This handbook should be read in conjunction with the Student Diary issued to all students on enrolling or re-enrolling.

In exceptional circumstances the Council is empowered to suspend subjects and to vary the syllabus of a subject. Details of any such alteration will be available from the faculty office and will be announced on departmental notice-boards.

Students' attention is drawn to the Council's power to suspend subjects and to the working rules for both LL.B. and LL.M. courses relating to minimum enrolments in subjects. Insufficient enrolments in an optional subject in any year may result in the suspension of the subject for that year. The subjects to which this condition applies are those contained in LL.B. Working Rule 2(iii)(b) and (iv), and all subjects for LL.M. by course-work.

ISBN 0 86839 903 5
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3
THE FACULTY OF LAW

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Deputy Dean: DR A. J. BRADBROOK
The Vice-Chancellor
The Deputy Vice-Chancellors

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MS M. P. AIKEN-PETerson
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MR D. L. BAILEY
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MRS E. R. CAMPBELL
MS A. CHARAK
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Full-Time

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J. MALBON, LLB Adel. LLM York (Can.) Barrister and Solicitor of the Supreme Court of South Australia
D. J. O'CALLAGHAN, LLM Yale BA LLB Barrister-at-Law

Part-Time

Lecturers

B. BOASE, LLB Barrister and Solicitor
PART A

GENERAL INFORMATION

DATES IN 1987

Undergraduate Courses
See Student Diary.

LL.M. Course

Last day of application for candidature and approval of course, 5 December, 1986.
First half-year classes begin, 2 March
Second half-year classes begin, 13 July

COURSES

The following courses are available in the Law School:—
(a) Bachelor of Laws (Reg. 3.14) may be completed in four years of full-time study. For further details attention is directed to the regulation and the working rules.
(b) Master of Laws (Reg 3.15) either by thesis or by examination. See Part C of this handbook.
(c) Doctor of Philosophy (Reg. 3.60). See Part C of this handbook.
(d) Doctor of Laws (Reg. 3.16). See Part C of this handbook.

Apart from these degree courses the faculty provides instruction in the subjects of the courses prescribed by the Council of Legal Education.

The Articled Clerks' Course

The course is one of those prescribed by the Rules of the Council of Legal Education as a prerequisite 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.

Legal Process
Criminal Law
Contracts
Torts
Constitutional and Administrative Law
Property
Trusts
Litigation
Accounts
Professional Conduct

Additional subjects specified by the Council of Legal Education as constituting the equivalent of one year of full-time study in the course for the degree of bachelor of Laws.
Examinations in the first four subjects must be passed before the student enters into articles of clerkship. Those 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 manner prescribed by the faculty.

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.

Stipendiary Magistrates

Under Public Service Regulations, candidates for appointment as Stipendiary Magistrates are required to qualify for the degree of bachelor of Laws.

PART-TIME STUDIES

Students may enrol for part-time studies in Law, but they must appreciate that no evening classes are provided. These students must make arrangements with their employers so that they may attend classes during the day.

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 serving articles of clerkship there, or are taking subjects in the articled and managing clerks' courses, and who are employed full-time in solicitors' offices will be permitted to enrol as non-attending 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. External students are not required to pay the annual amenities and services fee.

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

Persons, who have qualified for the degree of LL.B. or its equivalent, of any institution approved for admission purposes in Victoria under the rules of the Council of Legal Education, may enrol in the Summer School.
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 complete their post-degree subjects in the Summer School. Students who intend to enrol in the legal practice course at the Leo Cussen Institute are advised to enrol in the Summer School.

FACULTY OFFICERS

The sub-dean, the assistant registrar, and the administrative officer are the officers to whom 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 courses at large or of a particular subject.

THE LAW LIBRARY

Within the Law School Building is the Law branch library of the general University Library. The Law Library houses over 120,000 volumes, either bound or in microform. There is a card catalogue indexing books acquired up to the beginning of 1980, and a microfiche indexing books acquired since then. Both catalogues usually index books under author, title and subject. Entries for books in the Law Library also appear in the Baillieu Library’s catalogues.

Hours

Throughout the academic year the Library is open from 8.45 a.m. to 10 p.m. Monday to Thursday, from 8.45 a.m. to 6 p.m. on Friday, and from 9.00 a.m. to 1 p.m. on Saturday. In 3rd Term the Saturday closing hour is 5 p.m. During the long vacation the Library is open from 9.00 a.m. to 5 p.m. Monday to Friday only.

Borrowing

The Library is primarily a reference, not a lending collection. Volumes of statutes, law reports, digests, encyclopaedias, dictionaries and periodicals ordinarily may not be removed from the Library at all. Other books, except those on reserve, may be borrowed on seven days’ loan. Books taken from the open shelves for use in the Library should not be returned to the shelves, but should be placed on a sorting table. Books borrowed overnight must be returned to the Reserve Desk.

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.

Reserve Books

Certain books, which are in constant demand, are retained at the Reserve Desk. This is indicated in the catalogue by a red marker placed on the main card. A complete catalogue of books held in the Reserve Collection is available in the Reserve area. 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. This means that, on production of the bar-coded University identification card to the library staff member on duty, a student may take out a book from 5 p.m. on any day Monday to Thursday and must return it by 8.45 a.m. the next day. Books borrowed on Friday from 4 p.m. must be returned by Monday morning. On Saturday a book may be taken from 9 a.m. and must be returned by 8.45 a.m. on the following Monday.
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.

Regulations
The University 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. In addition a special booklet setting out Law Library details is distributed early in first term.

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. Silence must be observed in all parts of the Library outside the discussion area.

Smoking, eating and drinking are not permitted in the library.

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 positions 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 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 useful in their professional careers.

THE LAW STUDENTS' SOCIETY
The Law Students' Society is the student club of the Law School. All students enrolled in law are automatically members. The L.S.S. is funded by the Students Representative Council from money collected from students on enrolment. The primary function of the L.S.S. is to safeguard students' academic interests. Examples are study conditions, assessment of courses, the quality of (or need for) courses, and library matters. Students elected by students, sit on the faculty and a number of its committees. The L.S.S. education sub-committee has regular discussions with the Dean and staff on matters of immediate concern. Students can express their views effectively on these matters either by standing for a position on the L.S.S. (or its education sub-committee) or by simply...
attending any of their regular open meetings. Positions on the L.S.S. and all its committees are filled at the annual election held in second term, except for first year representatives, who are elected in first term.

A second function of the L.S.S. is to involve law students in matters of general concern to society and the law. Thus it organizes speakers and forums. The L.S.S. also maintains close links with free legal services and organizes voluntary help for them by law students. As a member of the national law student body (A.L.S.A.) the L.S.S. sends a delegation to its annual meeting. The L.S.S. maintains links with the legal profession on such matters as finding articles and the post-degree qualifications needed for admission to practice. It also maintains contact with such bodies as the Young Lawyers and Young Barristers Committees, which work to improve working conditions for recent entrants to the profession. The L.S.S.'s third role is to organize social functions. These include end-of-term celebrations, Law Ball, Valedictory Dinner and week-end camps. They provide an opportunity for staff and students to mix freely in an extra-curricular environment.

ASSESSMENT

Chapter 4 of the University Regulations (see Calendar) provides for the assessment of students.

METHODS OF ASSESSMENT

Methods of assessment in the Law School may vary considerably from subject to subject. Some information is included under the details of each subject, but full information will be provided prior to enrolment each year, when the details of written work prescribed in each subject are published in a supplement to this Handbook. That supplement will be available at the Law School office for issue to students.

Examinations
See Student Diary.

Determination of Disputes and Questions relating to Assessment
See the Student Diary.

Duties of Examiners and Examination Boards
These matters are covered by Regulation 4.2. Section 7(3) provides that the Academic Board shall give certain directions. They are as follow:

(i) All oral and aural tests should be conducted before two markers. If this is not possible, and a single marker fails the student on that test, the student must be given another test by another marker, and in that case at least one of the markers must be a member of the examination board.

(ii) As far as practical components are concerned, each item should be assessed by two markers, one of whom is a member of the examination board. If it is not reasonably practicable for each practical component to be so marked, then Direction (v) can be applied.

(iii) Each written test or assignment which is intended to form part of a student's assessment in the subject and on which the student is failed by one markar, should thereupon be marked by another
marker before being returned to the student. Alternatively, a board of examiners may retain a second copy of any failed test or assignment for marking by another marker at the end of the year should the student’s overall result be a fail. In each case, one of the markers must be a member of the examination board.

(iv) Each written test, examination, essay or similar assignment which can reasonably be assessed by two markers shall for the purpose of these directions, be considered as one complete and separate component and shall not in part or whole be grouped with any other such items as part of one component or as components of the same kind.

(v) Components of assessment other than written tests, examinations, essays or similar assignments which can reasonably be assessed by two markers may, for the purposes of Regulation 4.2.7(2)(b), be grouped together as components of the same kind in the following groups:

(a) items of practical work such as work in the laboratory, architecture design projects, music performance or similar assignments;

(b) separately assessed items of field or clinical work;

(c) oral examinations and tests;

(d) aural examinations and tests;

(e) miscellaneous components each having a weight of ten per cent or less of the total assessment in the subject, grouped either as one kind or together with any of the above; and

(f) such other grouping of components of assessment of the same kind as may be defined by the Academic Board on the advice of the board of examiners and published to students; provided that the combined weight of components of one kind does not exceed sixty per cent of the total assessment in a subject, and provided that no component has a weight of more than half the combined weight of the components of one kind in which it is grouped.

Special Consideration

See Student Diary and Regulation 4.3 for information concerning special consideration and special examinations. In addition, students should note the following.

The faculty publishes information each year in the Handbook supplement so that students will be aware of the limits of assistance available under the regulation, the procedure which students must follow in making applications, and to whom application must be made.

Confidentiality

Where the grounds for special consideration are of a particular personal or confidential kind, the Sub-Dean is empowered to take special steps to ensure that such information is protected. Students should not be deterred from applying for special consideration because the grounds are of a confidential nature.

Supplementary Assessment

Pursuant to Section 3(2) of Regulation 4.3 the Faculty of Law has resolved that for 1987 supplementary assessment shall be available to students in the following circumstances:
1. (a) In cases where the candidate has failed in Law subject(s) aggregating not more than 3 points and has obtained not less than 40% in each of those subject(s) in the annual assessment and requires to obtain passes in the subject(s)
   (i) to qualify for the LL.B. degree, or
   (ii) to complete the articled clerks’ course, or
   (iii) to complete the Stipendiary Magistrates’ course, or
   (iv) to complete the subjects required to be completed before entry into articles by a person pursuing the articled clerks’ course.

   (b) In cases where the candidate has failed in one Law subject, and has obtained not less than 40% in that subject in the annual assessment and requires a pass in that subject
   (i) to qualify for admission to some other degree of the University in those cases where the candidate has been pursuing a combined course with Law, and has signified an intention to abandon further studies in Law, or
   (ii) to retain or qualify for an entitlement to a living allowance under the Tertiary Education Assistance Scheme Provided that the Sub-Dean may allow supplementary assessment in a subject where a candidate has obtained less than 40% in the annual assessment and where after consultation with the examiners in the subject he/she is satisfied that a genuine attempt has been made and that special circumstances exist.

2. No additional assessment shall be available for Research Project A or Research Project B.

Candidates seeking additional assessment pursuant to paragraph 1(a) (ii), (iii) or (iv) or to paragraph 1(b) (i) or (ii), must make application in writing to the Sub-Dean by Friday, 18th December, 1987. Those eligible by virtue of paragraph 1(a)(i) will be identified automatically by the Sub-Dean.

UNSATISFACTORY PROGRESS
See also Student Diary and Regulation 2.5 in Calendar.

Progress Rules

1. Two Progress Committees are appointed annually, one to consider the progress of first year students, the other acting in respect of later year students.

2. The function of the Committees is to investigate the circumstances of the student’s performance in the Law course and consequently to elicit and elucidate any facts which may weigh in favour of the student so that these may be taken into account, together with the student's record, when the Committee considers whether action should be taken or any opinion given for the purposes of Regulation 2.5. In considering a student's progress the faculty would normally take into account personal, financial and study problems.

3. Each year the progress of students in the Law course is reviewed and consideration is given as to whether action should be taken over any student who has failed in half or more than half of his or her enrolment in that year in terms of either credit points or subjects, or who has failed a subject on two or more occasions. The relevant subjects are those which can be counted as subjects of a Law course. A list of students with respect to whom action may be taken
is then compiled. Each student whose name appears on the list is notified and invited to make a written submission to the appropriate Progress Committee. Arrangements are also made for each student to be interviewed by that Progress Committee.

4. At the interview the student is given the opportunity to be heard and any information before the Committee, except exact marks, is made known to the student. After considering the student’s case the Committee may:
   (a) report to the Academic Board that in its opinion the student should be suspended from the course; or
   (b) decide that the subjects for which the student may enrol in the forthcoming year should be specified; or
   (c) take no action.

5. If any decision is made to specify the subjects, the Committee advises the Sub-Dean as to the number of subjects to be taken and whether to specification is for named subjects.

6. Students are normally informed of the results of the Committee’s decision orally immediately after the hearing, but in all cases the student is notified in writing by post also. Students reported to the Academic Board are advised of their right to appear before the Board and copies of relevant regulations are provided.

7. Any student in respect of whom a report has been made to the Academic Board that that student be suspended from the course is given the opportunity of making an explanation to the Academic Board which may either suspend the student, limit his or her future enrolment, or permit the student to continue in the course without restriction.

8. For the precise rules relating to unsatisfactory progress students should consult regulation 2.5 in the University Calendar.

LEAVE OF ABSENCE

Applications for leave of absence must be made in writing to the Sub-Dean.

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 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 one year in articles or complete the legal practice course at the Leo Cussen Institute for Continuing Legal Education. Provided they pass in the undermentioned subjects, either as part of the degree or otherwise, in addition to the compulsory subjects of the degree, they will satisfy the academic requirements for admission. The additional subjects are Litigation (or Evidence and Procedure), Accounts and Professional Conduct. Students may be exempted from passing in Accounts if they have completed an approved Accounting subject at a tertiary level and pass in Trust Accounts in the Professional Admission Summer School.
PART B

UNDERGRADUATE LAW COURSES
ENTRY TO LAW SCHOOL

Applicants are advised to consider the General Principles of Selection and the Special Principles of Selection which are appropriate to the level at which they may be seeking entry to courses. These are published in the University’s Prospectus and they may also be seen at the faculty office.

Principles of Selection cover the following areas:
- General Principles of Selection for Entry to First Year Undergraduate Courses
- Special Principles of Selection for Entry to First Year Undergraduate Courses in the Faculty of Law
- General Principles of Selection for Entry to Second and Later Years of Undergraduate Courses
- Special Principles of Selection for Entry to Second and Later Years of Undergraduate Courses in the Faculty of Law

Potential applicants, after reading the relevant sets of principles, should seek further information from the faculty of Law if they need assistance in interpreting these principles in the light of their own circumstances and background.

SPECIAL COURSE REQUIREMENTS

In addition to satisfying the University entrance requirements candidates must have satisfied the special course requirements prescribed for their course. For the Law courses no special course requirements are prescribed.

QUOTA SELECTION — FIRST YEAR

Approximately 240 students are admitted into first year studies in Law. They are selected by a committee formed for that purpose. Selection is based primarily on academic merit disclosed by the results obtained in the Higher School Certificate examination. For full details the Principles of Selection should be consulted.

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

1. Obtain from the Victorian Tertiary Admissions Centre, 40 Park Street, South 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. If required, enter and attend for an admission test.

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 the subject Legal Process should communicate with the Assistant Registrar (Law) early in the month of September preceding the proposed year of entry, for advice and information regarding entry and entry procedure.

APPROVAL OF COURSES

All students must have their courses approved each year before they are enrolled.

ENROLMENT

New Students

No student may enrol in any Law subject unless he or she has been selected in the entry quota.

Re-Enrolment

All previously enrolled students are sent instructions relating to re-enrolment prior to the end of the third teaching term. Those instructions must be followed carefully.

SUBJECT QUOTAS

It is possible that from time to time it may be necessary to limit enrolments in particular subjects. At present enrolments are restricted in Problems of Proof. Because the syllabus in this subject requires each student to be attached to the Public Solicitor for a criminal trial it has proved necessary to limit to 25 the number of students who may be permitted to enrol.

Selection is from amongst those who have obtained honours in the subject of Litigation according to their relative results in that subject and, should the quota be not filled, then from amongst those who have passed in Litigation according to their relative results in that subject.

Enrolments are restricted to 25 also in Legislative Process and to 30 in Drugs and the Law, selection being based on students' performances in the compulsory Law subjects of the first two years of the LL.B. course.

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 one year as a clerk articled to a practising solicitor, or to complete the Legal Practice course at the Leo Cussen Institute, and 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 articulated 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.
WHAT ARE THE SPECIAL CAPACITIES OF THE LAWYER
AND HOW ARE THEY ACQUIRED?

The lawyer will find it essential to develop certain capacities in 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
The lawyer will need to 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 intentions—all tasks involving skill in communicating one's 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 the lawyer to discover the legal rules governing any particular issue. In practice, lawyers will often have to depend on their 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 the lawyer 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 course students 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, they will have been obliged to make strenuous efforts to grasp and explain legal concepts and rules—and it is by such personal activity that they will best acquire "legal" wisdom.

To enable them to develop their intellectual strength the Law School provides:
(a) discussions of cases in class after preparation;
(b) written exercises;
(c) Moot Court arguments and procedures;
(d) lectures.

Case Discussion
Students taking four subjects in the first year will have ten or eleven lecture classes per week. It is most important that they should not expect merely to memorize notes (dictated in class or issued in printed form) which they will give back in an examination. They will find in Legal Process, for example, that they are provided with a set of cases and
materials. The lecturer will announce in advance that certain cases will be discussed at the following class. Students will be expected to have spent adequate time before class reading carefully these cases, analysing their contents, and making a summary of them. In class students 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 this 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.

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 students do for themselves that matters—how seriously they prepare cases and how actively they join in discussion.

**Written Exercises and Essays**

These will be set at intervals in several subjects. 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. They usually constitute part of the assessment in the subject and enable students to develop skills in research and the preparation and presentation of written argument.

**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 students will be able to develop their talents of exposition and debate in conditions similar to those they will encounter in practice 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 Legal Process 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 find readily the relevant material necessary for your studies in the various subjects of the course, for the preparation of exercises and essays, and for briefs in the Moot Court programme. What a lawyer needs above all is to know where to look for the law.
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 the 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
Students will have dissected numerous cases, selecting those facts which had legal results, noting how the courts applied principles of law to those results. They will have considered possible variations of those facts, in class and outside, realizing that no client will ever come to them with facts exactly similar to those in any reported case.

(b) Inductive Reasoning
They 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 they 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
They 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 persons 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 in 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 cannot 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 careers.

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 person 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 the prime duty is to help 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 persons a narrow technical instruction would be quite inadequate.

So all this apparatus of training will be only partly effective unless the student makes good use of it. For example, if a student neglects to prepare the problem set, fails to take part in discussions unless prodded by the lecturer, makes no effort to grapple with the issues debated (through shyness or apathy), that student will be largely wasting time. Similarly students must do something to fill gaps in their own knowledge. For example, they will be constantly encountering unfamiliar terms in their books. They must train themselves to discover their meaning without delay by, for example, looking at a Law Dictionary. They must sharpen their minds by informal discussions with fellow students on controversial questions.

They will need to remember, too, that the University year is quite brief — only 26 weeks of lectures generally. Thus the short vacations are not holidays. They are periods set aside for the student to catch up on reading, to prepare for examinations and to complete written assignments.

WHAT TO READ

Preliminary Reading for the New Student

The new student 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. In every subject the wise student will begin reading early—remembering that there will be many distractions—meetings, dances, concerts, sports, special functions—from regular studies in the early weeks and that, if they do not watch out, they will find an entire term has slipped by without their 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) (4th ed., Law Book Co., 1983), specially written (and designed) for Australian first year students.


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 student 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 Dictionary**

Law Dictionaries are less exciting but more useful. New students, as we pointed out, will encounter, on almost every page of a statute or a report, terms and phrases about whose meaning they will be either ignorant or vague. It is foolish to remain in this uninformed state; the student 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.

**BACHELOR OF LAWS AND BACHELOR OF LAWS WITH HONOURS**

**REGULATIONS**

Regulation 3.14—Degree of Bachelor of Laws

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

2. A candidate for the degree of bachelor of Laws shall, after matriculating, follow a course of studies for at least four years (or such lesser period as the faculty may determine in special cases), pass examinations in accordance with the conditions prescribed, and, unless excused therefrom by the Dean of the faculty of Law, carry out such moot court work as shall be prescribed in the details of subjects.

3. (1) The subjects of the course and the conditions on which such subjects may be taken shall be prescribed from time to time by the Academic Board on the recommendations of the faculty of Law and published with the details of subjects.

   (2) Points as prescribed from time to time by the Academic Board on the recommendation of the faculty shall be allocated to each
subject of the course and such allocation shall be published with the details of subjects.

(3) (a) A candidate who fails to pass in a subject shall receive no points for that subject.
   (b) A candidate who passes in a subject shall receive the total points allocated to that subject.

4. A candidate who has complied with the prescribed conditions and has obtained a cumulative total of at least forty-one points, or such lesser number of points as may be prescribed by the faculty in special cases, may be admitted to the degree of bachelor of Laws.

4A. A candidate for the degree of bachelor of Laws with honours who has—
   (a) obtained the points prescribed for admission to the degree of bachelor of Laws;
   (b) in at least one subject approved by the faculty, completed satisfactorily a substantial piece of legal writing; and
   (c) passed at the University in subjects offered by the faculty in the course for the degree of bachelor of Laws to which have been allocated a total of not less than twenty points, may be admitted to the degree of bachelor of Laws with honours.¹

5. A candidate who—
   (a) is qualified to matriculate; and
   (b) thereafter passes, in accordance with the rules of the Council of Legal Education in force from time to time, any subject or subjects at the University may, with the permission of the faculty be given credit for the subject or subjects so passed in the course for the degree of bachelor of Laws with credit for the appropriate points.

6. (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 2 any candidate who has been admitted to practise for not less than ten years, if the faculty is satisfied that the candidate has achieved distinction in the application of the law whether in private legal practice or other occupation may, subsequently to matriculating, be admitted to the degree of bachelor of Laws upon submission of a thesis by the candidate on a subject approved by the faculty, which thesis is considered by examiners appointed by the faculty to make a contribution to legal learning. Such thesis may consist in whole or in part of published articles, papers or books of which the candidate is the author but may not incorporate work previously submitted for a degree in this or any other university or in any other institution.

¹A prize of $1,000 to be known as The Supreme Court Prize will be provided from the Supreme Court Library Fund for the candidate placed at the head of the degree class list.
7. Notwithstanding anything to the contrary in any regulation a candidate who has passed at the University, or at Monash University, in the subjects required to be passed at a university for appointment to the office of Stipendiary Magistrate according to the regulations made under the Public Service Act 1974 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 and to matriculation, in such subjects of the course for the said degree in such order as the faculty may approve and on obtaining such points as the faculty may prescribe.

WORKING RULES

DEGREE OF BACHELOR OF LAWS

1. (i) The subjects of the degree and the points to be awarded for each are specified in Clause 2 hereof.

(ii) In each subject candidates will be assessed in such a way that honours may be obtained in the subject. Separate class lists shall be published in each subject.

(iii) Honours in each subject shall be classified as first class, second class division A, second class division B and third class. The names of candidates who obtain first class honours and second class honours division A shall be arranged in order of merit.

(iv) in these rules “examination” includes such methods of assessment as the faculty shall prescribe.

2. (i) The subjects of the first year shall comprise the following:

(a) 730-101 Legal Process. (3 points)
(b) 730-102 Criminal Law. (2 points)
(c) 730-103 Torts. (3 points)
(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 as equivalent to the first two parts of a major for the purpose of the degree of bachelor of Laws. (2 points)

(ii) The subjects of the second year shall comprise the following:

(e) 730-202 Contracts. (3 points)
(f) 730-203 Property. (3 points)
(g) 730-204 Constitutional and Administrative Law. (3 points)
(d) One non-Law subject which, if a subject of the course for the degree of bachelor of Arts, shall, except with the approval of the faculty, be the second 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 the Faculty may require a candidate who has shown weak-
ness in English Expression in the previous work for the degree to pass in Rhetoric instead of the non-Law subject hereinbefore referred to. (2 points)

(iii) The subjects of the third year shall comprise the following:

(a) 730-301 Trusts. (2 points)

(b) Subjects aggregating not less than 7 points nor more than 9 points chosen from the following:

- 730-302 Advanced Administrative Law. (2 points)
- 730-325 Advanced Constitutional Law A. (2 points)
- 730-337 Advanced Constitutional Law B. (2 points)
- 730-330 Advanced Contract Law. (1 point)
- 730-308 Agency, Partnership and Unincorporated Associations. (1 point)
- 730-345 Australian Immigration and Nationality Law. (1 point)
- 730-309 Banking and Negotiable Instruments. (1 point)
- 730-310 Civil Liberties. (1 point)
- 730-346 Commercial and Consumer Transactions A. (2 points)
- 730-347 Commercial and Consumer Transactions B. (2 points)
- 730-334 Company Law 1. (2 points)
- 730-311 Comparative Constitutional Law. (1 point)
- 730-341 Comparative Labour Law. (1 point)
- 730-333 Consumer Credit. (1 point)
- 730-312 Criminal Law 2. (1 point)
- 730-331 Drugs and the Law. (1 point)
- 730-343 Easements, Profits and Covenants. (1 point)
- 730-313 Family Law. (2 points)
- 730-314 Insurance Law. (1 point)
- 730-335 Intellectual Property. (2 points)
- 730-307 International Law. (2 points)
- 730-327 Introduction to Japanese Law. (1 point)
- 730-306 Introduction to Modern Civil Law. (2 points)
- 730-315 Jurisprudence. (2 points)
- 730-316 Jurisprudence 2A. (1 point)
- 730-326 Jurisprudence 2B. (1 point)
- 730-338 Labour Law A. (1 point)
- 730-340 Labour Law B. (2 points)
- 730-344 Landlord and Tenant Law. (1 point)
- 730-342 Law and Discrimination. (1 point)
- 730-317 Legal History. (2 points)
- 730-318 Legislative Process. (2 points)
- 730-305 Litigation. (3 points)
- 730-348 Media Law. (2 points)
- 730-339 Occupational Health and Safety. (1 point)

1. After 1987, this will not be available as such but will form part of Commercial and Consumer Transactions B.
2. See Working Rule 2 (v).
(iv) The subjects of the fourth year shall comprise those subjects available in the third year and those chosen from the following, none being a subject for which the candidate has obtained credit in the third year of the course, and aggregating not less than 9 points and not more than 11 points:

- 730-403 Company Law 2. (1 point)
- 730-404 Conflict of Laws. (2 points)
- 730-412 Land Contracts. (1 point)
- 730-411 Problems of Proof. (1 point)
- 730-413 Research Project A. (2 points)
- 730-414 Research Project B. (1 point)
- 730-401 Security Law. (2 points)
- 730-405 Selected State Taxes. (1 point)
- 730-407 Taxation. (2 points)

(v) "Open Courses" are subjects for which details may be prescribed from time to time by the faculty and approved by the Academic Board. Each such subject shall count for not more than 2 points.

