This guide provides LLB students with information about The University of Melbourne Law School, degree courses available to students, conditions of enrolment, subject descriptions, requirements for completing a degree, and study related matters including assessment. This guide should be read in conjunction with the Student Diary issued to all students on enrolling, and with the University Handbook 1993.
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The Law School at The University of Melbourne was founded in 1857. Since its inception it has been highly regarded for its scholarship and research. The faculty continues to be dedicated to providing the highest standard of legal education and scholarship in a challenging intellectual environment. The Law School is proud of its contribution, through its many successful graduates, to the legal profession and to Australian society.

About 1500 students are enrolled in the faculty's LLB program and another 400 students are engaged in continuing education programs and graduate studies. Most students at Melbourne choose to study for two degrees simultaneously, thus graduating with a degree in law and one in arts, commerce, or science. Combined degree programs are designed to equip students better to meet the challenges of a complex and changing world and pursue a wide range of rewarding careers.

A special feature of the Melbourne Law School is its interest in the legal systems of other countries, pursued through its Asian Law Centre and its Centre for Comparative Constitutional Studies.

The law library is the central teaching and research tool of the faculty. It contains about 140,000 volumes of legal materials. This includes Australian and international law reports, legislation, journals, microforms and a book collection which is both current and historic. The library is also expanding its use of electronic media and has a growing collection of texts and databases on compact disc. The library makes every effort to ensure that your information needs are met and personal assistance is available to new students wishing to learn about the library's various services and the organisation of the legal material.

Another important facility in the Law School is a computer network and laboratory. Students are encouraged to develop computer skills for the preparation of assignments and theses. Assistance is available to help students learn to use computers for wordprocessing and producing databases.

Opportunities also exist for later year students to enrol in exchange programs with overseas law schools. It is expected that the range of such opportunities will be expanded during the next few years.
A Message from the Dean

The rule of law pervades Australian society. It admits no exceptions; everyone is subject to the law. Understanding the law is a challenging and fascinating quest. It involves legal principle, legal institutions, and the role of law in society. None of these is static. Each is marked by restless change.

Legal education at Melbourne is the beginning of this quest for understanding the law. It seeks guidance from the past, knowledge of the present, inspiration for the future. Legal education also entails application of the law to the events of everyday life. It requires skills of research, analysis and communication.

The LLB course is designed to meet these demands for understanding and application, through a wide range of compulsory and optional subjects, and a rich variety of learning methods. We rely on the fact that our students are bright and highly motivated. This makes it possible to strive for excellence in an intellectually rigorous and stimulating curriculum.

You are now part of a venerable institution. 1993 is the 120th anniversary of the establishment of the faculty of Law in The University of Melbourne, and the teaching of law dates back to 1857. Make the most of your time in the Law School, and all it has to offer!

Michael Crommelin
Zelman Cowen Professor of Law
Dean of Law: MICHAEL CROMMELIN, Zelman Cowen Professor of Law, BA (Qld) LLB (Qld) LLM (Br Col) PhD (Br Col)

Deputy Dean: CHERYL SAUNDERS, Personal Chair in Law, Director, Centre for Comparative Constitutional Studies, BA LLB (Hons) PhD (Melb)

Associate Dean (Undergraduate Studies): MICHAEL LAMBIRIS, Associate Professor and Reader, LLB (Hons) (Lond) PhD (Rhodes)

Associate Dean (Research & Graduate Studies) JOHN FARRAR, Professor of Commercial Law, LLB LLM (London) PhD (Bristol)

Academic Staff

Professors:

SANDFORD CLARK, Harrison Moore Professor of Law, LLB (Adel) PhD (Melb)

MICHAEL CROMMELIN, Zelman Cowen Professor of Law, BA (Qld) LLB (Qld) LLM (Br Col) PhD (Br Col)

JOHN FARRAR, Professor of Commercial Law, LLB LLM (London) PhD (Bristol)

DAVID LANHAM, Kenneth Bailey Professor of Law, LLB (Leeds) BCL (Oxf)

HAROLD LUNTZ, George Paton Professor of Law, BA LLB (Witw) BCL (Oxf) LLD (Melb)

CHERYL SAUNDERS, Personal Chair in Law, Director, Centre for Comparative Constitutional Studies, BA LLB (Hons) PhD (Melb)

MALCOLM SMITH, Director, Asian Law Centre, Professor of Law, LLM (Harv) SJD (Harv) LLB (Hons) LLM (Melb)
Emeritus Professors

HAROLD FORD, SJD (Harvard), LLM (Melb)

Professorial Fellows

MARK ARMSTRONG, BA (Syd) LLB (Syd) LLM (UNSW)
MAUREEN BRUNT, BCom (Melb) PhD (Harv)

Professorial Associates

ROBERT BAXT, BA LLB (Hons) (Syd) LLM (Harvard)
SIR ZELMAN COWEN, AK, GCMG, BCVO, PC
PETER ANTHONY SALLMANN, LLB MSAJ (Wash) MPhil (Camb)
ROB IN SHARWOOD, LLM (Calif) SJD (Harv) BA (Melb)
SIR NINIAN STEPHEN, AK, GCMG, BCVO, KBE

Associate Professors and Readers

GREGORY CRAVEN, BA LLB (Hons) LLM (Melb)
MARY HISCOC, LLB (Melb) JD (Chic)
MICHAEL LAMBRIS, LLB (Hons) (Lond) PhD (Rhodes)
GRAHAM SMITH, BA LLB PhD (Monash)
SALLY WALKER, LLB (Hons) LLM (Melb)

Senior Lecturers

MICHAEL BRYAN, MA (Hons) BCL (Hons)(Oxf) PhD (Lond)
JULIE DODDS, BA LLB (Melb)
MANFRED ELLINGHAUS, LLB (Hons) LLM (Yale)
ROBERT EVANS, LLM (Lond)
RICHARD INGLEBY, BA (Oxf) MA (Oxon) LLM (Cmb) DPhil (Oxon)
RICHARD JOHNSTONE, B Bus Sc (Hons)(Cape Town), LLB (Hons) (Melb)
SUSAN MACCALLUM, LLB LLM (Melb)
LAURENCE MAHER, LLB (Hons) LLM (ANU)
IAN MALKIN, BA LLB (Manit) LLM (Lond)
JENNIFER MORGAN, BA (Syd) LLB (UNSW) LLM (Yale)
ANN O'CONNELL, BA (Hons) LLB (Hons) LLM (Melb)
HAYDEN OPIE, BCom LLB (Melb) LLM (Tor)
GREG REINHARDT, BA, LLB (Hons) (Melb)
MEGAN RICHARDSON, BA, LLB (Wellington), LLM (Yale), LLM (Brussels)
MARTIN VRANKEN, Lic. in Law, PhD (Leuven), LLM (Yale)
DAVID WOOD, BA (ANU) LLB MA PhD (Melb)
SARAH WORTHINGTON, Lecturer, BSc (Hons) (ANU), DipEd (Qld), LLB (Hons) (Qld), LLM (Melb)

Lecturers

SARAH BIDDULPH, BA LLB (Syd)
DAVID BROWN, BA LLB (Tas)
ROSEMARY HUNTER, BA (Hons) LLB (Hons) (Melb)
ROBERT LANCY, BA LLB (Melb) LLM (Yale)
TIMOTHY MCCORMACK, LLB (Hons) (Tas), PhD (Monash)
MARK MOSHINSKY, LLB (Melb) BCL (Oxf)
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GERRY SIMPSON, MA LLB (Hons) DLP (Aberdeen), LLM (Br.Col)
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JOHN WAUGH, LLB (Hons) LLM BCom
JOAN WRIGHT, BHSc (Otago) LLB (Hons) (Melb)

Independent Lecturers

RICHARD BOADEN, LLB LLM
ROBERT BUTTIGIEG, BA LLB (Monash)
HONOURABLE MR JUSTICE PHILIP CUMMINS, BA DipCrim LLB
GERARD GLENNAN, LLB
KUMAR MENON, Department of Business Law, Faculty of Economics & Commerce, LLM (Monash)
**Senior Tutors**

DEBORAH CASS, LLB (Hons) (Melb)
TANYA COSTELLO, BA LLB (Syd)
NICOLE GOLDBLATT, BA LLB (Hons) (Melb)
PENELOPE MATHEW, BA (Hons), LLB (Melb)
WAYNE MORGAN, BA LLB (Hons) (Melb) LLM (Colombia)
LISA SARMAS, BA, LLB (Hons) (Melb)
SUSAN WOODWARD, LLB (Hons) (Melb)
ANN WOLLNER, LLB (Hons) BA (Melb), MCL (Washington)

**Research Fellows**

SEAN COONEY, BA LLB (Hons) (Melb)
GRAHAM HASSALL, BEd Art (Alexander Mackie CAE) BA (Hons) (Syd) PhD (ANU)
ANNE MULLINS, BA (Hons) LLB (Hons) (Melb)

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**Law Library Staff**

STEPHEN CONNELLY, Librarian
PHILIP WATSON, Reader Services Librarian
SHAUNAGH HARTE, Collection Management Librarian
ERNEST BARTELS, Attendant
BOB HADDOCK, Orders Assistant
DIANA HODGE, Reserve Assistant
ELISA QUATTROCELLI
PENNY REID, Serials
JACKIE ROSARIO, Inter-library Loans
STEWARD STEINBERG, Attendant
Faculty Administration

General Manager’s Office
BRIAN ARTHUR, General Manager
SALLY MALAMAS

Undergraduate Studies
FRANCES GILLEARD, Program Manager (Undergraduate Studies)
JENNY ELLIOTT
VELGA LAPINS

Research and Graduate Studies
KAYE NANKERVIS, Admin Officer (Research and Graduate studies)
NIC BOILEAU
SOPHIE LANTOURIS

Development Office
ELIZABETH FOSTER, Development Officer

The Dean’s Office
HELEN DOUNGAS

Law School Office
PATRICIA RUSSELL, Administrative Services Manager
ANNE BUTLER  CAROL LAWRY
GRACE CHAN  NIKI STRATIS
MARY GRECO  BELLE WONG
SONIA IESUE
MARK DEVESON, Building Supervisor

Networks Support Group
PAUL IVE, Network Administrator
Technical Assistant (post to be filled)
The Associate Dean's Office.

The Associate Dean (Undergraduate Studies) is assisted by the Program Manager (Undergraduate Studies) who deals with all student enquiries in the first instance. The Associate Dean (Undergraduate Studies) provides academic direction to the administration of the undergraduate studies program. The Program Manager (Undergraduate Studies) may be consulted for advice concerning a variety of matters relating to students' studies such as: enrolment of all students; advice on the granting of credit for studies undertaken elsewhere; application for written work extensions; discontinuance of studies, leave of absence, withdrawal from subjects; applications for Special Consideration; notification from examination candidates whose native language is not English; general course advice; notification of change of address and study problems. The Special Skills Learning Programme is organised through the Associate Dean's office.

It is essential that students keep the Faculty informed of current resident and semester addresses. If your address changes in the course of the year you should notify the Student Administration Office and the Office of the Program Manager (Undergraduate Studies). The latter notification should be made on a form which is available on request from the Law School Office. Students on leave of absence must notify the Law School Office of their address for forwarding materials in the course of the year. This should be done at the time of re-enrolment.
Executive and Budgets Committee

Terms of reference: To approve on behalf of the faculty budgetary decisions of a secondary and routine nature; generally to exercise authority on behalf of the faculty in the dispatch of routine or urgent items of Law School and faculty business; to act as and exercise the functions of the Departmental Committee of the department of Law for the purposes of paragraph 6.3 of the General Resolution of the Council made pursuant to Statute 6.1.5; to report to the faculty on action taken.

Academic Committee

Terms of reference: To review the structure of the LLB course, the content of subjects offered in the LLB and incidental matters on a regular basis; to request and receive proposals for changes to the LLB course or subjects, to consider proposed changes and make recommendations to Faculty regarding such changes; to approve the form of the prescribed details of subjects to appear in the Faculty handbook from year to year, including subject descriptions and content, the program of written work and the method of assessment proposed annually by the Examination Board in each subject; to review general questions of an academic nature in relation to curriculum, teaching and assessment procedures and make recommendations of principle or policy to the Dean, to Faculty or to any other Faculty board or committee as appropriate; to review the relationship between the LLB course and the requirements for entry to the practising profession and to make recommendations in regard thereto and to incidental matters; to advise the Dean on matters falling within the preceding terms of reference; to report to the Faculty on any matters within the preceding terms of reference.

Equal Opportunity Committee

Terms of reference: To assist in the implementation of the University’s equal opportunity policy; to initiate and co-ordinate the collection of information on equality issues within the Law School; to act as a resource for other Law Faculty committees and individuals on equality issues; to provide a forum for student concerns and suggestions on equality issues.

Note: this committee was established in 1991 to monitor and advise on
matters of equal opportunity within the Law School. One of the functions of the Committee is to liaise between students and the Dean on matters that may relate to equal opportunity. This includes any complaints of discrimination on the basis of gender, religion, political belief, sexuality, race or physical disability. The student members of this Committee are Jane Ellis and Nicola Gobbo. If you have any concerns of either a personal or more general kind which you think ought to be considered by the Committee, please contact either of these students or the Convenor of the Committee, Jenny Morgan, extension 6596.

**Final Honours Board**

**Terms of reference:** To decide upon and publish on behalf of the faculty the final honours list in each year; to report to the faculty on action taken.

**Graduate Studies Advisory Board**

**Terms of reference:** To advise the Dean and the faculty on all aspects of the graduate studies and continuing program; to assist the faculty in the development, promotion and marketing of the graduate studies and continuing education program.

**Law Library Users Committee**

**Terms of reference:** To advise the Dean and the faculty from time to time on matters pertaining to the library, including matters referred to by the Dean or the faculty; to furnish advice to the University's Library Users Committee.

**Mature Age and Disadvantaged Entry Schemes Committee**

**Terms of reference:** To make recommendations to the First Year Quota Selection Committee and Later Year Entry Selection Committee for entry to undergraduate studies in the mature age and disadvantaged entry sub-quotas.

**Special Consideration Committee**

**Terms of reference:** To consider applications from students who claim that their studies or performance in assessment have been affected by illness or other serious cause, to direct examination boards to take these matters into account in assessment, to grant additional assessment to students, to grant extensions of time for the completion of items of assessment and generally to act for the faculty in relation to statute 12.4.6.
Research and Graduate Studies Committee

Terms of reference: To exercise authority on behalf of the faculty in the dispatch of routine or urgent items of graduate studies business; to act on behalf of the faculty in entry selection for admission to postgraduate studies or candidature; to act on behalf of the faculty in continuing education matters of a routine or urgent nature; to act on behalf of the faculty as a progress committee for students enrolled for higher degrees (other than the degree of Doctor of Philosophy), pursuant to statute 11.5; to act on behalf of the faculty in the approval of research projects as a condition of enrolment in research project options in the LLB curriculum; in the appointment of supervisors; and in the recommendation of examiners; to liaise with relevant University and external research funding bodies; to provide information and assistance to academic staff regarding the availability of such funding; to provide assistance to academic staff in the preparation, organisation and implementation of research projects.

Staff Development Committee

Terms of reference: To make recommendations to the Dean and faculty on matters of staff development; to make recommendations to the Executive & Budgets Committee about the disbursement of staff development funds under the control of the Executive & Budgets Committee; to develop and review an induction program within the faculty; to recommend and organise visitors to the Law School to facilitate development of teaching and research skills; to explore possibilities for obtaining external funding for staff development programs; to take necessary steps to raise and maintain staff morale; to support the efforts of individual members of staff who wish to develop their career skills and interests; and to survey the needs and monitor the supply of any resources needed for any of the above purposes.

Progress Committee

Terms of reference: To review the progress of students enrolled in an LLB course.
Teaching and Research Centres

Within the Faculty of Law, there are specialised centres of research and teaching in Law. Some are housed in the Quadrangle and some in Barry Street.

Asian Law Centre

The Asian Law Centre, the first Australian centre devoted to the development of our understanding of Asian law, is an initiative of The University of Melbourne Law School and commenced activities in 1985. The Centre has received support for its core administration from both the Commonwealth and Victorian Governments, The Melbourne University Law School Foundation, the Victoria Law Foundation and the Japan Foundation. Australian law firms and companies are also major donors through the Law School Foundation.

The Centre’s major objectives are:
- to promote the teaching of Asian law in Australia at both graduate and undergraduate levels, and the teaching of Australian law in Asia;
- to improve Australia’s knowledge of the commercial laws of our trading partners in the region and to research the legal framework for trade and investment;
- to develop specialised legal programs for Australians and Asians;
- to promote the development of Asian studies and Asian languages in other disciplines and to encourage a linkage with law studies;
- to promote exchanges of staff and students between the Law School and Asian universities and institutions.

The Centre has developed new courses for the Faculty at both undergraduate and graduate levels to add to pioneer courses on Asian law dating back to the late 1960s. The Centre also acts as a base for visitors from Asia and hosts long-term visits by lawyers, academics and graduate students. These visitors often participate in Law School courses.

The Asian Law Centre is housed in 153 Barry Street. Its Director is Professor Malcolm Smith. Ms Veronica Taylor is Associate Director.
Students with an interest in Asia are most welcome to visit the Centre at 153 Barry Street, Carlton to discuss their courses and plan post-graduate studies in Asia.

The Australian Institute of Judicial Administration

The Australian Institute of Judicial Administration (AIJA) was formed in 1976 as an independent and autonomous national body, involved in identifying problems and providing solutions in the structure, organisation, financing and managing of the courts and court system. This includes the organisational relationships between the judiciary, the executive and the legislature as well as the provision of appropriate support services by government. The AIJA also examines procedures by which courts can expedite the processing of cases and manage their workload and has examined the appointment, tenure, independence and accountability of judicial officers.

The work program of the institute began in 1982 with a major seminar on delays in the courts. This seminar was the start also for the Cranston study of delay in the Supreme Courts of New South Wales, Victoria and the ACT. Between 1982 and 1986 the AIJA undertook a number of further research projects and conducted other seminars.

A Secretariat commenced operations in Melbourne in 1987 with the employment of a full-time Executive Director, Professor Peter A. Sallmann, who is assisted by Administrative Officer, Treasurer and Membership Officer, Mrs. Margaret McHutchison, and Administrative Secretaries Kathy Jarrett and Christine Crawford. The Secretariat operates through its affiliation with The University of Melbourne, and annual funding from the Commonwealth, State and Territory Governments.

Through the Secretariat the AIJA conducts educational programs, carries out research projects, and collects information on judicial administration. Courses and seminars are conducted for judges, magistrates, court administrators and members of the legal profession; research is conducted in areas such as court financing, the cost of litigation, committal hearings in Magistrates Courts, computerised information retrieval for the judiciary and others; on the information side, the Institute has a collection of books,
monographs, reports, articles and other material on aspects of judicial administration.

Centre for Comparative Constitutional Studies

The Centre for Comparative Constitutional Studies (CCCS) was established by The University of Melbourne and the Faculty of Law in 1988. The Centre, situated at 157 Barry Street, now provides an Australian focal point for constitutional studies from a distinctive comparative perspective.

It has four main programs: the Australian constitutional system, from a comparative perspective to the extent that is relevant; Australian intergovernmental relations; constitutional systems of South-East Asia and the Pacific; and supra-national organisations, including the European Community. In 1992 it became the research and information base for the new Constitutional Centenary Foundation. The Director of the Centre is Professor Cheryl Saunders, and the other full-time staff are Graham Hassall (Research Fellow) and Anne Mullins (Research Fellow and Centre Manager). The Centre also employs a number of graduates and undergraduates on research projects.

The interests and work of the Centre are reflected in the undergraduate subjects Advanced Constitutional Law and Comparative Constitutional Law and to some extent in Constitutional and Administrative Law. Students are encouraged to undertake research on topics within broad Centre programs either for the purposes of Research Projects or for research based assessment in one of the later year constitutional subjects. The Centre has a small library at 157 Barry Street and can offer some facilities to students doing specialist research in the area. For further information, please contact either Professor Saunders or Maria Franco.

