)

**EXAMINATION**

One 3-hour paper for Pass or for Honours respectively. A mid-year test may be held; if it is the results obtained may be taken into account in assessing a candidate's final result.

**257. PRINCIPLES OF CONTRACT**

Mr. S. D. Clark and Mr. M. P. Ellinghaus

A course of two classes per week throughout the year. Tutorials will also be arranged.

**SYLLABUS**

Principles of the law relating to contracts are of fundamental importance in most commercial transactions, and form the basis for the study of Mercantile Law, Conveyancing, Principles of Equity, Company Law and Taxation.

The course is a study, in depth, of reported cases, with the aim of acquiring an understanding of principle and the skills of legal analysis.

There is a programme of written work throughout the year requiring the solution of specific problems in the law of Contract. It is designed to supplement work done in class, and to develop writing and research skills.

The topics to be studied are: Formation of Contract (including the intention to create legal relations, the elements of agreement, the doctrine of consideration, the terms of a contract, mistake), Enforceability of Contracts (the Statute of
Frauds), Elements affecting Contractual Liability (including fraud, misrepresentation, undue influence and the effect of illegality), Capacity of the Parties, Limits of Contractual Obligations (agency, third-party contracts), Discharge of Contract (by agreement, performance, breach, frustration), Remedies (damages, quasi-contract).

Students will be required to (a) sit for a mid-year test, (b) submit either two exercises each of 1,000 words, or one exercise of 3,000 words. Full details will be given to students at the beginning of the academic year.

BOOKS

(a) Recommended for preliminary reading:

(b) Prescribed casebook:

(c) Recommended for reference:
Chitty on Contracts. (22nd ed., Sweet & Maxwell, 1961.)

EXAMINATION

One 3-hour paper for Pass or for Honours respectively. The written work and test described above may be taken into account in assessing a candidate’s final result.

266. PRINCIPLES OF EVIDENCE
Dr. C. L. Pannam

A course of two classes a week throughout the year.

SYLLABUS

This course deals with the general principles of the Law of Evidence, the manner in which evidential material is presented to the Court, the rules as to what witnesses may present evidence to the Courts and as to what evidence will be rejected by the Courts.

The common law system has, during the past three centuries, developed a detailed set of rules governing the reception of evidence by Courts. These rules were originally devised with the purpose of ensuring as far as possible, that evidence which might have to be evaluated by a jury should be trustworthy. The common law therefore developed its rules with a view to providing a guarantee in advance as to the probable trustworthiness of evidence which might be tendered. Its original rules have been much modified by statute since the middle of the nineteenth century but the original structure has remained and (if one assumes the accuracy of its underlying assumptions) presents a logical and coherent body of principles.

This course discusses the Law of Evidence as such a body of principles and concentrates especially on analysing them and exhibiting their interconnection. In this respect it adopts a different approach to the practical method of dealing with problems of evidence and proof which is often encountered in the course of actual court work; the latter method of approach, concentrating particularly on the practical problems presented by the existing body of principles, is dealt with in the course Problems of Proof.

BOOKS

Prescribed textbook:

Students are also required to obtain the Evidence Act, 1958.

Prescribed casebook:
Edwards, E. J., Cases on Evidence in Australia. (Law Book Co., 1968.)
Recommended for reference:

EXAMINATION

One 3-hour paper for Pass or for Honours respectively. A mid-year test may be held; if it is the results obtained may be taken into account in assessing a candidate's final result.

258. PRINCIPLES OF PROPERTY AND CONVEYANCING

Mr. R. Sackville

A course of sixty-two classes during the academic year. Tutorials will also be arranged.

SYLLABUS

The course is concerned with an analysis of the basic principles of the law of property.

This study transcends the traditional boundaries of real and personal property, although for reasons of time and convenience, most topics to be discussed are those usually considered under the rubric of "real property."