(vi) (a) A "Research Project" shall constitute a piece of organized research into some area of legal knowledge or the legal regulation of some activity of legal significance. The approval of a subject as a research project shall be subject to such conditions as the faculty shall determine.

(b) The faculty shall issue directions concerning the appointment of examiners and the admission of candidates to special examinations and any matters incidental thereto in connection with research projects in general or any particular research project.

3. (i) Subject to the next sub-section 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 the candidate may present for examination in addition to presenting for examination in the subject or subjects in which he or she has failed to pass.

(ii) A candidate who has not passed at one annual examination in the subjects of Legal Process, Criminal Law and Constitutional and Administrative Law may not re-enrol for any of those subjects or enrol for any other subjects of the course for the degree of bachelor of Laws without first obtaining permission from the faculty.

4. The faculty reserves the right not to offer a subject in a particular year if a minimum enrolment is not reached. The availability of subjects may also depend on staffing.

5. (1) A person who has been a candidate for the degree of bachelor of Laws, and

(a) has been absent for a continuous period of not less than five years:

4. After 1987, this will not be available as such but will form part of Commercial and Consumer Transactions B.
(b) has been suspended from the course for the degree and has not been re-admitted within a period of five years from that suspension; or
(c) whose course has been terminated pursuant to Regulation 2.2 and who has not been re-admitted within a period of five years from that termination;
shall not retain credit for any subject of the course.

(ii) It shall be open to any person referred to in sub-paragraph (i) to apply for re-admission and the Faculty may recommend or authorize re-admission as the case may be and in doing so it may recommend or authorize that such a person be granted credit for subjects which that person had passed when previously a candidate.

6. Subject to clause 5 and to any other statute or regulation whereby a candidate may be deprived of credit for any subject, where candidates were entitled to be credited with points for subjects passed prior to 31st March 1978, they shall be entitled to receive the following points for those subjects under the scale introduced in these Working Rules:

<table>
<thead>
<tr>
<th>Points</th>
<th>Points</th>
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<tbody>
<tr>
<td>Legal Process</td>
<td>2</td>
</tr>
<tr>
<td>Criminal Law</td>
<td>2</td>
</tr>
<tr>
<td>Constitutional and Legal History</td>
<td>2</td>
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<tr>
<td>Constitutional and Administrative Law</td>
<td>2</td>
</tr>
<tr>
<td>Constitutional History</td>
<td>2</td>
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<tr>
<td>Law of Torts</td>
<td>3</td>
</tr>
<tr>
<td>Principles of Contract</td>
<td>3</td>
</tr>
<tr>
<td>Principles of Property and Conveyancing</td>
<td>3</td>
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<tr>
<td>Equity</td>
<td>2</td>
</tr>
<tr>
<td>Administrative Law</td>
<td>2</td>
</tr>
<tr>
<td>Constitutional Law</td>
<td>2</td>
</tr>
<tr>
<td>Mercantile Law</td>
<td>2</td>
</tr>
<tr>
<td>Principles of Evidence</td>
<td>2</td>
</tr>
<tr>
<td>Comparative Law</td>
<td>2</td>
</tr>
<tr>
<td>International Law</td>
<td>2</td>
</tr>
</tbody>
</table>

7. A candidate who passed in Legal Process (Special Course) prior to 31 March, 1976, shall not be required to pass in Legal Process, but shall be granted credit for two points.

8. Except as hereinafter provided a candidate who has passed in the subjects Legal Process and Criminal Law prior to 1st March 1976 shall not be required to pass in the subject Constitutional and Administrative Law but shall nevertheless be credited with the points appropriate to that subject. Such a candidate shall be required to pass in either Administrative Law or Advanced Administrative Law and Constitutional Law.

Provided that any such candidate, who
(i) has failed to pass in both Administrative Law, or Advanced Administrative Law, and Constitutional Law prior to 1st March 1978, or
(ii) has passed in Administrative Law or Advanced Administrative Law, but has failed to pass in Constitutional Law prior to 1st March 1981,
shall be required to pass in Constitutional and Administrative Law.

10. No candidate may in any year pursue a course of study or receive credit for examinations passed unless the proposed selection of subjects has been approved by the faculty. Any subsequent alterations in the course of study during that year must be approved by the faculty.

11. (1) A candidate who, having passed subjects of the course for any other degree, enrols in the course for the degree of bachelor of Laws, may, with the approval of the faculty, be given credit for subjects the equivalent of which have been passed in the course for such other degree, and the candidate shall score an appropriate number of points for each subject so credited.

(2) Where a candidate for the degree of bachelor of Laws is simultaneously a candidate and has passed in two subjects of the course for either the degree of bachelor of Arts (as an ordinary degree or as a degree with honours) or the degree of bachelor of Commerce or the degree of Bachelor of Science he or she shall not be required to pass in the two non-Law subjects of the course for the degree of bachelor of Laws, but shall be credited, nevertheless, with the appropriate points for those two subjects.

(3) Where a candidate for the degree of bachelor of Laws has, in the opinion of the faculty, received a sufficient training at a post-matriculation academic level other than the study of Law, or otherwise has an adequate experience in substitution of such training the faculty may exempt the candidate from passing in one or both of the non-Law subjects but nevertheless grant credit for the points appropriate to the subject or subjects.

12. (1) A candidate who has passed in the former subject Mercantile Law may not enrol in any of Sale of Goods, Banking and Negotiable Instruments, Insurance.

(2) A candidate who has passed in the former subject of Principles of Evidence may not enrol in Litigation.

(3) A candidate who has passed in the former subject Administrative Law may not enrol in Advanced Administrative Law.

(4) A candidate who has passed in the former subject Legal Persons may not enrol in either Agency, Partnership and Unincorporated Associations, or Company Law 1.

(5) A candidate who has passed in both the former subjects Law of Employment and Law of Labour Relations, or in the former subject Labour Law, may not enrol in Labour Law A, or Occupational Health and Safety, or Labour Law B.

(6) A candidate who has passed in the former subject Executors and Trustees may not enrol in Succession.

(7) A candidate who has passed in the former subject Securities and Creditors Rights may not enrol in Security Law.

(8) A candidate who has passed in the former subject of Consumer Law may not enrol in Consumer Protection or Consumer Credit.

(9) A candidate who has passed in the former subject Company Law may not enrol in Company Law 1.

(10) A candidate who has passed in the former subject of Labour Law 1 may not enrol in Labour Law A or Occupational Health and Safety.
11. A candidate who has passed in the former subject of Labour Law 2 may not enrol in Labour Law B.

12. A candidate who has passed in the former subject of Comparative Law may not enrol in Introduction to Modern Civil Law.

13. A candidate who has passed in the subjects of Sale of Goods and/or Consumer Protection may not enrol in Commercial and Consumer Transactions A.

14. A candidate who has passed in the subjects of Consumer Credit and/or Security Law may not enrol in Commercial and Consumer Transactions B.

13. For the purposes of Clause 8(a) hereof the subject 730-303 Constitutional Law shall continue to be a subject for the degree until 1 March, 1981 and shall count for 2 points.

14. (1) A candidate who has passed prior to 1st March 1984 in one only of the two units comprising in 1983 the subject Legal Process shall re-enrol in that subject in 1984, shall be assessed in that part of the subject which is equivalent to the unit which the candidate failed to pass previously, and on passing he or she shall be granted credit for the points attributable to Legal Process.

(2) In the event that such a candidate fails to pass the said part of Legal Process in 1984, he or she shall obtain credit for the points attributable to the unit which has been passed and shall be required to pass in addition in a subject or subjects of the Third or Fourth Year of the course having points identical to or greater than those of the unit which he or she has failed to pass.

15. The subject 730-304 Sale of Goods shall remain a subject for the degree until 1st March 1988, but may be taken only by candidates who have passed in Consumer Protection.

BACHELOR OF LAWS WITH HONOURS

The degree of LL.B. (Hons) is awarded on the basis of a review of the student's course for the degree of bachelor of Laws. The review of the course is 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.

PRINCIPLES OF ASSESSMENT OF CANDIDATES

The Final Honours Board

1. There shall be a Final Honours Board of the faculty made up of a professor and four other members of the faculty nominated by the faculty.

2. It shall be the responsibility of the Final Honours Board to:

(a) publish the conditions of eligibility for honours candidature prior to the date fixed for re-enrolment in January of each year;

(b) determine the list of candidates who qualify for the honours degree and to grade them in the following divisions: first class honours, second class honours (division A), second class honours (division B) and third class honours;

(c) determine a class list of those candidates who are eligible for a place in the list of honours graduates ranked in order of merit.
Candidature for the Honours Degree

3. To be considered for the degree of bachelor of Laws with honours students must—
   (a) complete all the requirements for the degree of bachelor of Laws;
   (b) at a time after they have passed in subjects which entitle them to a credit of 21 points towards the degree of bachelor of Laws (or in the case of any candidates who were not required to pass in Constitutional and Legal History and did not do so, 19 such points), obtain a pass mark for a substantial piece of legal writing in one of the subjects of the LL.B. degree that has been approved for this purpose by the Final Honours Board; and
   (c) submit an application form to the Final Honours Board.

4. Repealed.

Placed and Unplaced Honours Degrees

5. (a) Where, by reason of special circumstances the Final Honours Board is of the opinion that it is appropriate, the Board may determine that a candidate has qualified for the award of the degree with honours and grade the candidate in a particular division without placing the candidate in the class list.
   (b) The Final Honours Board shall not place in the class list a candidate who has qualified for the award of an honours degree unless the candidate has passed in the University in subjects (other than non-law subjects) carrying at least 29 points.

Scoring for Final Honours

6. Honours points shall be awarded on the basis of results obtained in any subject for the degree of Bachelor of Laws (other than Constitutional History and the non-law subjects) or equivalent subjects studied at another tertiary institution. Subjects for which honours points are awarded are hereafter called “scoring subjects”.

7. Where a candidate has passed in scoring subjects of the third and fourth years (other than Trusts) which carry more than a total of 18 credit points, the Final Honours Board may, so as to reduce the total to 18 credit points, disregard any subject or count a two-point subject as a one-point subject or count a three-point subject as a two-point or as a one-point subject; and in such a case the honours points awarded for that subject shall be reduced proportionately.

8. Honours points shall be awarded where the candidate gains honours in any three-point scoring subject offered by the Faculty on the following basis:

<table>
<thead>
<tr>
<th>Class</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>First Class Honours</td>
<td>15</td>
</tr>
<tr>
<td>Second Class Honours (A)</td>
<td>9</td>
</tr>
<tr>
<td>Second Class Honours (B)</td>
<td>6</td>
</tr>
<tr>
<td>Third Class Honours</td>
<td>3.75</td>
</tr>
</tbody>
</table>

Honours points shall be awarded where the candidate gains honours in a two-point scoring subject offered by the Faculty on the following basis:

<table>
<thead>
<tr>
<th>Class</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>First Class Honours</td>
<td>10</td>
</tr>
<tr>
<td>Second Class Honours (A)</td>
<td>6</td>
</tr>
<tr>
<td>Second Class Honours (B)</td>
<td>4</td>
</tr>
<tr>
<td>Third Class Honours</td>
<td>2.50</td>
</tr>
</tbody>
</table>

1 A list of approved subjects is placed on the notice-board in January.
Honours points shall be awarded where a candidate gains honours in a one-point scoring subject offered by the Faculty on the following basis:

- First Class Honours: 5 points
- Second Class Honours (A): 3 points
- Second Class Honours (B): 2 points
- Third Class Honours: 1.25 points

9. Where subjects equivalent to scoring subjects have been completed at another tertiary institution honours points may be awarded at the discretion of the Final Honours Board.

10. A candidate who has failed in any two or three point scoring subject or subjects shall lose 2.5 points for each failure. A candidate who has failed in any one point scoring subject or subjects shall lose 1.25 points for each failure.

11. Where two or more candidates obtain scores which in the opinion of the Board do not reflect significant differences between the merits of the candidates, the Board may take into account any failure in non-scoring subjects of the LLB course when deciding whether to rank them equally or in a particular order of merit.

12. In special cases where candidates would not otherwise obtain an honours degree the Final Honours Board is empowered to take into account hardship or illness detracting from a candidate's academic performance in assessing his final honours score.

13. (a) Where a candidate has presented for a deferred or special examination the result obtained in such an examination shall be taken into account in the assessment of that candidate's honours score.

(b) As between candidates who have obtained equal honours scores, those candidates who have not been awarded honours points on the results of deferred or special examinations, shall be given preference in the final honours class list.

Minimum Number of Points for Eligibility

14. Candidates who have qualified for the degree of bachelor of Laws may be granted the degree of bachelor of Laws with honours if they have gained a total of at least 44 honours points out of the possible maximum 185 honours points.

15. Where a candidate has qualified for the degree of bachelor of Laws having passed in scoring subjects which carry a total of credit points other than 37, the Final Honours Board shall multiply the honours points obtained by that candidate by 37/n (where n = the number of credit points in scoring subjects passed by the candidate, provided that where the Final Honours Board reduces the total of a candidate’s credit points for subjects of the third or fourth year in accordance with Rule 7 the number of credit points by which that total is reduced shall not be included). A candidate who has received credit for a scoring subject as a result of work completed at another tertiary institution shall be deemed for the purpose of this rule to have passed in the subject.

16. These rules shall come into force on 1st March 1977.
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

Full details of written work required and examinations in the various subjects are published in the Handbook Supplement available at the Law School office prior to enrolment.

HONOUR WORK

Except in subjects where special details are published, the syllabus for Honours 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.

730-502 ACCOUNTS

One class per week throughout the year with such class exercises as may be directed by the lecturer.

SYLLABUS

Preliminary:
Consideration of the reasons why records are kept, of transactions involving money or the effects of which can be measured in terms of money. Consideration of the characteristics of suitable records. A simple system of records (single entry).
An improvement on single entry (double entry), with a glance at the history of double entry.

The substance of the course:
Seven main topics or groups of topics:
1. The general journal, the ledger, the trial balance. Special-purpose journals. Revenue analysis: the need for it and means of achieving it.
2. Subsidiary ledgers and control accounts.
5. Company limited by shares: recording the capital structure and the more common dealings in capital.
6. The solicitor's trust account. Executorship accounts.
7. Solicitor's trading records.

ASSESSMENT

For pass only:
(a) two assignments answering accounting problems each of a value of 15%;
(b) two 2 hours' examination papers with a total value of 70%.
In order to pass candidates must obtain not less than 50% of the marks in the assignments and examinations as a whole, and must obtain not less than 40% of the marks allotted to each question in the two examination papers.
730-302 ADVANCED ADMINISTRATIVE LAW
Two classes per week throughout the year.

SYLLABUS
This subject 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 instrumentalities 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.

Throughout the subject, 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.

ASSESSMENT
For pass and for honours — one 3-hours' examination.

730-325 ADVANCED CONSTITUTIONAL LAW 4
One 2-hour compulsory seminar per week throughout the year.

Restriction: No student may enrol for this subject who has previously taken 730-337 Advanced Constitutional Law B.

SYLLABUS
This subject is as an alternative to Advanced Constitutional Law B, normally in alternate years. It comprises an intensive study of constitutional factors relevant to modern business law, corporate planning, commercial litigation and the regulatory contexts in which they have to operate. Major sources are the commercially more significant legislative powers of the Australian parliament, the limitations upon them most frequently encountered in practice and the attitude of the High Court towards constitutional issues which arise in a commercial setting.

The ground covered in detail includes the s.92 guarantee of freedom of interstate trade and the commerce, corporations and tax powers of the parliament but is not confined to them. Problems of competing federal court/state court jurisdictions may also be dealt with. It is assumed that any student taking this subject will have previously passed an
Introductory course in constitutional law. Normally this will be Constitutional and Administrative Law. It is an advantage also to have taken, or be taking simultaneously with this one, some or all of the following subjects: Company Law 1 and 2, Restrictive Trade Practices, Intellectual Property, Patents and Inventions.

ASSESSMENT
For pass and for honours:
(a) One 3-hour examination;
(b) alternatively, with instructor's consent, one 10,000 to 12,000 word written assignment.

730-337 ADVANCED CONSTITUTIONAL LAW B
Not available in 1987.
One 2-hour compulsory seminar per week throughout the year.
Restriction: No student may enrol for this subject who has previously taken 730-325 Advanced Constitutional Law A.

SYLLABUS
This subject is offered as an alternative to Advanced Constitutional Law A, normally in alternate years. It comprises an intensive study of areas of federal constitutional law of current significance to the interaction of law and government in Australia which are either accorded only preliminary treatment in Constitutional and Administrative Law or not included in that subject at all. Major sources are the more significant legislative powers of the Australian parliament, their practical as well as theoretical scope of operation and the influence on their exercise of factors external to the law. The ground covered in detail includes the s.92 guarantee of freedom of interstate trade. Problems of competing federal court/state court jurisdictions may also be dealt with. It is assumed that any student taking this subject will have previously passed an introductory course in constitutional law. Normally this will be Constitutional and Administrative Law. It is an advantage to have a reasonable knowledge of current affairs.

ASSESSMENT
For pass and for honours:
(a) one 3-hours' examination;
(b) alternatively, with instructor's consent, one 10,000 to 12,000 word written assignment.

730-330 ADVANCED CONTRACT LAW
One class per week throughout the year, or two classes per week during either the first half or the second half of the year.
Prerequisite: A pass in Contracts.

SYLLABUS
This subject takes up fundamental aspects of contract in greater depth and detail than is practicable in the compulsory second year subject of Contracts. The emphasis is on detailed analysis of specifically Australian contract law developments in the High Court over the past thirty years or so. The selection of topics may vary from year to year.

ASSESSMENT
For pass and for honours — one 3-hours' examination.
730-308 AGENCY, PARTNERSHIP AND UNINCORPORATED ASSOCIATIONS

One class per week throughout the year, or two classes per week during either the first half or the second half of the year.

SYLLABUS

This subject will deal with three types of legal relationship, viz, agency, partnership and other unincorporated association (such as a club). Among matters to be considered will be:

(a) the creation of the relationship of principal and agent, partnership or other unincorporated association;

(b) the rights and duties of the parties to the relationship among themselves, including property rights; and

(c) the dissolution of the relationship.

The subject will also cover the circumstances in which the agent, partner or member has authority — express, implied, ostensible or by ratification — to bind the principal, other partners or other members to third parties; and the effects of such authority or lack of authority. Consideration will also be given to problems associated with the enforcement of rights by and against third parties.

ASSESSMENT

For pass and for honours — one 3-hours’ examination.

730-345 AUSTRALIAN IMMIGRATION AND NATIONALITY LAW

One class per week throughout the year, or two classes per week during either the first half or the second half of the year.

SYLLABUS

The course will concentrate on the interaction of law and policy in the field of immigration, emigration and the right to reside in Australia. In any one year a broad range of substantive Law topics involved in the general area will be explored in detail. The course will examine the historical origins and legal significance of the white Australia policy together with the constitutional aspects of the immigration and emigration power. Attention will also be paid to deportation procedures and the various appeal structures open to an aggrieved person. The concepts of nationality, Australian citizenship, its acquisition and loss will be discussed in depth. The role of passports, the effect of extradition legislation, claims for political asylum and immigration in international law will be examined in detail. A segment of the course will be devoted to an analysis of the problems of refugees, displaced and stateless persons and their status and protection under relevant Commonwealth legislation.

ASSESSMENT

For pass and for honours:

(a) One optional essay of 5,000 words on a topic approved by the lecturer, or

(b) One 3-hours’ examination.

730-309 BANKING AND NEGOTIABLE INSTRUMENTS

Not available in 1987.

One class per week throughout the year, or two classes per week during either the first half or the second half of the year.
SYLLABUS
The subject commences with a brief outline of the Australian banking system as an introduction to a consideration of the nature of the banker-customer relationship and some of its incidents. Then the concept of negotiability is explained, followed by a detailed analysis of the three main types of negotiable instrument, the bill of exchange, promissory note and cheque. The contractual rights and liabilities arising from the use of these instruments are considered, as are the special rules relating to cheques, particularly lost and stolen cheques. Reference is made to the rights of banks in respect of mistaken payments. The law applicable to credit cards and other means for the discharge of obligations through banks may also be dealt with. The subject concludes with a discussion of bankers' commercial credits as used in the financing of International trade.

ASSESSMENT
For pass and for honours — one 3-hours' examination.

730-310 CIVIL LIBERTIES
One class per week throughout the year, or two classes per week during either the first half or the second half of the year.

SYLLABUS
Topics will be selected from the list below. In addition the course will deal with the emerging body of International law on human rights, and Australia's obligations under the International Covenant on Civil and Political Rights. The course may also include a study of the discrepancies, as between States, in the protection of human rights, and the reasons for such discrepancies.

Freedom of Expression
1. Public meetings, processions and demonstrations.
2. Political expression—
   Parliamentary privilege and contempt of parliament.
   Restrictions of the dissemination of information — Official Secrets.
   Censorship of political comment: Press, radio and television.
   Australian Security Intelligence Organisation — Powers.
   Treason, Treachery and Sedition.
3. Obscenity—
   Censorship of literature, theatre, cinema, and press, radio and TV.
4. Contempt of Court—
   Restrictions on public discussion of the judicial process.
5. Religion and Conscience—
   Constitution s.116: blasphemy; the freedom to proselytise.
   National Service Act and conscientious objection.
6. The right to vote.

Personal Freedom
1. Police powers and Citizen rights—
   Law of arrest, search, interrogation and bail.
   Remedies against the police.
2. Compulsory treatment of the physically and mentally ill.
3. Contraception, Sterilization and Abortion.
4. Drug Offences — legal restrictions on freedom to 'Go to hell one's own way'.
5. Freedom of Movement—
   Immigration; deportation, aliens; asylum and extradition; passports.

6. Discriminatory treatment of minorities and special groups—
   Race — aborigines, coloured immigrants.
   Sex — disabilities of women.
   Age — children’s rights.
   Wealth — vagrancy (and prostitution as an ‘unlawful’ means of support).

7. Protection from the arbitrary exercise of government power—Parlia-
   ment; Ministerial responsibility; Administrative Law; Ombudsmen.

8. The Right to Privacy—
   Sources of concern: Government (A.S.I.O., social service dossiers, 
   census), Commerce (credit agencies, data banks, private investiga-
   tors, advertisers), Press (exposes, harassment of interviewees).

9. Rights of mental patients.


Economic Freedom

1. Section 92 of the Constitution.

2. Right to Work—
   Security in employment; registration and licensing; compulsory 
   unionism.

3. Property—
   Constitution 51(31); compulsory acquisition; nationalisation.

Guarantees of Rights

Extent of present Australian Constitutional guarantees—
   compare U.S.A., Canada, India and elsewhere.

The case for an Australian Bill of Rights.
   The content and working of such a Bill.

ASSESSMENT

For pass and for honours:
(a) Optional written assignment — 5,000 words — value 50%.
(b) One 1½-hours’ examination — value 50%.
OR
One 3-hours’ examination — value 100%.

730-346 COMMERCIAL AND CONSUMER TRANSACTIONS A

Two classes per week throughout the year.

PREREQUISITE

Contracts.

SYLLABUS

This subject focuses on the sale and supply aspect of commercial and 
consumer transactions. It is designed to be taken before Commercial 
and Consumer Transactions B, which deals with credit and security 
issues. Topics dealt with include: the nature and sources of com-
mercial law; the different categories of commercial and consumer 
transactions; basic principles of agency relevant to sale and related 
transactions; misrepresentation and the statutory regulation of mis-
leading conduct; formal requirements governing the entry into sales
and related transactions; product liability; contractual performance and
remedies for breach. Consideration will also be given to the reasons
for statutory intervention in the sale aspect of consumer transactions.

ASSESSMENT
For pass and for honours: one 3-hours' examination.

730-347 COMMERCIAL AND CONSUMER TRANSACTIONS B
Not available in 1987.
Two classes per week throughout the year.

PREREQUISITE
Nil, but students are advised to take Commercial and Consumer Trans-
actions A before enrolling in this subject.

SYLLABUS
This subject focuses on the credit and security aspects of commercial
and consumer transactions. It is designed to be taken after Commercial
and Consumer Transactions A, which deals with the sales aspect. Topics
dealt with include: the nature and forms of credit; creation, attachment
and perfection of security interests; priority in relation to chattel
ownership and securities; specific forms of business financing, including
financing the acquisition of raw materials, stock-in-trade financing,
financing the acquisition of capital equipment; the Victorian consumer
credit laws. Consideration will be given to the reasons for intervention
in the credit and security aspects of consumer transactions.

ASSESSMENT
For pass and for honours: one 3-hours' examination.

730-334 COMPANY LAW 1

Two classes per week throughout the academic year.

SYLLABUS
A study of the law relating to:
(i) incorporation and its limits;
(ii) the formation of companies;
(iii) the corporate constitution;
(iv) company contracts;
(v) administration of companies and management of the business of
companies;
(vi) relationships between members in a majority and others;
(vii) liability of directors and officers;
(viii) share capital;
(ix) dividends;
(x) classes of shares;
(xi) variation of class rights;
(xii) debentures, floating charges, registration of charges;
(xiii) receiverships;
(xiv) liquidations.

ASSESSMENT
For pass and honours:
One 3-hours' examination — value 100%.
730-403 COMPANY LAW 2
One class per week throughout the year, or two classes per week during either the first half or the second half of the year.
Prerequisite: Company Law 1.
SYLLABUS
A detailed study of the law relating to:
(i) regulation of the securities industry;
(ii) public offerings of securities;
(iii) take-overs;
(iv) reconstructions schemes of arrangement;
(v) schemes of arrangement with creditors;
(vi) receiverships;
(vii) official management.
ASSESSMENT
For pass and for honours:
One 3-hours' examination.