The Intergovernmental Relations Program of the Centre runs a series of regular seminars during the year. All those interested are welcome to attend. Information about the seminars is posted on the library notice board and appears in 'Purely Dicta', if time permits. This Program also produces a quarterly, 'Intergovernmental News', which includes comments on recent constitutional cases and analyses of developments in federal financial relations, both of which are relevant to Constitutional and Administrative Law students. Other bodies affiliated with the Centre which are also located at 157 Barry Street are the Journal of Public Law, the Australian Constitutional Convention Centre and the Association for European Studies.
Centre for Australian Media and Telecommunications Law

Faculty has recently approved the establishment of a Centre for Australian Media and Telecommunications Law, to be directed by Professor Mark Armstrong. The Melbourne University Law School Foundation has agreed to provide financial assistance and in March 1992 ARC funding was granted to Professor Mark Armstrong and Ms Sally Walker for work concerning control of new communications channels. This funding provides for the appointment of Vanessa Holliday as a research assistant on the project.

The Centre will undertake legal research projects in telecommunications; defamation, contempt and other laws affecting the content of communications and media; broadcasting, through radio and television; radiocommunications and spectrum allocation; emerging audio-visual services, for example pay TV, "narrowcasting", video-conferencing, and online information services; freedom of speech and press law, including legal and professional issues affecting journalism and publishing; legal issues in advertising, film and entertainment industries.

As well as research, the Centre will seek to increase knowledge in these areas through seminars, workshops and publications and to support education and information services for people working with communications and media.

Constitutional Centenary Foundation

Established late in 1991, the Constitutional Centenary Foundation is independent and non-partisan. Its funding comes mainly from the Commonwealth government, with supplementary contributions from State governments and the private sector. The Foundation seeks to provide an opportunity for Australians to consider whether some of the legal and government institutions which have evolved over the past 90 years can be improved or made more relevant to the approaching 21st century.

The Foundation is chaired by Sir Ninian Stephen. Professor Cheryl Saunders is its deputy chairman. The Board consists of twelve people from various fields and from different parts of Australia. The Foundation's Executive Director is Denis Tracey and its Administrator is Beth Hourigan. Membership costs $25 per annum, and is open to all. The Foundation is based in University premises at 109 Barry Street, Carlton, phone 349 1846.
Law School Foundation

The Melbourne University Law School Foundation was formed in 1984. The principal objectives of the Foundation are: to promote the development of selected areas of the Faculty of Law and the enhancement of its physical environment for that purpose; to foster the development of close relationships between the legal profession and the Faculty of Law; to assist in bringing persons of outstanding achievement in law and allied disciplines to the University; to sponsor and organize lectures, seminars and meetings; and to recommend to the Council the application of funds raised by the Foundation to the promotion of teaching and research in law and allied disciplines.

The first major project undertaken by the Foundation was to assist in the establishment of the Faculty of Law of the Asian Law Centre, by assuming responsibility for meeting the cost of the salary of its director for the years 1987-1991.
The Law Library provides most of the reference and reading materials required by students of the LLB, and a place in which students can study from Monday to Sunday until the end of the final examination period. As a branch library in the University Library network its catalogues help students locate books and materials it does not hold. It also helps students acquire borrowing rights at the libraries of other Victorian tertiary institutions, including the other Melbourne universities.

The library contains over 130,000 volumes, either in print or microform. Most are periodical volumes: law reports, statutes and journals. It also has a growing collection of texts and databases on compact disk. In contrast to some libraries, books acquired principally for their research interest are accessible or available to all students on equal terms, and physically integrated with other materials used in undergraduate courses. On the other hand many monographic titles on undergraduate, recommended reading lists are separated into a reserve collection and are available for loan, to researchers as well as undergraduates, for restricted periods.

Hours: During semester the library’s hours are:

Monday - Thursday: 8.45 am - 10.00 pm
Friday: 8.45 am - 6.00 pm
Saturday and Sunday: 11.00 am - 5.00 pm

Hours during admission period:

Monday - Friday: 9.00 am - 5.00 pm

Borrowing: Most books in the library are for reference and are not available for loan. Statutes, law reports, digests, indexes, encyclopedias, dictionaries, journals and most loose-leaves have this status. Other books, except those in the reserve collection, may be borrowed for seven days.

Books are placed on reserve by being made available for overnight loan only, but retained in the main stacks, or by being located in the reserve room. Books borrowed overnight from the main stacks have to be returned before the library closes on the following day. Books with green spotted
spines in the reserve room are unavailable for loan at all. Books with yellow spotted spines in this room may be borrowed at the end of the day, but must be returned by 9.00 am the following morning. All books in the reserve room may be borrowed for use within the library at any time during the day for two hour periods.

Students having difficulty locating information in the library are encouraged to consult a member of the reference staff, who are:

Philip Watson, Reader Services Librarian
Shaunagh Harte, Collection Management Librarian
Stephen Connelly, Law Librarian

**Computer Networks**

The Law School has two separate computer networks: a staff network and a student network.

The student network is located on the ground floor of the Law School. It is available to all law students. It consists of a 386 fileserver from which 18 personal computers are networked using Banyan networking software. A dot matrix and a laser printer are available to users. The Computers are situated in a computer lab in room G20. The lab is used for teaching computer related subjects. It is also used by students for writing research assignments. Electronic mail is also available to users. Software available on the network includes WordPerfect 5.1, Microsoft Word, Dbase IV, Dos 5 and various other programs. Simple Expert systems developed by law students are also available on the this network. It is intended to use the computer lab to deliver computer-assisted tutorials to law students in the not too distant future.

Planning for the development of the Law School networks and increased use of information technology in the Law School is co-ordinated by an Information Technology Advisory Group, which advises the Dean on relevant matters.

The computer lab is open from 9:00am to 5:00pm Monday to Friday. Queries regarding use of the lab should be directed to the Network Administrator, Paul Ive.
ALMAPS

The Association of Law Mature Age and Part Time Students is run by students for part-time and mature-age law students. Its aim is to provide an opportunity to meet others in a similar situation with normal work and/or family commitments. We do this with informal social functions, mainly wine and cheese afternoons, champagne and chicken parties, etc., with the aims of generally having a good time and meeting others in the faculty not normally encountered. Functions are announced on various posters, and the more who come, the merrier! For information refer to ALMAPS noticeboard in the Law Cloisters.

ALSA

The Australasian Law Students' Association (ALSA) is the peak body of law students in Australia, New Zealand and Asia. Currently, law students at 28 law schools are ALSA members. Through membership of the LSS, all Melbourne University Law Students are members of ALSA. ALSA is best known for its Annual Conference, featuring Australasian Championships in mooting, witness examination and paper presentation, and its publications, the ALSA Reporter and the ALSA Careers Journal. This year's conference is to be held in Darwin in July. More details are available in the ALSA Reporter.

All students are encouraged to get involved in ALSA activities. This year the Australasian President of ALSA is located at Melbourne University, and the LSS has two ALSA Council Representatives.

Law Students' Society

All Law students are members of the Law Students' Society which is funded through the Melbourne University Student Union Inc. and its own considerable efforts. Its officers are elected annually with representatives
from all years. The Society has academic, educational, liaison and social roles.

The Education Sub-Committee meets regularly with the Dean and staff on matters of immediate concern, and elected students sit on the Faculty and a number of its committees. The Society thus represents student interests on matters such as curriculum, study conditions, assessment, course design and library facilities. The Society also maintains and fosters links with the legal profession and the wider community. It arranges speakers and organises voluntary student help for various community legal services. It represents student interests to the profession in such matters as articles and pre-admission practical qualifications. There are close links with the Young Lawyers Association and others who work to improve employment conditions for new entrants to the legal profession.

The Society's mooting program complements the Law School curriculum. It offers all students valuable experience in oral presentation of arguments and sends teams to annual national competitions run by the Australasian Law Students' Association. There are also social activities including an orientation program for first-year students, an annual Law Ball, a Valedictory Dinner and camps.

Overseas Law Students' Society

The Overseas Law Students' Society (OLSS) was established as a result of the activities of overseas students who believed that the protection of their welfare should not solely be the responsibility of others. It intends to promote and assist the welfare, status, social, educational and cultural activities of overseas students, foster a common bond among them and work towards the goal of better goodwill between the overseas students and Australians. Initially, the impetus for its formation arose from the central issues of special consideration and the discriminatory charging of fees on overseas students by the Leo Cussen Institute. However, the society has now embarked in a new direction, emphasising the need to create stronger relations between members, particularly between the different year groups. Increasingly, social activities will dominate its agenda. Nonetheless, the educational welfare of overseas students will remain an important concern as its student mentor program demonstrates. All overseas law students are members of the society. However, the OLSS accepts any student who shows an interest in our goals and activities as members.
Postgraduate Law Students’ Society

Moves were made late in 1989 to form an organisation for postgraduate law students. Its prime function is to inject more spirit and life into the postgraduate programme. In addition, it will strengthen the links between the Law School and its graduate students. Planned activities will almost invariably be social. However, they will be motivated by the desire to provide a forum for exchange of knowledge and ideas on legal issues and practical assistance with methodology. In this way it is hoped that postgraduate students will lose the feeling that they are studying in isolation, and will begin to reap the intangible rewards of postgraduate study. Initial plans are low-key, but it is anticipated that before long the society will be a viable and valuable institution.

Students’ Legal Awareness Forum

Legal Awareness Forum (L.A.F) is an active law group which started at the Melbourne campus in 1992. L.A.F. has grown as a result of the dissatisfaction and disillusionment felt towards the legal system by law students and the public generally. There is widespread concern that some areas of the law and its operation fall short of representing the long term interests of society. With alarming frequency, Legal Justice is a far cry from Social Justice. L.A.F. hopes to make social injustices and human rights violations, both within Australia and internationally, more widely acknowledged and understood and, where possible, present alternative viewpoints and solutions. We seek to provide the required education (and pressure) necessary to ensure the legal system's greater accountability to society and as such strengthen representative democracy.

Through promoting awareness about the operation and effects of the legal system and its political ramifications, Legal Awareness Forum hopes to better prepare future lawyers to serve people rather than to service the law as a mystified and immovable entity. L.A.F. acts as a forum for debate about the operation and status of the law in our society, as well as networking with other progressive groups to provide legal advice and information.

L.A.F. does not have a set political agenda, in the sense that it is not aligned with any political doctrine or party. We hope to act as a forum for a diverse range of opinions; our intention is to avoid a homogenisation of
views in the group. We therefore encourage the involvement of all. We would welcome the active participation of anyone interested. For further details contact Shelley Marshall, telephone 347 8738.

**University of Melbourne Law Society and Alumni Association**

The University of Melbourne Law Society (UMLS) and the Alumni Association exist to provide former students and staff with an opportunity for active and continuing links with the University and to promote contacts at a local, national and international level. Membership of UMLS automatically confers membership of the Alumni Association.

UMLS assists graduates to renew their contact with former classmates at social events, class reunions and through educational activities offered by the Law School.

UMLS membership is open to all Melbourne Law graduates and those with a substantial association with the Law School or the University’s affiliated institutions, for example past and present academic staff. Other members of the legal profession will be considered for ordinary membership on nomination by two members of the Society.

Further information about UMLS may be obtained from the faculty Development Officer, Liz Foster (extn. 6194.)

**Women’s Law Collective**

The Women’s Law Collective was established in 1990 to promote the interest, and to address specific concerns, of women law students. The Collective provides an opportunity for women to meet, to share views and common concerns, and to provide support through workshops and study groups. The Collective also has broader aims of creating awareness and lobbying for change in legal issues affecting women. The canvassing of issues concerning women in course content, women’s participation in class, career information and current issues in the law involving discrimination against or exploitation of women, are regularly addressed. The WLC is also represented on the Law Faculty Equal Opportunity Board.

The WLC invites all women to attend the regular meetings and social functions. All students and staff are welcome to attend information sessions
and lunchtime talks, advertised on the WLC noticeboard in the LSS
Common Room (off the Law Library foyer).

Inquiries can be addressed to "WLC" and posted on the noticeboard in
the Common Room or in the foyer.

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**Journals**

The Law School is editorial headquarters for two journals, the Melbourne

**Australian Feminist Law Journal**

The first issue of this Journal is expected to be published in early 1993. The Journal aims to promote feminist analysis of legal issues and to provide
a forum for women writers. The Journal also aims to demonstrate the
relevance of feminist legal analysis and women's experiences to the practice
and transformation of law. Submissions are invited from a wide variety of
disciplines and from people and groups not associated with formal
institutions. The AFLJ is a national publication and seeks to develop and
link with national feminist networks.

**The Melbourne University Law Review**

The Melbourne University Law Review is an academic journal with an
international circulation and reputation. It is run by a student editorial
committee which selects articles and which has responsibility for the
production of the publication. Students are invited on to the Review if they
have expressed an interest and if they have a good academic record. Those
who join the Review invariably find the experience beneficial and enjoyable.

The Review is published twice yearly. It consists of articles, comments,
case-notes, book reviews and has a section entitled "Law and Change". Practitioners, academics and students are welcome to submit papers for
publication. Students are particularly encouraged to contribute case-notes,
book reviews and to the "Law and Change" section.
The Law Review has great influence in fostering and publishing research. It also assists the judicial process by its analysis of problems and contemporary developments.

Exchange Programs

A student exchange program has recently been established with the University of British Columbia, and negotiations with McGill University are at an advanced stage. The University has entered into agreements with several other universities. These agreements are administered by the International Office. The Dean's office can provide further information on request.
Law Courses
and
Conditions of Enrolment
The University of Melbourne Law School offers a variety of undergraduate and graduate degrees and diplomas.

**Undergraduate Degrees**

Combined degrees:
Bachelor of Arts/Bachelor of Laws *BA/LLB*
Bachelor of Commerce/Bachelor of Laws *BCom/LLB*
Bachelor of Science/Bachelor of Laws *BSc/LLB*
Bachelor of Laws *LLB*
Bachelor of Laws with Honours *LLB(Hons)*

**Graduate Diplomas**

Graduate diplomas are available in:
- Asian Law
- Corporations and Securities Law
- Dispute Resolution and Judicial Administration
- Government Law
- Intellectual Property Law
- Labour Relations Law
- Media Communications and Information Technology Law
- Natural Resources Law

**Graduate Degrees**

- Master of Laws by Coursework *LLM*
- Master of Laws by Thesis *LLM*
- Doctor of Philosophy *PhD*
- Doctor of Laws *LLD*

For further information on graduate diplomas or degrees, contact the Program Manager, Research and Graduate Studies, in the Law School.
The LLB course has as its objectives that graduates:

- understand, and can identify, use, and evaluate rules, concepts, and principles of law, their derivation, and the various theories that attempt to systematise them;

- have acquired the techniques of legal reasoning and argument, in oral and written form;

- understand the institutions of the law, and their social, economic and political context;

- have learnt to find the law, to carry out independent research and analysis, and to think creatively about legal problems;

- have a continuing interest in law and obtain satisfaction from its study and practice;

- develop a critical interest in the reform of the law;

- can appreciate the responsibilities of lawyers to the courts, the legal profession, the community and individuals within it;

- are committed to promote justice.
The Law School offers students a wide range of law subjects. Eight subjects are compulsory. To complete the degree, students choose further subjects from a list of optional subjects. The compulsory subjects are:

- Torts and the Process of Law
- History and Philosophy of Law
- Contracts
- Constitutional and Administrative Law
- Property
- Criminal Law and Procedure
- Equity
- Approved Legal Theory Subjects

Students who enrol in an LLB course must complete the eight compulsory subjects and a specified number of optional subjects. The subjects you choose depend on your own interests and on what you hope to do when you have completed your degree. If you want to become a legal practitioner, certain optional subjects must be chosen; otherwise you will not be eligible for admission to practise. The length of time it takes to complete a degree depends on the structure of the degree course. Basically, there are three courses leading to an LLB degree: the five-year combined degree, the four-year LLB degree and the three-year graduate LLB degree. A feature of the law course at Melbourne, following major restructuring of the course in 1990, is the seminar format of teaching in first-year subjects. Students are taught in small groups, which allows the maximum degree of student-teacher and student-student interaction.

**Five Year Combined Degrees**

- Bachelor of Arts/Bachelor of Laws (BA/LLB)
- Bachelor of Commerce/Bachelor of Laws (BCom/LLB)
- Bachelor of Science/Bachelor of Laws (BSc/LLB)

The majority of our students choose to study law in combination with
another degree in Arts, Commerce or Science. Other combinations, such as law and engineering may be arranged in certain individual cases. Combined degrees can be completed after five years of study. Students study a combination of subjects from both faculties during the first three years. During this initial period you will complete most of the compulsory law subjects and most, if not all, of your non-law subjects. During the last two years of the course, you complete the remaining compulsory law subjects and the required number of optional subjects. When you have completed all the required subjects you are admitted to the two degrees.

**The Four Year LLB degree**

If you do not wish to do a combined degree, and you do not already have a degree, you can enrol in a four year LLB course. You will need to study the same compulsory and optional law subjects as in a combined degree. In addition to these law subjects, you must complete a specified number of approved non-law subjects. On completing the required subjects successfully you are admitted to the LLB degree.

**The Three Year Graduate LLB degree**

If you already have other tertiary qualifications you may enrol for an LLB as a graduate student. You are required to complete the same law subjects as in the four-year degree but you are not required to complete any non-law subjects. This course can be completed in three years.

**Standard Years of Study for an LLB Degree**

The tables on the following pages represent a standard year of study for the five, four and three year LLB degree courses. In order to accommodate individual study plans, and subject to the approval of the faculty, students are permitted to vary the standard pattern of study and under- or over-enrol in particular years of enrolment.
### Standard year: five year combined degree

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Below are three examples of possible actual enrolment sequences that deviate from the standard year but overall average 100 points per year.

### Example of actual enrolment: five year combined commerce/law degree

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Example of actual enrolment: five year combined arts/law degree

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Example of actual enrolment: five year combined science/law degree

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**Standard year: four year LLB degree**

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<tr>
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<td>TOTAL:</td>
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**Standard year: three year graduate LLB degree**

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<tr>
<td>TOTAL:</td>
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Advice on planning a degree course and choosing optional subjects may be obtained from the Program Manager, Undergraduate Studies, Law School.
Honours Degrees

**LLB(Hons).** The *LLB* degree may be awarded with honours to students whose performance in final assessment is of the required standard. See the conditions governing the award of degrees in this guide, below.

**LLB combined with honours in another discipline.** If you enrol in a combined degree, you can obtain honours in the other discipline by taking an extra honours year, usually in the fourth year of study. This adds an extra year of study to the combined degree.

Single Subjects

It is possible to enrol as a continuing education student in single subjects offered by the Law School. Special rules apply and interested students should apply for information to the Program Manager, Research and Graduate Studies, in the Law School. Overseas practitioners seeking admission to practise in Victoria are permitted to enrol on a continuing education basis in those subjects required by the Council of Legal Education.

Part-time Studies

It is possible for *LLB* students to undertake their studies on a part-time basis. Because part-time students take longer to complete all the subjects required for admission to the degree, it can take a long time, especially in the case of combined degrees. Many part-time students try to do at least one or two years of full-time study if they can.

If you are contemplating part-time study, you should discuss your intended program with the Program Manager, Undergraduate Studies. Part-time students should be able to attend scheduled day-time classes. Although the Law School attempts to schedule classes conveniently, it is not always possible to devise a timetable which suits individual part-time students.
Languages and Law

National policy encourages multi-lingual professionals in Australia and there is an increasing demand for law graduates with language skills. The Law School strongly encourages the development of language skills among its students. Combined Arts/Law degrees with language majors have been established for over twenty years, but less well known are the opportunities to use foreign languages in the LLB curriculum itself.

Among the optional subjects offered in the LLB are some exciting new comparative law subjects covering Europe and Asia. Students may do written research assignments as part of their assessment in these (and other) subjects and students with the necessary language skills are encouraged to work with the primary sources of law. Research Project is a subject in the curriculum which also provides an opportunity to work on topics drawn from Europe or Asia, with the assistance of specialist Law School Staff. If you have, or are developing, skills in a European or Asian language, please ask about opportunities to use those skills in your course.
Introduction

The establishment of degrees and the conditions on which degrees are awarded is determined by the University Council.