The course commences with an inquiry into the meaning of the concept of property and the purposes that are, or ought to be fulfilled by the law of property. There is then a critical analysis of some of the traditional concepts and classifications adopted by the common law in the context of a study of the law of fixtures. After a brief consideration of the impact of the Commonwealth Constitution upon the law of property the following topics are discussed: possession as a proprietary interest in land and goods; some basic concepts such as seisin and title; the fragmentation of proprietary interests, including the doctrines of tenure and estates, an introduction to future interests, the rules relating to concurrent proprietary interests; the development of legal and equitable interests, including a comparative treatment of their nature, extent and sphere of enforceability; the freehold estates in land with emphasis upon the reconciliation of the interests of the holder of the fee simple estate and all the community; the operation of the Settled Land legislation and trusts for sale; the acquisition of proprietary interests, with emphasis upon gifts of choses in possession and the operation of the Limitation of Actions Act in relation to interests in land; commercial transactions involving leasehold interests in land and bailment of goods; private planning in relation to land by means of easements, restrictive covenants, profis; security transactions with emphasis upon mortgages of interests in land; an introduction to the Torrens system of registration of interests in land; some problems relating to the reconciliation of the needs of the community and the desires of the holders of proprietary interests, in particular problems of planning of land resources (for example, zoning).

Students will be required to (a) sit for a mid-year test, (b) submit either two exercises each of 1,000 words, or one exercise of 3,000 words. Full details will be given to students at the beginning of the academic year.

BOOKS

(a) Prescribed for preliminary reading:

(b) Prescribed books:
or *Cheshire, G. C., Modern Real Property.* (10th ed., 1967, Butterworth.)

Students must obtain copies of the following Acts which will be used in classes:
*Property Law Act 1958.*
*Settled Land Act 1958.*
*Landlord and Tenant Act 1958.*
*Transfer of Land Act 1958.*
*Limitation of Actions Act 1958.*
*Town and Country Planning Act 1961.*
EXAMINATION

One 3-hour paper for Pass or for Honours respectively. The written work and test described above may be taken into account in assessing a candidate's final result.

272. PRIVATE INTERNATIONAL LAW
(To be re-named CONFLICT OF LAWS during 1970)

Professor C. Howard and Professor E. I. Sykes

A course of two classes per week throughout the year.

SYLLABUS

Private International Law is concerned with the problems which arise when a foreign element enters into a legal transaction or problem. In this course particular attention is given to problems of jurisdiction, that is to say the rules determining when a Victorian Court would assume jurisdiction in a case containing a foreign component; choice of law, that is to say the rules for determining the selection of the most appropriate law for the decision of a particular problem once a Victorian Court has assumed jurisdiction; and foreign judgments, that is to say the rules which a Victorian Court will apply in deciding whether to recognize and in appropriate cases to enforce a foreign judgment or order. Private International Law in Australia is concerned with both international and interstate problems. In the interstate sphere, the solution of problems may be affected by the existence of special legislation, by the provisions of the Commonwealth Constitution, and by the fact that the units are States of the same Commonwealth.

BOOKS

(a) Recommended for reference:
Nygh, P. E., Conflict of Laws in Australia. (Butterworth, 1968.)
Cowen, Z., and Mendes da Costa, D., Matrimonial Causes Jurisdiction. (Law Book Co., 1981.)
Dicey, A. V., Conflict of Laws. (7th ed., Stevens, 1958.)

EXAMINATION. One 3-hour paper, for Pass and Honours respectively.

281. PROBLEMS OF PROOF

This subject will not be available in 1970.

285. PROCEDURE

Mr. N. J. Williams

A course of one class per week throughout the year.