730-311 COMPARATIVE CONSTITUTIONAL LAW
One class per week throughout the year, or two classes per week during either the first or second half of the year.
SYLLABUS
An examination of the Constitutions and systems of government of other selected countries with a view not only to developing an understanding of these systems and of the nature of Constitutions generally, but also to providing new insights into the Australian constitutional system.
The syllabus will alternate from year to year between comparisons based on broad institutional structures and comparisons of more detailed aspects of federal and other decentralized systems. Each will commence with consideration of the methodology of comparative constitutional law and of the nature and functions of Constitutions. The latter topic will include a study of relevant aspects of the constitutional history of the countries selected for examination in the current year and in particular of the circumstances under which the Constitutions came into existence. Consideration of the different elemental forms of government also will take place at this point under syllabus A.
Syllabus A. A comparison of broad institutional structure of government, including the relationship between the institutions of government and an examination of the functioning of each. Topics will include the composition and powers of the legislature, its relationship with the executive, content and control of executive power, political parties, the role and structure of the courts. Other topics dealt with will include guarantees of fundamental rights and the process of constitutional amendment. Countries selected for examination will vary but a typical selection might be the U.S.A., Japan, France and Austria.
Syllabus B. A comparison of the major features of federal and decentralized constitutional systems including the nature of the constituent units, the basis and content of the division of powers, the constitution of the central government, financial arrangements, provision for the protection of fundamental rights, the judicial structure, the role of judicial review, constitutional amendment and the location of external sovereignty. Federal countries which may be examined include the U.S.A., Canada, Germany, Switzerland and India.
ASSESSMENT
For pass and honours one written assignment of 6,000 words on a topic approved by the lecturer.

730-341 COMPARATIVE LABOUR LAW
Not available in 1987.
Teaching will consist either of one lecture per week throughout the year or of the equivalent number of lectures delivered either in the first half or the second half of the year.
A working knowledge of the Conciliation and Arbitration Act will be presumed.
SYLLABUS
The purpose of the course is to treat comparatively the legal structure of the Australian model of labour relations with models pertaining in other countries such as U.S.A., Canada, U.K., Sweden, West Germany, Yugoslavia, Japan, France and other E.E.C. countries. The countries selected for treatment will be announced in the supplementary handbook. In making the selection attention will be paid to variants in the role of law, in systems and in managerial prerogatives.
A brief general introductory background will be given for each country selected and the sources of labour law will be identified. The course will then be designed to examine the role of law in various aspects of labour relations such as the process of organization, the structuring of collective bargaining, the enforcement of the collective agreement, the balancing of countervailing economic power, the protection of supervening public interests, industrial disputation and job security. As the course is designed to be flexible these aspects will vary from time to time, and will be explored through the different themes of contemporary issues such as wage fixing, worker participation, right to work, compulsory unionism, redundancy strikes, lock-outs and picketing.

ASSESSMENT
For pass and for honours:
(a) one optional essay — 6,000 words
OR
(b) one 3-hours' examination.

730-404 CONFLICT OF LAWS
Two classes per week throughout the year.
SYLLABUS
Conflict of laws is concerned with the problems which arise when a foreign or interstate 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 such a case; 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 judgements, that is to say the rules which a Victorian court will apply in deciding whether to recognize and enforce a foreign or interstate judgement or order. 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.
ASSESSMENT
For pass and for honours:
(a) Optional written assignment — 5,000 words — value 50%.
(b) One 1½-hours' examination — value 50%.
OR
One 3-hours' examination — value 100%.

730-204 CONSTITUTIONAL AND ADMINISTRATIVE LAW

Three classes per week throughout the year.

SYLLABUS
The course consists of an examination of the current operation of the basic principles of constitutional and administrative law in Australia, with reference to their historical background and development. Topics to be considered in the first half of the year will include models and sources of constitutions generally; origins of the Australian state and federal constitutions; the form and operation of state constitutions; the structure of the federal legislature; separation of powers and the federal judicature; the division of legislative powers and financial resources between the Commonwealth and the States; and the powers and structure of the executive.

During the second half of the year the course develops the theme of executive power and the legal and political constraints upon it. Topics to be considered will include the origins, nature and scope of administrative law; the nature and functions of administrative agencies and their relationship to government and citizens; the control of delegated legislation; control of statutory discretions; control of the jurisdiction of administrative tribunals; the role of ombudsmen.

ASSESSMENT
For pass and for honours:
(a) One essay — 2,500 words — value 25%.
(b) One 3-hours' examination — value 75%.

730-333 CONSUMER CREDIT

Two classes per week during either the first half or the second half of the year.

SYLLABUS
This subject will be concerned with the laws relating to consumer credit in Victoria. For the most part, discussion will focus on how the law regulates the loan, sale and security aspects of consumer credit transactions. However, some attention may also be given to the regulation of credit reporting services, the control of debt collection practices and the facilities which the law affords the insolvent debtor.

ASSESSMENT
For pass and for honours:
One 3-hours' examination.

730-202 CONTRACTS

Three classes per week throughout the academic year.

SYLLABUS
The Law of Contract is of fundamental importance in most commercial transactions and forms the basis for a number of commercial subjects in third and fourth years.
The object of the course is not only to equip students with an understanding of principle, but also to create an awareness of the contemporary problems and trends which affect the development of doctrine. The course will deal with: Formation of Contracts, Consideration, Quasi-estoppel, Collateral Contracts, Terms of Contracts, Mistake, Misrepresentation, Duress, Privity, Performance, Discharge, Remedies, Illegality, Severance, Capacity and certain aspects of Agency.

ASSESSMENT
For pass and for honours — one 3-hours’ examination.

730-102 CRIMINAL LAW

Two classes per week throughout the year.

SYLLABUS
This subject 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 complicity and attempt, and the requisite mental element of a crime. Throughout the course the student is encouraged to consider not only what the decisional law is, but also what it ought to be.

ASSESSMENT
For pass and for honours — one 3-hour’s examination.

730-312 CRIMINAL LAW 2

Not available in 1987.

One class per week throughout the year or two classes per week during either the first half or the second half of the year.

SYLLABUS
This subject is concerned with the theory and practice of sentencing and punishment.
The following topics will be considered: criminal responsibility, punishment and its justifications, the practice of punishment, the evaluation of penal measures, criticisms and possible reforms of penal measures, the practice of sentencing, criticism and possible reforms of sentencing, discretionary decision-making in the penal system (with particular attention to parole), the concept of dangerousness.

ASSESSMENT
For pass and for honours — one research assignment (5,000 words).

730-331 DRUGS AND THE LAW

Not available in 1987.

One class per week throughout the year, or two classes per week during either the first half or the second half of the year.

SYLLABUS
The subject will provide a study in depth of existing statutory and case law on illicit drugs together with current proposals for reform. It will cover the legal dimensions of enforcement, the definition of offences and the sentencing of offenders. The statute and case law in this area
is voluminous and complex. It is undergoing continuing review and change. The relationship between this specialised area of law and the general theory and doctrines of criminal law will be examined in detail. Reforms and proposed reforms will provide the basis for a case study of legislative techniques of prohibition. A segment of the course will be devoted to an examination of reported and unreported case law on the exercise of the sentencing power and diversion for treatment.

ASSESSMENT
For pass and for honours:
(a) Research Assignment — 5,000 words — value 75%.
(b) Take-home examination — 3,000 words — value 25%.

730-343 EASEMENTS, PROFITS AND COVENANTS
Not available in 1987.
One class per week throughout the year, or two classes per week during either the first half or the second half of the year.

PREREQUISITES
Candidates will be required to have passed in Property.

SYLLABUS
This subject is designed to give a detailed treatment of the law relating to incorporeal hereditaments. It will build upon the analytical framework established in Property 1 and will include the following topics:
(a) The characteristics of an easement.
(b) The nature of profits à prendre.
(c) Equitable easements.
(d) Compulsory acquisition of easements.
(e) Creation of easements by grant and reservation.
(f) Prescriptive easements and profits.
(g) An analysis of the different types of easements.
(h) Easements and the Torrens System.
(i) The nature of a covenant.
(j) The benefit and burden of a covenant.
(k) The construction of a covenant.
(l) Covenants in restraint of trade.
(m) Covenants and the Torrens System.
(n) Modification and Extinguishment of Easements, Profits and Covenants.
(o) Modern applications of easements, profits and covenants: e.g. In the areas of mining titles, the guaranteeing of solar access and town planning.
(p) Remedies.

ASSESSMENT
For pass and for honours — one 3-hours’ examination.

730-313 FAMILY LAW
Two classes per week throughout the academic year.
Existing legal rules affecting family relationships and the function of lawyers in their administration are examined and a critical evaluation of these rules in the light of social objectives is undertaken.
Topics for discussion include: The laws regulating entry into marriage and adoption; 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 matrimonial property, maintenance or custody; and State intervention into the family relationship, as with the withdrawal of children from parental custody.

The dissolution and consequent formal reorganization of the family requires a study of the role of family courts and the law and practice relating to divorce, nullity and ancillary relief, particularly maintenance, custody and settlements. The role of lawyers in the process of dissolution, particularly in the fields of counselling and reconciliation, is considered. The merits of the system of dissolution enacted by the Family Law Act 1975 is compared with alternative systems employed in other countries.

ASSESSMENT
For pass and for honours:
EITHER
(a) Optional essay — 5,000 words — value 40%
and
(b) One 3-hours’ examination — value 60%.
OR
One 3-hours’ examination — value 100%.

730-314 INSURANCE LAW
One class per week throughout the year, or two classes per week during either the first half or the second half of the year.

SYLLABUS
This subject is mainly concerned with the general principles of law applicable to the contract of insurance. It commences with a description of the definition and nature of the contract and goes on to consider the formation of the contract by both formal and informal means. The special requirement of an insurable interest is discussed, as is the question of who may enforce the contract. This is followed by detailed consideration of the incidents resulting from the classification of the contract as one of the utmost good faith, particularly in relation to non-disclosure, misrepresentation and warranties. Rules of construction of insurance policies are then considered. The use of insurance agents and brokers in the formation of the contract is also dealt with. Further matters directly related to the contract which are dealt with include exclusions and conditions; issues relating to claims; waiver and estoppel; and the measurement of loss. The insurer’s rights of subrogation and contribution are then discussed.

Certain other matters, such as the statutory control of insurance companies, the special protection given to insurance contracts under bankruptcy and similar legislation, compulsory third party motor vehicle insurance legislation and “no-fault” schemes, may also be considered. It will be assumed that students will have a general knowledge of the law of contract.

ASSESSMENT
For pass and for honours — one 3-hours’ examination.
730-335 INTELLECTUAL PROPERTY

Two classes per week throughout the year.
Prerequisite: Property.

SYLLABUS
The course will begin with a brief look at the nature of property rights in intangibles and will try to identify the basic policy considerations to be examined throughout the course. There will then follow a more detailed study of each of the following areas:
(i) trade secrets and breach of confidence;
(ii) passing off and economic torts relating to unfair competition, Part V of the Trade Practices Act 1974;
(iii) trade marks;
(iv) copyright;
(v) designs;
(vi) the licensing, ownership and exploitation of Industrial and Intellectual property rights, including the impact of trade practices legislation.

ASSESSMENT
For pass and for honours:
(a) Research assignment — 4,000 to 5,000 words — value 40%.
(b) One 3-hours' examination — value 60%.

730-307 INTERNATIONAL LAW

Two classes per week throughout the year.

SYLLABUS
International Law differs from most other law subjects because it rests on a consensual order and the interdependence of states, rather than on a system of rules and sanctions. The "law of nations" governs the relations between sovereign states and their respective nationals. The course describes the general principles of international law and includes analysis of decisions by the International Court of Justice, and arbitral tribunals, and of international treaties. The following topics will be studied: sources of international law, the relationship between international and municipal law, international personality, recognition of states, state territory and the law of the sea, state jurisdiction, treaties, the law of war and use of force, and human rights.
Study will be made of international organizations including the United Nations, and International peace-keeping and economic organizations. Students are required to keep themselves informed of current affairs as discussion will include topical international law problems.

ASSESSMENT
For pass and for honours:
(a) One research essay — 4,000 to 5,000 words — value 40%.
(b) One 2-hours' examination — value 60%.
OR
One 3-hours' examination — value 100%.

730-306 INTRODUCTION TO MODERN CIVIL LAW

Not available in 1987.
Two classes per week, throughout the year.
SYLLABUS
This course is designed to introduce students to the history, methodology, and some of the fundamental principles of substantive law of the major civil law systems of Europe and Asia.
The first part of the course is concerned with the structure and operation of a modern civil law system, drawing on France, Germany, China and Japan for examples. The later part of the course is an examination of some of the law of obligations, looking at problems of doctrine and practice which have arisen in a range of systems, including the phenomenon of harmonisation for member states of the E.E.C. A study of the aims and methods of current comparative lawyers is made through the substantive material studied. Students will be assisted and encouraged to pursue other areas of the law which interest them, by way of research papers.
ASSESSMENT For pass and for honours:
One written assignment — 8,000 to 10,000 words.

730-327 INTRODUCTION TO JAPANESE LAW
One class per week throughout the year, or two classes per week during either the first half or the second half of the year.

SYLLABUS
This subject provides an introduction to the Japanese legal system and is intended to demonstrate the basic structure, concepts and operation of a civil code system. The influence of other civil code systems, particularly the French and German, and the common law system on Japanese law will be studied as well as the continuing influence of customary law and social attitudes.
Although the modern Japanese legal system is based primarily on the German legal system as it existed at the end of the nineteenth century, and notwithstanding the considerable influence exerted by the legal system of the United States of America on particular areas of the law after the second World War, the operation of the system is peculiarly Japanese and accordingly some understanding of Japan's historical development and social attitudes of its people is essential. Students are most strongly urged not to neglect the preliminary reading.
ASSESSMENT
For pass and for honours: One essay of 5,000-6,000 words, or one 3-hours' examination.

730-315 JURISPRUDENCE
Two classes per week throughout the academic year.

SYLLABUS
This subject provides a general introduction to different schools of legal philosophy including natural law theory, legal positivism, and sociological jurisprudence. The subject also deals with the obligation to obey the law, analysis of rights, justification of punishment, the proper limits of the criminal law, the logical structure of legal systems, intention mens rea and responsibility, and Marxism and the law.
ASSESSMENT
For pass and for honours:
One 3-hours' examination.
730-316 JURISPRUDENCE 2A
Not available in 1987.
One class per week throughout the year, or two classes per week during either the first or second half of the year.
SYLLABUS
Law and Theory of Justice. This subject will consider the problem of justice, and theories of social justice, in their jurisprudential context. The emphasis will be on the conflicting attitudes, ideologies and values that attempt in different ways to provide rational and morally attractive foundations for a concept of social justice compatible with the ideal of the rule of law. The main aim of the course will be to narrow the gap between legal theory and social justice. The approach will be based on the jurisprudential aspects but this will require examination of arguments put forward by other social scientists, and in particular, political philosophers and social theorists. While the subject will be concerned with general theoretical problems of justice, the instructor will analyse with students a number of case studies serving as illustrations of the practical applications of general principles. It will be suggested that the general principles of justice have direct and practical relevance for legal practice.
ASSESSMENT
For pass and for honours:
(a) Two essays — each 2,500-3,000 words
OR
(b) One essay — 5,000-6,000 words.

730-326 JURISPRUDENCE 2B
One class per week throughout the year, or two classes per week during either the first or second half of the year.
SYLLABUS
Law and Society. This subject examines the relationship between law and society contained in, or implied by, major contemporary theories of law. These theories range from those which conceive of law as (i) a system apart from society, (ii) as a sub-system within society and (iii) as a loosely and unsystematically related set of social phenomena immersed in, and interacting with, other social phenomena. Discussion will centre on the contributions such theories make towards our understanding of the following: the nature of law, its place within society, the nature and extent of its interaction with other elements of society, the extent to which legal phenomena are distinct from other social phenomena, the limits of law, the relation between legal and social change, and the consequences these theories have for the role of lawyers.
ASSESSMENT
For pass and for honours:
(a) One essay — 6,000 words
OR
(b) One 3-hours' examination.

730-338 LABOUR LAW A
Two classes per week during the first half of the year.
SYLLABUS
1. Introduction to Labour Law.
2. The Contract of Employment:
   (1) The Concept
   (2) Formalities
   (3) Categorization
   (4) Sources
   (5) Rights and Duties of the Parties
   (6) Remedies for Breach
   (7) Termination
   (8) Security of Employment.

ASSESSMENT
For pass and for honours — one 3-hours’ examination.

730-340 LABOUR LAW B
Two classes per week throughout the academic year.
Prerequisite or Co-requisite: Labour Law A.

SYLLABUS
1. Structure of federal and state industrial tribunals.
2. Constitutional issues:
   (1) Interpretation of s.51(xxxv)
   (2) Other sources of federal power
   (3) Federal dominance.
3. Conciliation and Arbitration Act:
   (1) Establishment of organizations
   (2) Registration of organizations
   (3) Legal status of organizations (including consideration of common law status)
   (4) Rules of organizations—
      (a) Statutory requirements
      (b) Alterations
      (c) Actions to determine validity
      (d) Orders for performance
   (5) Membership of organizations
   (6) Elections in organizations
   (7) Cancellation of registration of organizations
   (8) Logs of claims
   (9) Dispute settling procedures
   (10) Awards—
      (a) Common provisions
      (b) Interpretation
      (c) Enforcement
   (11) Industrial agreements
   (12) Methods of wage fixation.
   (13) Methods of wage fixation.
5. Common law and statutory liabilities for industrial action.

ASSESSMENT
For pass and for honours:
(a) one optional written assignment — 7,500 words — value 60%.
(b) one 1½-hours’ examination — value 40%.
OR
(c) one 3-hours’ examination — value 100%.
730-412 LAND CONTRACTS

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 transactions preliminary to the formal contract of sale of freehold land.
Statute of frauds.
Contract of sale of freehold land; implied provisions; conditions in Table A in seventh schedule to the Transfer of Land Act 1958 and in the third schedule to the Property Law Act 1958; breach of contract;
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 so far as it relates to the purchase of land.
Building Regulation so far as it relates to the purchase of land.
Subdivision of Land.
Ownership of and dealings in flats and home units, cluster titles.
Estate Agents: Estate Agents Act 1980; power to bind principal and receive money on his behalf.
Dealings in leasehold interests, including registration of leases under the Transfer of Land Act.

ASSESSMENT
One 3-hours' examination paper for pass and for honours.

730-344 LANDLORD AND TENANT LAW

One class per week throughout the year, or two classes per week during either the first half or the second half of the year.

PREREQUISITES
Candidates will be required to have passed in Property.

SYLLABUS
This subject is designed to give a detailed treatment of the law relating to leasehold estates. The common law, which applies to commercial rented premises, and the Residential Tenancies Act 1980 (Vic.), which applies to residential rented premises, will be given equal weight. Consideration will also be given to the legal relationship between the Ministry of Housing and its tenants.
The following topics will be included:
(a) The historical development of landlord-tenant law
(b) The concept of leasehold estates
(c) Types of tenancies
(d) Agreements for a lease
(e) The distinction between a lease and a licence
(f) The law relating to boarders and lodgers
(g) Express and implied covenants
(h) Repairs and substandard housing control legislation
(i) Rent control
(j) The renewal of leases
(k) The determination of tenancies
(l) Forfeiture
The rights and duties of Ministry of Housing tenants
Recovery of possession
Remedies.

ASSESSMENT
For pass and for honours — one 3-hours' examination.

730-342 LAW AND DISCRIMINATION

Teaching will consist either of one lecture per week throughout the year or of the equivalent number of lectures delivered either in the first half or the second half of the year.

SYLLABUS

The purpose of the course is to examine the role of the law in the area of discrimination and especially the new vistas of legal techniques which the recent anti-discrimination legislation in Australia has opened up.

The course will begin with an identification of the constituents of anti-discrimination law in Australia. Reference will be made to the Common Law as a source of anti-discrimination law, provisions such as Sections 116 and 117 of the Constitution, Federal State and Territorial legislation, the insertion of anti-discrimination provisions in industrial awards and determinations, the effect of ratification by Australia of international treaties and conventions dealing with anti-discrimination, and executive action by Federal and State Governments.

This will be followed by a discussion on law as an instrument of social control or social change and its limitations.

The course will then trace the evolution of anti-discrimination legislation proceeding from the U.S.A. model (and particularly the enactment of the 1964 Civil Rights Act and its amendments) to its adaptation in the U.K. model, and to the enactment of Federal and State legislation in Australia.

The course will proceed to a detailed examination of the Federal and Victorian anti-discrimination legislation, comparing it with the other models.

This analysis will involve:
1. the concept of discrimination and the problem of defining it;
2. the grounds of discrimination;
3. the areas of discrimination;
4. evidentiary problems in proving discrimination;
5. the procedural machinery;
6. the enforcement of anti-discrimination legislation;
7. affirmative action and reverse discrimination.

The analysis will be pursued through selected topics and reference will be made to case law in Australia, the U.S.A., Canada and U.K.

There will be an evaluation of the Australian model. Comparisons will be made with other models such as those pertaining in U.S.A., Canada, New Zealand, Sweden, U.K. and other E.E.C. countries. There will also be a discussion on whether there should be legal intervention in Victoria on other grounds of discrimination such as discrimination because of:
1. social origin or lifestyle,
2. age,
3. criminal record,
4. sexual orientation,
as has occurred elsewhere.
ASSESSMENT
For pass and for honours:
(a) one optional essay — 6,000 words
OR
(b) one 3-hours’ examination.

730-317 LEGAL HISTORY
Not available in 1987.
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. Students will investigate various aspects of legal development in Australia, especially in Victoria between 1834 and 1934.

ASSESSMENT
For pass and for honours:
(a) One essay — 6,000 words — value 45%.
(b) One essay — 5,000 words — value 40%.
(c) One 1-hour short answer examination — value 15%.

730-101 LEGAL PROCESS
This subject will be taught and examined in two parts. The final assessment will produce a single result for the subject. The contribution towards that assessment of each part will be: Part A, 60%; Part B, 40%.

PART A — LEGAL METHOD
Two classes per week throughout the academic year.
SYLLABUS
The unit provides a general introduction to the study of law. It includes the following:
(1) An introduction to the nature and sources of law in Australia.
(2) Legal research techniques and skills.
(3) A study of the development of law through cases.
(4) The interpretation of statutes.
(5) Judicial creativity.
(6) Civil procedure.
(7) The adversary system.
(8) Selected aspects of the legal system.

ASSESSMENT
For pass and for honours —
(a) One essay, 2,000 words, value 10%;
(b) One essay, 2,500 words, value 25%;
(c) One 3-hours’ examination, value 65%.

PART B — HISTORY AND CONCEPTS OF THE LAW
One class per week throughout the academic year.
SYLLABUS
The unit provides a general introduction to the historical and conceptual development of English and Australian law. It includes studies of the history and concepts of specific fields of law (such as Succession, Land Law, Contract, Torts, Criminal Law, Family Law and Equity); the history of the courts, the legal profession and other institutions of the law;
the reception of English law into Australia; and the life and work of
great figures of the law (such as Sir Edward Coke, 1552-1634, and Sir
William Blackstone, 1723-1780).

ASSESSMENT
For pass and for honours — one 3-hours’ examination.

730-318 LEGISLATIVE PROCESS
Not available in 1987.
Two classes per week throughout the academic year. During the segment
of the course concerned with legislative drafting students will be required
to attend at the offices of the Victorian Chief Parliamentary Counsel.

SYLLABUS
Legislation is now the principal source of new law in Australia. This
course examines in some detail the emergence of legislation as a source
of law, the formative stages of the legislative process, legislative drafting,
and the implementation and interpretation of legislation.
Particular consideration will be given to the following matters—

History of Legislation
This part of the course is concerned with the emergence of legislation
as the dominant source of legal change in the United Kingdom in the
18th and 19th centuries; with the legislative process in the Australian
colonies prior to federation; and with subsequent development at both
State and Federal level.

The Formulation of Legislative Policy
This part deals with such matters as how the initial decision to legislate
is taken, the factors which can influence that decision, and which can
have a bearing upon the form which it subsequently takes. Among the
specific topics to be covered are:
Government initiative. Executive domination of the Legislature. The
operation of sectional and interest groups. The impact of Royal Commissions etc. Private member influence. The role and significance of law
commissions. The influence of external developments, e.g. standard-setting instruments adopted by the I.L.O., legislative innovation in Europe
or North America.

The Mechanics of Legislation
This part consists of a brief review of the mechanics of the legislative
process, and of an examination of a number of specific issues—for ex-
ample, the theory and practice of parliamentary review of legislation,
the role of delegated legislation, and the effect of defect in process.

Legislative Drafting
This part consists of an examination of techniques of legislative drafting,
and refers back to the problem of trying to give effect to any given
legislative policy, and forward to the problems of interpreting that policy
once it has been given statutory effect.

The End Product of the Legislative Process
This section consists of—
(a) The Functions of Statute Law. An examination of the various functions
which statute law can perform—for example the implementation of
Government policy, meeting recurring requirements, law reform, consolidation, codification, and dealing with specific contingencies.

(b) The Anatomy of a Statute. This includes a brief examination of a "typical" statute—and of such atypical features as preambles, Keeling schedules, etc.

(c) Special Features. This segment relates very closely to the previous sub-section, and includes such matters as techniques of application, amendment, repeal, duration, revival, reference/incorporation, retrospection, and the concept of desuetude.

The Application and Interpretation of Legislation
This section is concerned with the examination of legislation as interpreted by the Courts and the Executive, as compared to the original policy objectives of the Legislature, and those who supported the introduction of the legislation.

ASSESSMENT
For pass and for honours:
(a) Research Assignment on approved topic — 7,000 words — value 50%.
(b) Short Drafting Exercise — value 20%.
(c) Take-home examination — 3,000 words — value 30%.

730-305 LITIGATION
A course of three classes per week throughout the academic year.

SYLLABUS
The course commences with a brief outline of the nature of the litigation process, and in particular the operation of the adversary system. There follows an intensive study of the rules of civil procedure pertaining to Supreme Court litigation in Victoria. The course then proceeds to examine some aspects of pre-trial criminal procedure. The remainder of the subject, which is the larger part, is devoted almost exclusively to an analysis of the theory and operation of the rules of evidence in both the civil and criminal spheres.

ASSESSMENT
For pass and for honours:
(a) One 3-hours' examination — value 65%.
(b) One 2-hours' examination — value 35%.

730-348 MEDIA LAW
Not available in 1987.
Two classes per week throughout the year.