Standing resolution of Council R3.14. states:

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 as prescribed from time to time by the Academic Board on the recommendation of the Faculty of Law, 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 [LLB] course and the conditions on which such subjects may be taken shall be prescribed from time to time by the Academic Board on the recommendation 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 of Law 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 three hundred law points and, in the case of the four-year LLB degree, one hundred non-law 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 150 points
may be admitted to the degree of bachelor of Laws with honours.

The Faculty of Law has approved the following conditions on which LLB
subjects may be taken in 1993.

<table>
<thead>
<tr>
<th>Degree of Bachelor of Laws</th>
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</table>

1. (1) The subjects of the degree and the points to be awarded for each are
specified in paragraph 2 hereof.
(2) In each subject candidates are assessed in such a way that honours
may be obtained in the subject. Separate class lists are published in
each subject.
(3) Honours in each subject are 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 are arranged in order of merit.

2. (1) **20 point compulsory subjects**

730-104 Torts and the Process of Law
730-105 History and Philosophy of Law
730-202 Contracts
730-203 Property
730-204 Constitutional and Administrative Law
730-102 Criminal Law and Procedure
730-357 Equity *

plus: a 20 point subject or two 10 point subjects selected from a
group of legal theory subjects prescribed from time to time by the
faculty. The approved Legal Theory Subjects are:

Comparative Law
Feminist Legal Theory
Jurisprudence
Law and Discrimination
Law and Society in China
Law and Society in Japan
Law and Society in Malaysia
Law, Morality and Business
Legal Reasoning, Expert Systems and Artificial Intelligence
Rethinking Australian Democracy: History, Politics and the Law
Sex Discrimination Law

(2) 20 point Optional Subjects

730-302 Advanced Administrative Law *
730-356 Advanced Constitutional Law *
730-334 Corporations Law
730-404 Conflict of Laws *
730-338 Employment Law *
730-313 Family Law *
730-369 Feminist Legal Theory *
730-350 Human Rights Law *
730-335 Intellectual Property *
730-307 International Law *
730-378 Issues in Australian Constitutional Theory
730-315 Jurisprudence *
730-340 Labour Relations Law *
730-342 Law and Discrimination *
730-354 Law and Industrial Society
730-346 Law of Sale
730-347 Law of Security and Secured Transactions
730-380 Law, Morality and Business
730-383 Legal Ethics and Professional Conduct
730-318 Legislation
730-305 Litigation
730-348 Media Law *
730-320 Natural Resources Law
730-413 Research Project *
730-321 Restitution *
730-324 Restrictive Trade Practices
730-323 Succession
730-407 Taxation

(3) 10 point Optional Subjects

730-330 Advanced Contract Law
730-308 Agency
730-377 Australian Superannuation Law
730-309 Banking and Negotiable Instruments
730-306 Comparative Law
730-370 Computer Law
730-312 Criminal Law 2
730-349 Current International Legal Problems *
730-374 European Community Law
730-314 Insurance Law
730-341 International and Comparative Labour Law *
730-379 International Dispute Resolution *
730-375 Introduction to European Civil Law
730-414 Jessup Moot
730-315 Jurisprudence 2A
730-344 Landlord and Tenant Law
730-412 Land Contracts
730-352 Law and Society in China *
730-327 Law and Society in Japan *
730-358 Law and Society in Malaysia *
730-381 Law of Planning and Environment *
730-371 Legal Reasoning, Expert Systems and Artificial Intelligence
730-382 Rethinking Australian Democracy *
730-372 Sex Discrimination Law *
730-403 Takeovers and Securities Regulation *
730-303 Torts 2

* against a subject name on the list above denotes subjects approved for satisfaction of the 'substantial piece of legal writing' requirement for the award of an honours degree.
(4) The faculty reserves the right not to offer a subject in a particular year if a sufficient enrolment is not obtained or appropriate staff are not available.

3. No candidates may in any year enrol in or receive credit for any subjects unless the proposed enrolment has been approved by the faculty. Any subsequent alteration in the enrolment during that year must also be approved by the faculty.

4. Save in exceptional circumstances, the subject Torts and Process of Law and the subject History and Philosophy of Law are prerequisites for all law subjects. In the case of those students who are permitted to take the subjects 730-202 Contracts, 730-204 Constitutional and Administrative Law or 730-203 Property in first year, the first mentioned subjects are co-requisites.

5. The faculty shall not approve the enrolment of a candidate in any subject which is, in the opinion of the faculty, substantially similar to another subject for which the candidate has been granted credit.

6. A candidate who has passed in any subject is entitled to credit for the subject notwithstanding a failure to pass in any other subject in that year.

7. 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; or
   (b) has been suspended from the course and has not been re-admitted within a period of five years from that suspension;
shall not retain credit for any subject of the course, unless the faculty decides otherwise.

8. (a) The faculty may, in accordance with the powers granted by Statute 11 of the University, grant such credit as it thinks fit to a candidate who enrolls in the course for the Degree of Bachelor of Laws and who has passed subjects in another institution which in the opinion of the faculty, are equivalent to subjects prescribed in the course for the Degree of Bachelor of Laws; provided that no candidate may be granted credit for more than 150 law points in an LLB course; and
provided that credit transfers shall be granted in accordance with the guidelines approved by the faculty from time to time for that purpose.

(b) Where the faculty is satisfied that a candidate for the degree of Bachelor of Laws has received a sufficient training at a tertiary level but not in the study of law, or has otherwise adequate experience in substitution for such training, the faculty may exempt the candidate from one or more of the non-law subjects and grant credit to the candidate for the subject or subjects.

(c) Students enrolled in an LLB course who participate in an approved exchange program and who obtain credit in the other institution for any subject approved in that institution's LLB curriculum will be given credit towards his or her University of Melbourne LLB degree in accordance with scales of equivalent credits approved by faculty for specific exchange programs.

9. A candidate who has been granted credit for subject 730-101 Legal Process prior to 1990 is not required to complete the two subjects of the first year, namely, 730-104 Torts and the Process of Law, and 730-105 History and Philosophy of Law, or a subject selected from the group of legal theory subjects.

10. A candidate who has been granted credit for the subject 730-301 Trusts prior to 1990 is not required to complete the subject 730-357 Equity for degree purposes but should bear in mind the requirements for admission to practise.

Bachelor of Laws with Honours

The Degree of LLB (Hons) is awarded on the basis of a review of a candidate'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 are distinguished only in the later part of the course.
The Final Honours Board

1. There is 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 is the responsibility of the Final Honours Board to:
   (1) publish the conditions of eligibility for honours candidature prior to the date fixed for re-enrolment in each year;
   (2) 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;
   (3) determine a class list of those candidates who are eligible for a place in the list of honours graduates ranked in order of merit.

3. 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.

Eligibility for the award of the Honours Degree

4. To be considered for the Degree of Bachelor of Laws with Honours a candidate must -
   (1) after obtaining 150 law points, obtain an honours grade for a substantial piece of legal writing in one of the subjects of the LLB courses that has been approved for this purpose by the Academic Committee; and
   (2) complete all the remaining requirements for the Degree of Bachelor of Laws; and
   (3) submit an approved application form to the Final Honours Board.

Minimum Number of Points for Award of Honours

5. Subject to paragraph 6 candidates who have qualified for the Degree of Bachelor of Laws may be not granted the Degree of Bachelor of Laws with Honours unless they have gained a total of at least 50 honours points.
6. Where a candidate has qualified under the prescribed conditions for admission to the Degree of Bachelor of Laws but who has obtained a cumulative total of law points other than the minimum of 300, the calculation of honours points shall be adjusted in accordance with the following formula: 

\[
\text{HP} = \frac{300 \times \text{THP}}{\text{LP}}
\]

where \( \text{HP} \) = calculated honours points, \( \text{LP} \) = the candidate's total of law subject points, and \( \text{THP} \) = the total honours points actually obtained for the law subjects completed.

**Scoring the Final Honours**

7. Honours points shall be awarded on the basis of results obtained in any subject for the Degree of Bachelor of Laws (other than non-law subjects or law subjects for which the candidate been granted a credit transfer). Subjects for which honours points are awarded are hereafter called "scoring subjects". For the purposes of scoring final honours the Honours Board may, in its discretion, take into account examination results obtained during an exchange visit by a student who has participated in an approved exchange program.

8. (1) Honours points shall be awarded where the candidate gains honours in any 20 point compulsory law subject (not including the legal theory subjects) on the following basis:

<table>
<thead>
<tr>
<th>Honours</th>
<th>Points</th>
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<td>Honours (B)</td>
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<td>Third Class</td>
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</table>

(2) Honours points shall be awarded where the candidate gains honours in any 20 point optional law subject on the following basis:

<table>
<thead>
<tr>
<th>Honours</th>
<th>Points</th>
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<tbody>
<tr>
<td>First Class</td>
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<td>Third Class</td>
<td>4</td>
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<tr>
<td>Honours</td>
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</tbody>
</table>
(3) Honours points shall be awarded where a candidate gains honours in a 10 point optional law subject on the following basis:

First Class Honours ........................................ 5 points
Second Class Honours (A) .................................. 4 points
Second Class Honours (B) .................................. 3 points
Third Class Honours ......................................... 2 points

(4) Honours points shall be awarded where a candidate gains honours in the subject 730-413 Research Project and/or 730-305 Litigation on the same basis as if it were a compulsory subject in the LLB course.

(5) Honours points shall be awarded where a candidate gains honours in the subject 730-105 History and Philosophy of Law on the same basis as if it were an optional subject in the LLB course.

9. A candidate who has failed in any twenty point subject or subjects shall lose 4 honours points for each failure. A candidate who has failed in any ten point subject or subjects shall lose 2 honours point for each failure.

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

11. In cases where a candidate would not otherwise obtain an honours degree the Final Honours Board is empowered to take into account any special circumstance such as illness of which the Board has notice and which appears likely to have significantly affected the candidate's academic performance during his or her degree course.

12. (1) Where the 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.

(2) 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.
Study Related Matters

Change of Course

After enrolment any course change must be approved by the Program Manager, Undergraduate Studies. The Program Manager, Undergraduate Studies is available to discuss proposed changes with students.

University Statute 11.2.6.(1) provides that "a student shall not cancel, add to or vary any subjects for which he or she is enrolled after two weeks have elapsed from the date of commencement of teaching in any of the subjects concerned, unless approval to do so has been given by the appropriate faculty in writing in accordance with the directions of the Board."

The following directions have been issued by the Academic Board pursuant to Statute 11.2.6.(1). They describe the situations in which a student may be permitted to cancel or add to any of the subjects for which he or she is enrolled outside the period prescribed by Statute 11.2.6.(1):

"(a) A student may withdraw from or make changes to any subject for which he or she is enrolled within two weeks of the commencement of teaching in that subject and any reference to the subject or to changes made to the subject will be deleted from the student’s record as appropriate.

(b) An authorised officer of the faculty may approve withdrawal from or a change to any subject after two weeks have elapsed from the commencement of teaching in that subject if the student shows that good cause exists to warrant withdrawal from or change to that subject.

(c) For the purposes of (b), good cause may apply in the following circumstances -
(i) wrong or ill-informed advice was given to the student;
(ii) a genuine change has taken place in the student’s employment, financial or personal situation, including the effects of illness or other cause;
(iii) a change has taken place in the student’s course intention which may
take into account the University's assessment practices.

(d) Withdrawal from a subject is not to be approved in cases where a student elects not to submit for a component of assessment. Students enrolled in courses of the University under Statute 11.2 do so with the understanding that they are to undertake the prescribed assessment requirements for each subject. A student who elects not to submit for a component of assessment must accept the consequences of that action which may produce a fail result."

The following are also special circumstances in which a student may be permitted to cancel or add to any of the subjects for which he or she is enrolled outside the period prescribed by Statute 11.2.6.(1):

"(a) where a student fails a February examination but is prevented by a delay in the publication of the result or by some other reasonable cause from making within the prescribed period the necessary adjustments to his or her enrolment for the current academic year;

(b) where a student is prevented by a delay in the finalisation of a result which has been withheld from making within the prescribed period the necessary adjustments to his or her enrolment for the current academic year;

(c) where a student enrolls within the prescribed period in a subject which is subject to quota restrictions and is notified outside the prescribed period that he or she has not been accepted into the quota;

(d) where a student enrolls in Research Project or Jessup Moot but outside the prescribed period is not permitted or becomes unable to proceed with the topic of his or her choice;

(e) where a student appears before the Progress Committee and his or her case is not determined in time for him or her to enrol or to make such adjustments to his or her enrolment as may be required by the Committee within the prescribed period;

(f) where it is discovered outside the prescribed period that a final year student has inadvertently enrolled in less than the number of subjects required for him or her to qualify for the degree in that year;
(g) where it is discovered outside the prescribed period that a student would suffer unavoidable financial hardship if he or she were not permitted to increase his or her enrolment;

Provided that his or her total enrolment for the year does not as a consequence become excessive."

**Credit Transfers**

The Faculty may, in accordance with the powers granted by Statute 11 of the University, grant such credit as it thinks fit to a candidate who enrols in the course for the Degree of Bachelor of Laws and who has passed such subjects in another institution which in the opinion of the Faculty, are equivalent to subjects prescribed in the course for the degree of Bachelor of Laws; provided that no candidate may be granted credit for more than 150 law points in an LLB course; and provided that credit transfers shall be granted in accordance with the guidelines approved by the Faculty from time to time for that purpose.

Where the Faculty is satisfied that a candidate for the degree of Bachelor of Laws has received a sufficient training at a tertiary level but not in the study of law, or otherwise has adequate experience in substitution for such training, the faculty may exempt the candidate from some or all of the non-law subjects and grant credit to the candidate for the subject or subjects.

**Guidelines for the Granting of Credit Transfers**

**Credit Transfers for Non-Law Subjects.**

Candidates who enrol in an LLB course may be granted credit for any non-law subjects previously completed by that candidate while enrolled in another Faculty, to the extent that such subjects are the equivalent of non-law subjects prescribed for the LLB.
Credit Transfers for Law Subjects

1. Applications for credit transfers shall be made to the Programme Manager (Undergraduate Studies) in the manner and form determined by the Programme Manager in consultation with the Associate Dean (Undergraduate Studies). The Programme Manager (Undergraduate Studies) shall convey all requests for credit transfers to the Associate Dean (Undergraduate Studies) for decision.

2. The Associate Dean (Undergraduate Studies) is empowered by the Faculty to consider all applications for credit transfers for all subjects of an LLB course and to grant such credit transfers as he or she deems fit, subject to the requirements of these guidelines.

3. Subject to the following rules, credit for law subjects in an LLB course may be granted to applicants who have been admitted to a university course in another institution and who have passed the final examinations in one or more of the subjects prescribed by that institution for a degree.

4. For the purposes of these guidelines the Associate Dean (Undergraduate Studies) must be satisfied before granting a credit transfer that the other institution concerned is generally recognised as a tertiary level institution and that the standards of teaching and examination are substantially similar to those obtaining in the University of Melbourne Law School.

5. For the purposes of these guidelines the Associate Dean (Undergraduate Studies) must be satisfied before granting a credit transfer that the subject for which credit is sought is substantially similar to the content of the subject for which credit will be given as described in the Undergraduate Program then current in the Law School.

6. No applicant will be granted credit transfers in more than 150 of the 300 law points prescribed for a University of Melbourne law degree. Subject to this limit, applicants should, as a general rule be granted the maximum possible credits. In particular, credit transfers may be given notwithstanding that the credits concerned have been counted towards a degree previously conferred by another University.
Subject Credits and Honours Points for Exchange Students.

Subject credits. Students enrolled in the LLB course who participate in an approved exchange program and who obtain credit in the other institution for any approved subject in that institution's LLB curriculum will be given equivalent credit towards his or her University of Melbourne LLB degree. Scales of equivalent credits will be determined in advance for specific exchange programs.

The Exchange Program with The University of British Columbia. Students at the University of British Columbia are required to take a minimum of 12 credits per semester and a maximum of 18. Individual subjects carry 2, 3 or 4 credits. There are two semesters in a year of study. A year of study is therefore represented by 24 - 36 credits, compared with 100 points in The University of Melbourne Law School. Accordingly, the scale of subject credits to be applied is as follows:

12 or 13 UBC semester credits ........................................ 40 Melbourne points
14, 15 or 16 UBC semester credits .................................... 50 Melbourne points
17 or 18 UBC semester credits .......................................... 60 Melbourne Points

Honours Points for Exchange Students. Honours points for exchange students will be calculated primarily by reference to law subjects undertaken at The University of Melbourne. Thus, actual honours points will not be attributed to subjects undertaken at the other institution by an exchange student and that student's honours points will be worked out in accordance with the formula laid down for the award of the Bachelor of Laws with Honours for candidates who qualify for the degree having passed in scoring subjects which carry a total of credit points other than 300, i.e.

\[ \text{Honours points} \times \frac{300}{n} \]

where \( n \) = the number of credit points in scoring subjects passed by the candidate. However, the Honours Board shall have a discretionary power to take account of the performance of a student in an exchange programme for the purposes of ranking that student and making an honours award.
Complementary Students

Complementary course students are those who while enrolled in a degree course at one university then enrol for specific subjects at another, usually for the purposes of credit towards their degree. Any enquiries in this regard should be addressed to the Programme Manager, Undergraduate Studies.

Leave of Absence

The Faculty has resolved that

1. Leave of absence should not be granted for a total of more than three years during the enrolment of a student for the LL.B;

2. Leave of absence should be granted only for one year on each application;

3. No more than two years deferral before initial enrolment for first year studies should be permitted;

4. Deferral before initial enrolment should count as leave of absence for the purpose of computation of three years;

5. Leave of absence should not be given to a student for the current year after a date to be fixed in each year corresponding with the end of the period of provisional enrolment for the following year;

unless the most compelling and unusual circumstances are demonstrated to the satisfaction of the Faculty. Applications for leave of absence must be made in writing to the Program Manager (Undergraduate Studies).
The Faculty of Law receives generous support for the LL.B. course in the form of scholarships and prizes as follows:

<table>
<thead>
<tr>
<th>Subject</th>
<th>Prize</th>
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<tbody>
<tr>
<td>Advanced Administrative Law</td>
<td>Molomby &amp; Molomby Prize: $300</td>
</tr>
<tr>
<td>Advanced Constitutional Law</td>
<td>Raynes Dickson Exhibition: $300</td>
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<tr>
<td>Advanced Constitutional Law</td>
<td>Harrison Moore Exhibition: $30</td>
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<tr>
<td>Advanced Contract Law</td>
<td>Blake Dawson Waldron Prize: $200</td>
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<tr>
<td>Agency</td>
<td>Coturns Prize: $100</td>
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<tr>
<td>Australian Immigration</td>
<td>Spero Wilson Memorial Scholarship: $200</td>
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<tr>
<td>&amp; Nationality Law</td>
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<td>Banking &amp; Negotiable Instruments</td>
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<td>Comparative Constitutional Law</td>
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<td>Comparative Law</td>
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<td>Computer Law</td>
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<td>Constitutional &amp; Administrative Law</td>
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<td>Corporations Law</td>
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<tr>
<td>Criminal Law &amp; Procedure</td>
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<tr>
<td>Criminal Law 2</td>
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Prizes and Awards
Jesseup Moot
Judicial Administration
Jurisprudence
Jurisprudence
Jurisprudence 2A
Jurisprudence 2B
Labour Relations Law
Land Contracts
Landlord & Tenant Law
Law & Discrimination
Law & Industrial Society
Law & Society in China
Law & Society in Japan
Law & Society in Malaysia
Law of Sale
Law of Security
Legal Ethics & Professional Conduct
Legal History
Legislation
Litigation
Media Law
Natural Resources Law
Natural Resources Law
Planning & Environmental Law
Problems of Proof
Property
Research Project or Undergraduate's publication in M.U.L.R.
Research Project in Environmental Law
Resource Planning & Management
Restitution
Restrictive Trade Practices
Social Security Law
Succession
Takeovers & Securities Regulation
Taxation (law)
Torts & the Process of Law
Torts & the Process of Law
Torts 2

John Madden Exhibition: $200
Supreme Court Exhibition: $150
Hearn Exhibition: $30
Sir George Paton Prize: $200
Raynes Dickson Exhibition: $200
Freehill Hollingdale & Page Prize: $300
Gadens Ridgeway Exhibition: $200
Darvall McCutcheon Prize: $200
Raynes Dickson Exhibition: $200
Raynes Dickson Exhibition: $300
Just Australia China Holdings Prize: $200
Jessie Leggatt Scholarship: $200
Robert Craig Exhibition: $200
Mallesons Stephen Jaques Prize: $300
Gadens Ridgeway Exhibition: $300
Sir Charles Lowe Prize: $175
Dwights Prize: $300
Dwights Prize: $300
Mallesons Stephen Jaques Prize: $400
Corn Chambers Westgarth Prize: $300
Mallesons Stephen Jaques Prize: $300
Australian Mining & Petroleum Prize: $500
Gadens Ridgeway Exhibition: $300
Darvall McCutcheon Prize: $200
Clayton Utz Prizes: $500 (1st)
$200 (2nd)
Gledhill Burridge & Cathro Prize
for Commercial Law Research: $1,000
Victorial Environmental Law Prize: $500
Spero Wilson Memorial Scholarship: $200
Darvall McCutcheon Prize: $300
Corn Chambers Westgarth Prize: $300
Spero Wilson Memorial Scholarship: $300
Purves Clarke Richards Prize: $300
Corn Chambers Westgarth Prize: $200
Blake Dawson Waldron Prize: $300
Arthur Robinson & Hedderwicks Prize: $500
Price Waterhouse Prizes: $200
Jessie Leggatt Scholarship: $200
**730-104 Torts and the Process of Law**

Lecturer: Mr I Malkin*, Mr R Evans, Prof H Luntz, Mr L Maher, Mr H Opie, Prof M Smith, Ms J Wright  
Prerequisites: None  
Contact: 4 hours per week (Both semesters.)