SYLLABUS

This subject is concerned with the rules applicable in the conduct of civil actions in the Supreme Court, to a lesser extent with the jurisdiction and practice in Courts of Petty Sessions, the control of those Courts by the Courts of General Sessions and by the Supreme Court, and with appeals from a judgment of the Supreme Court to the High Court.
Litigation is regulated conflict and the regulation of that conflict is largely embodied in and stems from the rules of procedure known as the Rules of the Supreme Court. The current Rules of the Supreme Court are those made in 1957 although amendments have been made to those rules from time to time since 1957.

The course studies those rules in relation to all the steps necessary to bring a case on for hearing, from the day when a writ is issued, the steps which are taken thereafter e.g. service of the writ of summons, the defendant's entry of appearance thereto, the pleadings exchanged between the parties, the principal forms of interlocutory proceedings e.g. discovery, interrogatories, the rules determining whether a case is to be tried by a Judge alone or by a Judge with a jury, the way in which a judgment may be enforced e.g. by Writ of fieri facias, Writ of possessions etc., attachment of debts etc. The course also deals with appeals from a single Judge to the Full Court of the Supreme Court and from the Supreme Court to the High Court.

Lastly, the course examines the jurisdiction, ordinary and special, of Courts of Petty Sessions and the principal procedural provisions applicable thereto as contained in the Justices Act 1958 and discusses appeals therefrom to the Court of General Sessions and to the Supreme Court.

BOOKS

Students are required to obtain:

*Rules of the Supreme Court 1957. (Reprinted Government Printer, 1967.)*

Recommended for reference:


Williams, N. J., *Supreme Court Practice.* (Butterworth, 1964.)

EXAMINATION. One 3-hour paper, for Pass only.

287. PROFESSIONAL CONDUCT

Mr. P. U. Rendit

A course of sixteen classes in first and second terms.

SYLLABUS

This subject relates to the rules established by law and custom for the conduct of legal practice in Victoria.

The course includes:

(a) The characteristics of a profession and their application to the legal profession;

(b) The history and organization of the Victorian legal profession;

(c) The sources from which the principles of legal professional conduct are derived.

(d) The duties owed by a practitioner to

(i) the law,

(ii) the Court,

(iii) his client,

(iv) his fellow practitioners.

(e) Special statutory obligations of solicitors under the Legal Profession Practice Act.

BOOKS

Prescribed textbook:


Legal Profession Practice Act. (Vic.) 1958. As amended. (Reprint [No. 2] [1st May, 1968] incorporates amendments up to and including Act No. 7539 which is the last amending Act at present.)

Auditors (Disclosure of Information) Rules as amended.

Solicitors (Audit and Practising Certificates) Rules as amended.
Solicitors (Professional Conduct and Practice) Rules.
Sharing of Remuneration Rules.

Note: that the above rules are set out in Heymanson and Gifford’s book and the second supplement to such book brings the Rules up to 1965.
Detailed references to other works will be given by the lecturer.

EXAMINATION. One 3-hour paper, for Pass only.

268. PUBLIC INTERNATIONAL LAW
(To be re-named INTERNATIONAL LAW during 1970)
Mr. C. A. Brennan

A course of two classes per week throughout the year.

SYLLABUS

In this course an analysis is made of the nature and function of International Law in order to assess its impact on contemporary International Society.

International Law is a dynamic field which provides an orderly framework for the relations between Sovereign States and such international organizations as have been endowed with international legal personality.
A sociological enquiry will be made into the reasons why States generally act in conformity with International Law and also why in certain circumstances a State may disregard a rule of International Law.

The course will deal mainly with the International Law of peace which will be expounded by reference to the seven fundamental and interrelated principles of International Law, namely: Sovereignty, Recognition, Consent, Good Faith, Freedom of the Seas, International Responsibility and Self-Defence. Other topics for discussion are the law of treaties, state succession and the position of the individual in International Law.

At the level of organized international society, superstructures such as the United Nations and its specialized agencies will be studied.

Finally, the course examines the jurisdiction of the International Court of Justice and the whole problem relating to the peaceful settlement of disputes both at the level of unorganized international society and at the level of organized international society.