SYLLABUS
This subject examines the regulation of the print and electronic media in Australia. It deals with the legal rules which regulate the reporting of news and the ownership and control of the media. The topics covered include:
Reporting the courts: contempt of court; special restrictions regarding courts such as the Family Court;
Reporting political events: contempt of parliament; restrictions regarding elections; sedition; "D" notices;
Reports affecting reputations of individuals or businesses: defamation;
injurious falsehood; the role of s52 of the Trade Practices Act 1974 (Cth.);
Investigative journalism; freedom of information; privacy; information communicated in confidence — journalists' sources;
Intellectual property law restrictions: copyright;
Obscene and other illegal publications: obscenity; blasphemy;
Programme standards: children's television standards;
The Press Council;
The ownership and control of the media: regulatory policies — diversity of information; special interest groups; rights of access; the right of reply; government ownership versus government regulation; commercial and public broadcasting sectors — the role of the Australian Broadcasting Tribunal; the ABC and the SBS — the role of government control; the use of the AUSSAT satellite; cable television; subscription services; the Norris inquiry.

ASSESSMENT
For pass and for honours — one 3-hours' examination.

730-339 OCCUPATIONAL HEALTH AND SAFETY
Not available in 1987.
Two classes per week during the second half of the year.

SYLLABUS
1. The Nature of the Problem.
2. The Role of the Law.
3. The Preventative Function:
   (a) Historical Development in U.K. and Australia
   (b) Laying Down Standards
   (c) Enforcement
   (d) The Robens Report and the Health and Safety at Work Act (U.K.)
   (e) Robens in Australia
4. Compensation:
   (a) Common Law
   (b) Workers' Compensation
   (c) Reform.
5. Rehabilitation.

ASSESSMENT
For pass and for honours:
(a) One essay — 6,000 words — value 100%
OR
(b) One 3-hours' examination — value 100%.

730-336 THE LAW OF PATENTS AND INVENTIONS
One class per week throughout the year, or two classes per week during either the first half or the second half of the year.
Prerequisite: Property.

SYLLABUS
The topics to be covered will include:
   (i) an introduction to the legal problems involved in the management of technology, including a brief survey of alternatives to the patent system such as a trade secrets regime;
(iii) the structure of the patent system, its rationale and objectives.
(iv) the legal requirements for patentability, such as novelty, inventiveness and so on; examination, opposition and revocation proceedings;
(v) infringement actions, defences and remedies;
(vi) compulsory licences, extensions of term and the operation of the petty patent system;
(vii) the ownership and licensing of patents, the impact of trade practices legislation;
(viii) the International patent system.

ASSESSMENT
For pass and for honours — one 3-hours' examination.

730-328 PLANNING AND LOCAL GOVERNMENT LAW

One class per week throughout the year, or two classes per week during either the first half or the second half of the year.

Prerequisite: A pass in Property.

SYLLABUS

The purpose of this course is twofold: to provide students with a basic introduction to the law governing the use of land in Victoria and Australia and, secondly, to examine the functions and powers of local government, particularly in relation to land use controls.

The first part of the course is concerned with planning controls. It will begin with an outline of the general problems involved in planning the use of land. This will include a brief historical introduction and a discussion of such topics as the respective roles of lawyers and planners, theories of planning and the basic philosophical conflict between advocates of planning controls and advocates of the free market mechanism and private planning devices. This will be followed by a detailed examination of the statutory framework of planning in Victoria and the way in which planning policies are translated into practice, both at a local and regional level. This will include, inter alia, a study of the procedures for making planning schemes, the contents of such schemes and the scope for public participation in the planning process, the concept of interim controls, the administration and enforcement of planning controls, the problem of non-conforming uses and the issues of compensation, betterment and powers of compulsory acquisition. Particular reference will also be made to the way in which planning discretions are exercised, the bases upon which such exercises of discretion may be reviewed and the persons who may seek such review. The major piece of legislation to be studied here is the Town and Country Planning Act 1961 but there will also be consideration of other statutory controls over land use such as those in respect of subdivision, building, advertising and historic buildings. In addition, reference will be made to comparative material both from interstate and overseas. Finally, there will be a critical examination of the efficacy of the present framework for planning in Victoria and Australia and a consideration of the ways in which it might be improved or changed, for example, in relation to strategic planning and co-ordination.
between government instrumentalities, Commonwealth and State co-operation and the scope for private planning devices such as restrictive covenants and nuisance actions.

In relation to local government, the main purpose of this part of the course will be to give students a basic outline of the structure and functions of local government in Victoria and Australia. It will include a study of the units of local government, their legal nature, size, constitution and franchise, their legislative and executive powers, particularly in relation to the use of land, and their sources of revenue. Finally, there will be a critical evaluation of the role of local government as the lowest tier of government and alternative structures will be discussed.

ASSESSMENT
For pass and for honours — one 3-hours' examination.

730-411 PROBLEMS OF PROOF
One class per week throughout the year, or two classes per week during either the first half or the second half of the year.

SYLLABUS
This is an advanced course in evidence providing a study in depth of problems concerned more with probative effect than the technical rules of admissibility, but having to operate within this framework. A general knowledge of the methods of proof (oral evidence, documentary evidence, confessions, admissions, etc.), the standards of proof and the role of judge and jury will be presumed.

There will be a preliminary exposition of the Adversary system, its consequences and limitations, and it will be treated comparatively with other systems.

This will be followed by discussion on such matters as the use of deduction and induction, elementary rules relating to probability, the role of circumstantial evidence, the hearsay rule and its limitations, police methods of interrogation, the use of expert evidence, and the use of modern scientific techniques as aids to the ascertainment of facts. These matters will be related principally to Criminal Law.

The major part of the course will consist of a series of problems in Criminal Law which will be presented to raise both fundamental conceptual questions and practical questions of method.

Students will be expected to attend court hearings, and seminars will be held in conjunction with criminal court cases.

Enrolment in the course is restricted to students who have passed in Litigation.

ASSESSMENT
For pass and for honours:
(a) One written report on a criminal trial — 1,000 words
(b) One written assignment — 6,000 words

730-501 PROCEDURE
26 classes during the first half of the academic 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 Magistrates' Courts, the control of Magistrates'
Courts by the County Court 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 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 and the rules determining whether a case is to be tried by a Judge alone or by a Judge with a jury.

Some aspects of pre-trial criminal procedure are also examined.

**ASSESSMENT**
For pass only — one 2-hours’ examination.

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**730-503 PROFESSIONAL CONDUCT**

**Twenty 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.

**ASSESSMENT**
For pass only — one 3-hours’ examination.

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**730-203 PROPERTY**

**Three classes per week throughout the year.**

**SYLLABUS**
This course is concerned with an analysis of the basic principles of the law of property. It transcends the traditional boundaries of real and personal property, covering concepts which are important in both areas. The course commences with an enquiry into the meaning of the concept of property and the purposes that are, or ought to be, fulfilled by the law of property. The traditional common law classification of real and personal property is examined in a number of contexts, for example, fixtures. Certain basic concepts are analysed in detail, viz., possession as a proprietary interest in land and goods, fragmentation of proprietary interests, concurrent interests, the development of legal and equitable interests, priorities and the modification of the common law priorities.
system by statutory regulation as in the case of Torrens system, and acquisition of proprietary interests in land and goods. These basic concepts are briefly studied in the context of certain specific interests, for example, leases, easements, restrictive covenants and mortgages. These matters are left for more detailed treatment in Easements, Profits and Covenants, Landlord and Tenant Law, and Security Law. (The subject includes an introduction to certain concepts of the law of trusts.)

ASSESSMENT
For pass and for honours:
One 3-hours' examination — value 100%.

730-413 RESEARCH PROJECT A
This research project consists of a piece of supervised and organized research into some area of legal knowledge or the legal regulation of some activity of legal significance, and the compilation and submission of a written report embodying the results of such research and the conclusions to be drawn therefrom.

The usual length of this research project is 10,000 to 15,000 words, but there is no inflexible requirement as to length. A shorter and more original submission may be adjudged of higher quality than one which is longer and less original.

Students wishing to do a research project should consult a staff member concerning an appropriate topic and should then submit the chosen topic for approval. The submission, which should be accompanied by a brief explanation of what is involved, should reach the Chairman of the Projects Committee by the first Friday in February. When the Research Committee approves topics, supervisors will be appointed, and students notified.

Research projects must be submitted in duplicate for examination, fully typed, by the first Friday in November.

Students doing research projects are required to work closely with their supervisors during the year. Supervision is an integral part of this subject. Individual research projects may be undertaken by more than one (but not more than four) students.

Students should consult the chairman of the Projects Committee for further details.

730-414 RESEARCH PROJECT B
This research project consists of a piece of supervised and arranged research into an area of International Law as prescribed in any year for the Philip C. Jessup International Law Moot Court Competition and the compilation and submission of written briefs as for that competition. Students wishing to do this research project should consult the lecturer for the time being in charge of the subject International Law, who may recommend to the Projects Committee that groups each not exceeding four in number undertake the project. Those recommendations will be made by 15 January in respect of enrolments in the next ensuing academic year. The Projects Committee will consider the recommendations so made and upon approval, notify the students and appoint supervisors.

The submission of work for the project shall be not later than the date specified by the Regional Organiser of the Philip C. Jessup International Law Moot Court Competition for the submission of memorials for the Australian regional competition in the ensuing year.
730-320 RESOURCE PLANNING AND MANAGEMENT

One class per week throughout the year, or two classes per week during either the first half or the second half of the year.

SYLLABUS

The course will consist of an analytical, comparative and critical evaluation of the historical and present role of law and various legal institutions in apportioning entitlement to make use of natural resources. A background in Property Law, Administrative Law and Constitutional Law will be assumed and the course will explore quite difficult questions of the applicability of private law doctrines to public law problems. Following broad introduction to theories of planning and decision-making, detailed rules pertaining to water, minerals and the physical environment will be considered on a comparative basis to identify the potential role of the Executive, the Legislature and the Courts. The object will be to question how law and various legal institutions in Australia can best implement planning policies and enhance the quality of planning procedures and the making of decisions.

ASSESSMENT

For pass and for honours:
One optional research paper — 5,000 to 6,000 words — value 100%.
OR
One 3-hours' examination — value 100%.

730-321 RESTITUTION

Not available in 1987.

One class per week throughout the year, or two classes per week during either the first half or the second half of the year.

SYLLABUS

1. Introduction — the nature of Restitution.
2. Recovery of payments made under mistake of fact.
3. Recovery of payments made under mistake of law.
4. Restitutionary defences of change of position and estoppel.
5. Recovery of unrequested benefits.
   Benefits conferred under a contract void for want of authority.
   Benefits conferred under a contract void for uncertainty.
   Benefits conferred under a contract void for mistake.
   Benefits conferred under an informal contract.
   Benefits conferred under an anticipated contract which does not materialise.
   Inadvertent improvements to another person's property.
   Unrequested discharge of another person's debts.
   Unrequested benefits conferred in an emergency.
   Benefits conferred under duress.
   Fraud.
   Theft and conversion.
   Waiver of the tort.
7. Recovery of benefits acquired in breach of fiduciary relationships.
   Personal and proprietary remedies available against fiduciaries acting in breach of trust or in breach of their duty of loyalty.
   The position of third parties.
   Constructive trusts and "family assets".

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ASSESSMENT
For pass and for honours — one 3-hours' examination.

730-324 RESTRICTIVE TRADE PRACTICES 1
Not available in 1987.

One class per week throughout the year or two classes per week either during the first half or the second half of the year.

SYLLABUS
The subject consists of a short explanation of the way restrictive trade practices can affect competition in a market. The subject then examines the manner in which the common law and the Trade Practices Act 1974 (Cth) (the Act) control the following restrictive trade practices: exclusive dealing; collusive tendering and bidding; area agreements; boycotts; pricing agreements; resale price maintenance and price discrimination. The subject will also outline the manner in which the Act controls monopolization and mergers.

ASSESSMENT
For pass and for honours — one 3 hours' examination.

730-329 RESTRICTIVE TRADE PRACTICES 2
Not available in 1987.

One class per week throughout the year or two classes per week during either the first half or the second half of the year.

PREREQUISITE
Students must have obtained a pass in Restrictive Trade Practices or must have studied Restrictive Trade Practices 1.

SYLLABUS
The subject deals in depth with problem areas concerning the manner in which the Trade Practices Act 1974 (Cth) (the Act) controls restrictive trade practices including: the constitutional operation of the Act; the jurisdiction of State and Federal Courts; difficulties of interpretation with particular reference to section 47 of the Act; recommended prices; oligopoly, conscious parallelism and information exchange; codes of ethics and collective activity and the regulation of price discrimination. The subject will also deal in depth with the manner in which the Act controls monopolization and mergers, the administration of the Act (including the function and role of the Trade Practices Commission and the Trade Practices Tribunal) and the extraterritorial operation of trade practices legislation. These matters will be considered against a background of an examination of the origins of and the social goals and policies justifying legislative control of restrictive trade practices which will include a comparative survey of United Kingdom and United States legislation and experience.

ASSESSMENT
For pass and for honours — one 3-hours’ examination.

730-304 SALE OF GOODS
Two classes per week throughout the academic year.

SYLLABUS
This subject deals with the legal and equitable rules particularly relevant to the sale of goods contract. The prime legal source is the Victorian Goods Act (1958), as amended. Attention is also paid to the Federal
Trade Practices Act 1974, pt. V, and some other relevant legislation. There is a considerable body of case law interpreting and supplementing the statutory rules.

ASSESSMENT
For pass and for honours — one 3-hours' examination.

730-401 SECURITY LAW

Two classes per week throughout the year.

SYLLABUS
This is a comprehensive and systematic study of the law relating to securities. It includes a treatment of mortgage and non-mortgage securities over land and personal property, including tangible chattels and choses in action. It includes a study of the law concerning company securities and the general matter of priorities between competing interests. The security aspect of consumer credit transactions is discussed. An outline of the law of bankruptcy is taught. Methods of enforcement of judgments are briefly dealt with in the course.

ASSESSMENT
For pass and for honours — one 3-hours' examination.

730-405 SELECTED STATE TAXES

Not available in 1987.

One class per week throughout the year, or two classes per week during either the first or second half of the year.

SYLLABUS
A. STAMP DUTY
1. The history and nature of stamp duty.
2. Constitutional and territorial limitations.
3. The scheme of the legislation.
4. The heads of duty.
5. Liability for duty and consequences of non-payment.
6. Payment and recovery of duty.
7. Appeal procedures.
B. FINANCIAL INSTITUTIONS DUTY
1. Nature of duty.
2. Scheme of legislation.
3. Liability to duty.
4. Exempt bank accounts.
5. Collection and recovery, and penalties.
6. Appeal procedures.
C. PAY-ROLL TAX
1. History and nature of pay-roll tax.
2. Constitutional and territorial limitations.
3. Scheme of the legislation.
4. Liability to taxation.
5. Administration — returns, collection, recovery, penalties.
6. Appeal procedures.

ASSESSMENT
For pass and for honours — one 3-hours' examination.
730-322 SOCIAL SECURITY LAW

One class per week throughout the year, or two classes per week during either the first half or the second half of the year.

SYLLABUS
The subject concerns Commonwealth law relating to social security and welfare. The history of the Australian social security system and its underlying policies are examined as are the various constitutional and administrative law problems which arise. Existing policy and legislation are critically and comparatively evaluated.

ASSESSMENT
For pass and for honours:
(a) One optional written assignment — 6,000 words — value 60%.
   Students writing the assignment may be required to do so in conjunction with working at a social welfare agency if placement can be arranged.
(b) One 1 1/2-hours' examination — value 40%.
OR
One 3-hours' examination — value 100%.

730-323 SUCCESSION

Two classes per week throughout the year.

SYLLABUS
Intestate succession, wills, the administration of estates (including the powers, duties and liabilities of executors and administrators) and family inheritance provisions.

ASSESSMENT
For pass and for honours — one 3-hours' examination.

730-407 TAXATION

Two classes per week throughout the year.

SYLLABUS
This subject includes a broad study of the Australian Income Tax System. Since the legislation imposing income tax is extremely complex and detailed, the course will be concentrated on the general principles underlying and embodied in the legislation with extensive reference to the relevant case law. Specific topics which will be covered will include the taxation of the income of individuals, companies, partnerships and trusts. Attention will also be given to the issues of tax planning, tax avoidance, fringe benefits and capital gains legislation.

ASSESSMENT
For pass and for honours — one 3-hours' examination.

730-103 TORTS

Three classes per week throughout the year.

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 allocates losses primarily by requiring the person who wrongfully invades a legally protected interest to make monetary compensation at the suit of the person harmed.

The syllabus covers those aspects of the law of torts that concern
accident compensation. Particular attention is given to individual liability for personal injuries, insurance against such liability, vicarious liability and contribution among tortfeasors. Alternative schemes for compensation for such injuries are discussed. Other topics that may be considered include damage to and interference with property and compensation to relatives.

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.

ASSESSMENT
For pass and for honours:
(A) One 3-hours' examination — value 100%.
OR
(B) (a) Optional Research Assignment — 2,500 words.
OR
(b) Optional mid-year test — 75 minutes — value 25%.
OR
(a) and (b) the higher of the two marks to count.
AND
(c) one 2-hours' examination — value 75%.

730-303 TORTS 2
One class per week throughout the year, or two classes per week during either the first or second half of the year.

SYLLABUS
This course deals with those torts which are not included in the subject Torts. In any particular year a selection will be made from the following list of topics: trespass to the person (assault, battery and false imprisonment); trespass to goods, detinue and conversion; trespass to land, nuisance (public and private); defamation (libel and slander); malicious prosecution; misrepresentation; negligence causing economic loss alone; other economic torts (intimidation, conspiracy, inducing breach of contract, passing off, injurious falsehood).

ASSESSMENT
For pass and for honours — one 3-hours' examination.

730-301 TRUSTS
Two classes per week throughout the academic year.
Prerequisite: Property.

SYLLABUS
The full and unified treatment of trusts, including the creation and administration of trusts and the powers, duties and liabilities of trustees.

ASSESSMENT
For pass and for honours — one 3-hours' examination.

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

Students are required to take part and attain a satisfactory standard in two moots before graduation but may not elect to take part in more than one moot in any year. Students who expect to graduate at the end of the year, but who have not yet participated in any moots, are required to take part in ONE moot only.

Administrative Arrangements:
1. Students have some choice regarding times, dates and positions. The Officer-in-Charge of the Moot Court (Room G-07) will discuss this with students who are studying 2nd, 3rd and 4th year subjects. A register for mooting has been established and details of students' participation in moots have been recorded. Students who are eligible to take part in a moot in any year will be advised during second term of the preceding year to place a request on a form provided and lodge it with the General Office as soon as possible. Failure to complete and lodge the form will not mean that the student will be exempted from the programme. On the contrary, it will mean that there will be no choice either of position or time and the student will be placed in a moot where there is a vacancy.

2. Requests should be as follows:
   (i) First Moot—Junior Counsel (Students studying 2nd year subjects)
   (ii) First Moot—Solicitor (Students studying 3rd year and 4th year subjects)
   (iii) Second Moot—Senior Counsel or Solicitor.

3. Absence from Moot—if for any reason a student proposes to be absent from a moot, permission must be requested in writing addressed to the Officer-in-Charge of the Moot Court and granted by the Sub-dean. Applications based on the grounds of pressure of other work in the Law course will not be approved.

4. As soon as the materials for each moot are available, they will be posted to each member of the team. On receipt of the materials each student must call at the office and sign the acceptance form. This record is kept for the convenience of every member of the team and it is necessary that these instructions are adhered to.

NON-LAW SUBJECTS

Attention is directed to the requirement in the working rules 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 and Commerce (for details see Arts and Commerce handbooks).

COMBINED COURSES

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. Candidates will receive credit in the Arts course for three subjects in respect of Law studies. They must pass in not less than six Arts subjects of their choice. These subjects must include one major and a sequence of two subjects.

Two examples of courses are:

1) First Year: Legal Process
   Criminal Law
   German 1
   Philosophy 1A

   Second Year: Torts
              Contracts
              German 2
              Philosophy 2A

   Third Year: Constitutional and Administrative Law
              Property
              German 3
              English 1A

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

2) First Year: Legal Process
   Criminal Law
   Australian Politics
   Indian Studies 1A

   Second Year: Torts
              Contracts
              Politics 2A
              Indian Studies 2

   Third Year: Constitutional and Administrative Law
              Property
              Politics 3A
              Politics 3B

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

In the normal way students must have completed all subjects of the first four years of the combined course before they are qualified to be admitted to the B.A. (Ordinary) degree.

The faculty of Arts will consider, however, in special circumstances the case for eligibility for the degree of those students, who have completed the requirements for the first three years of the B.A./LL.B. combined course and have passed in addition in any three of the 2 or 3 point subjects of the fourth year of the course.

Students who believe that they may be qualified for admission to the B.A. (Ordinary) degree, pursuant to the dispensation, should consult the sub-dean of the faculty of Arts.
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. For details, 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:  
Legal Process  
Criminal Law  
Economics A  
Two of—  
Accounting A  
Economic History A  
Regional and Urban Development A  
Approved Group III (Level 1) Commerce subject

Second Year:  
Torts  
Contracts  
Economics B  
Statistical Method B  
Approved Group II (Level 2) Commerce subject

Third Year:  
Constitutional and Administrative Law  
Property  
One Approved Group II (Level 3) Commerce subject  
One Approved Group II (Level 1, 2 or 3) Commerce subject

Fourth Year:  
Third Year Law

Fifth Year:  
Fourth Year Law

The candidate will be eligible for admission to the degree of Bachelor of Commerce on completion of the studies of the first four years of the course.

BACHELOR OF COMMERCE (HONOURS IN ECONOMICS) — BACHELOR OF LAWS

The following course has been approved.

Year 1  
Legal Process  
Criminal Law  
Economics A  
Two of—  
Accounting A  
Economic History A  
Regional and Urban Development  
Approved Group III (Level 1) Commerce subject

Year 2  
Torts  
Contracts  
Economics B  
Statistical Method B  
Approved Group II (Level 2) Commerce subject

Year 3  
Constitutional and Administrative Law  
Two of—  
Economics C1, C12, C13  
Two further Economics C units
An approved level II or III subject from the Ordinary Degree, which may include further Economics C units.

Year 4 Property
  Economics D8
  Three units from Economics level IV courses.

Year 5 Third Year Law

Year 6 Fourth Year Law

BACHELOR OF COMMERCE (HONOURS IN ACCOUNTING) — BACHELOR OF LAWS

The following course has been approved.

Year 1 Legal Process
  Criminal Law
  Economics A
  Accounting A
  One of—
    Economic History A
    Regional and Urban Development
    Approved Group III (Level 1) Commerce subject

Year 2 Torts
  Contracts
  Economics B
  Statistical Method B
  Accounting B

Year 3 Constitutional and Administrative Law
  Accounting C1 & C2
  Accounting C3 & C6
  Accounting C10
  Two Economics C units

Year 4 All students shall enrol in:
  Property
  Accounting Research Essay
  Accounting D6
  Students specializing in Financial Accounting and Finance
  must enrol in addition in the following units:
    Accounting D1
    Accounting Q2 or D4
    Accounting D3
  Students specializing in Managerial Accounting and Quantitative Methods must enrol in addition in the following units:
    Accounting D2
    Accounting D1 or D4
    Accounting D5

Year 5 Third Year Law

Year 6 Fourth Year Law

BACHELOR OF LAWS—BACHELOR OF SCIENCE

The courses for these two degrees may be combined over a period of five years.

The following shows the order in which subjects are taken.

Year 1 Legal Process
  Criminal Law
  Science Units—totalling 16-18 points
Year 2  
Torts  
Contracts  
Science Units—totalling 24-28 points  

Year 3  
Constitutional and Administrative Law  
Property  
Science Units—totalling 26 points  

Year 4  
3rd Year Law  

Year 5  
4th Year Law  

The combined Law/Science course must include at least 66 points of Science subjects with a minimum of 16 points at the 100 level and recommended minimum of 18 points at the 300 level. 

Students should note that prerequisite requirements for 200-level units may include more than the minimum 100-level points. In such a situation students will be expected to complete all prerequisites before permission for proceeding to the next level is given. Also entry into the B.Sc. (Honours) course is based in part on students achieving a faculty score of at least 65 based on the best 36 300-level Science points attempted. Students may not be awarded the B.Sc. degree until they have completed all requirements for the LL.B. as well as the 66 points of Science. Students who plan to qualify as patent attorneys should ensure that their Science courses will be approved by the Board of Examiners of Patent Attorneys.

BACHELOR OF LAWS—DIPLOMA IN CRIMINOLOGY

The courses for the degree of bachelor of Laws and the diploma in Criminology may be taken in succession over a period of five years of full-time study. The student completes all subjects of the LL.B. course during the first four years and in the fifth year Criminology A, B, C & D.

SCHOLARSHIPS, BURSARIES, PRIZES AND FINANCIAL ASSISTANCE

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—$1,000.

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 the subject Conflict of Laws, $75.
   (b) To the candidate recommended by the examiners and placed first among all candidates in the subject Jurisprudence, $75.
   (c) To the candidate recommended by the examiners and placed first among all candidates in the subject Comparative Constitutional Law, $50.

E. J. B. Nunn Scholarship
This scholarship is awarded to the student placed first in the class list for the degree of bachelor of Laws with honours.

Joan Rosanova Q.C. Memorial Prize
This prize of the value of $350 is awarded to the woman placed highest in the class list for the degree of bachelor of Laws with honours.
Spero Wilson Memorial Scholarship
This scholarship of the value of $250 is awarded to the student placed second in the class list for the degree of bachelor of Laws with honours.

Anna Brennan Memorial Prize
The Anna Brennan Memorial Prize of $50 is offered by the Women Lawyers' 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.

John G. Chrisp Law Bursary
For matriculated students of good character whose financial circumstances are such that without assistance they are unable to commence or continue their Law course. See Regulation 6.53 in the Calendar.

Harry Emerton Law Scholarship
For students of the University, pursuing the course prescribed by the Council of Legal Education for pupils under articles. The scholarship is awarded to the candidate placed first at the honours examination in November in Legal Process and Criminal Law. See Regulation 6.48 in the Calendar.

Other Scholarships and Bursaries
In addition to the above awards and assistance various scholarships, bursaries and assistance schemes are available for which Law students may compete or apply (in most cases with students of other faculties). These are referred to in the Student Diary and the University Calendar.