**Aims:** This course aims to serve as an introduction to law generally as well as to provide the framework for the development of a number of legal skills. Both this introduction and skill framework will be accomplished by examining the law of torts. It will complement the study of the history, philosophy and sociology of law undertaken by students in the other first year course, History and Philosophy of Law.

**Objectives:** Students completing this subject should have: developed an understanding of the institutional structure of Australian government and the sources of law; acquired legal research and writing skills; acquired oral skills by contributing to group discussions on the topics selected from the law of torts; acquired an ability to evaluate critically the development of law through cases and judicial decision making; acquired an ability to evaluate critically statutory law, by learning how to read and interpret legislation; developed an understanding of the ways in which the law of torts operates; developed an ability to critically evaluate the theoretical underpinnings of the tort of negligence; developed a detailed understanding of the way in which negligence law operates in Australia; developed an ability to critically analyse whether negligence law successfully fulfils its aims; developed a basic understanding of proposals to reform the common law of negligence; developed an understanding of how the law of torts operates in a broad social, economic and political context; developed an enthusiasm for and an interest in the study of tort law in particular, and law generally; and developed an attitude to legal education which accepts pre-reading, reflection and class discussion as essential to learning.

**Content:** The law of torts is concerned with the protection of personal injury, property, and personal economic interests. 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. This subject will provide a critical and theoretical perspective on those torts which affect the law of compensation for personal injury and damage to property, with a significant amount of time devoted to an analysis of the tort of negligence. In doing so, the policy issues and reforms relating to alternative forms of accident compensation will be considered. Selected torts not within the broad conceptual framework of accident compensation also will be studied.


Assessment: Up to 5 skills related assignments (credit) and an assignment (1,500 words) (15%) and Assignment (2,500 words) (35%) and Final Exam 2 Hour (50%)

Aims: This course aims to provide students with a basic introduction to the history, philosophy and sociology of law, and will complement the skills taught in the other first year course, Torts and the Process of Law. It will introduce students to some of the basic issues and debates in the history, philosophy and sociology of law. In addition, it will provide students with the skills to explore legal issues from historical, philosophical and sociological perspectives, and encourage them to bring an awareness of these perspectives to the subjects that they will study later in the degree.

Objectives: Students completing this subject should: have gained an understanding of the origins and development of the Australian legal system; have an appreciation of the ways in which particular historical narratives about law have been and can be constructed; be able to use history as a critical tool in the evaluation of universal claims about law; be able to use history to understand selected contemporary legal problems; understand and be able to evaluate critically some of the major historical and contemporary debates in legal philosophy and the sociology of law, including issues in law and economics, law and feminism, law and anthropology and comparative law; understand the close inter-relationship of issues in the history, philosophy and sociology of law; have an awareness of issues of race, class, gender, ethnicity and disability in the study and practice of law; have developed enough of an understanding of legal history, legal philosophy and the sociology of law to be able to bring the concepts and debates in these disciplines to their study of other courses in the curriculum; have developed an enthusiasm for, and an interest in, legal history, legal philosophy and the sociology of law; be able to demonstrate an ability to write about issues and debates in the history, philosophy and sociology of law; have developed oral skills by contributing to group discussions on the selected topics in the history, philosophy and sociology of law; and have developed an attitude to legal education which accepts pre-reading, reflection and class discussion as essential to learning.

Content: Introduction to the History of Law in Australia. History as narrative - Aborigines and law. History as critical tool - equality before the

Assessment: Research Assignment 3000 words (45 per cent) and Class Participation 10 per cent and Final Exam 3 hours (45 per cent)

Prescribed texts: There are no prescribed texts for the subject. Printed materials will be issued by the Law School.

730-202 CONTRACTS

Lecturers: Mr M Ellinghaus *, Ms M Hiscock *, Mr D Brown, Ms V Taylor

Prerequisites/corequisites: Torts and the Process of Law; History and Philosophy of Law.

Contact: 4 hours per week (Both semesters.)

Objectives: Students who complete this subject should have acquired: an understanding of the distinct nature of an action for breach of contract and its relationship with other civil actions; a comprehensive and up-to-date knowledge of the rules of general contract law formulated by Australian courts and legislatures; an understanding of the dynamic nature of those rules, and of current and likely trends in their future development; a knowledge of selected theoretical perspectives on contract law; the ability to apply their understanding and knowledge to specific tasks, for example the drafting and construction of contracts, and the prevention and resolution of contract disputes; the ability to apply understanding and knowledge to the critical evaluation of the content, operation and significance of contract law.


Assessment: Research Assignment 2500 words (25 per cent) and Final Exam 2 Hours (75 per cent)

**730-203 PROPERTY**

**Lecturers:** Ms S MacCallum *, Ms S Biddulph, Ms J Dodds, Mr M Raff
**Prerequisites/corequisites:** Torts and the Process of Law; History and Philosophy of Law.
**Contact:** 4 hours per week (*Both semesters.*)

**Objectives:** Students completing this subject should be able to: define and evaluate critically the essential characteristics of a proprietary interest; understand the fundamental legal concepts of proprietary and possessory interests in relation to both land and goods; define and distinguish legal and equitable interests in land and understand the operation of the trust; understand the general law land system and the Torrens system of land registration; identify and solve priority disputes between or amongst persons holding inconsistent interests in land; and identify specific types of interests in land and understand the rules relating to their creation and operation.

**Content:** The meaning of the concept of property and the purposes that are, or ought to be, fulfilled by the law of property. Analysis of basic principles of the law of property, transcending the traditional boundaries of real and personal property. Possession as a proprietary interest in land and goods. Fragmentation of proprietary interests including an analysis of the doctrine of estates. The creation of interests in land at law and in equity. Principles regulating priority disputes including treatment of the Deeds Registration system. The Torrens system of land registration. An outline of the principles
governing the creation and enforceability of leases, easements, restrictive covenants and mortgages. Concurrent Ownership.

Assessment: Either Research Assignment 3000 - 4000 words (30 per cent) and Final Exam: 2 Hours (70 per cent); or Final Exam 3 Hours (100 per cent)

730-204 CONSTITUTIONAL & ADMINISTRATIVE LAW

Lecturer: Prof C Saunders", Prof M Crommelin, Ms D Cass, Mr G Patmore
Prerequisites/corequisites: Torts and the Process of Law; History and Philosophy of Law.
Contact: Four hours per week (Both semesters.)

Objectives: Students completing this subject should be able to: understand the legal framework within which government in Australia is established and operates; apply the principles of law relating thereto; understand the historical development and the current working of government.


Assessment: Research Assignment 2500 words (25 per cent) and Final Exam 3 Hours (75 per cent)
Prescribed texts: Commonwealth Constitution. Constitution Act 1975 (Vic)
Vic Govt. A reading guide will be issued.

730-102 CRIMINAL LAW AND PROCEDURE

Lecturers: Prof D Lanham *, Mr R Evans, Ms J Morgan, Dr D Wood
Prerequisites: Torts and Process of law; History and Philosophy of Law
Contact: 3 or 4 hours per week (Both semesters.)

Objectives: Students completing this subject should: have an understanding of the basic principles of criminal law and selected crimes and procedural matters as specified in the syllabus; have the capacity to solve problems ranging over the whole of the syllabus; have developed the ability to evaluate critically not only the present law but also selected law reform proposals; have reinforced their knowledge and understanding of the workings of the law of precedent and statutory interpretation developed in the first year course; have had an opportunity to do a research essay in an area of criminal law.

Content: The nature and structure of a crime. The aims of the criminal law. The law of homicide: (a) Murder; (b) Voluntary manslaughter especially provocation; (c) Involuntary manslaughter. Non fatal offences against the person. Arrest and other process to compel attendance and classification of offences. Rape and other sexual offences. Self Defence and similar defences involving the use of force. The principles of strict liability and defences. Mistake. Intoxication. The law of theft, obtaining property by deception and obtaining financial advantage. Attempt. Participation (Complicity).

Assessment: Either Research Essay 2000 Words (20 per cent) and Final Exam 2 hours (80 per cent); or Final Exam 3 hours (100 per cent)

730-357 EQUITY

Lecturers: Dr M Bryan *, Mr W Morgan, Ms L Sarmas
Prerequisites: Torts and the Process of Law; History and Philosophy of Law; Property Law.
Contact: Four hours per week (*Both semesters.*)

Objectives: Students completing this subject should: be familiar with the principal equitable doctrines and remedies; understand the relationship between equity and common law, and how equity is administered in modern times; be able to analyse critically recent Australian developments in equity jurisprudence; and understand the trust, its origins and purposes, the principal types of trust, and the methods of creation and enforcement of trust obligations.


Trusts. (Note: at least half the course will be devoted to trusts.) Introduction to the concept of the trust and its modern functions. An analysis of the nature of beneficial interests. Creating a trust: declaration of trust and the vesting of trust property in trustees. Formalities. The significance of the distinction between present and future property. Prerequisites of a valid trust. The requirement of certainty. Trusts and public policy: illegal trusts and the consequences of illegality. Charitable trusts and non-charitable purpose trusts. Trusts and domestic relationships: resulting and constructive trusts. Constructive trusts in a commercial context: the liability of agents and strangers as constructive trustees. Termination and variation of trusts. Trustees' duties and powers, including investment, apportionment and the power to appoint agents. Remedies of breach of trust.

Assessment: Mid year research assignment: Either a 5000 word essay (50 per cent) or a 2500 word essay (30 per cent); and Final exam (50 per cent or 70 per cent depending on the essay option which has been selected.)

Prescribed texts: To be advised. A reading guide and printed materials will be issued by the Law School.
Optional Subjects

Note: The Law School reserves the right to withdraw any optional subject in which there is a low level of enrolment.

730-302 Advanced Administrative Law

Lecturer: Mr L Maher
Prerequisites: Torts and the Process of Law; History and Philosophy of Law; Constitutional and Administrative Law.
Contact: Two hours per week (Both semesters.)

Objectives: Students completing this subject should: have an understanding of the administrative law at an advanced level; learn the principal grounds on which governmental action may be challenged; examine in depth the principle grounds on which the courts will review governmental decisions; one or more of the following: outline the procedures and jurisdiction of the Commonwealth and Victorian Administrative Appeals Tribunal; examine the main provisions of Commonwealth and Victorian Freedom of Information legislation and its interpretation; discuss one or more case studies which illustrate contemporary government decision-making and the operation of various bureaucratic and administrative agencies and tribunals which review governmental decisions.

Content: Specific topics covered will vary according to current developments in administrative law. In 1992, topics were as follows:

Assessment: Research Assignment not exceeding 10 000 words (100 per cent) or Final Exam 3 Hours (100 per cent)
Prescribed text: M Allars, Introduction to Australian Administrative Law, 1990
730-356 ADVANCED CONSTITUTIONAL LAW

Lecturers: Prof C Saunders *, Prof M Crommelin

Prerequisites: Torts and the Process of Law; History and Philosophy of Law; Constitutional and Administrative Law.

Contact: 2 hours per week (Both semesters.)

Objectives: Students completing this subject should: be able to understand the major concepts, principles and rules applicable to each of the 12 broad aspects of Australian constitutional law studied in the course; be able to find relevant laws and precedents and apply them to resolve constitutional problems; understand the major constitutional issues facing Australia in the approach to the centenary of federation and be able to critically analyse a range of options for dealing with them; understand aspects of other selected constitutional systems applicable to Australia and be able to draw upon them for Australian use; have broad knowledge of the skills required in the practice of constitutional law including opinion-writing, constitutional fact-finding, preparation of an outline of argument and the conduct of constitutional litigation; and have experience in the oral presentation of constitutional argument and, if the student so chooses, experience with supervised research in depth on a constitutional question.

Content: The course involves study and critical analysis of the institutions, laws, theory and practices of the Australian constitutional system within a framework provided by the 12 key issues identified by the Constitutional Centenary Conference 1991. Issues are considered in the following order: Head of State. The position of the Queen; the role of Governor-General and State Governors; the powers of the Head of State; models for an Australian republic; the significance of the concept of the Crown. Responsible Government and its Alternatives. The strengths and weaknesses of the present system of responsible government in Australia; alternative models; adaptations of responsible government. Effectiveness of Parliaments. Legislative and executive power contrasted. The nature of legislative power; the scope and characteristics of executive power; the sources and scope of federal executive power; the powers to contract and to spend; the nationhood power; practical realities. Treaty making as a case-study. The sources of power to enter into treaties; their effect on municipal law; the scope of the external affairs power; Australian procedures for treaty-making; other federations compared. Parliamentary reform. Current proposals for
parliamentary reform; other options. Length of parliamentary terms. The rationale for extending the term of Parliament; logistical difficulties; fixed term parliaments. *Trial by jury.* The meaning of section 80 of the Constitution; section 80 as a case-study in judicial interpretation; the pros and cons of constitutional protection of trial by jury; options for reform. *Guarantees of individual rights.* Existing rights. Political rights; acquisition of property on just terms; freedom of religion; protection against discrimination; separation of judicial power; the position of the territories; proposals for reform. A Bill of Rights for Australia. How should individual rights be protected in a democratic society? The United States, Canada and New Zealand compared. *Judicial independence.* The meaning of judicial independence; models of protection in both Commonwealth and State Constitutions. *Legislative Powers.* Models for a federal division of legislative powers. Canada, Germany, European community compared. The strengths and weaknesses of each. *Judicial interpretation of legislative powers.* Environmental protection as a case study. Other issues in the interpretation of legislative powers. Paramountcy; the incidental power; co-operative arrangements. Intergovernmental immunities. Immunity of the Commonwealth from State laws and vice versa; the industrial relations power. *Federal Economic Integration.* The Australian model. The national market; economic management; uniform regulation; Ch. IV of the Constitution. Equality of regions Proposals for reform; the European Community compared. *Accountability for taxing and spending.* the allocation of tax powers, in law and practice; its effect on parliamentary government; proposals for reform. *Aboriginal reconciliation.* The legal position of the aboriginal people in the Australian constitutional systems; issues at stake in the reconciliation process. *Initiation of constitutional amendments.* Current procedures for constitutional change; their implications and effect; options for change. A further 4 classes on skills required for the practice of constitutional law will be conducted during the year.

Assessment: Research Assignment 10 000 words (100 per cent) or Final Exam 3 Hours (100 per cent)

Prescribed texts: Students are advised not to purchase any books until advised by the lecturer.
730-330 Advanced Contract Law

Lecturer: Mr M Ellinghaus
Prerequisites: Torts and the Process of Law, History and Philosophy of Law, Contracts.
Contact: 2 hours per week (Second semester)

Objectives: students completing this course should: have extended their basic understanding of contract law; and studied in depth a particular topic selected on the basis of complexity and current importance.

Content: topics include: construction of contracts, commercial culpability and contract law, the function and meaning of unconscionability in contract law. The subject normally has both a 'black letter law' component, involving close study of relevant statute and case law, and a theoretical component, involving consideration of relevant publications by legal scholars.

Assessment: Final exam 3 hours (100 per cent.)
Prescribed texts: To be advised.

730-308 Agency

Lecturer: Ms A O'Connell
Prerequisites: Torts and the Process of Law; History and Philosophy of Law.
Contact: 2 hours per week (First semester.)

Objectives: Students completing this subject should: have developed the principles of agency introduced in Contracts; have studied the application of those principles to varying situations; be aware of the specific statutory provisions relating to the various principles of agency.

Content: Creation of agency relationships. Rights and duties of the parties (internal relationship). Position of the third parties dealing with an agent (external relationship). Agency principles applied to partnerships, unincorporated and incorporated associations, companies, stockbroking transactions, real estate transactions, insurance and general commercial
transactions.

Assessment: Either Research essay 5000 words (50 per cent) and Final exam 90 minutes (50 per cent); or Final exam 3 hours (100 per cent).

Prescribed texts: To be advised. Printed materials will be issued by the Law School.

730-377 AUSTRALIAN SUPERANNUATION LAW

• Not offered in 1993

Prerequisites: Torts and the Process of Law; History and Philosophy of Law.
Contact: 2 hours per week (One semester.)

Objectives: Students completing this course should: appreciate the extent and role of superannuation in Australia; understand the different forms of superannuation which exist in Australia; appreciate the taxation, social security and industrial relations implications of the principal forms of superannuation in Australia; understand the different legal rights and duties of parties to superannuation schemes in Australia, including the common law, equitable and statutory rights of beneficiaries and of the general fiduciary duties and statutory obligations of trustees; know the law relating to superannuation surpluses and of problems associated with interpreting superannuation trust deeds; appreciate the key problems associated with the management of superannuation schemes, including financial, taxation, and legal implications; and appreciate the history and development of superannuation in Australia and of the likely direction of law reform in the area.

Content: Introduction: the different forms of superannuation in Australia. Public sector. Defined benefits schemes. Defined contribution schemes. Industry superannuation schemes. The Purposes of Superannuation. This topic will consider the broad goals of superannuation, including the relationship between superannuation schemes and the federal government's retirement incomes policy, and the aim of expanding the capital base within the Australian economy. Types of Schemes: This topic will consider in some
detail the various forms of private superannuation schemes and the legal regulation of them. This will include, in particular, a focus on industrial award based superannuation schemes and of the jurisdictional and administrative complexity of such schemes. Occupational Superannuation Guidelines: This topic will consider the government's occupational superannuation guidelines and the specific associated issues of portability of superannuation, the taxation regime for superannuation and the relationship between superannuation and social security legislation. The Superannuation Guarantee Levy: This topic will examine the government's new/proposed Superannuation Guarantee Levy both in terms of its content and in terms of its implications for award based superannuation.

Rights and Duties. This topic will analyse the rights and duties of beneficiaries and trustees of superannuation schemes. In particular the common law, equitable and statutory rights of beneficiaries will be examined both in terms of their rights to information about the operation and benefits flowing from the scheme, as well as enforcement of rights. An examination of the duties of superannuation trustees will include a consideration of the construction of trust deeds, the general fiduciary duties of trustees, as well as the growing body of statutory obligations. The investment powers of superannuation trustees, and statutory and equitable restrictions on investment, will also be considered. Superannuation surpluses: this topic will examine the case law concerning who is entitled to the benefit of superannuation surpluses - the beneficiaries or the companies sponsoring the superannuation scheme. This will involve also an examination of the law relating to company takeovers as it affects superannuation, as well as the disposal of a surplus upon company insolvency. Managing superannuation schemes: this topic will examine issues relating to the management of superannuation schemes including the management of rollover schemes, the use of professional administration organisations, investment decision making, the use of professional investment managers, the use of pooled superannuation trusts, accounting and auditing requirements, mechanisms for informing beneficiaries of the benefits and operation of the scheme, and the dispute resolution processes. Reform of superannuation: this topic will review the regulatory framework governing superannuation schemes in Australia and consider the direction of, and the need for, reform.