The teaching method used is the Inductive method which treats the decisions of international courts and tribunals as the best evidence of the rules of International Law. Students will therefore be required to study a large number of cases during the year and to discuss them in class.

BOOKS

(a) Recommended for preliminary reading:

(b) Prescribed books:
*Cases and materials on International Law (obtainable from the Law School).

(c) Recommended for reference:
Friedmann, W., The Changing Structure of International Law. (Stevens & Sons, 1964.)
Hall, International Law. (8th ed., O.U.P., 1924.)
Jenks, C. W., The Common Law of Mankind. (Stevens, 1958.)
Jenks, C. W., The Prospects of International Adjudication. (Stevens, 1964.)
Lauterpacht, H., The Development of International Law Through The International Court. (Stevens & Sons Ltd., 1958.)
O'Connell, D. P., International Law, 2 Vols. (Stevens, 1965.)
O'Connell, D. P., (ed.), International Law in Australia. (Law Book Co., 1965.)

**EXAMINATION**

One 3-hour paper for Pass or for Honours respectively. Candidates for Honours will be required to attend Honours Seminars in the Second Term.

### 260. SECURITIES AND CREDITORS’ RIGHTS

Professor Sykes

A course of one class per week throughout the year.

**SYLLABUS**

This is a new course introduced in 1969 and comprises the following: viz.:

1. A comprehensive and systematized study of the law relating to securities, including a treatment of both the mortgage and non-mortgage type of security over land and personal property (both tangible chattels and choses in action). This also covers a treatment of the law concerning bills of sale and allied securities over personalty, securities given by companies, and the general problem of priorities between competing interests. Some attention is given to the problems of consumer credit purchase but the topic of hire purchase as such is treated under Mercantile Law.

2. A general study of the methods available for enforcement of a judgment.


**BOOKS**

(a) Prescribed textbooks:

Sykes, E. I., *The Law of Securities*. (Law Book Co., 1962.) [*The lecturer will indicate what portions of this book may be omitted.*]


(b) Statutes:

Students must obtain copies of the following Acts which will be used in class:


(c) Recommended for reference:


**EXAMINATION.** One 3-hour paper for Pass and Honours respectively.

### 277. TAXATION

Dr. C. L. Pannam

A course of two classes per week throughout the year.

**SYLLABUS**

In this course a study is made of those forms of taxation which particularly concern the legal practitioner. It is important that tax points arising in practice
should be recognized and their significance fully appreciated. The practitioner
should also know how to deal with tax problems as they arise.

Particular attention is given to Income Tax but the course also extends to
Gift Duty, Stamp Duty, Estate Duty and Probate Duty. A study is made in each
case of the nature of the taxable subject matter as this determines and explains
to a large extent the form of the relevant Act. In the case of Income Tax there
are special provisions relating to primary producers, partnerships, trustees and
companies and these are examined in some detail. Provisions incorporated in the
Act in order to protect the revenue and prevent tax avoidance are also considered.
Particular reference is made to the various amendments made in 1964. When dealing
with Gift Duty and Stamp Duty it is pointed out that one taxes transactions and
the other documents. However owing to recent amendments to the Stamps Act
this distinction is becoming less important.

In the case of Death Duties particular attention is paid to notional estate and
here again the Federal and State Acts are compared.

BOOKS

Recommended for reference:

Book Co., 1962.)

Book Co.)

Mannix, E. P., and Bowra, R. L., Australian Income Tax Leading Cases. (Butter-
worth, 1969.)

Further references will be given by the lecturer.

EXAMINATION. One 3-hour paper, for Pass or for Honours respectively.

MOOT COURT

Sir Philip Phillips, Q.C.

A Moot Court is held during first and second terms, usually in the Law School
Moot Court Room and elsewhere in the Law School.