Prizes and Exhibitions in Law Subjects*

The following prizes and exhibitions are awarded:—

Advanced Administrative Law
Advanced Constitutional Law A
Advanced Constitutional Law B
Advanced Contract Law
Agency, Partnership & Unincorporated Associations
Australian Immigration and Nationality Law
Banking and Negotiable instruments
Civil Liberties
Commercial and Consumer Transactions A
Company Law 1
Company Law 2
Comparative Constitutional Law
Comparative Labour Law
Conflict of Laws
Constitutional and Administrative Law
Consumer Credit

John Madden Exhibition $110
Harrison Moore Exhibition $30
Raynes Dickson Exhibition $75
Spero Wilson Memorial Scholarship $50
Spero Wilson Memorial Scholarship $50
Spero Wilson Memorial Scholarship $50
Spero Wilson Memorial Scholarship $50
Mallesons Prize $100
Arthur Phillips & Just Exhibition $250
Robert Craig Exhibition $50
Supreme Court Exhibition $50
Butterworth Book Prize
Jenks Exhibition $30
Supreme Court Exhibition $75
R. J. Hamer Prize $140
Jessie Leggatt Scholarship $50

* Subject to review.
PART C

HIGHER DEGREES IN LAW

The University of Melbourne awards three higher degrees in law, namely master of Laws (LL.M.) which may be obtained either by thesis or by course-work, doctor of Philosophy (Ph.D.) obtainable by thesis, and doctor of Laws (LL.D.) which is awarded for written work. Work for the degree of doctor of Philosophy is controlled by the Academic Board of the University while work for the other degrees is controlled by the faculty of Law.

Enquiries relating to LL.M. and LL.D. should be addressed to the Administrative Officer, faculty of Law, University of Melbourne, Parkville, Victoria 3052.

SELECTION OF APPLICANTS FOR STUDIES FOR HIGHER DEGREES IN LAW

The faculty is allocated a limited number of places for postgraduate students in Law. If the demand for places exceeds the number available applicants will be selected by a selection committee in the following way:

(a) applicants who have qualified for LL.B. (Hons.) or its equivalent who shall be ranked inter se according to their work experience in Law since qualifying for that degree valued on a scale of 1 point per year up to a maximum of 5 points;

(b) then other applicants who shall be ranked according to a formula under which—

(1) work experience in Law since qualifying for the first degree in Law is valued on a scale of 1 point per year up to a maximum of 5 points; and

(2) academic performance in the course for the first degree in Law is valued on a scale of

- H1 or HD — 3 points
- H2 or D — 2 points
- H3 or C — 1 point

Notwithstanding those criteria the Faculty may at any time select an applicant for LL.M. by thesis who satisfies the Faculty of his or her ability to pursue advanced studies for LL.M. by thesis and may rank such an applicant in the appropriate order according to the merits of the case. An applicant to be selected in that way would normally have to show special aptitude in relation to the proposed topic of the thesis by, for example, preliminary writing in relation to the proposed thesis topic.
Minimum Number of Enrolments and Cancellation of Subjects
If the number of enrolments for a particular subject does not reach the minimum number required for that subject in the opinion of the faculty the subject will not be offered. The availability of subjects may also be affected by changes in teaching staff.

Application for Candidature and Approval of Course
Applicants for inclusion in the programme for LL.M. by course-work should apply to the Administrative Officer, faculty of Law, University of Melbourne, Parkville, 3052, on the form of application obtainable from the Administrative Officer.
The closing date for applications is Friday, 5 December, 1986.

Enrolment
On receiving from the Administrative Officer, faculty of Law, an authorized enrolment record, candidates should enrol in respect of subjects offered
—by the University of Melbourne alone; and if applicable,
—by the University of Melbourne and Monash University jointly
at Students Administration Office, University of Melbourne. Regulation 2.2A section 2 provides as follows:
2.(1) A candidate, on approval by the appropriate faculty, board of studies or the Academic Board, as the case may be, of the candidate's application for candidature or of preliminary studies shall enrol in the University at or within the prescribed time by lodging with the Registrar the form of enrolment prescribed by the Academic Board.
(2) The approval granted pursuant to the preceding sub-section shall lapse if the applicant does not enrol within the specified time.

Candidates wishing to take a subject offered only at Monash University should consult the sub-dean (Graduate Studies), faculty of Law, Monash University about enrolment procedures.

Re-enrolment
Students already in the course are required to indicate their choice of subjects for 1987 no later than Friday 5 December, 1986.
The faculty will then effect an authorized enrolment. Regulation 2.2A, section 3 provides as follows:
3.(1) A candidate shall, unless exempted by the appropriate faculty, board of studies or the Academic Board, re-enrol annually at or within the prescribed time until he or she has qualified for the award of the degree or the diploma or has completed a preliminary course of studies.
(2) The candidature of a person who fails to re-enrol pursuant to the provisions of the preceding sub-section shall be deemed to be abandoned, provided that the Academic Board may on the recommendation of the appropriate faculty reinstate a person's candidature.

Dates of Classes
In each of the subjects offered there will be twelve seminars each of two hours' duration. Some will be conducted in the first half-year period March to July on dates to be notified. Others will be conducted in the second half-year period July to October on dates to be notified. Candidates will be assessed at the end of each half-year period.
1. **Preamble**

1.1 **Applicability**

These principles shall not apply to such postgraduate courses under the direct control of the Academic Board as the Academic Board may prescribe from time to time.

1.2 **Selection Committee**

1.2.1 There shall be a selection committee for entry to each postgraduate course consisting of the Dean of the faculty or Chairman of the board of studies concerned, or a person nominated by the Dean or Chairman, and such other members as may be appointed by the faculty or board of studies. If any member of a selection committee is unable to act, the Dean of the faculty or Chairman of the board of studies may approve the appointment of a substitute, on behalf of the faculty or board of studies concerned.

1.2.2 A selection committee shall identify those applicants to whom offers shall be made for places available for that course.

1.2.3 A selection committee shall make its decisions by the vote of a majority of the members present and voting and shall report those decisions to the faculty or board of studies as soon as possible.

1.3 **Applications**

1.3.1 Applicants for selection should submit applications on the appropriate form by the date prescribed or by such closing date as may be prescribed for the receipt of late applications.

1.3.2 No application for selection lodged after such closing date shall be considered unless the selection committee concerned is satisfied that special circumstances exist which justify a late application.

1.4 **Special and General Principles**

1.4.1 Special principles of selection for any faculty or board of studies may be approved by Council on the recommendation of the Academic Board.

1.4.2 Except insofar as is provided by general principles of selection those special principles shall not conflict with the general principles.

1. Pursuant to Statute 2.3 (the Academic Board), the Academic Board exercises the powers and performs the duties of a faculty or board of studies for all course not pertaining to any faculty or board of studies. The Master of Business Administration course and the Doctor of Philosophy course are under the direct control of the Academic Board and, in respect of these courses, the Board is deemed to be a faculty or board of studies within the meaning of these General Principles of Selection.

The Board has prescribed that these General Principles of Selection shall not apply to entry to the Doctor of Philosophy course.

2. Such dates, if any, may be prescribed in special principles of selection or by notification in the relevant Handbook for the course concerned.
1.5 **Eligibility**

Except as otherwise provided in special principles of selection, applicants for selection to the first or later years of a postgraduate course must have:

(a) satisfied the University entrance requirements;

(b) satisfied any prerequisite or entry requirements for and the provisions of any regulations applicable to, the course for which selection is sought;

(c) successfully completed, to a standard satisfactory to the appropriate faculty or board of studies, courses of study which, in the opinion of the faculty or board of studies, are equivalent to those for which standing or credit is sought; and

(d) complied with any requirements for eligibility contained in special principles of selection for the course for which selection is sought.

1.6 **Level of Entry:** (Applicable only to postgraduate courses which are divided into years.)

1.6.1 The selection committee shall consider applicants for selection at the year or level of the course which is determined in accordance with the relevant course regulation and any working rules of the faculty or board of studies.

1.6.2 To the extent necessary to establish the year or level for which an applicant is to be considered for selection, credit to be granted for work done in other courses may be determined in accordance with Regulation 3.3 and any working rules, if the faculty or board of studies has not provided otherwise for such a determination.

1.6.3 Unless the applicant has specified otherwise, any applicant found to be ineligible for selection at a particular level shall be considered for selection at the highest level for which the applicant is eligible.

2. **Selection**

2.1 Pursuant to the following principles and to any special principles approved by Council, the selection committee shall identify those eligible applicants who are considered most likely to pursue successfully the course concerned. Such applicants shall be ranked by the selection committee and places shall be offered in accordance with such ranking until the places available have been filled.

2.1.1 Selection shall be based primarily on academic merit as judged by reference to the whole academic record of the applicant.

3. Where working rules are used a copy may be obtained from the Assistant Registrar of the faculty or board of studies concerned.

4. Places available shall be determined by Council in accordance with resolutions agreed by Council from time to time and notified in terms of target figures, quotas or sub-quotas of Weighted Student Units attributable to postgraduate students, reserved for each faculty, board of studies or postgraduate course of the University, as the case may be.
2.1.2 In establishing the relative likelihood of success of any applicant, a selection committee may, at its discretion, take into account:

(a) the age of an applicant when completing part of or all of a course of study relied on as qualifying the applicant for admission and the period of time which has passed since completion of those studies;

(b) any illness, war or military service, or serious hardship as a result of which the studies or examination performance of an applicant have, in the opinion of the committee, been adversely affected;

(c) physical handicaps or disabilities;

(d) reports from persons with relevant professional qualifications, where those reports may assist the selection committee in evaluating the effect of factors referred to in paragraph (b) or (c);

(e) the applicant’s reasons for wishing to pursue the course;

(f) any work or research experience which, in the opinion of the selection committee, may be relevant to the proposed course of study;

(g) any other matters specified in the special principles of selection of the course for which selection is sought.

2.1.3 A selection committee may conduct interviews to elucidate the matters referred to in section 2.1.2 above or for such purposes as may be provided for in special principles of selection.

2.1.4 A selection committee shall take into account any relevant written information submitted by an applicant.

2.1.5 A selection committee may conduct written or other tests for such purposes as may be provided for in special principles of selection.

2.1.6 A selection committee may also take into account any special principles of selection or other factors approved by Council on the recommendation of the faculty or board of studies concerned.

2.2 A selection committee shall select a candidate only if it is satisfied that the faculty or board of studies can arrange for the adequate supervision of the candidate and can provide, or arrange access to, adequate facilities for the support of that candidate.

3. Conditional Selection

Pursuant to Regulation 3.3, section 1(1), special principles of selection may provide for the imposition of conditions subject to which admission may be granted.

* Makes provision for special principles to be proposed.
REGULATIONS

Regulation 2.2A—Enrolment for Higher Degrees and Post-graduate Diplomas

1. All applicants for candidature for a higher degree or a post-graduate diploma shall lodge with the Registrar an application in the form prescribed by the Academic Board.

2. (1) When in respect of an applicant—
   (a) an application for candidature has been approved; or
   (b) preliminary studies have been approved; or
   (c) admission to candidature has been granted;
   by the appropriate faculty or board of studies or by the Academic Board, the applicant shall enrol in the University at or within the prescribed time.

   (2) Any approval or admission referred to in the preceding subsection shall lapse if the applicant does not enrol at or within the prescribed time.

3. (1) A candidate shall, unless exempted by the appropriate faculty, board of studies or the Academic Board, re-enrol annually at or within the prescribed time until he or she has qualified for the award of the degree or the diploma or has completed a preliminary course of studies.

   (2) The candidature of a person who fails to re-enrol pursuant to the provisions of the preceding sub-section shall be deemed to be abandoned, provided that the Academic Board may on the recommendation of the appropriate faculty reinstate a person's candidature.

   (3) A candidate who desires to discontinue his course shall notify the Registrar in writing of his intention to do so.

4. Regulation 2.2 shall apply with the necessary changes to the enrolment of a candidate pursuant to this regulation.

Regulation 3.15—Degree of Master of Laws

By Thesis

1. A candidate for the degree of master of Laws by thesis shall be either—
   (a) a bachelor of Laws of the University with first class honours, or second class honours division A, or
   (b) a bachelor of Laws or its equivalent of any university or other tertiary institution or a person who has been admitted to practice in Victoria after completing a course prescribed under the Rules of the Council of Legal Education or a person with a bachelor's degree other than in Law or its equivalent of any university or other tertiary institution who is qualified to practise law within the country of his or her origin or residence—
      (i) whose ability to pursue advanced studies for the degree of master of Laws by course work is established to the satisfaction of the faculty; and
      (ii) whose candidature is approved by the faculty.

2. A candidate shall engage in full-time advanced research in law for one year, save that
   (a) a full-time member of the University staff may be accepted as a part-time candidate for the degree,
   (b) the faculty may accept as a part-time candidate a person engaged in another regular occupation which in its opinion leaves the candidate free for the greater part of his time to pursue his candidature.
3. A candidate shall submit a thesis on a subject approved by the faculty within a time limit prescribed by the faculty. Save in exceptional circumstances this limit shall be for a full-time candidate one year and for a part-time candidate two years.

4. A candidate who satisfies the examiners may be admitted to the degree of master of Laws.

5. Notwithstanding the preceding provisions of this regulation a candidate for the degree of doctor of Laws who has submitted a work for examination may be admitted to the degree of master of Laws where the examiners, acting with the approval of the candidate, recommend that the work submitted, though not qualifying the candidate for the degree of doctor of Laws, is nevertheless of sufficient merit to justify the award of the degree of master of Laws.

6. Notwithstanding the preceding provisions of this regulation a candidate who at or before the final honour examination held in the first term of 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.

By Course Work

7. A candidate for the degree of master of Laws by course work shall be either—
   (a) a bachelor of Laws of the University with honours, or
   (b) a bachelor of Laws, or its equivalent, of any university—
      (i) whose ability to pursue advanced studies for the degree of master of Laws by course work is proven to the satisfaction of the faculty; and
      (ii) whose candidature is approved by the faculty.

8. (1) A candidate shall pursue full-time advanced studies in Law for not more than two academic years unless the faculty grants permission to the candidate to pursue such studies as a part-time candidate.

   (2) A part-time candidate shall pursue advanced studies in law over a period of not more than three academic years or a longer period approved by the faculty in a particular case as being the equivalent of three academic years.

9. (1) The course of studies, to be approved in each case by the faculty, shall comprise four subjects drawn from subjects prescribed by the faculty for the purposes of candidature by course work and the study of a topic approved for the purpose by the faculty.

   (2) A candidate shall—
      (a) (i) attend such seminars as may be prescribed, and
      (ii) present for assessment in each subject of the candidate’s course; and
      (b) submit for examination a minor thesis on the approved topic.

   (3) Except where the faculty otherwise prescribes a candidate who neglects to attend the number of seminars in a subject prescribed as the minimum in each case by the faculty shall not be eligible for assessment in the subject.

10. A candidate who fulfils the foregoing requirements and who satisfies the examiners for each of the four subjects and the minor thesis may be admitted to the degree of master of Laws.
11. The conditions for candidature of a person admitted as a candidate for the degree of master of Laws before the 1st January 1983, shall not be prejudiced by any amendment of the provisions of this regulation relating to candidature made subsequent to the admission of that person.

730-601 MASTER OF LAWS BY THESIS

Candidature
Candidates must either (i) be bachelors of Laws of the University with first class honours or second class honours Division A, or (ii) be bachelors of Laws or its equivalent of any university who satisfy the faculty of Law of their ability to pursue advanced studies for the degree of master of Laws by thesis and obtain the faculty's approval for their candidature. What evidence is necessary to satisfy the faculty depends on the particular case. For example, approval might well be given to an applicant who wrote a particularly good research paper as an undergraduate.

Full-time or Part-time Studies
Candidates are normally expected to be full-time. It is the long and repeated experience of the faculty that part-time candidates whose working-day is spent in a non-academic setting usually find it impossible to carry out research and write a thesis of the required standard in their spare time, or to meet their supervisors often enough. Applicants for part-time candidature (other than full-time members of the University academic staff) are required to satisfy the faculty that their other occupations leave them free to spend an adequate amount of time on the thesis.

Approval of Subject
Approval by the faculty of the applicant's proposed area of research and thesis subject is a prerequisite to enrolment.
Intending applicants should in the first instance seek an interview with the chairman of the faculty's graduate studies committee (phone 344 6190).
In the case of an overseas applicant it is strongly recommended that approval be obtained before definite arrangements are made to come to Melbourne, and that full details of previous experience and academic record be submitted at the same time. Approval of subject is made by reference to the following factors: the applicant's ability as evidenced by previous record; in the case of an applicant who is not a native speaker of English, his command of that language; whether the subject suggested can be adequately supervised in this school; whether in the opinion of this faculty the subject suggested is of sufficient intellectual and practical significance to warrant investigation, or further investigation, as the case may be; whether the proposed research and writing of the thesis is likely to be finished during the time spent at this university by the applicant. Overseas candidates are recommended to submit alternative subjects and to indicate whether they have any previous expertise in the relevant areas. They should also bear in mind that approval is not normally given for completion of the writing up of the thesis after a candidate's departure from Melbourne.

Supervision
In general one supervisor will be appointed to advise each candidate. The role of the supervisor is advisory. It is the responsibility of the can-
didate to seek the advice of the supervisor as and when she/he feels it is needed. It is not the responsibility of the supervisor to seek out the candidate or police progress. The practice of supervisors naturally varies in detail with the individual concerned. The important thing from the candidate's point of view is to achieve a fruitful and satisfactory working relationship of such a kind that the completed thesis, although guided by the supervisor if the candidate so requires, is unquestionably the candidate's own work both as to basic ideas and their detailed development. Equally, the candidate would be wise to seek the supervisor's comments on matters of style and presentation, but it is not the task of the supervisor to carry through a detailed correction of any drafts or scripts submitted. It follows from these principles that the finished work is not to be regarded for any purpose as reflecting the quality of the supervisor; that the candidate is entirely free to seek discussion and advice elsewhere; and that the candidate is not bound to accept advice given.

Preparation and Submission of Thesis

The thesis must be submitted by a full-time candidate not later than one calendar year after the date stated on the form of authority to enrol which is issued to each candidate and by a part-time candidate not later than two years from that date. These restrictions may be varied under exceptional circumstances but the expression 'exceptional circumstances' is strictly construed. It is emphasized that candidates would be wise to assume that no extension of time will be allowed. In case of illness during candidature, leave should be sought. In any case of difficulty which impedes timely progress, the advice of the supervisor should be sought promptly. Failure to do so weakens any subsequent application to the faculty.

The thesis must be typed, or reproduced in some equivalent manner, on International Standard Size paper A4 in double spacing and must include a title page showing the title of thesis, degree for which it is submitted and full name of the author, a bibliography, tables of contents, cases and statutes; a signed statement that the thesis is the work of the candidate alone, except where due acknowledgement is made in the text, and does not include material for which any other university degree or diploma has been awarded; and a one-page summary of the course of the argument. It should not exceed three hundred pages, excluding tables and appendices. An index is not required. Courtesy acknowledgements of the kind which frequently appear in prefaces should definitely not be included.

Sheets should be numbered consecutively and clearly; interpolated sheets should be marked distinctly — e.g. 69(a). Folding diagrams or charts should be arranged so as to open out to the top and the right. There should be a binding margin of at least 35 mm uniform on all sheets.

Three copies of the thesis, securely bound so as to stand on a shelf as a book and with the title and author lettered on the spine should be submitted to the Registrar by delivery to the Administrative Officer (Law), Faculty of Law.

If the thesis is passed by the examiners a copy will be placed in the university library. It should therefore be as free from deletions and additions as possible.
Examination of Thesis

Regulation 4.4—Particular Provisions Applicable to Examination of Theses for Higher Degrees or Postgraduate Diplomas

1. Where it is provided that a candidate for any degree of doctor or master or for a postgraduate diploma may submit a thesis or work in full or partial satisfaction of the requirements for that degree or diploma, the Council may require that thesis or work to be in the English language. The candidate shall furnish to the Registrar three typewritten or printed copies of the thesis or work, the format of which shall be in accordance with such general directions as shall from time to time be given by the Academic Board and published with this chapter of the regulations.**

2. No candidate shall be permitted to submit for assessment a thesis or work in full or partial satisfaction of the requirements for any degree of master or doctor or for a postgraduate diploma—

(a) if it is substantially similar to a thesis or work previously examined or assessed and rejected in the University or in any other university or institution unless in special circumstances the Academic Board, in the case of the degree of doctor of Philosophy or other degrees for which the Academic Board is directly responsible, or the appropriate faculty or board of studies, in the case of other higher degrees or postgraduate diplomas, gives permission;

(b) if it is substantially similar to a thesis or work upon which that candidate has qualified in whole or in part for a degree or diploma in the University or in any other university or institution; or

(c) while a thesis or work substantially similar thereto remains submitted for examination or assessment for any other degree or diploma of the University, or in any other university or institution.

3. (1) Each examiner shall assess the quality of the thesis or work and shall make a report in writing containing the examiner's recommendations as to the result of the examination. Before making their several reports the examiners may consult together. Any examiner may request the chairman of the examiners to obtain from the candidate clarification of any part of the thesis or work and the chairman shall take steps to obtain such clarification from the candidate.

(2) If one or more of the examiners request the chairman of examiners to do so, the chairman shall require the candidate to answer any questions concerning the subject of the thesis or work. The chairman, after consultation with such examiner or examiners, shall determine whether the answers are to be in writing or oral.

(3) Where there is more than one examiner and they do not agree, the chairman may require them to consult together in an effort to resolve the issue. If after such consultation the chairman judges that the examiners are evenly divided, an additional examiner, who may be the

**(i) These should be typed on A4 paper with a left hand margin at least 4 centimetres wide.

(ii) Pages should be consecutively numbered; if sheets are interpolated they should be lettered consecutively, each letter being preceded by the number of the last previous numbered page.

(iii) Folding diagrams and charts should be arranged so as to open out to the top and right.

(iv) The title page must show the title of the thesis or work, the degree or diploma for which it is submitted, the name of the department or faculty to which it is submitted and the full name of the author.

(v) The original or a good quality photocopy on bond paper shall be bound in such manner that it will stand on a shelf as a book (with the name of the author and the title or an abbreviation thereof appearing on the spine) for deposit in the library of the University pursuant to Regulation 4.4.4.
chairman of the examiners, shall be appointed by the Council in accordance with the provisions of Statute 3.12.1.

(4) Subject to this section the result of the examination shall be in accordance with the decision of a majority of the examiners.

4. The Registrar shall deposit in the library of the University a copy of the thesis or work submitted by any candidate who has satisfied the examiners.

730-602 MASTER OF LAWS BY COURSE-WORK

Candidature

Candidates for the degree of master of Laws by course-work shall be either—

(a) bachelors of Laws of the University with honours, or

(b) bachelors of Laws or its equivalent of any university or other tertiary institution or a person who has been admitted to practice in Victoria after completing a course prescribed under the rules of the Council of Legal Education or a person with a bachelor's degree other than in Law or its equivalent of any university or other tertiary institution who is qualified to practise law within the country of his or her origin or residence who—

(i) satisfy the faculty of their ability to pursue advanced studies for the degree of master of Laws by course-work; and

(ii) obtain the faculty's approval for their candidature.

What evidence is necessary to satisfy the faculty depends on the particular case. For example, experience in the practice of law since graduating could be relevant.

Applicants for candidature are required to disclose details of other formal courses of study which they intend to undertake during the period of proposed candidature.

Course of Studies for LL.M. by Course Work

Candidates will pursue a course of studies approved in each case by the faculty.

An approved course of studies consists of four subjects drawn from subjects prescribed by the faculty as set out in the details of subjects appearing below and the completion of a minor thesis on a topic approved by the faculty.

The subjects prescribed may include some subjects taught within the University of Melbourne alone and others to be taught under joint arrangements between the University of Melbourne and Monash University.

No course will be approved unless the selection of subjects entails the writing of at least two research papers.

Subject to Monash University's having a place available, a candidate for LL.M. (Melbourne) may take as one of the four required subjects a unit offered by Monash University alone as part of the student's programme of LL.M. by course work. Details as to the units available may be obtained from the Sub-Dean (Graduate Studies), Faculty of Law, Monash University, Clayton, Vic. 3168. This is subject to a place being available at Monash University.

Full-time or Part-time Studies

A course of study may be full-time or part-time. Full-time candidates will be required to complete the course in two academic years. Part-
time candidates will be required to complete at least two subjects in each year and to complete the requirements for the degree within three years.

A full-time candidate is required to complete the whole course in not more than two academic years and to complete the four subjects in one academic year or a period approved by the faculty in a particular case as being the equivalent of one academic year.

A part-time candidate is required to complete the whole course in not more than three academic years and to complete the four subjects in two academic years or a period approved by the faculty in a particular case as being the equivalent of two academic years.

Maintenance of Candidature
To qualify for the award of the degree, a candidate is required

(i) to pass in each of the four subjects of the approved course; and

(ii) to submit a minor thesis satisfactory to the examiners.

A candidate who was enrolled for LL.M. by course-work before 1st January 1978 and who has been pursuing that course or has been granted leave from that course will not be required to submit a minor thesis but will be required to complete the course in accordance with the regulations and working rules in force on 30th April 1977, save that—

(i) in order to maintain candidature for the award of the degree he is required to attain an average mark of not less than seventy per cent over the subjects of his approved course taken before 1978 and to attain an average mark of not less than fifty per cent on the new scale of marking over the subjects of his approved course taken in 1978 or thereafter;

(ii) any such candidate who attains an average mark lower than that which he is otherwise required to attain, by not more than five per cent of the total marks attainable may be permitted by the faculty to enrol for a fifth subject and if in the fifth subject he attains a mark of at least fifty per cent he will be eligible for the award of the degree.

A candidate who was enrolled for LL.M. by course-work after the 1st January, 1978, but before the 1st January, 1980, and who has been pursuing that course or has been granted leave from that course, may qualify for the degree by complying with the requirements prescribed in the regulations and working rules in force on 30th April, 1979.

Withdrawal from Candidature
The reading required in the course and the preparation of research papers will make considerable demands on the candidate's time. Persons contemplating part-time candidature should carefully assess the amount of time available to them and should allow for the possibility of change in their circumstances.

Except in special circumstances approved by the faculty, a candidate will not be permitted to cancel, add to or vary any of the subjects for which he or she is enrolled after two weeks have elapsed from the commencement of seminars in the subject or subjects concerned. A student wishing to cancel his or her enrolment more than two weeks after seminars have commenced will not be permitted to do so in the absence of very good reasons. Ordinarily an increase in working load in employment will not be regarded as entitling a candidate to cancel
his or her enrolment in a subject or subjects. Any application for leave based on medical grounds should be supported by a medical certificate.