Assessment: Research Essay 4000 words (100 per cent) or Final Exam 2 Hours (100 per cent).

Prescribed texts: To be advised.
730-309 BANKING AND NEGOTIABLE INSTRUMENTS

Lecturer: Prof H Luntz
Prerequisites: Torts and the Process of Law; History and Philosophy of Law; Contracts. Co-requisites: Banking and Negotiable Instruments is one of a broad group of subjects dealing with commercial law, the fundamental one of which is Law of Sales. However, the subject is discrete in itself and need not necessarily be taken in conjunction with any other course. Nevertheless, since a large part of banking business consists in lending money on various securities, and since the law relating to securities is not dealt with in this course, students who have a particular interest in pursuing a career that may require a knowledge of banking law should at some time also have taken Law of Security and Secured Transactions in order to become familiar with the principles applicable to various types of securities.
Contact: 2 hours per week (First semester.)

Objectives: Students completing this course should: be able to demonstrate the application of general principles of contract law to the specific contractual relationship of banker and customer; be familiar with the particular rules that apply to the banker-customer contract; have an awareness of the social context in which the banker-customer contract operates; have an understanding of the concept of negotiability and its utilisation in relation to the complex contractual relationships that arise under the common forms of negotiable instrument; be familiar with the partial codes of law embodied in the Bills of Exchange Act 1909 (Cth) and the Cheques and Payment Orders Act 1986 (Cth), and some of the case law relevant to their interpretation; and have an understanding of how the financing of international trade is facilitated by means of bankers’ commercial credits and negotiable instruments, and of the legal basis of such documents.

A detailed analysis of the bill of exchange, promissory note and cheque; and the contractual rights and liabilities arising from the use of these instruments. The special rules relating to cheques, particularly lost and stolen cheques. If time permits, the legal rights and obligations arising out of the use of credit cards. Bankers' commercial credits as used in the financing of international trade.

Assessment: Either Research Assignment 2500-3000 words (50 per cent) and Final Exam 90 minutes (50 per cent); or Final Exam 3 Hours (100 per cent)


730-306 COMPARATIVE LAW

Lecturer: Ms M Hiscock
Prerequisites: Torts and the Process of Law; History and Philosophy of Law.
Contact: 3 hours per week (First semester.)

Objectives: Students completing this subject should: have a basic understanding of the history, institutions, and some fundamental doctrines of the classical civil law systems of France and Germany; have a basic competence in comparatist methodology; have an appreciation of the diversity of modern civil law; be equipped to undertake further studies in foreign legal systems based on civil law; have a capacity to conduct systematic research in a civil law system; and have new insights into the common law.

Content: A general study of the major legal systems of the world. The historical development and dispersal of those systems. The major features of the systems of France and Germany. The rise and fall of socialist law within the civil law. The transplantation of the civil law into East and Southeast Asia. A study of comparatist methodology in the context of the civil law. A study of unconscionability and good faith as overriding principles in the common law and the civil law.
Assessment: Research Paper 7500 words (75 per cent) and Final Exam (25 per cent)
Prescribed texts: To be advised

730-370 COMPUTER LAW

Lecturer: Dr M Lambiris *, Dr G Hughes
Prerequisites: Torts and the Process of Law; History and Philosophy of Law.
Contact: 2 hours per week (Second semester.)

Objectives: Students completing the subject should: understand basic computer concepts and the terminology of computer technology so as to be able to identify, comprehend and discuss the problems posed by that technology; understand the unique issues posed by the use of computer technology, analyse the application of traditional legal rules to those issues and identify the shortcomings of traditional legal rules in regulating the use of computers; understand the purpose, scope and mechanisms of existing legislative responses to the problems posed by computer technology, assess the adequacy of such legislation and identify the need for further legislative intervention; appreciate the underlying social, political, philosophical and economic factors that influence development of computer law.

agreements and consultancy agreements. Government contracts and the
Government Information Technology Conditions.

Assessment: Final exam 3 hours (100 per cent)
Prescribed texts: To be advised.

730-334 CORPORATIONS LAW

Lecturers: Prof J Farrar *, Ms J Dodds, Ms S Woodward
Prerequisites: Torts and the Process of Law; History and Philosophy of
Law.
Students should also have completed the compulsory subjects except for
Equity, which may be studied concurrently. Knowledge of, or at least
interest in, commercial and business affairs is an advantage. Students who
have previously completed Company Law 1 may not enrol in this subject.
Contact: 4 hours per week (One semester) Note: This subject is offered in
both the first and second semester.

Objectives: Students completing this subject should: understand the concepts
of corporate personality and corporate finance; understand the law relating to
corporate governance; and understand the procedures relating to corporate
insolvency.

Content: The law relating to corporations: the artificial legal nature of
corporations marks them out as a field for separate study.
General concepts. Forms of business media; the history of the law of
corporations; the constitutional basis of companies legislation; the concepts
of limited liability and corporate personality; the various types of companies
and their attributes; the incorporation process. The corporate constitution.
Legal relations with outsiders. The way in which a corporation, as an
independent but artificial legal entity, conducts legal relations with outsiders:
the corporation's capacity to sue and be sued, to own property and to make
contracts and dispositions; liability for wrongs and lifting the corporate veil.
Corporate finance. The sources and methods of corporate finance and its
regulation: share capital, classes of shares, dividends, membership and share
rights, debt capital and debentures. Internal organisation of corporations.
The law relating to the two major organs of the corporation, the Board of
Directors, and the General Meeting: administration and management, the
office of directors, duties and liabilities of directors and officers, accounts and audit, protection of minority shareholders, members' remedies. Corporate insolvency. Schemes of arrangement, receivership, official management and winding up.

Assessment: Either Essay 3000 words (30 per cent) and Final Exam 2 hours (70 per cent); or Final Exam 3 hours (100 per cent)

Prescribed texts: Students are advised not to purchase any books until advised by the lecturer.

730-404 CONFLICT OF LAWS

Lecturer: Mr M Moshinsky
Prerequisites: Torts and the Process of Law; History and Philosophy of Law.
Contact: 2 hours per week (Both semesters.)

Objectives: Students completing this subject should have: an understanding of the principles on which Australian courts will exercise jurisdiction in a dispute which has an international or interstate element; knowledge of the main choice of law rules applied by Australian courts in relation to selected substantive areas of law; an appreciation of the principles and policy factors which influence the development of choice of law rules, and the possibilities for reform of those rules; an understanding of the theoretical basis on which Australian courts 'apply' foreign law; and considered the extent to which rules of private international law should be modified when applied to Australian interstate conflict of law disputes.

Content: Conflict of Laws (or Private International Law, the terms are synonymous) is concerned with the situation where a legal dispute which is litigated in the forum has an international or interstate element, for example the residence of one of the parties or the place where the transaction took place. The course examines the principles on which the court will exercise jurisdiction in an international or interstate dispute. Next, consideration is given to the circumstances in which a foreign or interstate judgment will be recognised or enforced by the courts of the forum. Personal connecting factors, such as domicile, are examined. Then the choice of law rules for
torts, contracts, property and either matrimonial proceedings or succession are dealt with. General considerations, such as exclusion of foreign law, characterisation, renvoi, and the distinction between substance and procedure, are examined. Finally, the application of choice of law rules to Australian interstate disputes is considered, in particular the role of the full faith and credit clause.

Assessment: Either Research Assignment 5000 words (50 per cent) and Final Exam 90 minutes (50 per cent); or Final Exam 3 Hours (100 per cent).

Prescribed texts: Students are advised not to purchase textbooks until advised by the lecturer.

730-312 CRIMINAL LAW 2

- Not offered in 1993

Prerequisites: Torts and the Process of Law; History and Philosophy of Law.

Contact: 2 hours per week (One semester.)

Objectives: Students completing this subject should: appreciate some of the philosophical, moral, political, sociological, as well as legal questions raised by the practices of punishment and sentencing, and associated institutions; and be familiar with some of the theories that have been developed to answer these questions, and to give them the opportunity to develop their own solutions.

Content: The course does not focus on the specific legal rules of sentencing, but on their broad critical and theoretical underpinning. Topics will be selected from the following: Punishment and its Justification. Criminal responsibility. The practice of punishment. The evaluation of penal measures. Reforms of penal measures. The practice of sentencing. The evaluation of sentencing. Reforms of sentencing. Discretionary decision-making in the penal system. The use and abuse of the concept of dangerousness.

Assessment: Research Essay 4000-5000 words (100 per cent) or Final Exam
730-349 Current International Legal Problems

Lecturer: Mr G Simpson
Prerequisite or Corequisite: Torts and the Process of Law; History and Philosophy of Law; students should either have completed or be concurrently enrolled in International Law.
Contact: 2 hours per week (First semester.)

Objectives: Students completing this subject should: acquire a specialised knowledge of particular areas of international law of current significance; and develop the capacity to assess the international legal significance of current events; analyse particular issues of current importance from an international legal perspective; articulate the theoretical bases of particular views and positions in international legal discourse; and critically assess the significance of international law in the resolution of current disputes.

Content: Intensive study of areas on International Law of current significance in the international community, or to Australia in particular, which are given only general or no coverage in International Law. The course will focus on several topics which may include: reform of the United Nations, international economic law, international institutions, disarmament and arms control, international environmental law, theories of international law, international refugee law, humanitarian law, the Antarctic Treaty system, law of outer space. The course will be sufficiently flexible to accommodate other international legal issues of contemporary significance as they arise. 1993 topics will include: disarmament and arms control; international legal theory; gender and international law; international environment law; war crimes; international humanitarian law; international dispute resolution.

Assessment: Take Home Examination 4000 words (100 per cent) or Research Assignment 4000 words (100 per cent) (with Instructor’s consent)
Prescribed texts: Printed materials will be issued by the Law School.
730-338 EMPLOYMENT LAW

Lecturer: Dr M Vranken *, Mr R Johnstone
Prerequisites: Torts and the Process of Law; History and Philosophy of Law; It would be advantageous to take Labour Relations Law concurrently.
Contact: 2 hours per week (Both semesters.)

Objectives: Students completing this subject should: understand that the law of employment is a discipline in its own right, hence the need to go beyond the principles of general contract or tort law; understand the legal problems associated with the individual employment relationship; be able to focus on the individual component of labour law, as opposed to the relationship between organised labour (unions) and management.

Content: Introduction. The role of the law in regulating industrial relations, including the need for special treatment of the employment relationship. The collective and the individual components of labour law, and the link that exists between both. History of Worker Protection in Australia. Questions to be addressed include: how did the current system of worker protection in Australia come about? Specifically, which historical factors have shaped labour law in Australia? How do the unique features of Australian labour law affect the position of workers in this country?

Sources of Employment Law. An overview of the various sources of employment law (including their relative importance). The nature and content of industrial awards. Nature of the Employment Relationship. The legal basis for the employment relationship. Distinguishing who is a worker and who is not. The importance of distinguishing the contract of employment from other forms of work relationship.

Creation and Contents of the Employment Relationship. The prerequisites for the valid formation of a contract of service. Express terms of the contract. Special attention will be paid to the restraint of trade doctrine and (post employment) restrictive covenants. Implied terms in the employment relationship. Terms implied "in law". The interrelationship between the obligation of the worker to work and the obligation of the employer to pay wages.

Termination of the Employment Relationship. Termination at Common Law. Remedies are available to either party for wrongful termination of the employment contract. Does the common law adequately protect job security? The issues of damages, including the pervasive impact of Addis v
The traditional and the modern approaches to the availability of relief akin to specific performance in employment law. Federal Regulation of Employment Termination focusing on the question as to how the federal conciliation and arbitration system may be used to ensure the fairness of dismissal. The meaning of fairness in a dismissal context: how must the words "harsh, unjust and unreasonable" be interpreted: the appropriate forum for handling unfair dismissal disputes. The common law courts, the federal court (industrial division), or the Industrial Relations Commission? The effect on labour law of the complexities of the Australian Constitution.


Assessment: Either Research Essay 6000 words (60 per cent) and Final Exam 90 minutes (40 per cent); or Final Exam 3 Hours (100 per cent)

**730-374 EUROPEAN COMMUNITY LAW**

**Lecturer:** Dr Vranken
**Prerequisites:** Torts and the Process of Law; History and Philosophy of Law. It would be advantageous for students to undertake Introduction to European Civil Law.
Contact: Two hours per week (Second semester.)

Objectives: Students completing this subject should be able to: have a basic understanding of the law of the European Communities; appreciate why the EEC was set up, how it functions, and how it has influenced the legal order both within the member states and beyond; have considered the interaction between supra-national and national law against the federal Australian backdrop.

Content: The origins and objectives of the EEC: the European Coal and Steel Community, the European Economic Community, and the European Atomic Energy Community; the basic principles of the European Community Treaties. The Institutional Structure of the EEC: the composition of the various Community bodies: the Council of Ministers, the E.C.Commission, the European Parliament; the Court of Justice; and various auxiliary bodies; the inter-action between these institutions in the law-making process of the Community. The formal sources of EEC Law: the role of the Treaty in its relation to the tradition of code-based law in the six founding members of the EEC. Issues of Implementation and enforcement: actions before and the procedure in the Court of Justice and the Court of First Instance. Substantive EEC Law: the Four Freedoms: free movement of goods, persons, services and capital. Substantive EEC Law: Selective Issues. External Relations of the EEC: the relationship between the EEC and GATT; the relationship between the EEC and EFTA; relations with Australia. The future of the EEC.

Assessment: Either Research assignment 3000 words (50 per cent) and Final Exam 90 minutes (50 per cent) Or Final Exam 3 hours (100 per cent).


730-313 FAMILY LAW

Lecturer: Ms S MacCallum
Prerequisites: Torts and the Process of Law; History and Philosophy of Law.
Contact: Two hours per week (Both semesters.)

Objectives: Students completing this subject should be able to: understand the legal framework which regulates the rights and duties of family members in Australia; use analytical, critical and theoretical skills in relation to legal issues arising from the family; appreciate and understand the factors underlying the process of law reform as it concerns the family; and appreciate the problems in the application of family law in legal practice.

Content: The formation and termination of marital status. The consequences of marital status for the rights of parents and children. The alteration of children’s status by orders for adoption, custody, guardianship, and wardship. Regulation of financial relationships between family members. Physical protection of family members. Processes used inside and outside the courtroom for the resolution of family disputes. Constitutional issues about the extent of the Family Court’s jurisdiction.

Assessment: Either Research Assignment (40 per cent) and Final Exam (60 per cent); or Final Exam 3 hours (100 per cent).


730-369 FEMINIST LEGAL THEORY

Lecturer: Ms J Morgan
Prerequisites: Torts and the Process of Law; History and Philosophy of Law.
Contact: 2 hours per week (Both semesters.)

Objectives: Students completing this subject should be able to: understand a substantial body of recent legal writing which takes a feminist standpoint on legal theory and practice; analyse the ways inequalities between men and women are, in part, structured by law; cross doctrinal boundaries both within law and outside it. That is, they should perceive the linkages between various legal doctrines and practices which have contributed to the inequality between men and women, and have some understanding of feminist
sociological, philosophical and psychological writings which bear on an understanding of law and legal theory. Further specific objectives are included in the following subject descriptions.

Content: 'Why Law and Feminism?' A preliminary exploration of feminist engagement with legal doctrine and practice, focusing in particular on feminism in law schools. By the end of this part, students should have a notion of the broad array of doctrinal areas covered and challenged by a feminist theoretical standpoint and understand that a feminist legal analysis can be used in areas beyond those traditionally identified as 'women's issues'.

Divisions, Dichotomies, Difference and Epistemology. The central part of the course, covering the theoretical questions and frameworks feminist legal scholars have developed to understand the legal process and its impact on women. Thematic issues: public/private dichotomy - how it has been created in legal doctrine and its impact on women; the contested meaning of equality between women and men, the notion of difference between women and men and differences amongst women; and feminist epistemology or methodology - the development of a specifically feminist methodology and the challenge posed to traditional legal methods of knowledge gathering and analysis. At the end of this part, students should have a theoretical framework for analysing the specific doctrinal areas raised in the rest of the course and for analysing the process of law from a feminist standpoint. The following sections of the course allow students to apply the theoretical approaches to concrete legal issues.

Sources of women's access to money: work, men and the state. Work: the construction in labour law of a male model of work and the worker; the nature of women's work and the valuation of women's work. Dependence on Men: an examination of the traditional legal disabilities consequent on marriage, the law's intervention in ongoing marital relationships and the response of law on the breakdown of marriage. The question whether it is possible to develop a feminist response to the issues of property distribution and maintenance responsibilities on divorce. Dependence on the state: the tax/transfer system including consideration of the appropriate unit for state financial concern, the household or the individual, and the construction of women's financial dependence through state financial arrangements. At the end of this part, students should have an understanding of the law's role in the construction of women's financial (in)dependence and be able to use the theoretical constructs from part two to understand this financial status.

Women and Connection. The 'connections' women have with their
children and foetuses and the construction of these forms of connection by legal discourse. We examine notions of the 'good wife' and the 'good mother' in doctrinal areas beyond family law, as well as within that body of legal doctrine. The recent attempts by feminist legal theorists to reconstruct this form of 'connection'. Doctrinal areas examined include nervous shock, 'wrongful birth', custody and legal responses to women's decision to mother or not to mother through abortion law, surrogacy and medical treatment of foetuses. At the end of this part, students should have an awareness of the pervasive legal construction of women's connection with others and a knowledge of new feminist legal writing on women and connection, and be able to analyse critically traditional doctrines concerning women's control over their reproductive decisions.

Injuries to women. The notion of gendered or social injury is used to explore the way women are distinctively harmed and the law's response to these harms. Traditionally recognised forms of harm including rape and explore the development of legal responses to domestic violence, or male violence against women. Harms that have been less easily recognised as unlawful, including medical abuses, sexual harassment, pornography and media vilification of women. At the end of this part, students should understand the connections between various forms of injury to women and the array of legal response to these harms, and be able to use the theoretical constructs developed earlier in the course to analyse the law's role in harming and alleviating harm done to women.

Feminist strategies in law. An overview focusing on the responsiveness of law to a feminist challenge, drawing on material already covered and further theoretical writing, including critiques of the adversary system and mediation as a form of dispute resolution. Feminist attempts to use the criminal and civil law to respond to injuries like pornography and assess the success or otherwise of feminist engagement with law.
At the end of this part, students should have a critical understanding of the effect of attempts to use the law progressively in the interests of women.

Assessment: Research Assignment 7000 words (70 per cent) and Take Home Examination (30 per cent) Students are also be expected to participate actively in class.
730-350 HUMAN RIGHTS LAW

Lecturers: Dr T McCormack, Mr G Simpson
Prerequisites: Torts and the Process of Law; History and Philosophy of Law.
Contact: 4 Hours per week (First semester.)

Objectives: Students completing this subject should: gain an understanding of the twentieth century development of the law relating to human rights; secure knowledge of the philosophical bases, principles and practical operation of the international and Australian regimes for the protection of human rights; acquire the ability to assess the validity of actions of governments under both international and Australian human rights law; explain and assess the various theories proposed as the basis for the protection of human rights; appreciate the juridical significance of the challenge offered by developing nations to the traditional approaches to human rights; understand and assess the structure, major institutions and jurisprudence of the international human rights system; comprehend the relationship between the international law of human rights and Australian law; understand the significance of constitutional protection of rights through contrasting the situation in Canada and Australia; and identify and apply Australian human rights law, in particular with respect to racial and sex discrimination, indigenous peoples, prisoners and the mentally ill.