The main purposes are, to extend the legal skills of students in applying legal
rules and principles to a known set of facts and in searching for and framing and
justifying legal rules applicable to a known set of facts in such a way as to promote a
client's case, and then to set out a 'brief' putting forward that case and finally to
expound the case 'in court'.

The exposition introduces students to the particular form of dialectic which
characterizes argument in our courts,—involving dialogue rather than speech making
and calling for mental agility and much impromptu explanation and justification. As a
by-product of this exercise in exposition Moot Court practitioners learn something of
the traditional style and good manners of the profession, and overcome some of the
nervousness and mental strain incidental to a novel and public ordeal and equally
perhaps learn to enjoy the nervous and mental challenge which they come to face.

For each Moot conducted there will be appointed a senior counsel, who will
be normally either a third or fourth year student, a junior counsel (a second year
student) and a solicitor who again will be in normal circumstances a third or
fourth year student.

Participation is compulsory for all students allocated to Moots and except for
good reason, no exemptions will be granted. In addition, students participating in the
moots may be required to attend for tutorial discussion on the written briefs for
counsel and on the moot itself.
NON-LAW SUBJECTS

Attention is directed to the requirement in the regulation that these subjects must be selected so that they form a group of two comprising a course of study in a single discipline.

The subjects may be chosen from courses for any other degree or diploma. Because of the imposition of subject quotas in some courses, the students' choice is limited usually to Arts (for details see Arts Handbook) or to Criminology, in which Criminology A and Criminology B will be approved. For details students should consult the Criminology Handbook.
Financial Assistance

Although it is the student's own responsibility to arrange the finance needed to support him through the University, some financial assistance is available.

Of the general scholarships offered for the whole period of a course the majority are awarded by the Commonwealth Government and the Victorian Education Department. A smaller number of other scholarships is also awarded at the commencement of University study and others are open to competition in later years of a course. In addition, annual exhibitions and prizes are awarded in a number of subjects.

The University awards annually a limited number of bursaries, usually of $100 a year, and students may also apply for loans from the Students' Loan Fund. Bursaries and loans are not normally offered in the First Year of a course.

Commonwealth University Scholarships

(a) Open Entrance Scholarships—awarded on the basis of results in the best three subjects (excluding English Expression) at the Matriculation Examination in four or more subjects. However, an adjustment is made in respect of additional subjects taken and account is taken of whether a student is repeating the Examination. Applicants up to 25 years of age.

(b) Later-Year Scholarships—awarded on the basis of results achieved in the equivalent of AT LEAST one year of full-time study in an approved University course. Applicants up to 25 years of age.

(c) Mature Age Scholarships—awarded on whole academic record; applicants 25 years of age and over on 1st January of the year in which the course was commenced.

Benefits: All compulsory fees. Full-time students may be granted a living allowance subject to a means test.

All enquiries should be made from:

The Officer-in-Charge,
Commonwealth University Scholarships Branch,
99 Queen Street,
Melbourne, 3000.

Gowrie Scholarship Trust Fund

In addition to postgraduate research travelling scholarships and secondary school scholarships, four or five University entrance scholarships, of the value $150 p.a. and tenable for the normal period of a University course, are awarded by the trustees. Applications for all Scholarships are due on 30 November each year. Further particulars may be obtained from the Secretary, The Gowrie Scholarship Trust Fund, P.O. E.5. St. James, Sydney, N.S.W., 2001.

Students' Loan Fund

Loans of up to $400 may be made in any one year to matriculated students who are pursuing or intend to pursue a University course, and who cannot proceed without such assistance.

Applications for loans must be lodged with the Registrar on the appropriate forms. Supplementary applications may be considered during the year.

Applications must be accompanied by evidence of the student's ability and full particulars of his financial position. The borrower must also provide a guarantor who is able and willing to guarantee the repayment of the loan.
Provided that the borrower’s work is satisfactory, the loan is free of interest during his course. Thereafter interest is chargeable at the rate of 4½ per cent. for five years, and at 5 per cent on any balance unpaid after that period. Further information may be obtained from the Accountant’s office.