A candidate who is not permitted to cancel his or her enrolment in a subject or subjects and who does not sit for the examination (if any) or otherwise submit work for assessment will be recorded as having failed in such subject or subjects.

**Minor Thesis**

The minor thesis shall consist of

(a) a major article suitable for publication in a learned legal journal of a standard approved by the faculty; or

(b) an empirical study of the operation of particular legal doctrines or legislation; or

(c) draft legislation with an appropriate commentery; or

(d) any other type of research work approved by the faculty.

Depending on the nature of the minor thesis, its length could range from 20,000 to 35,000 words. Students should note in this regard that a thesis is not a catalogue of all the law on a topic; rather a thesis is an argument which positively asserts a proposition and then attempts to prove it. A minor thesis of 20,000 words which takes a position and employs the legal materials which have been researched in support of that position will be assessed more favourably than one which simply describes the law and runs to 30,000 words. Thus, the emphasis is upon succinct, clear and relevant legal analysis.

The minor thesis may involve research work on a new topic or may develop and extend work done in satisfaction of the requirements in one or more of the subjects prescribed by the faculty, including those offered by Monash University alone. In the latter case, if that work is incorporated in the minor thesis, the candidate must indicate the nature and extent of that incorporation and re-submit copies of the relevant papers together with the minor thesis.

The topic for the minor thesis will be normally approved by the faculty no later than after completion by the candidate of three subjects for the degree.

A candidate shall submit the minor thesis for examination no later than twelve months after completion of the four subjects of the approved course or at such other time as the faculty may prescribe. CANDIDATES SHOULD NOTE THAT THE FACULTY’S POWER TO GRANT EXTENSIONS OF TIME FOR SUBMISSION WILL BE EXERCISED ONLY IN EXCEPTIONAL CIRCUMSTANCES.

The responsibility for timely submission of the thesis rests on the candidate. Failure to make timely submission can mean loss of opportunity to qualify for the degree.

The faculty shall appoint a supervisor in respect of each minor thesis. The role of the supervisor is advisory. It is the responsibility of the candidate to arrange to confer with the supervisor at appropriate intervals. This is particularly important during the first half of the period of preparation of the thesis when progress is slow and there is a temptation to allow the situation to drift. The Graduate Studies Committee makes regular enquiries of supervisors as to each candidate’s progress. It is not the responsibility of the supervisor to seek out or to police the progress of the candidate. The practice of supervisors naturally varies in detail with the individual concerned. The important thing from
the candidate's point of view is to achieve a fruitful and satisfactory working relationship of such a kind that the completed thesis, although guided by the supervisor if the candidate so requires, is unquestionably the candidate's own work both as to basic ideas and their detailed development. Equally, the candidate would be wise to seek the supervisor's comments on matters of style and presentation, but it is not the task of the supervisor to carry through a detailed correction of any submitted drafts or scripts. It follows from these principles that the finished work is not to be regarded for any purpose as reflecting the quality of the supervisor; that the candidate is entirely free to seek discussion and advice elsewhere; and that the candidate is not bound to accept advice given.

The thesis must be typed, or reproduced in some equivalent manner, on international Standard Size paper A4 in double spacing and must include a title page, a bibliography, tables of contents, cases and statutes; a signed statement that the thesis is the work of the candidate alone, except where due acknowledgement is made in the text, and does not include material for which any other university degree or diploma has been awarded; and a one-page summary of the course of the argument. An index is not required. Courtesy acknowledgements of the kind which frequently appear in prefaces should definitely not be included.

(i) Sheets should be numbered consecutively and clearly; interpolated sheets should be marked distinctly—e.g. 69(a), or as the case may require.

(ii) Folding diagrams or charts should be arranged so as to open out to the top and right.

(iii) There should be a margin on the left hand side of at least 35mm uniform on all sheets.

(iv) The original typed copy or an electrostatic copy of it on bond paper (not a carbon copy) shall be bound in such a manner that it will stand on a shelf as a book and, if passed, shall be deposited in the Law Library.

(v) The title page must show the title of the thesis, the degree for which it is submitted, the name of the department or faculty to which it is submitted and the full name of the author.

(vi) The name of the author must be on the spine and it is desirable to show there also the title, abbreviated if necessary.

Three copies of the thesis should be submitted by delivery to the General Office, Faculty of Law. Receipts will be issued.

Subject Quotas
There may be a quota in respect of some subjects. Details as to quotas in any particular year will be available from the Administrative Officer, Faculty of Law in December of the previous year.

Priority in selection for a particular subject in which there is a quota will be given as follows—

(i) First priority to candidates who have been enrolled in the course and who have a satisfactory record in the course;

(ii) Second priority to applicants who have not previously been enrolled in the course.

Candidates in category (i) shall, if need be, be ranked in order of their academic record in the course. Candidates in category (ii) shall, if need be, be ranked according to the formula for which entry to the
overall quota for the course is determined and, as between the lowest ranked applicants of equal academic merit, preference will be given according to order of receipt of formal application for inclusion in the course.

Absolute preference for inclusion in a particular subject will be accorded to candidates for the degree of LL.M. of the University of Melbourne over candidates for the degree of LL.M. of another university. Selection for a subject in which there is a quota will not be accorded unless the applicant has the prescribed prerequisite subject (if any).

DETAILS OF SUBJECTS FOR LL.M. BY COURSE WORK

The books marked with an asterisk are essential and students should obtain their own copies. See Book List at back of this handbook.

730-659 ADVANCED COMPANY LAW AND SECURITIES REGULATION

Not available in 1987.

Students who completed Securities Regulation in 1980 or Company Take-overs Regulation in 1982 or 1983 may not enrol for Advanced Company Law and Securities Regulation.

Twelve 2-hours' seminars.

PREREQUISITES

Candidates will be expected to have studied Company Law as part of a law course.

SYLLABUS

A series of studies of legislation, case law and administrative practice on selected current legal issues arising in one or more of the following areas:

- Regulation of offerings of securities
- Regulation of trading in securities
- Regulation of take-overs

ASSESSMENT

One 10,000 word research paper.

730-643 ADVANCED CONSUMER CREDIT LAW

Not available in 1987.

Mr. S. W. Begg.

Twelve 2-hours' seminars.

PREREQUISITES

Students will be expected to have a sound knowledge of the principles of commercial law.

SYLLABUS

A study of major problem areas in the legal regulation of consumer credit and securities given by consumers under the following headings. Consumer Credit. Existing laws and changes to be effected by the Credit Act 1981 with particular attention to the following: The need for regulation. Sale credit, loan credit and revolving credit and problems of characterization. The unification of consumer credit law. The criteria for protection. The licensing of credit grantors and intermediaries and other enforcement machinery. Truth in lending: the problem of rate disclosure. The control of borrowing costs. Rebates for early settlement. Supply of defective goods and/or services. The debtor's rights and remedies for defective performance by the supplier including

Securities in Consumer Credit Transactions including:

ASSESSMENT
(a) One research paper of approximately 5,000 words — value 50%.
(b) One 2-hours' examination — value 50%.

730-632 ADVANCED INCOME TAX LAW B
Not available in 1987.
Twelve 2-hours' seminars.

PREREQUISITES
It is expected that those taking the subject will not only have studied the law of income tax at an Australian university but will be reasonably conversant with the principles of income taxation.

SYLLABUS
The course will involve a detailed study of selected problems relating to the taxation of trusts and companies in Australia. In addition, it will extend beyond an exclusively Australian context to include an examination of some of the tax implications involved in the operation of foreign enterprises in Australia, the operation of Australian enterprises in other countries and the entering into of various international transactions. Several of the international tax agreements to which Australia is a party will be analysed in the course of examining these international aspects.

ASSESSMENT
(a) One essay — 5,000 words — value 60%.
(b) One 2-hours' examination — value 40%.

730-640 ADVANCED RESTRICTIVE TRADE PRACTICES
Not available in 1987.
Twelve 2-hours' seminars.

PREREQUISITES
There are no formal prerequisites for this course but, because teaching will proceed on the assumption that students are familiar with Parts IV and VI of the Trade Practices Act 1974 (Cth), students should either have undertaken a Restrictive Trade Practices course at an undergraduate level or have a sound practical knowledge of the area.

SYLLABUS
A study in depth of those parts of the Trade Practices Act 1974 (Cth) (the Act) which relate to restrictive trade practices. The course will consist of a series of case studies on particular issues arising in relation to the Act including: the introduction of economic concepts; the Constitutional operation of the Act; jurisdictional overlap between State and Federal Courts; Trade Unions and the Act; sporting organizations and the Act; the 1984 amendments to the Act; the significance of the regulation of mergers and the proper regulation of monopolists.

ASSESSMENT
One research paper of 10,000 words which will be based upon a paper delivered in class and later submitted for assessment.
730-664 ASPECTS OF JUDICIAL REVIEW
Not available in 1987.
Twelve 2-hours' seminars.
PREREQUISITES
Students should have passed in the subject Constitutional and Administrative Law or in a similar subject.
SYLLABUS
Topics will comprise or be selected from the following —
2. Ultra Vires — Express and Implied — Especially Publication Rules.
4. Abdication, Dictation and Policy.
5. Improper Purposes and Irrelevant Considerations.
6. Unreasonableness and Uncertainty.
11. Declarations and Injunctions.

ASSESSMENT
One research paper of not less than 9,500 and not more than 10,500 words.

730-642 AUSTRALIAN INDUSTRIAL LAW
Not available in 1987.
Twelve 2-hours' seminars.
PREREQUISITES
It is expected that students will have studied Labour Law or Law of Labour Relations at an undergraduate level.
SYLLABUS
A study of issues which are of current importance in the field of Australian Industrial Law. The topics to be dealt with will be selected from:
1. The right to work.
2. Worker participation.
3. Political strikes.
5. Discrimination in employment.
6. Trade Union Amalgamations.
7. Legalism in the Australian Conciliation and Arbitration Commission.
8. Jurisdiction problems facing the Australian Conciliation and Arbitration Commission.
10. Legal Regulation of Industrial Conflict.
11. Trade unions and trade practices.
13. The Individual Employment Relationship.
ASSESSMENT
One 10,000-word research paper.
730-653 BIOMEDICAL ETHICS AND THE LAW

Not available in 1987.

Twelve 2-hours’ seminars.

PREREQUISITES
There are no formal prerequisites for this course but candidates will be expected to have a sound knowledge of criminal law, jurisprudence and administrative law.

SYLLABUS
A study of the ethical and legal doctrines which bear upon the resolution of some controversial questions in biomedicine. Topics considered will be ethical theories, medical and biomedical ethics; abortion, infanticide and suicide; the definition of death, euthanasia and the rights of and duties towards competent and incompetent patients; the acquisition, storage and transplantation of human tissue; experimentation with human subjects, consent and law; the regulation of clinical research with particular reference to special groups as research subjects: prisoners, children, the unborn; human genetics, freedom of information and privacy; the Nuremberg Code, The Declaration of Helsinki and related ethical codes.

ASSESSMENT
(a) One essay — 5,000 words — value 60%.
(b) One 2-hours’ examination — value 40%.

730-629 BUSINESS CREDIT LAW

Mr. J. G. Wilkin.

Twelve 2-hours’ seminars; second half year.

SYLLABUS
1. Types of credit transactions—
   (a) loan
   (b) supply:
      (i) hire purchase
      (ii) terms sale
      (iii) lease
   (c) discount

2. Types of Security Instruments—
   (a) mortgage of land
   (b) mortgage of
      (i) chattels
      (ii) choses in action
      (iii) other personalty
   (c) pledge
   (d) charge
   (e) floating charge
   (f) statutory mortgage
   (g) factoring
   (h) bailment—floor plan
   (i) guarantee

3. Securities—
   (a) what can be secured
   (b) registration
   (c) statutory limitations
   (d) other limitations
   (e) stamp duty
4. Priorities—Tacking and Notice
5. Floating charges
6. Registration of Company Securities
   (a) under the Companies Act
   (b) under the Instruments Act
7. Stock in Trade Financing
8. Book Debts (receivable) financing
9. Capacity
   (a) corporations
   (b) partnerships
   (c) trustees
10. Guarantees

ASSESSMENT
The method of assessment will be—
(a) a research paper of approximately 6,000 words on an appropriate topic, which will have a value of 60% for final assessment, and
(b) an examination at the end of the first half-year which will have a value of 40% for final assessment; any written material may be brought into the examination. The date of the examination will be promulgated on the Law School notice board relating to the LL.M. programme before the beginning of the academic year.

730-652 COMPANY TAKE-OVERS REGULATION
Students who completed Securities Regulation in 1980 may not enrol for Company Take-overs Regulation.
Twelve 2-hours' seminars; second half year.
PREREQUISITES
Candidates will be expected to have studied Company Law as part of a law course.
SYLLABUS
A study of legislation, case law and administrative practice relevant to a take-over of a company.
ASSESSMENT
One 10,000-word research paper.

730-633 COMPARATIVE LABOUR LAW
Not available in 1987.
Dr. W. B. Creighton, Mr. J. Phillips, Mr. R. R. S. Tracey.
Twelve 2-hours' seminars; second half year.
PREREQUISITES
It is expected that students taking this subject will have studied Australian Labour Law at undergraduate level, or some appropriate equivalent.
SYLLABUS
This course will consist of a comparative study of a number of key issues in Labour Law/Industrial Relations. Topics will be selected by reference to their interest and relevance for Australian students of Labour Law. It is likely that two or three such topics will be selected, and that between four and six weeks will be devoted to each of them. The selection for 1985 is likely to be drawn from one or more of: job security, discrimination in employment, health and safety at work, wage fixation, regulation of industrial conflict, and industrial democracy.
Australian law and practice will be taken as the starting point for each theme, and comparisons will then be drawn with those jurisdictions in which there have been significant developments in each area in recent years—for example in the context of discrimination in employment, comparison would be drawn with North American and United Kingdom experience, whereas in relation to industrial democracy, comparison would be drawn with Swedish, West German and Yugoslav experience.

ASSESSMENT
Assessment will consist of one piece of substantial legal writing of not more than 10,000 words, on a topic to be agreed with the course instructors and to be submitted by a date to be promulgated on the Law School notice board relating to the LL.M. programme before the beginning of the academic year.

730-654 COPYRIGHT AND DESIGNS
Mr. S. Ricketson.
Twelve 2-hours' seminars; second half year.

PREREQUISITES
It is expected that students will have studied the law of copyright and designs at an undergraduate level.

SYLLABUS
The course comprises a study of selected aspects of the law relating to the protection of literary, dramatic, musical and artistic words, sound recordings, films, television and radio broadcasts and of industrial designs for manufactured products. This includes a detailed study of Australian copyright and designs legislation and the law of confidential information and unfair competition as far as they relate to the protection of original work and ideas in the arts, technology and business. Attention will also be given to Australia's international obligations in relation to the protection of these types of subject matter and comparative studies may be included. In addition, consideration may be given to the effect of trade practices legislation upon the ownership and exercise of copyright and other similar rights. A list of the particular topics to be studied will be issued at the beginning of the course.

ASSESSMENT
(a) One research paper of 6,000 words — value 60%.
(b) One 2½-hours' examination — value 40%.

730-624 CURRENT CONSTITUTIONAL PROBLEMS
Candidates who have completed Federal Law and Government may not enrol in Current Constitutional Problems.
Professor B. M. L. Crommelin, Dr. C. A. Saunders.
Twelve 2-hours' seminars; first half-year.

PREREQUISITES
It is expected that candidates will have studied Australian Constitutional Law at an undergraduate level, and be reasonably conversant, as a result of undergraduate studies or otherwise, with the general structure and operation of government in Australia.

SYLLABUS
A series of case studies on current constitutional issues. The course is designed to review recent developments in constitutional law and to illustrate the extent to which the Commonwealth and State constitutions...
influence the structure and operation of government in Australia. Attention will be paid where appropriate to comparative materials, particularly from the United States and Canada. Outside experts may be invited to participate in seminar discussions from time to time.

ASSESSMENT
Two research papers — 5,000 words each.
OR
One research paper — 10,000 words.

730-665 ECONOMIC ANALYSIS OF LAW
Mr. A. J. Duggan and Dr. P. L. Williams.
Twelve 2-hours' seminars; first half year.

PREREQUISITES
There are no prerequisites. In particular, it is not necessary for students to have had any formal training in economics. Students should, however, have an interest in the evaluation of legal policy.

SYLLABUS
The objective of the course is to use the standard tools of economic analysis as a means of identifying and explaining policy issues in selected key areas of the Law. Topics covered would include some or all of the following: property rights and the Coase theorem; liability rules in tort; the assessment of damages in tort; the regulation of standard form contracts (unconscionability, mandatory implied terms, restrictions on remedies); contract remedies (specific performance, discharge, damages); criminal sanctions (imprisonment, capital punishment, fines); intellectual property (patent, copyright and design rules). Attention will be given, both in relation to the above topics and as a topic in its own right, to the limits of economic analysis as an instrument of legal policy evaluation.

ASSESSMENT
(a) Four 1,000-word assignments to be submitted during the course — total value 50%.
(b) Take-home examination — value 50%.

730-666 FEDERAL JURISDICTION
Dr. C. A. Saunders.
Twelve 2-hours' seminars; first half year.

PREREQUISITES
Some knowledge of Constitutional Law at the undergraduate level.

SYLLABUS
A study of the nature, limits and exercise of federal jurisdiction in Australia at the present time. Topics covered will include: the constitutional and legislative framework for federal jurisdiction; its nature and content; the implications of federal jurisdiction, including the operation of the doctrine of separation of powers; conflicts between federal and State jurisdiction and the mechanisms available for resolving them; the proposed integrated court system. Comparisons may also be made with judicial systems in other federal countries.

ASSESSMENT
Two 5,000-word papers or one 10,000-word paper on subjects to be approved by the teachers in the subject.
730-661 INTERNATIONAL CONTRACTS: CURRENT PROBLEMS OF LAW AND PRACTICE

Not available in 1987.
Twelve 2-hours' seminars.

PREREQUISITES
A sound knowledge of commercial law.

SYLLABUS
The course will consider some current problems in the drafting and enforcement of contracts which involve more than one legal system. These include choice of governing law; penalty clauses; standardization of terms; review procedures in long term contracts; changed circumstances, hardship clauses and force majeure; dispute resolution; agency; and contracts as security, including proceeds clauses and title retention; currency and maintenance of value clauses.

ASSESSMENT
Two 5,000 word papers, or, with the permission of the lecturer, one 10,000 word paper.

730-667 INTERNATIONAL ECONOMIC ORGANIZATIONS

Not available in 1987.
Twelve 2-hours’ seminars.

SYLLABUS
The purpose of the subject is to examine those international and regional organizations which regulate the economic relations between States, particularly those which establish economic integration through customs unions and free trade areas. Seminars will concentrate upon the European Economic Community and its relationship with GATT, and comparisons will then be made with other regional organizations. The emphasis of the course will be upon the legal mechanisms by which the often conflicting objectives of non-discrimination, reciprocity and integration are to be achieved. An examination will be made of the legal problems which are common to free trade organizations to assess inter alia their analogical relevance to proposals for a free trade area in the Pacific. The following organizations and topics will be considered: International Monetary Fund/Bretton Woods discussion, cf. the “New International Economic Order”; GATT; Organization for Economic Co-operation and Development; European Economic Community; COMECON; Economic integration in less developed countries: —Central American Common Market; —East African Community; —General Treaty on Central American Economic Integration; —Latin American Free Trade Area; Australian/New Zealand/Treaty on Closer Economic Relations; Proposals for Economic Integration of Pacific rim States.

ASSESSMENT
One research paper of 10,000 words.
730-657 INTERNATIONAL LAW OF THE SEA

Not available in 1987.
Twelve 2-hours' seminars.

PREREQUISITES
Students will find it useful to have studied international law, but this subject is not a prerequisite.

SYLLABUS
The subject comprises a study of selected aspects of the United Nations Convention on the Law of the Sea, 1982, including provisions governing deep seabed mining under the International Seabed Authority established under the Convention, dispute settlement procedures, the rights and duties of States within the territorial sea, continental shelf and Exclusive Economic Zone, transfer of technology and protection of the marine environment. Consideration will also be given to the binding effect as customary law of the Convention upon non-ratifying States and the validity of unilateral deep seabed mining legislation.

ASSESSMENT
One 10,000 word research paper on an approved topic to be submitted by a date to be promulgated on the law school notice board relating to the LL.M. programme before the beginning of the academic year.

730-634 INTERNATIONAL TRADE AND INVESTMENT A

Not available in 1987.
Twelve 2-hours' seminars.

SYLLABUS
The subject will be concerned with the legal problems relating to the export of goods, capital, and technology.

The object of the course is to study:
(i) the nature of the problems arising from the international aspect of sale transactions;
(ii) how the law of sales, negotiable instruments, carriage, securities, and settlement of disputes is affected when goods cross national boundaries so that two or more legal systems are involved;
(iii) what steps have been taken or are proposed by international agreement to resolve or reduce the problems.

The topics to be studied will include:
(i) non-conformity of goods sold, including the establishment of standards and the availability of remedies;
(ii) the settlement of disputes, including the choice of law and of forum, the choice of litigation or arbitration, and the recognition and enforcement of foreign judgements and awards;
(iii) the financing of international sales, including the machinery for international payments, the extension of credit, export payments insurance, and government controls of exporting;
(iv) documentation of International sales.

ASSESSMENT
Two research papers — 5,000 words each.
OR
One research paper — 10,000 words.
730-638 INTERNATIONAL TRADE & INVESTMENT B: THE LAW OF FOREIGN INVESTMENT

Not available in 1987.
Twelve 2-hours’ seminars.

SYLLABUS
A consideration of the general principles and some of the problems involved in establishing an Australian manufacturing enterprise in an overseas country, in the investment of capital and know-how from Australia, and in the establishment overseas of branches and subsidiaries of Australian manufacturing companies, but not portfolio investment. The law relevant to these problems is primarily the law of the host country, particularly its foreign investment regulations and its economic plan (if any), but also those areas of its general law relevant to the establishment and operation of the business in that country. The course is therefore predominantly a course in foreign commercial law, but will include those areas, notably tax, where Australian law may interact with the law of the host country to produce particular advantage or deterrent to the investment.

It is intended to concentrate on investment in developing countries. The country chosen for study as the host country is Indonesia, but not solely because of the direct practical value of studying legal problems of Australian investment in Indonesia at the present time. The choice of Indonesia permits a study of investment in its regional setting, notably its membership of ASEAN. Possible future developments in regional co-operation will also be considered.

The particular topics studied will include the following: planning permission and consents; the form of the investment; funding the enterprise; profitability of the enterprise; tax considerations; acquisition of assets; technology and know-how; import and export controls; access to the legal system; security of the enterprise.

ASSESSMENT
Candidates will be required to submit either two 5,000 word papers or, with the prior permission of the lecturer, one 10,000 word paper, on an approved topic to be submitted by a date to be promulgated on the Law School notice board relating to the LL.M. programme before the beginning of the academic year.

730-648 INTERNATIONAL TRADE AND INVESTMENT C: THE LAW OF EAST-WEST TRADE

Professor D. E. Allan, Miss M. E. Hiscock.
Twelve 2-hours’ seminars; first half year.

PREREQUISITE
A sound knowledge of commercial law will be assumed.

SYLLABUS
The subject comprises a study of selected aspects of problems arising from trade and industrial co-operation (investment) between socialist and non-socialist systems. The course will examine the legal aspects of a number of areas of trading relations between free enterprise economies and socialist countries generally and, in some detail with the U.S.S.R. and the Peoples Republic of China.

The following topics will be studied:
- International economic relations—
  - intra-socialist and between socialist and non-socialist countries.
Equality and discrimination in international economic relations.
The foreign trade system of socialist countries.
Foreign trade contracts.
Industrial co-operation.
Intelectual and industrial property.
Financial relations.
Dispute settlement.

ASSESSMENT
Candidates will be required to submit either two 5,000 word papers or, with the prior permission of the lecturer, one 10,000 word paper, on an approved topic to be submitted by a date to be promulgated on the Law School notice board relating to the LL.M. programme before the beginning of the academic year.

730-669 JAPANESE LAW A
Twelve 2-hours' seminars: first half year.

SYLLABUS
The object of this subject is to examine the structure and operation of the Japanese legal system in Japanese society by focusing on the dispute resolution process (including litigation, arbitration and conciliation). Particular areas of substantive law will be covered in Japanese Law B.

Although the Japanese legal system belongs to the civil law family, the object of the course is not so much to examine this system as a representative of that family as to study its actual operation in view of its increasing significance to Australian lawyers.

The course will deal with the following matters: historical development of legal concepts and institutions in Japan and their social context; reception of Western law into Japan; constitutional, governmental and legislative structure; the judicial structure; the judiciary and the legal profession; sources of law; the five codes and their interrelation; process of litigation, conciliation and arbitration; and litigation as a dispute resolution process.

ASSESSMENT
One research paper of 10,000 words.

730-670 JAPANESE LAW B
Twelve 2-hours' seminars: second half year.

PREREQUISITES
Candidates will be expected to have studied Japanese Law at the undergraduate level, or have taken Japanese Law A, or have substantial practical experience in Australia-Japan transactions.

SYLLABUS
Japanese Law B examines the private and public law aspects of commercial transactions with Japan. The course begins with a treatment of Japanese approaches to commercial contracts as reflected both in the law and in practical negotiating situations. There follows a discussion of the corporate law of Japan with particular reference to the enterprise forms available to foreign investors. The administration of Japan's foreign trade and foreign investment laws and regulations will then be examined as a bridge to a treatment of public law regulation of commercial activities in Japan. Taxation law and one or more of Securities Law, Monopoly Law and Patents and Trade-Marks Law will be covered.
in this section. The course will conclude with an examination of Japanese conflicts rules and arbitration procedure and practice applicable to international commercial disputes. The course is designed to acquaint participants with the structure of the Japanese system of commercial law to further facilitate informed communication between the professions in Australia and Japan at a time of consolidation of relations between the two countries. Detailed guidance on references for topics of particular interest to participants will be arranged where appropriate. A detailed reading guide and materials will be available at the commencement of the course.

ASSESSMENT
One research paper of 10,000 words.

730-672 LAW AND MORALITY
Not available in 1987.
Twelve 2-hours' seminars; second half year.

SYLLABUS
This subject will examine and assess major areas of the fundamental philosophical and practical question about the appropriateness of moral criteria as guides for the regulation of conduct by the law. After introductory considerations of connections between the concept of law and the concept of morality, the following issues will be discussed in detail: the enforcement of morality by the law; legal regulation of offensive actions; legal paternalism; limits of freedom of expression; moral bases of property rights; the grounds and limits of civil disobedience. Each of these issues will be discussed in its philosophical dimensions and, at the same time, with reference to practical case studies. A number of Australian, British and American cases will be analysed, as illustrations of legal relevance of general moral precepts. Open discussion and active students' participation will be encouraged.