Assessment: Research Essay 6000 words (60 per cent) and Take Home Examination (40 per cent)
Prescribed texts: Bailey P Human Rights in Australia Butterworths, Meron T (ed) Human Rights in International Law OUP. A detailed reading guide and materials will be issued.

730-314 INSURANCE LAW

Lecturer: Mr R Evans
Prerequisites: Torts and the Process of Law; History and Philosophy of Law; Contracts.
Contact: 1 hour per week (Both semesters.)

Objectives: Students completing this subject should be able to: understand the nature, function, regulation and types of insurance in Australia; identify and understand the sources of insurance law and the formation of the contract of insurance; discuss the concepts and implications of utmost good faith, insurable interests, disclosure and misrepresentation, warranties and standard cover, subrogation and contribution; agents and brokers; understand and apply the rules of construction to insurance policies; identify and understand the roles of parties in the process of formation, renewal, cancellation, expiration of insurance contracts and claims arising from the
same; and identify and apply insurance law to hypothetical problems.

Content: Definition, nature and types of insurance. The statutory regulation of insurance. The formation of the insurance contract. The requirement of insurable interest. The classification of the contract as one of the utmost good faith in relation to non-disclosure, misrepresentation and warranties. Standard cover and the construction of insurance policies. The use of agents and brokers in the formation and renewal of contracts and in claims arising thereunder. Claims, payment and return of premiums, assignment and reinstatement. Insurer's rights of subrogation and contribution.

Assessment: Research Assignment 5000 words (100 per cent) or Final Exam 3 Hours (100 per cent)

730-335 INTELLECTUAL PROPERTY

Lecturer: Ms M Richardson
Prerequisites: Torts and the Process of Law; History and Philosophy of Law; Property Law.
Contact: 2 hours per week *(Both semesters.)*

Objectives: Students completing this course should: be familiar with the principles of Intellectual Property Law in the contemporary context; understand the reasons behind the law; understand the practical operation of the law; understand current problems with the law; and have an appreciation of possible future developments.

Content: Introduction: definition of "intellectual property", scope of the law, general rationales. Remedies: statutory and common law remedies available for infringement of intellectual property rights. Copyright: origin, rationale, protectible subject-matter, nature of "work", ownership,
exploitation rights, infringement, defences and excuses, issues relating to computer technology. Trade Secrets: origins, conceptual nature (equity or property), rationale, protectible subject-matter, components, third party liability, defences and excuses. Patents: origin, rationale, protectible subject-matter, recent reforms, concept of "invention", exploitation rights, infringement, defences and excuses, issues relating to biotechnology. Designs: origin, rationale, protectible subject-matter, registrable "designs", exploitation rights, infringement, defences and excuses, design/copyright provisions. Trade Marks: origin, rationale, protectible subject-matter, registrable "trade marks", exploitation rights, infringement, defences and excuses, reform issues. Passing off: origin, conceptual basis (property?), rationale, protectible subject-matter, components, recent issues addressed in the "Champagne" cases. Misleading or Deceptive Conduct - application of s 51A - 53 Trade Practices Act to misappropriation of business reputation, comparison with passing off, character merchandising.

Assessment: Either Research Assignment 4-5000 words (40 per cent) and Final Exam 2 Hours (60 per cent); or Final Exam 3 Hours (100 per cent)


730-341 INTERNATIONAL AND COMPARATIVE LABOUR LAW

Lecturer: Dr M Vranken
Prerequisites: Torts and the Process of Law; History and Philosophy of Law. It would be advantageous to undertake either Labour Relations Law or Employment Law.
Contact: 2 hours per week (Second semester.)

Objectives: At the end of this subject students should have: been introduced to selective issues of international and comparative labour law; studied how similar labour law problems can be and are dealt with in differing manners; and have gained a better understanding of Australian labour law.
Content: Introduction: reasons for undertaking comparative study in general, and comparative labour law study in particular; an exposure to

Assessment requirements: Either Research essay 3000 words (50 per cent) and Final 90 minute Exam (50 per cent); or Final 3 hour Exam (100 per cent)

Prescribed texts: To be advised.

730-379 INTERNATIONAL DISPUTE RESOLUTION

Lecturer: Mr W Morgan
Prerequisites: Torts and the Process of Law; History and Philosophy of Law; and completion of or current enrolment in International Law.

Contact: 2 hours per week (Second semester.)

Objectives: The course is designed to examine the mechanisms and institutions involved in the resolution of disputes between states. Disputes which pose a threat to international peace and security will provide the focus for discussion. Students completing this subject should: understand the various dispute resolution regimes and the principles of law developed concerning them and be able to assess their strengths and weaknesses; appreciate the role played by international law in the resolution of conflict and understand the dichotomy drawn between international law and politics;
explain the various factors which affect whether disputes are resolved by bilateral negotiation, good offices and third party diplomacy, or the processes of international organisations; evaluate the impact of international organisations (in particular, the major organs of the United Nations) on international dispute resolution; and evaluate the effectiveness of the international legal regimes designed to resolve disputes which constitute a threat to the peace.

Content: The subject will consider the role of international law and international organisations in the resolution of disputes between states. Disputes which threaten international peace and security will provide the focus for discussion. Legal doctrine and rules will be considered in light of political interests and the contemporary structure of the international community. The syllabus will be divided into 2 parts. Part A comprises core material which the subject will cover. Part B consists of a list of various topics from which the rest of the course will be chosen, depending on the areas of student interest.


**Assessment:** Research Essay 5000 words (100 per cent)

**Prescribed texts:** There is no text. Readings will consist of prepared materials and reading lists drawn from current Law and Baillieu Library holdings.

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**730-307 INTERNATIONAL LAW**

**Lecturers:** Dr T McCormack *, Ms D Cass, Mr W Morgan, Dr R Sharwood, Mr G Simpson

**Prerequisites:** Torts and the Process of Law; History and Philosophy of Law.

**Contact:** 2 hours per week (Both semesters.)

**Objectives:** Students completing this subject should: acquire an understanding of the structure, institutions, principles and vocabulary of international law; develop the ability to assess the international legal implications of current events and Australian foreign policy; gain a wider perspective on the role of law generally by examining a legal system where
the distinction between law and politics is constantly challenged; understand the distinct nature and functions of the international legal system in contrast to domestic law, (and the relationship between the international and national legal systems); identify the sources of international law and understand the debates between the developed and developing worlds about their validity; be able to discuss the history and modern operation of the major institutions of international law and their contribution to dispute resolution; be able to explain the concept and implications of statehood in international law, particularly the notions of international personality, recognition, acquisition of territory, state jurisdiction, immunity and responsibility; and be able to identify and apply the international law relating to the use of force.

Content: International Law is traditionally conceived as dependent upon the consent of sovereign and equal States. Thus while international law provides a system of rules governing the conduct of inter-state relations, a dispute cannot always be settled through these rules. As international law does not exist in isolation from political and economic factors, students are encouraged to keep themselves informed of current affairs as they relate to international legal problems. Nature and function of international law - the consensual nature of international law as distinct from municipal legal systems which are dependent upon sanctions. The question whether international law is 'law' with reference to its function in inter-state relations. The sources and evidence of international law - How the relevant rules of international law may be identified in order to resolve a legal dispute between States. The law-making role of the United Nations and the application of international law to the new States of Africa and Asia. International institutions - History and function of the League of Nations, the United Nations and the International Court of Justice. Relationship between international law and municipal law - How international law and municipal law interact in both international and municipal fora. The position of international law in Australian law. International personality and recognition - What constitutes Statehood? The positions of individuals and non-self-governing territories. Recognition by established States of new States and governments. State territory - The territory of a State as the foundation of its factual existence and a basis for the exercise of its legal powers. Modes of acquiring territory with particular reference to current disputes over territory. States' jurisdictional competence - State legislative and prescriptive jurisdiction over persons, property and acts within its territory, and the extension of its law over nationals and activities outside that territory, with particular emphasis on war crimes trials. State immunity - The doctrine of
sovereign immunity under which a State and its representatives will be immune from the jurisdiction of foreign courts, including diplomatic immunities. State responsibility - tortious and contractual liability of a State, including the responsibility of States for wrongs done to aliens, with emphasis on the nationalisation of foreign-owned property. Peaceful resolution of international disputes between States - Remedies available for resolution of international claims and disputes. Procedures include diplomatic negotiation, arbitration, adjudication through the international Court of Justice. Regulation of the use of force - International law relating to use of force and the United Nations' mechanisms to maintain and restore international peace and security. Legal problems raised by self-defence, economic aggression and guerilla warfare. The law of treaties - Legal and political function of treaties in the international legal order, including rules of treaty interpretation and their binding effect upon newly independent States.

Assessment: Either Research Assignment 4000 words (40 per cent) or Assignment (1) 2000 words (20 per cent) and Assignment (2) 2000 words (20 per cent); and Final Take Home Exam (60 per cent)

730-375 INTRODUCTION TO EUROPEAN CIVIL LAW

Lecturer: Dr M Vranken
Prerequisites: Torts and the Process of Law; History and Philosophy of Law.
Contact: 2 hours per week (First semester.)

Objectives: Students completing this course should: be aware of the Australian legal system in a broader perspective; be familiar with the concept of comparative law, its functions and aims, its method and history; understand the basic elements of a major legal family other than their own; appreciate the common ground between the (European) civil and common law families.
Content: Introduction: the meaning, purpose and method of comparative law. The concept of legal families: with special attention to the Romano-Germanic legal family, including its historical foundation, and the
Scandinavian legal family. Codes and codification: the process of codification on the Continent; factors and circumstances which induced and facilitated codification; differences between the 19th century European approach and contemporary codification movements in the common law world. Real-life examples of a civil code; analysis the drafting style, structure and contents of the French and German civil codes. The law-making process: who does what and why in the civil law world, especially in the Romano-Germanic family. Role of the legislature, the judiciary and the doctrine: their functions and inter-relationships. Comparative Contract Law: Case Study 1: to contrast the Australian and the European experiences with reference to terms with moral connotations (good faith, unconscionability etc). A general introduction to the law of contract in France and Germany, followed by a detailed analysis of the German approach to tackling the excesses of contractual freedom. Comparative Tort Law: Case Study II: another example of judicial creativity in the civil law world. The brevity of the five articles in the French Civil Code dealing with the law of tort is contrasted with the dynamic role played by the courts in introducing elements of strict liability in a Code-based tort system founded in fault. In Germany, strict liability has generally been introduced by special legislation not incorporated in the BGB. Comparative Court Proceedings: Case Study III: the Continental system for the administration of justice is generally said to be inquisitorial as opposed to the adversarial nature of the Anglo-American model. The meaning of these concepts will be examined as regards both civil and criminal procedures. Theories of convergence and divergence: a re-examination of the purposes of comparative study; the possibility for an increased standardisation of the various national systems of law.

Assessment: Either Research paper 3000 words (50 per cent) and Final exam 90 minutes (50 per cent); or Final Exam 3 hour (100 per cent).

Prescribed Texts: A Reading guide will be issued.
730-378 **ISSUES IN AUSTRALIAN CONSTITUTIONAL THEORY**

- Not offered in 1993

**Prerequisites:** Torts and the Process of Law; History and Philosophy of Law; Constitutional and Administrative Law
**Contact:** 2 hours per week (*Both semesters.*)

**Objectives:** Students completing this course should: be familiar with a variety of selected issues in Australian constitutional theory; have a deeper understanding of Australian constitutionalism; have examined theoretical issues in context, and analysed their implications for practical constitutional questions.


**Assessment:** Either Research Paper 10 000 words (100 per cent); or Research Paper 5000 words (50 per cent) and Final Take Home Exam (50 per cent)

**Prescribed texts:** A reading guide and printed materials will be made available.

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730-414 **JESSUP MOOT**

**Lecturers:** Mr I Malkin *, Dr T McCormack, Mr W Morgan, Mr G Simpson
**Prerequisites:** Torts and the Process of Law; History and Philosophy of Law; International Law
**Contact:** As arranged (*One semester.*)
Objectives: The students selected to represent Melbourne in the competition should: develop skills in preparing written briefs for both sides in the moot; acquire expertise in the areas of international law covered by the topic; and improve legal advocacy skills through the mooting experience.

Content: Supervised and arranged research and compilation and submission of written briefs in an area of International Law, for the Phillip C. Jessup International Law Moot Court Competition. Students should consult the lecturer in charge of International Law, who may recommend to the Projects Committee that groups of five or less students each undertake the project. The recommendations will be made by 15 January in respect of enrolments in the next academic year. The Projects Committee will consider the recommendations and, upon approval, notify the students and appoint supervisors.

Assessment: Assignment of Two Memorials (100 per cent)

730-315 JURISPRUDENCE

Lecturer: Dr D Wood
Prerequisites: Torts and the Process of Law; History and Philosophy of Law.
Contact: 2 hours per week (Both semesters.)

Objectives: In undertaking the course students should acquire the following: some appreciation of the problems raised by questions such as: What is the nature of law? What is the nature of legal rules? What other types of legal standards are there, and how are they structured (if at all) into legal systems? What is justice? How do judges decide cases? Is there an obligation to obey the law? Is legal paternalism justified? Is there a satisfactory theory of punishment? How is law related to broader social phenomena such as culture, ideology, power and economic activity? Could there be a society without law?: also, acquaintance with various schools of legal theorists which have attempted to provide coordinate answers to one or more of the above questions; some ability to criticise such attempted answers; some ability to put forward answers and theories of their own; a deeper understanding of all areas of legal practice.

Content: An introduction to the kinds of questions posed in Jurisprudence
and the various theories which have emerged as co-ordinated to those questions. First half of the course - Principal modern schools of jurisprudential thought; natural law, legal positivism, legal realism, sociological jurisprudence, Marxism, feminism and critical legal studies; the nature of law; issues which are central to some theories only (such as the relationship between law and morality and the nature of legal reasoning). Second half of the course - Application of the theories already discussed relatively discrete questions in Jurisprudence, taken from the following list: the obligation to obey the law, the justification of punishment, legal paternalism, justice, the rule of law, and the role of legal theory in legal education.

Assessment: Either Research Assignment 4000 words (40 per cent) and Final Exam 2 Hours (60 per cent); or Final Exam 3 Hours (100 per cent)

Prescribed texts: Printed materials will be issued by the Law School.

730-340 LABOUR RELATIONS LAW

Lecturers: Mr R Johnstone *, Dr M Vranken
Prerequisites: Torts and the Process of Law; History and Philosophy of Law.
Employment Law would be advantageous for students to also undertake concurrently.
Contact: 2 hours per week (Both semesters.)

Objectives: Students completing this subject should be able to: understand thoroughly the practical and theoretical aspects of collective labour relations law in Australia; appreciate the interrelated nature of each aspect of labour relations law studied and the impact of industrial relations norms on the operation of the formal legal system; understand the constitutional framework within which the federal system of labour law operates; understand the jurisdictional limits placed upon the Industrial Relations Commission by the Industrial Relations Act and by the Australian Constitution; appreciate the way in which the Industrial Relations Commission exercises its award making powers; understand the nature and contents of industrial awards and, in particular the rights and obligations created by such awards; understand the history and principles of wage fixation in Australia; be able to identify the major statutory and common law

Assessment: Either Research Essay 6000 words (60 per cent) and Final Exam 90 minutes (40 per cent); or Final Exam 3 Hours (100 per cent)

Prescribed texts: To be advised.

730-412 Land Contracts

Lecturer: Mr R Buttigieg
Prerequisites: Torts and the Process of Law; History and Philosophy of Law; Contracts; Property
Contact: 2 hours per week (First semester.)

Objectives: Students will acquire an understanding of the law relating to the sale of land in Victoria and develop both the confidence and expertise to be
able to handle a conveyancing transaction from initial instructions to settlement. In particular students will: understand how to read and investigate a Certificate of Title; understand the preliminary steps and formalities in the formation of a contract for the sale of land and an option to purchase land; understand each of the several steps of a conveyancing transaction; gain a detailed knowledge of the conditions in Table A in the seventh schedule to the Transfer of Land Act 1958 and in the third schedule to the Property Law Act 1958; and be able to draft Contracts of Sale, Sale Notes and their special conditions, Caveats, Withdrawal of Caveats and Transfers of Land.

Content: Law relating to the sale in Victoria of land under the operation of the Transfer of Land Act 1958 and land under the general law: the contract of sale, including documents preliminary to the formal contract of sale, such as sale notes and options, and the impact of sections 126 and 127 of the Instruments Act 1958 on these documents. Legal rights and obligations arising from entering into a contract for the sale of land, the provisions implied by law into a contract of sale and an examination of the contractual conditions contained in the Seventh Schedule to the Transfer of Land Act 1958 and the 3rd Schedule to the Property Law Act 1958; the duty of the vendor to disclose defects in title and relating to the subject matter of the sale under the general law; Requisitions and objections to title and how they should be answered. Investigation of title by the purchaser, including searches and inquiries usually made and required by the Sale of Land Act 1962. The usual special conditions which parties incorporate into a contract of sale and their effect on the formation of the contract. Settlement. Subdivision of land and buildings including governmental control of subdivision and restrictions on the sale of land in subdividing in accordance with the Subdivision Act 1988.

Assessment: Either Research Assignment (3000 words) (30 per cent) and Final Exam 2 Hours (70 per cent); or Final Exam 3 Hours (100 per cent)

730-342 LAW AND DISCRIMINATION

- Not offered in 1993

Prerequisites: Torts and the Process of Law; History and Philosophy of Law. Students who have completed Sex Discrimination Law are not eligible to enrol in Law and Discrimination.

Contact: 2 hours per week (Both semesters.)

Objectives: Students completing this subject should be able to: use the legislation at both Commonwealth and State levels which addresses issues of discrimination and affirmative action; understand the way the legislation has been interpreted by courts and tribunals; think critically about concepts of equality and inequality, discrimination, affirmative action and, in particular, the role of law in ameliorating discrimination and to arrive at their own views on these issues; discuss critically issues of equality and discrimination; have researched in-depth an aspect of discrimination law.

Content: General Introduction: (a) The meaning of equality and discrimination. Various understandings of 'equality' and the consequences in social policy of adopting each model. (b) The notion of equality and discrimination embodied in Australian legislation and general overview of Australian legislation. Constitutional Issues: particular constraints on Commonwealth powers in this are including discussion of the external affairs power, corporations power and inconsistency issues as a result of the operation of s.109. How international conventions have been implemented in Australian law. Race Discrimination: a brief overview of the position of Aboriginal people in Australia, and of those from non-English speaking backgrounds. A detailed study of relevant legislation and assessment of its effect in practice. Further topics which may be covered include land rights and 'incitement to racial hatred' provisions. Discrimination and Intellectual and Physical Handicap: This section of the course focuses on the Victorian Act's treatment of physical and intellectual impairment and contrasts it with that in NSW. In particular, we will look at the 'balancing' approach adopted by the legislation and Tribunals in weighing the rights of individuals against the interests of employers and providers of goods and services. Sex Discrimination and Affirmative Action. A consideration of empirical information on women's position in the paid labour force, earnings, and dependence on the welfare state. A detailed consideration of the Victorian
and Commonwealth legislation, focusing on the discrimination in employment provisions. Related grounds of discrimination such as marital status, pregnancy and parenthood may be covered, together with sex discrimination in the areas of accommodation, goods and services and clubs. The extent to which the Australian anti-discrimination legislation requires a comparison of women with a male model, and the way in which the legislation concentrates on the so-called 'public' world of work rather than the 'private' world of the family. Sexual harassment will also be discussed as a separate topic in this part of the course, exploring the adequacy of the current legislation and the model of power relations from which it operates. Affirmative action requirements and the extent to which they meet shortcomings in the discrimination approach and issues of comparable worth. Other Grounds of Discrimination: grounds included in the current legislation (e.g. 'private life') and grounds covered in other legislative regimes e.g. homosexuality. The particular topics to be covered will depend on student interest, and any relevant current political or legal activity. Procedures for Dealing with Complaints: the process of resolving disputes and issues of proof and remedies will be considered as well as the review and appeal function of courts. The role of conciliation in discrimination complaints and the function and place of specialist Tribunals. Case studies: case studies may be used, depending on current issues, to explore in a more detailed way aspects of discrimination law. Although the emphasis throughout the course is on Australia, comparisons will be made with other relevant countries, including the US and the UK.