Supreme Court Prize and Exhibitions

1. The following annual prize to be known as the Supreme Court Prize:
   To the candidate selected by the Faculty of Law as being the best student completing the final year of the course for the degree of bachelor of Laws with honours—$350.

2. The following exhibitions to be known as Supreme Court Exhibitions to be awarded annually:
   (a) To the candidate recommended by the examiners and placed first among all candidates in each of the subjects Equity, Mercantile Law and Principles of Evidence, $30.00.
   (b) To the candidate recommended by the examiners and placed first among all candidates in the subject Land Contracts, $10.00.

General Motors-Holden’s Pty. Limited Exhibitions

The following exhibitions to be known as General Motors-Holden’s Pty. Limited Exhibitions to be awarded annually:

1. To the candidate recommended by the examiners and placed first among all candidates in each of the subjects Constitutional Law and Taxation, $30.00.
2. To the candidate recommended by the examiners and placed first among all candidates in the subject Land Contracts, $20.00.

Anna Brennan Memorial Prize

The Anna Brennan Memorial Prize of $50 is offered by the Legal Women’s Association of Victoria to the woman placed highest in the final honour class list in Laws. If no woman is placed in such class list, then the prize shall be awarded to the woman with the best record throughout the course for the degree of bachelor of Laws, as recommended by the Dean of the faculty of Law.

Frank Pinkerton Scholarship

Candidates must be graduates in law of this University or barristers and solicitors of the Supreme Court of Victoria, in either case of not more than ten years’ standing. Where the candidate possesses both qualifications, time will run from the qualification first secured.

Each candidate must submit a subject pertaining to the law of Real and Personal Property, on which he proposes to undertake research.

The nature of the subject will be considered, as well as the ability of the candidate, in making the award.

The emoluments of the scholarship will be the net income of the endowment during the preceding year. The award will be made in the first instance for one year, but may be renewed for two further years.

The candidate will work under a supervisor nominated by the Faculty and the scholarship may be terminated at any time if the scholar does not discharge his duties to the satisfaction of the supervisor.

Applications should be addressed to the Registrar.

Postgraduate Studies

Grants from Research Funds

Allocation

Grants from the general research fund are made by the Professorial Board on the advice of its Standing Research Committee and the heads of the departments concerned.

Research Awards

The University of Melbourne grants to students a limited number of research awards from its own resources. Where an award is made, scholars are expected to
devote their whole time to research except for such tutoring and demonstrating work as is approved by the head of the appropriate department. Awards are made for one year, but may be renewed for additional yearly periods.

Research grants are awarded to selected graduates of Bachelor standing.

Research scholarships known as Williams Scholarships are awarded to selected candidates of Master standing who have shown marked ability for research and who are undertaking further research training, as Ph.D. candidates. Research scholarships may be renewed annually for a period not exceeding three years.

**Emoluments of Awards**

For students proceeding to a Master's degree the value of a research grant is $1,600 per annum plus compulsory fees. The value of research scholarships varies from $1,800 to $1,950 per annum (plus annual compulsory fees).

**Research Fellowships**

The University of Melbourne has established five research fellowships, not more than two of which may be senior fellowships. The senior fellowships have the status and salary of a senior lecturer and a fellowship the status and salary of a lecturer. Fellowships may be held for one, two, but not more than three years. Travelling allowance is made for a fellow appointed from overseas.

Fellowships will be advertised as they become vacant.

**Travelling Research Scholarships**

Two travelling research scholarships* are offered in two years out of every three to enable a graduate who shows first-rate capacity for research to undertake approved work at an overseas university, or other suitable institution. The value of the scholarship, which is normally awarded for three years, is $2,500 per annum.