ASSESSMENT
Two essays — 5,000 words each.
OR
One essay — 10,000 words.

730-623 LAW OF DAMAGES
Not available in 1987.
Twelve 2-hours' seminars.

SYLLABUS
General principles of damages in both contract and tort are considered. The subject commences with a consideration of the basic principle of compensation. It then reviews various exceptions to that principle, under which a person may recover less than the actual loss (including the rules relating to remoteness of damage and avoidable loss), or more than the actual loss (including exemplary damages and collateral benefits), or either more or less than the actual loss (including nominal damages and liquidated damages). The method of assessing damages is then considered, with reference to the once-end-for-all rule, the time when damages are assessed and the currency of the award. The question of the need for certainty comes next. Then the issue of damages, for non-pecuniary loss, both in tort and in contract, is discussed before the course turns to damages for breach of contract generally, with
a consideration of the innocent party's expectation, reliance and indemnity interests and recovery for pre-contract expenditure. These principles are then applied in the context of sales of goods and, possibly, of land. The assessment of damages for property damage, personal injury and death is also considered in some detail. Finally, the effect of contributory negligence and the award of interest on damages is discussed.

ASSESSMENT
(a) Research paper — 5,000 words — value 50%.
(b) Take-home examination — value 50%.
Or take-home examination — value 100%.

730-649 MINERAL LAW
Not available in 1987.
Twelve 2-hours' seminars.

PREREQUISITES
There are no formal prerequisites for this course but candidates will be expected to have a sound knowledge of the principles of administrative law, property law and contract law.

SYLLABUS
A study of legislation and associated case-law relating to minerals, plus contractual arrangements typically employed during the exploration and production phases of mineral development. Topics considered will include ownership of minerals in situ, rights and obligations under mineral exploration and production titles, conflicts between mining and other forms of land-use, farmout agreements, joint venture agreements, government contracts, financing mineral ventures, taxation of mineral operations.

ASSESSMENT
One research paper — 10,000 words.

730-651 PETROLEUM LAW
Professor B. M. L. Crommelin.
Twelve 2-hours' seminars; first half year.

PREREQUISITES
There are no formal prerequisites for this course but candidates will be expected to have a sound knowledge of the principles of administrative law, property law and contract law.

SYLLABUS
A study of the legislation and associated case-law relating to petroleum, plus contractual arrangements typically employed during the exploration and production phases of petroleum development. Topics considered will include ownership of petroleum in situ, jurisdiction over offshore petroleum resources, rights and obligations under petroleum exploration and production titles, conflicts between petroleum operations and other forms of land-use, unitization, construction and operation of pipelines, farmout agreements, joint venture agreements, service contracts, financing petroleum ventures, taxation of petroleum operations.

ASSESSMENT
One research paper of 10,000 words.
730-663 "PRIVATE" LAW SUITS AND CIVIL JUSTICE
Mr. E. W. Wright.
Twelve 2-hours' seminars: first half year.
PREREQUISITES
There are no formal prerequisites for this course but a sound knowledge of civil procedure will be assumed.
SYLLABUS
The subject will consider a number of contemporary issues in the administration of civil justice from two broad views of the function of 'private' lawsuits in modern society. The course will explore the thesis that the extent to which civil litigation is seen simply as a mechanism for resolving private disputes and the extent to which it is seen as a mechanism of "law enforcement" has a number of important theoretical and practical implications in the administration of civil justice. Topics considered will be chosen from the following: the role of the parties and the judge in civil litigation, issue formulation and prosecution in the adversary system, the problems of cost and delay, settlements and alternative dispute resolution, trials and appeals, "Public Interest" litigation, and access to civil justice. Extensive reference will be made for comparative purposes to American materials and English language materials from the civilian and socialist legal families.
ASSESSMENT
One research paper of 10,000 words on an approved topic.

730-655 PROJECT FINANCING LAW
Not available in 1987.
Twelve 2-hours' seminars.
PREREQUISITES
There are no formal prerequisites for this course, but a sound knowledge of commercial law will be assumed.
SYLLABUS
A study of the techniques employed in financing large resource projects, and the legal issues arising thereunder. Particular attention will be paid to techniques which limit the recourse of the lender to present and future assets of the project. Topics considered will include joint venture agreements, limited recourse loan agreements, production payment agreements, forward sale and purchase agreements, limited partnerships and leveraged leasing.
ASSESSMENT
One 10,000 word research paper.

730-626 RESIDENTIAL TENANCIES LAW
Not available in 1987.
Twelve 2-hours' seminars.
PREREQUISITES
Basic courses on the law of property and the law of contract. Students who have passed the subject Property 2 in the LL.B. course are ineligible.
SYLLABUS
This subject is designed to give a specialized and detailed treatment to certain aspects of landlord and tenant law. It will concentrate upon the new residential tenancies legislation in Victoria and other States. Particular attention will be given to the following: the scope of the Residential Tenancies Act; the role of the Residential Tenancies Tribunal and the Director of Consumer Affairs; anti-discrimination; excessive rents; security deposits; repairs and unclean premises; the rights and duties of the tenant in respect of assignment and sub-letting of residential premises; termination of tenancy agreements; and the recovery of possession.

ASSESSMENT
(a) Two research papers — 5,000 words each.
OR
(b) One research paper — 10,000 words.

730-673 SENTENCING
Professor R. G. Fox.
Twelve 2-hours' seminars; second half year.

SYLLABUS
The subject will examine the sentencing function of the courts, the variety of sanctions available to the judiciary, sentencing theories and practice in Victorian courts, non-judicial agencies involved in the disposition of offenders, e.g. probation and parole services, ancillary problems related to sentencing, e.g. preparation and use of pre-trial and pre-sentence reports, problems of research into sentencing practices, sentencing law reform.

ASSESSMENT
One 10,000-word research paper.

730-662 THE ADMINISTRATION OF CRIMINAL JUSTICE
Mr. M. S. Weinberg, Mr. J. Phillips and Mr. Justice Vincent Q.C.
Twelve 2-hours' seminars; first half year.

PREREQUISITES
There are no formal prerequisites for this course.

SYLLABUS
The subject comprises a study of selected aspects of the law relating to criminal procedure and evidence. Attention will be focused upon a series of areas which are currently in a state of development, whether judicial or legislative. The particular topics studied will include inter alia the following: the scope of police powers of investigation; the admissibility of confessional evidence; identification evidence; the problems associated with joinder of counts and joint trials of multiple accused; and the scope for appellate review of jury verdicts.

ASSESSMENT
One 10,000 word research paper.

730-668 THE RECONSTRUCTION OF COMPANIES
Not available in 1987.
Twelve 2-hours' seminars.
PREREQUISITES
Candidates will be expected to have studied Company Law and Taxation as part of a Law Course.

SYLLABUS
A study of the circumstances which lead to the reconstruction of companies and the legal requirements which attend their reconstruction. Particular attention will be given to:

(1) the definition of company reconstruction;
(2) the causes of reconstruction;
(3) the forms of reconstruction with special reference to Schemes of Arrangement under the Companies (Victoria) Code;
(4) the principle of maintenance of capital and reductions of capital under section 123 of the Code;
(5) mergers and the treatment of pre-acquisition profits;
(6) class rights and their variation;
(7) accounting, taxation and stamp duty aspects of reconstructions; and
(8) judicial discretion under the Code.

ASSESSMENT
Candidates will be required to submit either two 5,000 word papers or, with the prior permission of the lecturer, one 10,000 word paper, on an approved topic to be submitted by a date to be promulgated on the Law School notice board relating to the LL.M. programme before the beginning of the academic year.

730-658 THE SOCIALIST CONTRIBUTION TO LAW AND JURISPRUDENCE
Not available in 1987.
Twelve 2-hours' seminars.

PREREQUISITES
There are no formal prerequisites for this course.

SYLLABUS
The subject will aim to help students examine and assess the contribution that Marxism and socialist legal systems claim to make, and make, to legal philosophy and the operation of law in general. The subject commences with a consideration of the basic principles of Marxist concept of law. Topics covered will include the materialist interpretation of legal phenomena, the doctrine of the withering away of State and law, competing conceptions of the nature of law with particular reference to the question whether law is essentially a "bourgeois" phenomenon. This will be followed by discussion of development of law in the USSR and Eastern Europe: particular topics will include sources of law, the role of contracts in a planned economy, the aims of criminal punishment.

ASSESSMENT
(a) Two research papers — 5,000 words each
OR
(b) One research paper — 10,000 words.

730-656 TRADE MARKS AND COMMERCIAL DESIGNATIONS
Not available in 1987.
Twelve 2-hours' seminars.
PREREQUISITES
It is advisable for students to have studied the law of trade marks and passing off at an undergraduate level.

SYLLABUS
The course comprises a study of selected aspects of the law relating to trade marks and commercial designations, that is, the Trade Marks Act 1955 (Cth.), the common law relating to passing off and unfair competition and Division I of Part V of the Trade Practices Act 1974 (Cth.) (Consumer Protection — Unfair Practices). Attention will also be given to Australia’s international obligations in relation to these matters and comparative studies may be included. In addition, consideration may be given to the effect of trade practices legislation upon the ownership and exercise of trade mark and other similar rights. A list of the particular topics to be studied will be issued at the beginning of the course.

ASSESSMENT
(a) One research paper of 6,000 words — value 60%.
(b) One 2½-hours’ examination — value 40%.

730-671 UNITED STATES BUSINESS LAW AND REGULATION
Mr. A. Larose.
Twelve 2-hours’ seminars; first half year.

PREREQUISITES
There are no formal prerequisites for this course, but some knowledge of Company Law and Trade Regulation will enhance the comparative value of the course.

SYLLABUS
A study of those aspects of United States corporate, securities and antitrust law and regulation of potential importance to Australian lawyers, regulators and businessmen. Emphasis will be placed on the structure, philosophy and purpose of United States business law and regulation rather than on a black-letter study of those areas. Comparison to Australian regulatory schemes will be undertaken as appropriate. The objective of the course is to acquaint participants with the central elements of United States business regulation at a time when the development of international capital markets and the activities of multinational corporations are drawing Australia and the United States, and their regulatory practices and philosophies, into frequent contact.

ASSESSMENT
One research paper of not more than 10,000 words. Papers undertaking a comparative analysis or assessment of a particular aspect of Australian and United States business regulation are encouraged. Detailed guidance on references for topics of particular interest to participants will be arranged where appropriate.

730-630 URBAN AND REGIONAL PLANNING LAW
Not available in 1987.
Twelve 2-hours’ seminars.

PREREQUISITES
It is expected that students have a sound knowledge of several subjects studied at undergraduate level. These are property, torts and administrative law. Students will also be expected to have some familiarity
with the provisions of the Town and Country Planning Act 1961 (Victoria).

SYLLABUS
The subject will begin with a brief examination of the history of attempts to plan the use of land and a general outline of various planning theories. It will then move to a consideration of Commonwealth and State powers in relation to planning and the structure of planning within Victoria, with special emphasis on regional planning authorities. There will then be a study of the ways in which the planning process has become legalised, with particular reference to the following issues: public inquiries and public participation in planning, the drawing up of orders and schemes, their administration and appeals procedures. At all stages, the extent and availability of judicial review will be considered. Attention will then be directed to several problem areas, including the question of non-conforming uses, the legal interpretation of aesthetic concepts such as "amenity", advertising and subdivision controls, compensation and compulsory acquisition powers, the legal effect of general statements of planning policy. Finally, there will be consideration of private law planning powers, such as nuisance actions and restrictive covenants and the conflict between private rights and planning schemes. In this context, the feasibility and availability of class actions will also be considered.

ASSESSMENT
(a) One class paper later submitted as research paper — no less than 5,000 words — value 50%.
(b) One take-home examination — value 50%.

DOCTOR OF PHILOSOPHY
Regulation 3.60—Degree of Doctor of Philosophy
1. (1) A person who—
   (a) is a graduate of or qualified to graduate in—
      (i) the University; or
      (ii) some other university or Institution recognized for the purpose
      of this regulation by the Academic Board; and
   (b) is of such standing as the Academic Board prescribes;
   may apply to be a probationary candidate for the degree of doctor of Philosophy by submitting—
   (c) a proposed course of advanced study and research to be undertaken by the applicant under the direction of a department of the University; and
   (d) such other information as the Academic Board prescribes.
(2) A person who is not eligible to apply under sub-section (1) may apply to be a probationary candidate for the degree of doctor of Philosophy by—
   (a) submitting a proposed course of advanced study and research to be undertaken by the applicant under the direction of a department of the University;
   (b) submitting such other information as the Academic Board prescribes; and
   (c) satisfying the Academic Board that the applicant had such training and has such ability that the applicant's qualification to pursue
the course proposed is substantially equivalent to that of a person who is eligible to apply under sub-section (1).

2. An applicant for probationary candidature may be admitted to probationary candidature if—
   (a) the applicant is accepted by the Academic Board on the recommendation of the chairman of the appropriate department and the dean of the appropriate faculty; and
   (b) not being a graduate of the University, the applicant becomes a matriculated student of the University.

3. (1) Subject to section 6 the whole of a probationary candidate's time shall be devoted to a course of advanced study and research for twelve months from a commencing date fixed by the Academic Board—
   (a) under the direction of such department of the University, and under such supervision as the Academic Board designates; and
   (b) subject to the prescriptions of the Academic Board made either generally or specially in the candidate's case.

   (2) On the expiration of nine months after the commencing date—
      (a) a probationary candidate who desires confirmation of candidature shall apply therefor in writing to the Academic Board; and
      (b) the supervisor and the chairman of the designated department or the deputy-chairman if the chairman is the supervisor shall jointly report in writing to the Academic Board on the probationary candidate's progress.

   (3) When a probationary candidate applies for confirmation of candidature the Academic Board—
      (a) shall consider—
          (i) the written application made by the probationary candidate;
          (ii) the report of the supervisor and the chairman of the designated department; and
          (iii) any other written submissions made by the candidate in support of the application; and
      (b) may confirm the candidature.

   (4) Notwithstanding Regulation 2.5 but subject to section 15 of this regulation, if no application for confirmation of candidature is made in due time, or, if application is made and the Academic Board does not confirm the candidature, the probationary candidature shall lapse at the expiration of twelve months after the commencing date.

   (5) If the Academic Board confirms the candidature the candidate shall, subject to sub-section 3(7), further pursue the course of advanced study and research in accordance with sub-section 3(1) for a further period designated by the Academic Board being not less than twenty-four months from the anniversary of the commencing date.

   (6) Notwithstanding sub-sections (1) and (2), at a time which shall not normally be more than twelve months before the expected completion date of the candidate’s thesis, a candidate who, prior to the commencing date, has had experience in research relevant to the course of advanced study and research for a continuous period of not less than three months, after successfully completing a course for a degree requiring full-time study for not less than four academic years, and who has made exceptional progress in the completion of the thesis, may apply to the
Academic Board to fix a total period of probationary and confirmed candidature ("the total period of candidature") of less than thirty-six months.

(7) If the supervisor and the chairman of the designated department, or the deputy-chairman if the chairman is the supervisor, jointly—
(a) report that the candidate's progress has been exceptional; and 
(b) recommend as a total period of candidature a number of months less then thirty-six and not less than twelve, the Academic Board shall consider the application and may fix a total period of candidature of less than thirty-six months, but in no case shall the Academic Board reduce the total period of candidature to less than twelve months and, subject to sections 5 and 6, the candidate's whole time during any period of candidature so reduced shall be devoted to a course of advanced study and research in the University.

(8) Where a candidate fails to comply with any prescription made pursuant to paragraph (1)(b) hereof, either generally or specially in relation to that candidate, the Academic Board, after giving the candidate concerned an opportunity to be heard, may—
(e) make such changes in the conditions of the candidature, including variation of the candidature from full-time to part-time pursuant to section 6, as it thinks fit:
(b) suspend the candidature for such period as it deems appropriate; or
(c) terminate the candidature.

(9) At any meeting of the Academic Board for the purposes of subsection (8) five members of the Academic Board, not including the examiner or supervisor of the candidate, shall constitute a quorum. The examiner or supervisor of the candidate, if present, shall not vote.

4. (1) The total period of candidature shall not exceed—
(a) where the period of candidature has not been reduced pursuant to sub-section 3(7), forty-eight months;
(b) where the period of candidature has been reduced under sub-section 3(7) the number of months derived by subtracting from forty-eight the number of months by which the total period of candidature was reduced.

(2) Notwithstanding sub-section (1), if the supervisor and the chairman of the designated department certify that exceptional circumstances have impeded the candidate in the course and that it would be unjust to the candidate, having regard to the efforts made by the candidate to pursue the course, to limit the total period of candidature to the maximum period referred to in sub-section (1) the Academic Board may extend the total period of candidature beyond any maximum period referred to in sub-section (1).

(3) The Academic Board may exercise the power conferred by this section before or after the expiration of any period of confirmed candidature.

5. (1) During the total period of candidature a candidate shall devote at least twelve consecutive months of candidature to the course of advanced study and research in the University.

(2) In exceptional circumstances the Academic Board may approve for the purposes of sub-section (1) non-consecutive periods which in the aggregate amount to at least twelve months, and a candidate who devotes that aggregate period to the course of advanced study and
research in the University shall be deemed to have complied with sub-
section (1).

6. (1) A person including a full-time candidate may be accepted by
the Academic Board as a part-time candidate if the Academic Board
is satisfied that any occupation in which that person is engaged leaves
that person substantially free to pursue the course under the direction
of a department of the University.
(2) A part-time candidate may apply to the Academic Board to become
a full-time candidate and the Academic Board may permit the candidate
so to do on such terms and conditions as it sees fit consistent with the
purposes of the provisions of this regulation relating to full-time
candidates.

3) In the application of section 3 in relation to a part-time candidate—
(a) in sub-sections 3(1) and 3(4) the expression "twenty-four months"
shall be substituted for the expression "twelve months";
(b) in sub-section 3(2) the expression "twenty-one months" shall be
substituted for the expression "nine months";
(c) in sub-section 3(5) the expression "forty-eight months" shall be
substituted for the expression "twenty-four months";
(d) in sub-section 3(6) the expression "seventy-two months" shall be
substituted for the expression "thirty-six months"; and
(e) in sub-section 3(7) the expression "seventy-two months" shall be
substituted for the expression "twenty-four months".

4) In the application of sub-section 4(1) in relation to a part-time
candidate the expression "ninety-six" shall be substituted for the expres-
sion "forty-eight" wherever it occurs.

5) In the application of section 5 in relation to a part-time candidate
the expression "twenty-four" shall be substituted for the expression
"twelve".

6) In the application of sub-section 7(2) paragraph (a) in relation to
a part-time candidate the expression "seventy-one" shall be substituted
for the expression "thirty-five".

7. (1) Each candidate shall, subject to Regulation 4.4 and the provi-
sions of this section, present for examination a thesis, in such a form
as the Academic Board may from time to time prescribe.
(2) A candidate may present a thesis for the degree of doctor of
Philosophy—
(a) subject to sub-section 3(7) not earlier than the expiration of thirty-
five months of the total period of candidature; and
(b) subject to sub-section (14) not later than the expiration of any total
period of candidature including any period for which it was
extended.

(3) A candidate shall present in the form prescribed by the Academic
Board such summaries of the thesis as the Academic Board prescribes.
(4) A candidate shall state generally in a preface to the thesis and
specifically in notes—
(a) the sources from which the candidate's information is derived; and
(b) the extent to which the candidate has used the work of others and
in general terms the portions of the work which the candidate
claims as original.
A candidate who presents a thesis based on work carried out in collaboration with another person shall indicate the candidate's own share of the work.

A candidate may not present as the candidate's thesis any work for which a degree, diploma or licence or similar distinction has been conferred on or granted to the candidate in this or another University or institution but the candidate will not be precluded from incorporating such work in whole or in part in the thesis if—

(a) the candidate has been granted, on the recommendation of the chairman of the designated department, permission by the Academic Board so to do; and

(b) the candidate indicates in the thesis the part of the previous work which has been so incorporated.

There shall be a panel of two examiners who are or have been within the five years previous to their appointment, actively associated with—

(a) a university;
(b) an institution of higher learning; or
(c) a research institution approved for the purpose of this section by the Academic Board, at least one of which examiners shall be external to the University.

The chairman of the designated department, not being an examiner or the supervisor of the candidate, shall act as chairman of the panel.

The supervisor of the candidate shall not be appointed as an examiner or as chairman of the panel.

If the chairman of the designated department is an examiner or the supervisor of the candidate, the Council, after consultation with the Academic Board, shall appoint a member of the full-time teaching or research staff of the University to act as chairman of the panel.

The chairman of the panel shall not have a vote.

A third examiner appointed pursuant to Regulation 4.4.3(3) shall be external to the University.

If a second and final examination of a candidate's thesis is required, the examiners appointed for this purpose shall be the persons who previously served as examiners for the first examination, unless the Academic Board determines otherwise.

Subject to sub-section (7) of section 3 a candidate may apply to the Academic Board for permission to present a thesis at a time outside the period provided in paragraphs (a) and (b) of sub-section (2) and the Academic Board may, at its discretion, after consulting the chairman of the designated department, permit the candidate to present a thesis within a period determined in each case by the Academic Board.

For the purposes of Regulation 4.4.1 the thesis shall be written in the English language unless the Council, on the recommendation of the Academic Board, otherwise determines.

A candidate whose thesis has been judged to be satisfactory by the examiners who has fulfilled the prescribed conditions may be admitted to the degree of doctor of Philosophy.

Where a thesis has been judged unsatisfactory by the examiners but the examiners have recommended that the candidate (whether full-time or part-time) be given an opportunity to re-submit the thesis for re-examination, the Academic Board may, notwithstanding section 4 sub-section (1), upon application to the Academic Board extend the
candidate's total period of candidature for a period immediately ensuing and not exceeding twelve months and thereupon the candidate shall be required to re-submit the thesis for a second examination within the period for which the total period of candidature is so extended.

(2) Notwithstanding sub-section (1), if the chairman of the designated department certifies that exceptional circumstances—

(a) are likely to delay the candidate in preparing the thesis for re-submission; or

(b) have prevented the candidate from so preparing the thesis and that it would be unjust to the candidate, having regard to the efforts made by the candidate to prepare the thesis, to limit the total period of candidature to the period referred to in sub-section (1) the Academic Board may further extend the total period of candidature beyond the period referred to in sub-section (1).

(3) The Academic Board may exercise the power conferred by sub-section (2) before or after the expiration of the period referred to in sub-section (1).

10. In the computation of periods of candidature under this regulation, the only period which shall not be counted shall be any period for which a candidate was granted leave of absence from his course.

11. The Academic Board may on the recommendation of the chairman of the designated department—

(a) require a candidate as part of the course to attend such lectures and practical work as the Academic Board determines; or

(b) subject to section 5 grant permission for the candidate to be absent from the University for such periods not exceeding twelve months in any one instance as the Academic Board determines if the chairman of the designated department recommends that it is essential for the candidate's advanced study and research and the Academic Board is satisfied that supervision of the candidate's work satisfactory to it can be maintained; or

(c) in special circumstances grant to a candidate leave of absence from the course in periods of whole months.

12. In this regulation—

(a) "department of the University" means any department within the meaning of Statute 2.25 and any other institution which the Council may determine to be a department for the purposes of this regulation; and

(b) "chairman" in relation to a department which is not within Statute 2.25 means the person designated by the Council as the chairman of that department for the purposes of this regulation.

13. Regulation 2.5 shall not apply when the Academic Board exercises any discretion conferred by sub-section 3(3) and 3(7) and sections 4 and 6.

14. Nothing in this regulation precludes the appointment of a chairman of a department as supervisor.

15. Notwithstanding anything to the contrary in this regulation where a late application for probationary candidature, confirmed candidature or an extension of confirmed candidature is received by the Registrar, the Academic Board may ante-date the commencing date of probationary candidature, of confirmed candidature or of an extension of a confirmed candidature (as the case may be) so that the applicant is not adversely
affected by the delay but the ante-dating shall not exceed two months prior to the date of the receipt by the Registrar of the application unless the Academic Board is satisfied that the delay was not caused by any omission of the candidate.

16. The Academic Board shall prescribe the time within which—
(a) application for confirmation of candidature may be made by—
   (i) full-time probationary candidates; and
   (ii) part-time probationary candidates;
(b) such application shall be considered by the Academic Board; and
(c) application may be made under section 9 for an extension of confirmed candidature in order to re-submit a thesis.

17. A candidate for the degree of doctor of Philosophy who was enrolled as such before the coming into operation of this regulation and who qualifies in accordance with the regulations in force on the 31st day of December 1976 may be admitted to the degree of doctor of Philosophy.

DOCTOR OF LAWS

Regulation 3.16—Degree of Doctor of Laws
1. The faculty of Law may admit as a candidate for the degree of doctor of Laws—
   (a) any person who is a graduate in Law of the University; or
   (b) any other graduate of this or another university who satisfies the faculty of having received adequate training for legal scholarship and whose degree is recognized by the faculty for the purposes of this regulation and Regulation 3.3.1;
In either case of not less than four years' standing from the time of first qualifying for the degree.

2. Every candidate must submit for examination original work the subject, scope and character of which have been approved by the faculty as appropriate for submission for this degree. The examiners shall not certify that the candidate has passed the examination unless they are satisfied that the work submitted forms a substantial contribution to legal learning.

3. A candidate shall not submit for examination work in respect of which a degree has been awarded in any university, or, without the permission of the faculty, work which has previously been presented for any such degree.

4. Where the work submitted incorporates work previously submitted for a degree in any university, the candidate must clearly indicate which portion of the work is so submitted.

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

6. A candidate who has fulfilled the requirements of this regulation and who has been passed by the examiners may be admitted to the degree of doctor of Laws.

3 Three copies must be submitted (see regulation 4.4).
4 See regulation 4.4, footnote 1.
CANDIDATES FOR MASTERS' AND DOCTORS' DEGREES WHO HAVE GRADUATED FROM OTHER UNIVERSITIES

Where the applicant's degree was taken at another university, equivalent status is granted by the University of Melbourne on production of original degree certificates, or certified copies, accompanied by certification by the faculty of Law that the degree in question is of comparable quality with a Melbourne degree. Application for such credit must be made at the time of application for enrolment.

ENQUIRIES RELATING TO MASTERS' AND DOCTORS' DEGREES

Enquiries relating to LL.M. and LL.D. should be addressed to the Administrative Officer, Faculty of Law, University of Melbourne, Parkville, Victoria 3052.