Assessment: Research Assignment 7000 words (70 per cent) and Final Exam 2 Hours (30 per cent) Students will also be expected to participate actively in class.

730-352 LAW AND SOCIETY IN CHINA

Lecturer: Ms S Biddulph
Prerequisites: Torts and the Process of Law; History and Philosophy of Law. No knowledge of China or Chinese language is assumed.
Contact: 2 hours per week (First semester.)
Objectives: Students completing this subject should be able to: understand the political, economic and social forces which influence the status and purposes of law in China; discuss how the structure of the state affects the operation and effectiveness of the judicial organs and the implementation of the law; understand and describe the ways in which the specific laws covered in the course reflect social issues, implement policy and regulate the activities of individuals and institutions in China; identify and read critically English language materials from both Chinese and foreign sources concerning Chinese law; and use their knowledge of the Chinese legal system and laws to examine and evaluate their assumptions about the position and role of law in Australia and its function in society.


Assessment: Either Research Assignment 5-6000 words (100 per cent) or Final Exam 3 Hours (100 per cent)

Prescribed texts: Printed materials will be issued by the Law School.
730-327 Law and Society in Japan

Lecturer: Ms V Taylor
Prerequisites: Torts and the Process of Law; History and Philosophy of Law. No knowledge of Japan or Japanese language is assumed.
Contact: 2 hours per week (Second Semester)

Objectives: Students completing this subject should: be familiar with the techniques of studying a foreign legal system and with comparative law methodology; be familiar with the legal system in Japan and its social context; have developed an appreciation of the background of Japanese lawyers and business people so that they will be able to engage in intelligent discourse; be able to utilise bibliographical and research tools to find the answers to questions about the Japanese legal system in the English language source material; understand more fully the Australian legal system and its social system by examining how similar problems are dealt with in one of Asia's most dynamic industrial societies.

Content: Topics will be drawn from the following: The role of law in Japanese society; Litigation and other forms of dispute resolution; The historical approach to law in Japan; Structure of the legal system and sources of law; Constitution and emperor systems; Legislative process and law reform; Administrative decision-making and judicial review; The legal profession; Family law; Tort law; Contract and commercial law.

Assessment: Research Assignment 5-6000 words (100 per cent) or Final Exam 3 Hours (100 per cent)

730-358 LAW AND SOCIETY IN MALAYSIA

Lecturer: Mr K Menon
Prerequisites: Torts and the Process of Law; History and Philosophy of Law
Contact: 2 hours per week (First semester.)

Objectives: Students completing this subject should: have a general understanding of the historical development and working of the three (common law, Islamic and Native law) legal systems in Malaysia; have acquired a knowledge of how laws are applied to solve problems of a plural society; have acquired a detailed knowledge of an area of law selected from a list of topics shown in the syllabus outline; and have an understanding of the sources of Malaysian law to undertake further research in the area.

Content: The history of the three (common law, Islamic and Native law) legal systems of Malaysia. This part of the course will examine the historical causes which created the three legal systems. A study will be made of the development of the three systems both before and after independence. The structure, laws, jurisdiction and operation of the three systems, their courts and the resolution of jurisdictional conflicts. This part of the course will examine the current operation of the three systems of law by examining the sources of their laws, the courts in which they are administered and how inter-system conflicts are resolved. There will be a detailed study of the reception and application of common law and equity in Malaysia and a study in outline of Islamic and Native laws. Current issues in Malaysian law. This part of the course will highlight certain core social problems and how constitutional and other laws are applied to overcome them. Areas covered are ethnicity and law, law and development, official religion in a secular state, inter-ethnic personal relationships and the conflict of laws and fundamental human rights under the constitution. A selection from one of the following topics: Issues in civil procedure; Judges, lawyers and the legal profession; The framework of business law and a comparative study of contract and company law.

Assessment: Either Research Assignment 5-6000 words (100 per cent) or Final Exam 3 Hours (100 per cent)

Prescribed texts: Printed materials will be issued by the Law School.
730-380 LAW, MORALITY AND BUSINESS

• Not offered in 1993

Prerequisites: Torts and the Process of Law; History and Philosophy of Law.
Contact: 2 hours per week (Both semesters.)

Objectives: Students completing the subjects should: understand the issues of business ethics in their legal contexts; and acquire the appropriate skills and capacities to submit business conduct, practices and institutions, together with the law that facilitates and regulates them, to critical moral scrutiny.

Content: Topics are to be selected from the following list. It is emphasised that no attempt is made to cover them exhaustively. No more than ten topics will be studied in any one year. Students are given the opportunity to explore further issues of particular interest. Examples are taken from numerous areas of law, such as contract law, property law, company law, trade practices law and taxation law. However, no black-letter law content is presupposed or specifically provided. Like other applied theory subjects, the subject sets out to provide a fresh perspective on what are generally treated as discrete and unconnected bodies of legal doctrine. The emphasis is on moral analysis, which will at times be compared with complimentary or rival forms of analysis, e.g., economic, deconstructionist, Marxist, and feminist.

The Rise of Business Ethics. This topic examines the development of business ethics as an academic discipline. It considers the reasons behind the growth of the business ethics movement, the motivation for business people's recent concerns with business ethics, the domination of the discipline by philosophers, and the comparative neglect of law. The idea of law as the most highly developed system of applied ethics is discussed.

Criteria of Legal Appraisal. This topic examines different criteria for analysing legal phenomena, from individual decisions and rules to entire legal systems. Various criteria of appraisal are examined. They include meaningfulness, clarity, simplicity, brevity, compliability, consistency, coherence, completeness, effectiveness, efficiency, stability and predictability, flexibility, compliance with positive moral standards, compliance with critical procedural moral standards, compliance with critical substantive moral standards. The main concern is with the relation between moral and non-moral criteria of assessment, and the general role of moral
considerations in law. *Criteria of Moral Appraisal.* This topic is concerned with criteria of moral appraisal, and the relation between these criteria and the criteria of legal appraisal. A range of values is considered. Various distinctions are explored, for instance, between moral and practical considerations, positive and negative considerations, and general and specific moral considerations. A further distinction is developed between ends, powers and constraints. *Justice.* This topic is concerned with the legally pre- eminent moral value of justice. Various conceptions and theories of justice are explored, with particular emphasis on the relation between and with the nature of equality. *Business and its Values.* This topic examines the concept, nature and role of business. The idea of business as a social enterprise is discussed. The notion of justice having been raised, this topic considers more broadly the values that justify business activity. This topic examines the tension between justice and efficiency. The notion of a market is examined from both moral and economic perspectives. Three major business institutions, of transactions, resources and organisations, are identified. *Transactions.* This topic is concerned with the moral assessment of business transactions. Various doctrines in contract law, such as misrepresentation, mistake, fraud, duress, undue influence, unconscionability and estoppel are explored from a moral point of view. Different theories of market or transactional justice are investigated. *Resources.* This topic examines the question of what constitutes a just distribution of business resources. It examines the relation between market equality and resource inequality. Various property relationships (e.g. trust, lease, mortgage) are examined from a moral point of view. *Organisations.* This topic examines the question of what constitutes a just system of business organisation. It compares a range of combinations of organisational and market devices from the highly libertarian to the highly authoritarian. The topic examines the relation between market equality and organisational inequality (just as the previous topic examined the relation between market equality and resource inequality). A range of legal regimes for business, such as sole proprietorship, partnership, company, and company group, are explored from moral perspectives. *Employees.* This is the first of a number of topics concerned with groups with legitimate interest holders in business organisations. The topic explores various aspects of the employment relationship from a moral point of view including the notion of a fair wage, working conditions, rights in relation to employment, promotion, and redundancy. The role of unions will be explored. *Consumers.* This topic examines various consumer issues, for instance, product safety and quality, the information rights of consumers, the use of morally questionable
marketing strategies and the ethics of advertising. **Creditors.** This topic examines moral issues raised by the credit relations. It is concerned in particular with moral issues raised by the marketing of financial products (foreign currency loans, etc.) and by the foreclosure policies and practices of banks and other financial institutions. **Owners.** This topic concentrates on moral issues concerning shareholders, for instance, oppression of minority shareholders. It takes up issues presented by the development of large institutional investors. The relationship between shareholders and directors, the responsibilities of directors to represent the interests of shareholders will be investigated. More generally, the interests and rights of shareholders as against managers, and other groups of legitimate interest holders, will be examined. Such issues as takeovers, mergers, and management buy-outs will be taken up. The fair operation of security markets will also be examined, with particular references to issues such as market manipulation and insider trading. **Communities.** This topic is concerned with the impacts that business activity has on the community at various levels - local, regional, national, and international. It will concentrate on the moral responsibilities of businesses to local communities, in which factories and workplaces are situated, and the ethics of divestment. **Ethical Standard Setting.** This topic examines various techniques which business organisations have employed in order to raise ethical standards. It concentrates on the use of 'credos' or formal statements of philosophy, and codes of ethics. The distinction between codes of ethics and other self-regulatory devices, on the one hand, and legal regulation on the other, will be examined from the point of view of jurisprudential debates concerning the relationship between law and various forms of positive morality. **Legal Regulation.** Different types of legal regulation are considered, for instance, to protect weaker transacting parties (e.g. consumer protection), to protect third parties (e.g. product safety), and to protect socially valuable institutions (e.g. trade practices legislation). The self-regulation versus legal regulation debate is explored further, and their relative advantages and disadvantages examined.

**Assessment:** Either Research Essay 7-10 000 words (100 per cent) or Final Exam 3 Hours (100 per cent); or Final Exam 2 Hours (70 per cent) plus Research Essay 2500-4000 words (30 per cent)

**Prescribed texts:** Reading guides and printed materials will be distributed by the Law School.
730-381 LAW OF PLANNING AND ENVIRONMENT

Lecturer: Mr M Raff
Prerequisites: Torts and the Process of Law; History and Philosophy of Law; Property Law; Constitutional and Administrative Law. It would be desirable for students to have studied, or to be studying in conjunction, 730-302 Advanced Administrative Law.
Contact: 2 hours per week (First semester.)

Objectives: Students completing the subject should: appreciate the social and economic rationales for land use and environmental controls; be familiar with historical and institutional background to land use and environmental controls within Australia and abroad; understand the role of expertise and administrative discretion in the operation of these controls in contrast to traditional judicial method; understand the framework of land use planning in Victoria and the operation of that system; consider other land use controls in Victoria, particularly concerning conservation of natural and constructed environments; understand the other environmental controls in Victoria, particularly with respect to discharge of pollutants; have examined common law remedies; have examined the relationship between Federal powers and State powers with respect to planning, conservation and environment protection; and unravelled a case study problem with State, Commonwealth, planning, environment, public law and private law aspects.


Assessment: 2 hour closed book class exam (30 per cent) and Research Assignment 3500 words (70 per cent)


730-346 LAW OF SALE

Lecturer: Dr M Lambiris
Prerequisites: Torts and the Process of Law; History and Philosophy of Law.
Contact: 2 hours per week (Both semesters.)

Objectives: Students completing this subject should be able to: understand and distinguish the principles and rules that govern contracts of sale; and in particular, understand the nature and extent of the rights, obligations and remedies of the parties to a contract of sale; identify and apply the relevant common law and State and Commonwealth legislation that governs different aspects of particular contracts of sale; and understand the effect of social, political and economic considerations, including consumer protection principles, on the development of the law of sale in Australia.

Content: The historical development of the law of sale. The common law
The import-export trade. Standard terms. Ex Works; FOB; CIF; Ex Ship; Delivered Duty Paid.

Assessment: Either Research Assignment 3000 Words (25 per cent) and Final Exam 2 1/4 hours (75 per cent) or Final Exam 3 Hours (100 per cent)

Prescribed texts: To be advised. Printed materials will be issued by the Law School.
730-347 LAW OF SECURITY AND SECURED TRANSACTIONS

Lecturer: Dr M Lambiris
Prerequisites: Torts and the Process of Law; History and Philosophy of Law.
Contact: 2 hours per week (Both semesters.)

Objectives: Students completing this subject should be able to: understand and distinguish the different types of security available in Australian law, their origins and the factors which govern the form and substance of such securities; analyse the nature of given security arrangements or transactions, appreciate the legal consequences thereof, understand the nature and extent of the rights and obligations of the parties, and identify appropriate securities for particular transactions; and understand and explain the interrelationship between common law, equity and legislation governing securities and secured transactions, and identify social, economic and political and philosophical influences on the development of this law.


Assessment: Either Research Assignment 3000 Words (25 per cent) and Final Exam 2 1/4 hours (75 per cent) or Final Exam 3 Hours (100 per cent)

Prescribed texts: To be advised. Printed materials will be issued by the Law School.

730-383 LEGAL ETHICS AND PROFESSIONAL CONDUCT

Lecturers: Mr Justice P Cummins *, Mr G Reinhardt, Mr G Glennen, Mr L Maher
Prerequisites: Torts and the Process of Law; History and Philosophy of Law.
Contact: 2 hours per week (Both semesters.)

Objectives: Students completing the course should: have examined the interface between issues of professional conduct and matters of substantive law; have considered the philosophical issues in professional ethics, and the economic and organisational issues confronting the profession; and have studied in depth client trust accounting.

Content: The Profession. Nature of the profession. History of the profession. Organisation of the profession: barristers and solicitors; Queen's Counsel; specialisation; the Bar Council and the Law Institute. Profile of the profession: lawyers in business, politics and public service. Academic lawyers. Women and the law. Admission to the profession: fit and proper person to practice. The moral foundations of legal ethics: The concept of role morality. The nature of the adversary system. The concept of the lawyer's role as a "neutral partisan" of the client's interests. Critiques of and alternatives to neutral partisanship. Duty to the law: Duty to comply with the

Assessment: Research paper 3000 words (30 per cent) and Final Exam 3 Hours (70 per cent)

Prescribed texts: To be advised.

730-371 Legal Reasoning, Expert Systems and Artificial Intelligence Law

• Not offered in 1993

Prerequisites: Torts and the Process of Law; History and Philosophy of Law. No background in computer science or programming is assumed or necessary but students with computer or programming skills will have the opportunity to use them. Basic experience with computers, such as word processing, would be helpful.

Contact: 2 hours per week (One semester.)

Objectives: Students completing this subject should be able to: understand
the application of expert systems and principles of artificial intelligence to various legal domains; understand developments in the fields of artificial intelligence, cognitive science and computer programming; analyse legal reasoning and argument and, in particular, the doctrine of precedent so that legal knowledge can be represented and processed computationally; and construct small prototype expert systems in a particular area of the law.

Content: The nature of legal reasoning and argument. Consideration of the rule-governed structure, or otherwise, of common law. Analysis of legal cases and the doctrine of precedent in terms of computational representation. How legal reasoning and argument may be represented computationally. Theories of knowledge representation and artificial intelligence. Object oriented systems and rule-based systems. Case-based reasoning. Technological advances, including intelligent databases and the medium of hypertext. The course will be limited to a maximum of 15 students. The course will be taught in a combination of lectures and seminars. Student participation is expected. Approximately 1/3 of class time will be spent in the computer laboratory working on the creation of expert systems under the guidance of the instructor.

Assessment: System construction (70 per cent) and Research Paper 3000 words (30 per cent)

Prescribed Texts: To be advised.

730-318 LEGISLATION

Lecturers: Prof S Clark, Mr G Craven
Prerequisites: Torts and the Process of Law; History and Philosophy of Law; Constitutional and Administrative Law
Contact: 2 hours per week (Both semesters.)

Objectives: Students completing the course should: have considered the diverse factors which influence the decision to resolve a social problem by means of legislation; the formulation of legislative policy and limit the powers of the legislature; have examined in detail the way legislation is formulated, the process of scrutiny and its passage by Parliament; have considered the various sources of and influences upon legislation; have
considered the way legislation is dealt with by administrators and the courts; and have considered the role and effectiveness of legislation as an instrument of social control in its political, social and legal contexts.


Assessment: Research Assignment 7000 words on an agreed topic (70 per cent) and Drafting Assignment (30 per cent)

Prescribed texts: Printed materials will be distributed by the Law School.

730-305 Litigation

Lecturer: Mr G Reinhardt
Prerequisites: Torts and the Process of Law; History and Philosophy of Law
Contact: 3 hours per week (Both semesters.)

Objectives: Students completing this subject should have: acquired an understanding of how civil disputes are regulated and resolved whether in the Courts or through alternative dispute resolution; and gained a good working knowledge of the rules of evidence as they apply in both civil and criminal proceedings.

Content: The objectives underlying civil procedure; the role of costs in our system of civil procedure; Jurisdiction of the Courts; cross-vesting; transfers between Courts. Preliminary discovery, course of actions and parties, including class actions; Preserving the status quo and fact finding; Originating process, services and appearance; Procedure designed to speed up litigation; default judgments, termination of proceeding prior to trial
including compromise. Interrogation and documentary discovery; mistakes and amendments; Judgments and appeals; enforcement. Judicial intervention; the specialist lists. Alternative dispute resolution including arbitration, special references, "mini-trade". The rights of an accused consequent upon arrest, including rights during interrogation search and seizure, bail, committal hearings. Fact-finding in civil and criminal proceedings. Role of judge and jury. Relevance as a test of admissibility of evidence; Exclusion of relevant evidence on grounds of public interest; Hearsay and exceptions to the rule, including admissions and confessions in criminal cases; illegally obtained evidence; The burden of proof; Particular witnesses; competence and compellability; corroboration; opinion. The accused as a witness; Examination of witnesses generally.

Assessment: Final Exam 3 Hours (50 per cent) (Procedure) and Final Exam 3 Hours (50 per cent) (Evidence)
Prescribed texts: To be advised.

730-348 MEDIA LAW

Lecturer: Ms S Walker
Prerequisites: Torts and the Process of Law; History and Philosophy of Law.
Contact: 2 hours per week (Both semesters.)

Objectives: This subject aims to examine and critically evaluate the legal rules which restrict newspapers and broadcasters in obtaining and reporting information and the ownership and control of media organizations. Students completing this subject should be able to: recognize that the publication of particular material may have criminal or civil law consequences and be able to identify and apply the relevant law to the publication; assess the role and responsibilities of the courts, and parliament in regulating the media and the role and responsibilities of commercial, public and government funded media organisations; and assess the extent of media freedom of expression in Australia.

Content: Introduction. The role of the media. 'Regulation' by the courts and by the legislature. The relationship between publication and ownership. Court reporting. The principle of open justice. Access to courts; proceedings
in camera. Concealing information from those present in court. Access to
court documents. Common law and statutory power to make suppression
orders. Special restrictions regarding the reporting of certain proceedings
such as Family Court and adoption proceedings. Contempt of court. The
sub-judice rules. Contempt by scandalizing. Revealing what has taken place
in closed court. Revealing information which has been concealed from those
present in court. Journalists and their sources. Disobeying a court order;
breaching a suppression order. Challenging: An order closing a court; a
decision to conceal information; or a suppression order. Reports affecting
reputations of individuals or businesses. Defamation - civil - the test of what
is defamatory - the defences - the remedies - defamation - criminal - the
impact of consumer protection and fair trading legislation on the media -
proposals for reform. Intellectual property law restrictions. The impact of
the law regarding copyright and confidential information as it affects
journalists. The principles applied in granting interim and interlocutory
injunctions. Obscene, blasphemous and other illegal publications. Obscene,
indecent or violent material. Blasphemy. Incitement to racial hatred.
Reporting political events. Contempt of parliament. Election material.
examples of complaints upheld or dismissed. Programming restrictions.
Television, radio and children's standards. "Special" restrictions (Australian
content etc). Fairness and impartiality in current affairs and news reporting.
The ownership and control of the media. Regulatory policies. Sectors. The
role of the Australian Broadcasting Tribunal. The ABC and SBS. Licensing.
The Norris and Matthews inquiries.

Assessment: Either Research Assignment 4-5000 words (40 per cent) and
Final Exam 2 Hours (60 per cent); or Final Exam 3 Hours (100 per cent)

Prescribed text: Broadcasting Act 1942 (Cth). Printed Materials issued by
the Law School Office.