**Research Report**

All persons conducting research in the University, whether under research awards or otherwise, are required to submit, by the end of February in each year, reports on their research during the preceding twelve months to the heads of their departments, together with a list of their research publications during the period. Heads of departments also submit departmental research reports, which are published in the annual University of Melbourne Research Report.

**Mode of Application**

Applications for research awards and grants must be made on a form designed for the purpose (and available at the office of the Dean of Graduate Studies). Applications must be lodged with the Secretary for Graduate Studies before 19 December. In general, research awards are made as from 1 March.

Further information may be obtained from the Secretary for Graduate Studies.

**Summary of Awards**

In some cases Law students compete for awards with students of other faculties. This fact is indicated by an asterisk being placed beside the title of the award. Values of awards as shown are approximate only.

### ENTRANCE

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<thead>
<tr>
<th>Field</th>
<th>Title and Approximate Value</th>
<th>Calendar Reference or Information Source</th>
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<tbody>
<tr>
<td>Unrestricted</td>
<td><em>Senior Government Scholar-ship $80 p.a.</em></td>
<td>Secretary, Education Department, Treasury Place, Melbourne, Vic. 3002</td>
</tr>
<tr>
<td></td>
<td><em>Free Places Tuition Fees</em></td>
<td>Secretary, Education Department, Treasury Place, Melbourne, Vic. 3002</td>
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</table>

* The Aitchison Travelling Scholarship and the Myer Scholarship which are together worth $2,500 are also available for research abroad. The combined scholarship is also offered for three years but only in two out of every three years.
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<thead>
<tr>
<th>Field</th>
<th>Title and Approximate Value</th>
<th>Calendar Reference or Information Source</th>
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</thead>
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<td>*N.U.A.U.S.</td>
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<td>R.6.97 Accounts Department</td>
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<tr>
<td>*Dick Bursaries</td>
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<td>*Moran Bursaries</td>
<td>$180 p.a.</td>
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<td>*Edwin Nonus Smith</td>
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<tr>
<td>*War Bursaries</td>
<td>Tuition Fees</td>
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<td>Unrestricted</td>
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<td>*Marion Boothby Exhibition</td>
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<td>*Rosemary Merlo Prize</td>
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<td>Jessie Leggatt Scholarship</td>
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<td>*Maguire Exhibition</td>
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<td></td>
<td>Sir George Turner Exhibition</td>
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<tr>
<td></td>
<td>*Hearn Exhibition</td>
<td>Awarded on examination results</td>
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<tr>
<td></td>
<td>*Stewart McArthur (Medico-Legal Society) Prize</td>
<td>See “Announcements”</td>
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<td>Sub-Dean</td>
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**GRADUATE**

| Unrestricted                  | *Aitchison Travelling Scholarship $2,000 | R.6.46 Secretary for Graduate Studies |
|                               | *Baillieu Research Scholarship $1,600 | R.6.95 Secretary for Graduate Studies |
|                               | *Bartlett Research Scholarships $200 | R.6.51 Secretary for Graduate Studies |
|                               | *British Council Travel Grants Tourist return sea passage | See “Announcements” Registrar’s Office |
|                               | *Cowrie Research Travelling Scholarships £720 stg. | The Trustees, Cowrie Scholarship Trust Fund, P.O. Box E5, St. James, Sydney, N.S.W. 2001 |
|                               | *Rhodes Scholarship £750 stg. p.a. | See “Announcements” Registrar’s Office |
|                               | *Sir Arthur Sims Travelling Scholarship $2,000 | R.6.80 Secretary for Graduate Studies |
|                               | *Taft Interchange Scholarship $2,000 | R.6.70 Secretary for Graduate Studies |
| Law                           | Outhwaite Scholarship $65 | R.6.88 Sub-Dean |
|                               | *Stewart McArthur (Medico-Legal Society) Prize $100 | See “Announcements” Sub-Dean |
| English Constitutional History| *Wyselaskie Scholarship $500 | R.8.7 The Registrar |

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