Enquiries about Ph.D. should be addressed to the Secretary for Graduate Studies, University of Melbourne, Parkville, Victoria 3052.

FEES FOR LL.M. AND PH.D. CANDIDATES

Overseas students are required to pay tuition fees. All candidates must also pay the general Service and Amenities Fee.

FINANCE

Commonwealth Post-Graduate Awards
The Commonwealth of Australia provides a number of awards for students pursuing a full-time course for a Master's degree by thesis or for Ph.D.

The Commonwealth of Australia has made available a number of awards for students pursuing a full-time course for a Master's degree by coursework.

University of Melbourne Post-Graduate Scholarships
A limited number of these scholarships are available for full-time candidates for a Master's degree or Ph.D.

Enquiries about the three awards set out above should be addressed to the Secretary for Graduate Studies, University of Melbourne, Parkville, Victoria 3052.

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.
Edward Walter Outhwaite Scholarship
Awarded to a person who intends to pursue or is pursuing the course for LL.M. The annual value is the net annual income of the fund.
The ordinary tenure is one year. There may be an extension for an additional year.
Applications for the Frank Pinkerton Scholarship and the Edward Walter Outhwaite Scholarship should be addressed to the Registrar, University of Melbourne, Parkville, Victoria 3052.

British Commonwealth Scholarship and Fellowship Plan
Overseas students from countries which participate in the British Commonwealth Scholarship and Fellowship Plan who desire to study for a higher degree in Law at the University of Melbourne under the auspices of that plan should apply for a scholarship through their home university.
If successful in obtaining a scholarship they can rely on the scholarship authorities to make the first approach to the University of Melbourne.

Other Graduate Awards
Full details of other awards for graduates are available from the Office for Research.
BOOK LISTS

PR = Preliminary reading
• = Essential text which all students should possess

UNDERGRADUATE

730-502 ACCOUNTS

*Boase B Lawyers Handbook of Accounting any ed Boase

730-302 ADVANCED ADMINISTRATIVE LAW

Hotop S D Principles of Australian Administrative Law 6th ed Law Book
De Smith S A Judicial Review of Administrative Action 4th ed Stevens
Garner J F Administrative Law 5th ed Butterworth
Wade H W R Administrative Law 5th ed Clarendon
Pearce D C Delegated Legislation 1st ed Butterworth
*Sykes E I and Tracey R R S Cases and Materials on Administrative Law 4th ed Butterworth
Pearce D Australian Administrative Law Service loose leaf Butterworth

730-325 ADVANCED CONSTITUTIONAL LAW A

*Commonwealth of Australia Constitution Act 1900 AGPS

730-330 ADVANCED CONTRACT LAW


730-308 AGENCY, PARTNERSHIP AND UNINCORPORATED ASSOCIATIONS

Afterman A B and Baxt R Casebook on Corporations and Associations 4th ed 1984 Butterworth
*Partnership Act 1958 Vic
*Associations Incorporation Act 1981 Vic
Borrie G J and Greig D W Commercial Law 2nd ed Butterworth
Baxt Bialekover and Morgan Guide Book to Partnership Law 2nd ed 1984 CCH
Latimer P Australian Business Law 1984 CCH

1. Consult the lecturer concerning the edition in question.
730-345 AUSTRALIAN IMMIGRATION AND NATIONALITY LAW

Clark C M H. *Select Documents in Australian History* 1977 Angus & Robertson (PR)
Ross R. *Racism and Colonialism*
'*Race Science and Society* 1975 UNESCO
Stevens F S. *Racism, The Australian Experience* 1971 Taplinger (PR)
Rivett K. *Australia and the Non-white Migrant* 1975 MUP (PR)
*Pryles M. *Australian Citizenship Law* 1981 Law Book
Parry C. *Nationality and Citizenship Laws of the Commonwealth* 1960 Stevens & Sons
*Migration Act 1958
*Australian Citizenship Act 1948
*Administrative Decisions Judicial Review Act 1977
Turner H G. *The First Decade of the Australian Commonwealth* 1911 (PR)
Yarwood A T. *Asian Migration to Australia 1896-1923* 1964 MUP (PR)
Willard M. *History of the White Australia Policy to 1920 1923 MUP* (PR)
Rivett K ed. *Immigration Control of Colour Bar* 1960 MUP (PR)
Dep of Immigration and Ethnic Affairs. *Australia and Immigration 1788-1978* 1978
Palfreeman A C. *The Administration of the White Australia Policy* 1967 MUP

Further references will be given in class.

730-309 BANKING AND NEGOTIABLE INSTRUMENTS

Not available in 1987.
Weaver and Craigia. *Banker and Customer in Australia* 1st ed Law Book
Weerasooria and Coops. *Banking Law and Practice* 1st ed Butterworth
Borrie and Greig. *Commercial Law* 2nd ed Butterworth
*Bills of Exchange Act 1909 AGPS Commonwealth
Gillett Bros. *The Bill on London* Methuen (R)
Chappenden and Billinsky eds. *Riley’s Bills of Exchange Law Book
Megrah M and Ryder F R eds. *Byles on Bills* 24th ed Stevens
Peden J R. *Teaching Materials and Cases on Commercial Transactions* 2nd ed Butterworth

730-310 CIVIL LIBERTIES

Printed materials issued by Law School.

730-346 COMMERCIAL AND CONSUMER TRANSACTIONS A

Sutton K C T. *Sales and Consumer Law in Australia and New Zealand* 1983 Law Book
Duggan A J. *Regulated Credit The Sale Aspect* 1986 Law Book
*Goods Act 1958 (Vic.)
*Trade Practices Act 1974 (Cth.)
*Fair Trading Act 1985 (Vic.)
*Astor Car Traders Act 1973 (Vic.)
730-334 COMPANY LAW 1

or (For Professor Howard’s class)
*Howard C  *Law of Commercial Companies* 1986 Law Book
*Afterman A B and Baxt R  *Cases and Materials on Corporations and
Gower L C B  *Modern Company Law* 4th ed 1980 Stevens
McPherson B H  *The Law of Company Liquidation* 2nd ed 1980 Law
Book
Johnston T R Jager M O and Taylor R B  *The Law and Practice of
Company Accounting* 3rd rev 1977 Butterworth
Callaway F H  *Winding Up on the Just and Equitable Ground* 1978
Law Book
Gough W J  *Company Charges* 1978 Butterworth
Pennington R R  *Company Law* 4th ed 1979 Butterworth
*Securities Industry (Victoria) Code Vic Govt Pr or CCH
*Companies (Victoria) Code Vic Govt Pr or CCH
*Companies (Acquisition of Shares) (Victoria) Code Vic Govt Pr or CCH

730-403 COMPANY LAW 2

Baxt R et al  *An Introduction to the Securities Industry Codes* 2nd ed
Butterworths
*Companies Code Vic Govt Pr
*Companies (Acquisition of Shares) Code Vic Govt Pr
*Securities Industry Code Vic Govt Pr
Reading guide will be issued.

730-311 COMPARATIVE CONSTITUTIONAL LAW

*Finer S E  *Five Constitutions* 1979 Penguin
Sawer G  *Modern Federalism* 1976 Pitman
*Constitution Act 1901 Commonwealth
Frenkel M  *Federal Theory* 1985 ANUTECH

730-341 COMPARATIVE LABOUR LAW

Not available in 1987.
Gould W B  *A Primer on American Labor Law* 1982 MIT
Printed materials will be issued by Law School.

730-404 CONFLICT OF LAWS

*Sykes E I and Pryles M C  *International and Interstate Conflict of Laws
2nd ed Butterworth
*Family Law Act 1975 Commonwealth
*Marriage Amdt Act 1976 Commonwealth
Sykes E I and Pryles M C  *Australian Private International Law* 1st ed
1978 Butterworth

730-204 CONSTITUTIONAL AND ADMINISTRATIVE LAW

Howard C  *Australia’s Constitution* 1978 Penguin (PR)
LaNauze J A  *The Making of the Australian Constitution* 1972 MUP (PR)
*Howard C and Saunders C  *Cases and Materials on Constitutional Law
1978 Law Book
730-333 CONSUMER CREDIT
*Credit Act 1984 Victoria
*Chattel Securities Act 1981 Victoria
*Goods Act 1958 Victoria
*Trade Practices Act 1974 Victoria
Duggan A J Regulated Credit The Sala Aspect 1986 Law Book

730-202 CONTRACTS
Hocker Duffy and Heffery Cases and Materials on Contract 5th ed 1985 Law Book
Corbin Corbin on Contracts 8 vols 1963 West Publ
Guest A Ansoms Law of Contract 1985 OUP
Lindgren et al Contract Law in Australia Butterworths
Duplicated materials and reading guides will be issued.

730-102 CRIMINAL LAW
*Brett P and Waller L Criminal Law Text and Cases 5th ed Butterworths
*Brett P and Waller L Criminal Law Text and Cases 5th ed Butterworths
Howard C Criminal Law 4th ed 1982 Law Book
Williams G L Criminal Law 2nd ed 1961 Stevens
Hall J General Principles of Criminal Law 2nd ed 1960 Merrill
Smith J C and Hogan B Criminal Law 5th ed Butterworth
Williams C R and Weinberg M S The Law of Property Offences in Australia 1986 Law Book
Williams G L Textbook of Criminal Law 2nd ed Stevens

730-312 CRIMINAL LAW 2
*Hart H L A Punishment and Responsibility 1968 Blackwell
Thomas D Principles of Sentencing 1981 OUP
*Gross H and von Hirsch A Sentencing 1981 OUP
*Cross R and Ashworth A The English Sentencing System 1981 Butterworth
Full reading guides will be issued at the beginning of the academic year.
730-331 DRUGS AND THE LAW
Not available in 1987.
*Report of the Australian Royal Comm. of Inquiry into Drugs 1980
Books A B C D F AGPS
Final Report Royal Commission into Non-medical Use of Drugs 1979 St. Aust. State Information Centre

730-343 EASEMENTS, PROFITS AND COVENANTS
Not available in 1987.
*Bradbrook A J and Neave M A Easements and Restrictive Covenants in Australia 1981 Butterworths
Jackson P The Law of Easements and Profits 1978 Butterworth
Gale C J Easements 14th ed 1972 Sweet & Maxwell
Preston C and Newsom G Restrictive Covenants Affecting Freehold Land 7th ed 1983 Sweet & Maxwell
*Property Law Act 1958 Victoria
*Transfer of Land Act 1958 Victoria

730-313 FAMILY LAW
*Finlay H A et al Family Law Cases and Commentary 1985 Butterworths
Family Law Act 1975 Commonwealth
Marriage Act 1961 Commonwealth
Bromley P M Family Law 6th ed Butterworth
Gamble H The Law Relating to Parents and Children Law Book (PR)
Wade J H De Facto Marriages in Australia CCH
Bourke J P and Fogarty J F Maintenance Custody and Adoption Laws 3rd ed Butterworth
Finlay H A Family Law in Australia 3rd ed Butterworth
Guidebook to Australian Family Law 6th ed CCH
Australian Family Law and Practice Looseleaf Service CCH
McNiff F Guide to Childrens Courts Practice in Victoria CCH
Family Law Act and Regulations 5th ed CCH
Dickey A Family Law Law Book

730-314 INSURANCE LAW
Marine Insurance Act 1909 Commonwealth AGPS
Instruments Act 1958 Victoria Govt Printer
Life Insurance Act 1945 Commonwealth AGPS
Insurance Act 1973 Commonwealth AGPS
MacGillivray and Parkington Insurance Law 7th ed Sweet & Maxwell
Sutton K C T Insurance Law in Australia and New Zealand 1st ed Law Book
Birds J Modern Insurance Law Sweet & Maxwell
*ALRC Insurance Contracts AGPS
*ALRC Insurance Agents and Brokers AGPS
*Insurance Agents and Brokers Act 1984 AGPS
*Insurance Contracts Act 1984 AGPS
730-335 INTELLECTUAL PROPERTY

Guidebook to Australian Trade Marks Law 1985 CCH
*Copyright Act 1968 AGPS
*Designs Act 1906 AGPS incl 1980 amendments
*Trade Marks Act 1955 AGPS
*Trade Practices Act 1974 AGPS
All subsequent amendments to above statutes
Lahore J C and Griffiths P Copyright and the Arts in Australia 1974 MUP
Blanco White T A et al Patents Trade Marks Copyright and Industrial Designs 2nd ed 1978 Sweet & Maxwell
Cornish W R Intellectual Property 1981 Sweet & Maxwell
Puri K Industrial Design Law in Australia and New Zealand 1986 Butterworths

730-307 INTERNATIONAL LAW

Sterke J G Introduction to International Law 7th ed 1972 Butterworth (PR)
Henkin L et al International Law Cases and Materials 1980 West
Charter of the United Nations and Statute of the International Court of Justice
Bowett D Law of International Institutions 1st ed 1970 Stevens
*Brownlie I Principles of Public International Law 3rd ed 1973 OUP
Green L C International Law Through Cases 3rd ed 1970 Stevens
Higgins R Development of International Law Through the Political Organs of the United Nations 1963 OUP
Lauterpacht H The Development of International Law Through the International Court 1958 Stevens
O’Connell D P International Law 2 Vols 1965 Stevens
D’Connell D P International Law for Students 1971 Stevens
O’Connell D P International Law In Australia 1965 Stevens
McDougal M S and Feliciano F P Law and Minimum World Public Order The Legal Regulation of International Coercion 1961 Yale UP
Oppenhein M A International Law Vol 1 Peace 8th ed Longmans Green

730-327 INTRODUCTION TO JAPANESE LAW

Tanaka H The Japanese Legal System Introductory Cases and Materials 1976 Tokyo UP
Beasley W G The Modern History of Japan pbk eds
Hall J W and Beardsley R K Twelve Doors to Japan 1965 McGraw-Hill
Nakane C Japanese Society 1970 Calif UP
Raichauer E O The Japanese 1978 Tuttle
Von Mehren A T Law in Japan The Legal Order in a Changing Society 1963 Harvard UP
730-306 INTRODUCTION TO MODERN CIVIL LAW
Not available in 1987.
Merryman J H  The Civil Law Tradition 1969 Stanford UP (PR)
Zweigert K and Kotz H  An Introduction to Comparative Law Vol 1 1st ed North-Holland
Duplicated material and reading guides will be issued to students throughout the course.

730-315 JURISPRUDENCE
Harris J W  Legal Philosophies  Butterworth (PR)
"Hart H LA  The Concept of Law OUP
Finnis J M  Natural Law and Natural Rights  Clarendon
MacCormick N  Legal Reasoning and Legal Theory  Clarendon
Dworkin R M  Taking Rights Seriously  Duckworth
Lloyd D  Introduction to Jurisprudence 4th ed Stevens

730-316 JURISPRUDENCE 2A
Rawls J  A Theory of Justice OUP
Nozick R  Anarchy State and Utopia  Basic Books
Miller D  Social Justice  Clarendon
Sterba J ed  Justice Alternative Political Perspectives  Routledge & Keegan Paul PR
Hayek F A  Law Legislation and Liberty Vol 2 Routledge
A more detailed reading guide will be distributed.

730-326 JURISPRUDENCE 2B
Podgorecki A and Whalan C eds  Sociological Approaches to Law 1981 Croom-Helm
Evan W M ed  Sociology of Law A Socio-Structural Approach 1980 Free Pr
Cain M and Hunt eds  Marx and Engels on Law 1979 Academic Pr
Roberts S  Order and Disputa 1979 Penguin
Wrong D M  Power 1979 Blackwell
Moore S F  Law as Process 1978 Routledge
Hirst P  On Law and Ideology 1979 Macmillan
Detailed reading guide will be distributed.

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Brooking R and Chernov A  Tenancy Law and Practice in Victoria 2nd ed 1980 Butterworth
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*Sykes E I and Yerbury D *Labour Law in Australia Vol 1* 1980 Butterworth

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*McCallum R and Tracey R R S *Cases and Materials on Industrial Law in Australia* 1980 Butterworth
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Voumard L *Sale of Land* 3rd ed Law Book
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Ronalds C *Anti-Discrimination Legislation in Australia* 1979 Butterworth
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Castles A C *An Australian Legal History* 1982 Law Book (PR)
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Derham Maher and Waller *An Introduction to Law* 4th ed 1983 Law Book (PR)
Williams G *Learning the Law* 11th ed 1984 Stevens (PR)
Burke J *Osborne's Concise Law Dictionary* 6th ed Sweat & Maxwell
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*Baker J H An Introduction to English Legal History* 2nd ed 1979 Butterworths
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*House of Representatives Short Description of Business and Procedures* AGPS
*Tomasic R ed Legislation and Society in Australia* 1980 George Allen & Unwin

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*Evidence Act 1958 Victoria
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*Fox R G Victorian Criminal Procedure* Latest ed Monash Law Book
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*Williams N J Supreme Court Civil Procedure* Butterworths

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*Patents Act 1952 AGPS
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*Armstrong M Broadcasting Law and Policy in Australia* Butterworths
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Morris S  Land Acquisition and Compensation 1983 Vic Dept of Planning

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"Lewis G D and Kyrou E  Handy Hints on Legal Practice 1985 Law Book
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"Solicitors Professional Conduct and Practice Rules
"Sharing of Remuneration Rules

The above Act and Rules set out in Gifford and Heymanson's Book are now out of date. Detailed references to other works will be given by the lecturer.
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Lawson F H  *The Law of Property 1958* OUP (PR)
*Sackville R and Neave M A Property Law Cases and Materials* 3rd ed 1981 Butterworth
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Cheshire G C and Burn E H  *Modern Real Property* 13th ed 1982 Butterworth
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Palmer N E  *Bailment* 1979 Law Book
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Lang A and Crommelin M  *Australian Mining and Petroleum Laws* 1979 Butterworth
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Korah V  Competition Law of Britain and the Common Market 1982 Martinus Nijhoff

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Sutton K C G  Sales and Consumer Law in Australia and New Zealand 1983 Law Book

*Goods Act 1958 Victoria

*Trade Practices Act 1974 Commonwealth


730-401 SECURITY LAW

*Sykes E I  The Law of Securities 4th ed Law Book

*Rose D J  Australian Bankruptcy Law 8th ed Law Book

*Property Law Act 1958 Victoria Govt Printer

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*Chattels Securities Act 1981 Victoria Govt Printer

*Companies Victoria Code Victoria Govt Printer

*Bankruptcy Act 1966 AGPS

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730-405 SELECTED STATE TAXES

Not available in 1987.

Tolhurst et ai  Australian Revenue Duties Service Stamp Duties Butterworths

Wallace et al  Financial Institutions Duties Butterworths

Pay Roll Tax Reports CCH

Stamps Act 1958 as amended Vic

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730-322 SOCIAL SECURITY LAW

Jones M A  The Australian Welfare State 1983 Allen & Unwin

*Annotated Social Security Act 1947 Welfare Rts Cent

Cranston R  Legal Foundations of the Welfare State Weidenfeld & Nicolson (PR)

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CCH *Federal Tax Reporter and Australian Tax Cases*
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Williams and Hepple *Foundations of Tort* 2nd ed Butterworth (PR)
Atiyah P S *Accidents Compensation and the Law* 3rd ed Weldenfeld & Nicolson (PR)
*Luntz Hambly and Hayes Torts Cases and Commentary* 2nd ed Butterworth
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Meagher R P and Gummow W M C *Jacobs' Law of Trusts in Australia* 4th ed Butterworth
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*Sallmann P and Willis J Criminal Justice in Australia 1984 OUP (PR)

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Chattel Security Act 1981 Victoria
Goods Act 1958 Victoria
Trade Practices Act 1974 Commonwealth
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United Kingdom Report of the Committee on Consumer Credit Cmnd 4596 Crowther Comm Ace Report
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Complete Income Tax Legislation CCH or Butterworth
Australian Income Tax Law and Practice Butterworth
Baxt Gelski et al Cases and Materials on Taxation 1984 with 1985 supplement Butterworth
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Areeda P Antitrust Analysis 1981 Little Brown
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*Sykes E I et al General Principles of Administrative Law 2nd ed 1984 Butterworths
Whitmore H Principles of Australian Administrative Law 5th ed Law Book
Da Smith S A Judicial Review of Administrative Action 4th ed Stevens
Wade H W R Administrative Law 5th ed Clarendon
Pearce D C Delegated Legislation Butterworths
*Sykes E I and Tracey R R S Cases and Materials on Administrative Law 4th ed Butterworths
Craig P Administrative Law Sweet & Maxwell
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Not available in 1987.

Grisez and Boyle Life and Death with Liberty and Justice Notre Dame
Beauchamp and Walters Contemporary Issues in Bioethics Wadsworth
*Veatch Case Studies in Medical Ethics Harvard
Humber and Almeder Biomedical Ethics and the Law Plenum
Veatch Theory of Medical Ethics Basic Books
Beauchamp and Childress Principles of Biomedical Ethics OUP
Reiser Dyck and Curran Ethics in Medicine MIT

Reading guide and supplementary material will be issued.

730-629 BUSINESS CREDIT LAW

Sykes Law of Securities Law Book
A reading guide will be issued.

730-652 COMPANY TAKE-OVERS REGULATION

Companies Acquisition of Shares Code Vic Govt Pr

730-654 COPYRIGHT AND DESIGNS

Lahore J C and Griffiths P Copyright and the Arts in Australia 1974 MUP
*Design Act 1906 plus amendments to 1980 AGPS
*Copyright Act 1968 plus all amendments to 1980 AGPS

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La Nauze J A The Making of the Australian Constitution 1972 MUP (PR)
Sawer G Australian Federalism in the Courts 1967 MUP (PR)
Sawer G Modern Federalism 1969 Watts (PR)
Lane D H The Australian Federal System 2nd ed 1979 Law Book
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Sawer G Australian Federal Politics and Law 1901-1929 1956 MUP
Sawer G *Australian Federal Politics and Law* 1929-1949 1963 MUP  
Sawer G *Federation Under Strain* 1977 MUP  
Zines L *Commentaries on the Australian Constitution* 1977 Butterworth  
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Detmold M J *The Australian Law Book* 1985

**730-665 ECONOMIC ANALYSIS OF LAW**

*Polinsky A M* *An Introduction to Law and Economics* 1983 Little Brown  
*Ogus A I and Veljanovski C G* *Readings in the Economics of Law and Regulation* 1984 OUP

**730-666 FEDERAL JURISDICTION**

*Constitution Act 1901* AGPS  
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*High Court of Australia Act 1979* AGPS  
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Cowen Z and Zines L *Federal Jurisdiction in Australia* 1978 OUP  

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Jackson D *The Conflicts Process* 1975 Oceana

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*Jackson J H* *Legal Problems of International Economic Relations* 1977 West Publ  
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*O’Connell D P ed Shearer I A* *The International Law of the Sea* Vol 1 Clarendon  
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**730-626 INTERNATIONAL TRADE AND INVESTMENT A**

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*Schmittlof C M* *The Export Trade* 7th ed Stevens
730-638 INTERNATIONAL TRADE AND INVESTMENT B — THE LAW OF FOREIGN INVESTMENT
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Gautama T L Allan D E Hiscock M E and Roebuck D  *Credit and Security in Indonesia* 1973 QUP
Gautama S and Hornick R N  *An Introduction to Indonesian Law Unity in Diversity* 1974 Alumni Press
Duplicated materials will be issued.

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THE LAW OF EAST-WEST TRADE
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Loeber D A  *East-West Trade* 5 vols 1976 Oceana

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Candidates must read before classes commence:
Nakane C  *Japanese Society* 1973 Penguin (PR)
Reischauer E O  *The Japanese* 1978 Tuttle (PR)
Tanaka H  *The Japanese Legal System Introductory Cases and Materials* 1976 Tokyo UP
Reading guide will be issued.

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Not available in 1987.
Ogus A I  *The Law of Damages* 1973 Butterworth
Luntz H  *Assessment of Damages for Personal Injury and Death* 2nd ed 1982 Butterworth
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Street H  *Principles of the Law of Damages* 1962 Sweet & Maxwell
Kemp and Kemp  *The Quantum of Damages* 4th ed 1975 Sweet & Maxwell
Baxt R ed  *An Annual Survey of Law* Law Book
Luntz H Hambly A B and Hayes R A  *Torts Cases and Commentary* 1980 Butterworth (PR)

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*Mines Act 1958 Vic*
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730-651 PETROLEUM LAW
Lang A G and Crommelin M  Australian Mining and Petroleum Laws
An Introduction 1979 Butterworth
Petroleum Submerged Lands Act 1967 Commonwealth
Petroleum Act 1958 Victoria
Petroleum Act 1923 Queensland
Petroleum Act 1940 South Australia
Senate Select Committee on Offshore Petroleum Resources Report 1971 AGPS

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Cappelletti M and Joldwicz J A  Public Interest Parties and the Active Role of the Judge in Civil Litigation 1974 Giuffrè
Cappelletti M and Tallow D ed  Fundamental Guarantees of the Parties in Civil Litigation 1973 Giuffrè
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James F and Hazard G  Civil Procedure 2nd ed 1977 Little Brown
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Fox R G and Freiberg A  Sentencing State and Federal Law in Victoria OUP

730-668 THE RECONSTRUCTION OF COMPANIES
Not available in 1987.
Ford H A J  Company Law 3rd ed and current suppl 1982 Butterworths
Blank M V and Greystone A L  Weinberg and Blank on Takeovers and Mergers 4th ed 1979 Sweet & Maxwell

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Bradbrook A J  Poverty and the Residential Landlord Tenant Relationship AGPS
Brooking R et al  Tenancy Law and Practice in Victoria 2nd ed Butterworths
Foa E C  The General Law of Landlord and Tenant 8th ed Butterworths
Hope R M et al  Landlord and Tenant NSW 7th ed Law Book
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Teh G  Residential Tenancies Handbook 1982 Butterworth
*Residential Tenancies Act 1980 Victoria
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THE SOCIALIST CONTRIBUTION TO LAW AND JURISPRUDENCE
Not available in 1987.
Hazard T Communists and Their Law 1969 Chicago Uni
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Cary W L and Eisenberg A E Corporations 5th ed Foundation
Brudney V and Chirelstein M A Corporate Finance 2nd ed Foundation
Loss L Fundamentals of Securities Regulation 1983 Little Brown
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*Sandercock L Cities for Sale Property Politics and Urban Planning in Australia 1977 MUP (PR)
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Logan T Urban and Regional Planning in Victoria 1981 Shillington (PR)
*Commission of Enquiry into Land Tenures Final Report 1978 AGPS (PR)
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