730-320 NATURAL RESOURCES LAW

Lecturers: Prof M Crommelin *, Prof S Clark
Prerequisites: Torts and the Process of Law; History and Philosophy of
Law.
Contact: 2 hours per week (Both semesters.)
Objectives: Students completing this course should have: considered the role of law in apportioning entitlements to use natural resources; studied the relationship between Parliament, the Executive and the Courts in apportioning entitlements to use natural resources and controlling their use; studied the process of formulating and implementing policies and laws for the use and control of natural resources; considered the deficiencies in and possible reforms to existing policies and laws for the use and control of natural resources; studied federal and international problems relating to natural resources; considered the role and effectiveness of common law and legislation in promoting sustainable uses of natural resources; considered the applicability of private law doctrines to solve public law problems; practised and enhanced their research skills; practised and enhanced their skills of formulating and making oral presentations of complex materials; practised and enhanced their legal writing skills; learned to read legislation and cases more critically.

Content: Introduction: aims and organisation of the course; the social and constitutional background to resource use in Australia. Topics from the following: Land: the history of law of land settlement and Crown lands policy; planning for urban land use; fetters on planning discretion - preserving cultural heritage and the built environment; planning for rural land use - soil conservation; the Victorian Salinity Strategy. Water: the Riparian Doctrine and Australian legislation; the Water Bill 1989 (Victoria); the River Murray; drawing a boundary. New approaches to old problems: environmental assessment techniques; Fisheries regimes; the Crown Lands Discussion Draft Bill 1988 (Vic); forestry regulation; the law of the sea; National Parks and World Heritage; Antarctica - to mine or not to mine? Minerals: petroleum - common law and legislative schemes; Mining - common law and legislative developments; the Mineral Resources Bill 1989 (Victoria); regimes for offshore Mineral Development; franchise agreements for major developments. The process of planning: the Executive, the Judiciary, Parliament and People striking for balance. A sustainable future: World Commission on Environment and Development, Our Common Future (The Bruntland Commission) 1987.

Assessment: 10 000 word research assignment (100 per cent)

Prescribed texts: A reading guide and printed materials will be issued.
730-413 Research Project

Co-Ordinator: Prof J Farrar
Prerequisites: Torts and the Process of Law; History and Philosophy of Law. A student may enrol in Research Project only with the permission of the Research Committee. The Committee’s permission will usually depend on the suitability of the proposed topic; the student’s capacity to work independently; the likelihood of the student’s satisfactorily completing the project (given past academic results, other commitments, etc); and the availability of suitable persons to act as supervisor and examiners.
Contact: None (Both semesters.)

Objectives: Students completing this subject should be able to: independently study by an area of particular interest within the LLB program; further develop and apply legal research skills; apply and have tested legal writing skills; and produce a substantial piece of legal writing, under supervision, with a view to publication.

Content: Supervised and organised 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 the research and conclusions to be drawn from it. Students wishing to do a research project should consult the Research Project Rules and Guidelines for Students available from the Office of Research and Graduate Studies in the Law School.

Assessment: Research Essay 10 000-12 000 words (100 per cent).

730-321 Restitution

Lecturer: Dr M Bryan
Prerequisites: Torts and the Process of Law; History and Philosophy of Law
Contact: 2 hours per week (Both semesters.)

Objectives: Students completing this subject should: know the general principles of the law of restitution and its potential for development; understand the relationship between restitution and the traditional areas of
private law study: contract, tort, property and equity; have examined the special contribution made by Australian courts to the development of restitution; understand the importance of studying the subject within a comparative framework, and have explored developments in both common law and non-common law jurisdictions in this area.

Content: An introduction to the history and basic concepts of restitution. A study in unjust enrichment: the family home. Mistake. Recovery of money paid under a mistake of fact. Recovery of money paid under a mistake of law. Restitution in respect of services rendered under a mistake. Compulsion. Recovery of benefits paid under actual or threatened pressure, including economic duress. Restitution from government. Compulsory discharge of another's liability. Recovery for paying another's debt. Restitution in cases of necessity. Agency of necessity. Benefits conferred to preserve life or health. Restitution for benefits conferred under ineffective transactions. Valuing services: the relevance of free acceptance, incontrovertible benefit and total failure of consideration. Restitution for benefits conferred under incomplete or uncertain contracts; contracts affected by informality; contracts void for want of authority; contracts discharged through breach; contracts discharged through frustration; and anticipated contracts which do not materialise.
Restitution for wrongs and waiver of tort. Defences, including change of position and estoppel. Restitutionary remedies, including the role of proprietary remedies in restitution.

Assessment: Either Research Assignment 4000 words (40 per cent) and Final Exam 2 hours (60 per cent); or Final Exam 3 Hours (100 per cent)

Prescribed texts: To be advised.

730-324 RESTRICTIVE TRADE PRACTICES

Lecturer: Ms S Walker
Prerequisites: Torts and the Process of Law; History and Philosophy of Law.
Contact: 2 hours per week (Both Semesters)

Objectives: Students completing this subject should be able to: examine and
evaluate the way the common law and the legislature regulate restrictive trading practices; and understand economic concepts such as competition and pricing theory; recognize what conduct may infringe Part iv of the *Trade Practices Act* 1974 (Cth) and what contractual provisions may be rendered unenforceable by the common law doctrine of restraint of trade; apply their knowledge of the principles of statutory interpretation to the complex provisions of the *Trade Practices Act* 1974 (Cth); and assess the common law and legislation as instruments of economic regulation.


Assessment: Final Exam 3 hours (100 per cent)

730-382 RETHINKING AUSTRALIAN DEMOCRACY: HISTORY, POLITICS AND THE LAW

Lecturer: Mr G Patmore
Prerequisites: Torts and the Process of Law; History and Philosophy of Law; Constitutional and Administrative Law.
Contact: 2 hours per week (Second semester.)

Objectives: Students who complete this course should: have been introduced to applied political, historical and legal theory relevant to Australia; become familiar with interdisciplinary approaches to public law; gain a thorough knowledge of the legal framework of democracy and constitutionalism; and enhance their critical skills by dealing with a diverse subject matter, challenging legal issues and by considering the possibilities and difficulties of constitutional and democratic renewal.

Content: Much of the discourse of public law conceives of Constitutional Law and Administrative Law as the regulation of government. It appropriately concentrates upon the power of government institutions and restraints upon the bureaucracy. This course will explore an alternative conception of public law as a representation of political community. It will focus upon individuals and groups as participants in the political process in the legal context. To explore this latter theory an examination of both conceptions will be undertaken in this course. This subject will identify and examine the applicability of western political and legal theory relevant to Australia in relation to four broad topics: History and Basic Concepts (to explore the concepts of autocracy, democracy and constitutionalism in the context of the emergence and growth of Australia as a nation). Constitutionalism (to critically evaluate Australian Federalism, Constitutional Guarantees and Human Rights). Public Law as a theory of government (to explore the institutions of government and theories of their operation). Public Law as political community (to analyse prevailing and alternative conceptions of the state and the place of law in those conceptions).

Assessment: Either Research Essay (3000-5000 words) (40 per cent) and Final Exam 90 minutes (60 per cent); or Final Exam 3 Hours (100 per cent); or Research Essay (8000 words) (100 per cent).

Prescribed texts: To be advised.
730-372 *Sex Discrimination Law*

**Lecturer:** Ms R Hunter

**Prerequisites:** Torts and the Process of Law; History and Philosophy of Law. Students who have completed Law and Discrimination are not eligible to enrol in this subject.

**Contact:** Two hours per week. (*Second semester.)*

**Objectives:** At the end of this course students should be able to: Use the legislation at both Commonwealth and State levels which addresses issues of sex discrimination and affirmative action; understand the way the legislation has been interpreted by the courts and tribunals; and think critically about concepts of equality and inequality, discrimination, affirmative action and, in particular, the role of law in ameliorating discrimination and to arrive at their own views on these issues.

**Content:** General introduction: the meaning of equality and discrimination, looking at a variety of understandings of 'equality' and the consequences in social policy of adopting each model; the notion of equality and discrimination embodied in Australian legislation and general overview of Australian legislation. Constitutional issues: particular constraints on Commonwealth powers in this area, including discussion of the external affairs power, corporations power and inconsistency issues as a result of the operation of s.109; how international conventions have been implemented in Australian law. Problems of Proof in discrimination law and exemptions in the legislation: the difficulties in proving discrimination on the ground of sex and the embodiment of the public/private distinction in the legislation on sex discrimination. Sex Discrimination in Employment: a consideration of empirical information on women's position in the paid labour force, earnings, and dependence on the welfare state; a detailed consideration of the Victorian and Commonwealth legislation, particularly the case law on the meaning of discrimination on the ground of sex, terms and conditions of employment and in dismissal, focusing on the discrimination in employment provisions. Discrimination on the ground of marital status and sex discrimination in other areas: related grounds of discrimination such as marital status, pregnancy and parenthood, sex discrimination in the areas of accommodation, goods and services and clubs; the extent to which the Australian anti-discrimination legislation requires a comparison of women with a male model. Sexual harassment: the development of the cause of...
action both here and overseas, comparison with tort law, empirical material on the incidence of sexual harassment and the understanding of sexual harassment as a form of sex discrimination both at common law and in statutory form. Applications for exemption: protective legislation, particularly the lead industry, and Tribunal understandings of 'special measures' in dealing with exemption applications. Affirmative action: various models of affirmative action, the legislated affirmative action requirements, the extent to which they meet shortcomings in the discrimination approach and criticisms of them. The interrelationship of discrimination law and industrial law: some of the following topics will be examined alternative remedies under industrial law, union participation in discrimination issues, equal pay and comparable worth. Procedures for dealing with complaints: the process of resolving disputes and issues of proof and remedies, the review and appeal function of courts; the role of conciliation in discrimination complaints and the function and place of specialist Tribunals. Although the emphasis throughout the course is on Australia, comparisons will be made with other relevant countries, including the US and the UK.

**Assessment:** Either a research assignment of 5000 words (100 per cent) or a take-home examination (100 per cent).


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**730-323 SUCCESSION**

**Lecturer:** Mr R Boaden  
**Prerequisites:** Torts and the Process of Law; History and Philosophy of Law.  
Students who have not studied the law of Trusts, or who are not concurrently studying the law of Equity, will be at a disadvantage.  
**Contact:** 2 hours per week (*Both semesters.*)

**Objectives:** Students completing this subject should be able to ascertain and apply the law of wills and the law relating to the administration of a deceased estate.

**Content:** The law of wills, the requirements for the making and revocation
of wills; the law relating to the obtaining of grants of probate and of letters of administration; the law relating to the administration of deceased estates; the construction of wills; distribution upon intestacy; claims for Family Provision.

Assessment: Final Exam 3 Hours (100 per cent)
Prescribed text: Administration and Probate Act 1958 Victoria

730-403 TAKEOVERS AND SECURITIES REGULATION

Lecturer: Ms A O’Connell
Prerequisites: Torts and the Process of Law; History and Philosophy of Law; Company Law.
Contact: 2 hours per week (Second semester.)

Objectives: Students completing this subject should have: examined in greater depth the concept of company securities dealt with briefly in Company Law and have expanded the study of statutory and non-statutory regulation of company securities; examined the law relating to primary and secondary markets of company securities; and reviewed the existing regulatory structures to see whether they deal adequately with investor protection and other aspects of the public interest.

Content: Aspects of company law and securities regulation including: prescribed interests; regulation of and by the stock exchanges; regulation of brokers and other dealers in securities; public offerings of securities; regulation of takeovers under the Corporations Law and other related legislation and the role of the regulatory authority in relation to securities and takeovers.

Assessment: Either 3000 word essay (50 per cent) and Final Exam 90 minutes (50 per cent); or Final Exam 3 Hours (100 per cent)
Prescribed texts: Australian Corporations Legislation 2 Vols. (Butterworths) or Australian Corporations and Securities Legislation 2 Vols. (CCH) and Ford’s Principles of Corporations Law, 6th ed.
**730-407 TAXATION**

**Lecturers:** Mr G Reinhardt, Ms A O'Connell

**Prerequisites:** Torts and the Process of Law; History and Philosophy of Law. Some basic knowledge of Trusts and Company Law is desirable.

**Contact:** 2 hours per week (Both semesters.)

**Objectives:** Students completing this course should be familiar with the concepts of income taxation and the law relating thereto.

**Content:** Policy issues underlying taxation; taxation in an historical and constitutional context. The definition of income. Capital gains tax and fringe benefits tax. Allowable deductions. Tax accounting and trading stock. Taxation of trusts, companies and shareholders, partnerships; Residence and source. Tax administration and appeals. Tax avoidance.

**Assessment:** Final exam 3 hours (100 per cent)

**Prescribed texts:** To be advised.

**730-303 TORTS 2**

**Lecturer:** Prof H Luntz

**Prerequisites:** Torts and the Process of Law; History and Philosophy of Law; Torts.

**Contact Two hours per week (Second semester.)**

**Objectives:** Students completing this subject should: be able to recognise those types of socially unreasonable conduct which give rise to a remedy in tort; have an understanding of the rules of law relating to selected torts; be able to apply a theoretical perspective to those rules; and have an ability to appraise the relevant rules of those selected torts critically by reference to: their internal consistency; and their appropriateness for resolving disputes that are likely to arise in Australian society.

**Content:** Tort is a term applied to a miscellaneous and more or less unconnected group of civil wrongs other than breach of contract for which a court of law will afford a remedy in the form of an action for damages. The nature of Torts. Trespass and Case. Battery, with special reference to the
issue of consent in the medical context. False Imprisonment and Malicious Prosecution. Tortious remedies for pure economic loss: deceit; negligent misrepresentation; negligent acts. Trespass to land. If time permits, other Torts, such as Nuisance, Trespass to goods, Conversion and Detinue.

Assessment: Either Research Essay 2500-3000 words (50 per cent) and Final Exam 90 minutes (50 per cent); or Final Exam 3 Hours (100 per cent)

730-104 TORTS AND THE PROCESS OF LAW

*Luntz and Hambly, Torts: Cases and Commentary 3rd ed. 1992  Butterworths
*Morris, Cook, Creyke and Geddes, Laying Down the Law 3rd ed. 1992  Butterworths
*Wrongs Act 1958 (Vic.)
Supplementary printed materials will be issued during orientation week.

730-202 CONTRACTS


730-203 PROPERTY

*Property Law Act 1958 Victoria
*Transfer of Land Act 1958 Victoria
*Limitation of Actions Act 1958 Victoria (Acts incorporating all latest amendments)

730-204 CONSTITUTIONAL AND ADMINISTRATIVE LAW

*Commonwealth Constitution
*Constitution Act 1975 (Vic) Vic Govt
A reading guide will be issued.

730-102 CRIMINAL LAW AND PROCEDURE

*Crimes Act 1958 (Vic) and Amending Acts

730-357 EQUITY

Meagher R P, Gummow W M C and Lehane J R F, Equity, Doctrine and Remedies
730-302 ADVANCED ADMINISTRATIVE LAW

*M Allars, Introduction to Australian Administrative Law, Butterworths 1990

730-377 AUSTRALIAN SUPERANNUATION LAW

*Tyree A L, Banking Law in Australia 1989 Butterworths
*Bills of Exchange Act 1909 (Cth) AGPS Commonwealth
*Cheques and Payment Orders Act 1986 (Cth) AGPS

730 - 309 BANKING AND NEGOTIABLE INSTRUMENTS

*Tyree A L, Banking Law in Australia Butterworths 1989
Ellinger E P, Modern Banking Law Clarendon 1987
*Bills of Exchange act 1909 (Cth) AGPS Commonwealth
*Cheques and Payment Orders Act 1986 (Cth) AGPS

730-370 COMPUTER LAW

Hughes G, Data Protection in Australia Law Book Company 1991
Hughes G and Sharpe A, Computer Contracts Principles and Practice Law Book Company 1987

730-404 CONFLICT OF LAWS

Nygh P E, Conflict of Laws in Australia Butterworths 5th ed. 1991
Sykes E I and Pryles M C, Conflict of Laws Commentary and Materials Law Book Co 1988

730-302 CORPORATIONS LAW

*Australian Corporations Legislation, Butterworths
*OR Australian Corporations Legislation, Butterworths
Gower’s Principles of Company Law, 5th ed. (UK) Sweet & Maxwell 1992
Clark R, Corporate Law (US) Little Brown 1986

730-338 EMPLOYMENT LAW


730-313 FAMILY LAW

Finlay, Bradbrook & Bailey-Harris, Family Law Cases & Commentary 2nd ed. Butterworths 1993
CCH Australian Family Law & Practice 3 vols, looseleaf

730-369 FEMINIST LEGAL THEORY

*Regina Graycar and Jenny Morgan, The Hidden Gender of Law, Federation Press, 1990

730-350 HUMAN RIGHTS LAW

Bailey P, Human Rights in Australia Butterworths
Meron T, Human Rights in International Law ed. OUP
A detailed reading guide and materials will be issued.

730-314 INSURANCE LAW

Insurance Contracts Act 1984 (Cth)
Insurance (Agents and Brokers) Act 1984 (Cth)
Insurance Contracts Regulations 1985 (SR 1985 No 162) (Cth)
Law Book
or Kelly D St L and Ball M L, Principles of Insurance Law in Australia and New Zealand 1991 Butterworths
730-335 INTELLECTUAL PROPERTY

*Copyright Act 1968 (as amended) AGPS
*Patents Act 1990 AGPS
*Designs Act 1906 (as amended) AGPS

730-307 INTERNATIONAL LAW


730-340 LABOUR RELATIONS LAW


730-412 LAND CONTACTS

Voumand L, Sale of Land in Victoria 4th ed. by P.N. Wikrama-Nayake
Property Law Act 1958 Victoria
Transfer of Land Act 1958 Victoria
Sale of Land Act 1962 Victoria
Subdivision Act 1988 Victoria

730-342 LAW AND DISCRIMINATION

Equal Opportunity Act 1984 (Vic)
Sex Discrimination Act 1984 (C'th)
Racial Discrimination Act 1975 (C'th)

730-327 LAW AND SOCIETY IN JAPAN

Haley J O, Law and Society in contemporary Japan 1988 Kendall/Hunt
730-381 LAW OF PLANNING AND ENVIRONMENT

D Eccles & T Bryant, Statutory Planning in Victoria, Melbourne, 1991
Planning and Environment Act 1987 (Vic)
Administrative Appeals Tribunal (Planning Appeals) Regulations 1987
Subdivision Act 1988 (Vic)
Environment Protection (Impact of Proposals) Act 1974 (Cth)
Environment Effects Act 1978 (Vic)
Environment Protection Act 1970 (Vic)
Litter Act 1964 (Vic)
A Reading Guide and additional materials will be prepared for distribution.

730-346 LAW OF SALE

*Sutton, Sales and Consumer Law in Australia and New Zealand 3rd ed. Law Book Co 1983
Duggan, Regulated Credit, The Sale Aspect Law Book Company 1986
*Goods Act (Vic) 1958
*Trade Practices Act (Cth) 1974
*Credit Act (Vic) 1984
*Fair Trading Act (Vic) 1985

730-347 LAW OF SECURITY AND SECURED TRANSACTIONS

*Frances & Thomas, Mortgages and Securities, 3rd ed 1986, Butterworths
*Berna Collier, Romalpa Clauses, 1989 Law Book Co
Duggan et al, Regulated Credit: The Credit and Security Aspects, 1989, Law Book Company
*Property Law Act (Vic) 1958
*Transfer of Land Act (Vic) 1958
*Sale of Land Act (Vic 1962
*Chattel Securities Act (Vic) 1987
*Credit Act (Vic) 1984
*Bankruptcy Act (Cth) 1966

730-383 LEGAL ETHICS AND PROFESSIONAL CONDUCT

*Lewis G D and Kyrou E, Handy Hints on Legal Practice 1985 Law Book
Legal Profession Practice Act (Vic) 1958 as amended. (Reprint No. 4 incl. amendments to Act 8778)
*Auditors Disclosure of Information Rules as amended
*Solicitors Audit and practising Certificates Rules as amended
*Solicitors Professional Conduct and Practice Rules
*Sharing of Remuneration Rules
The above Act and Rules set out in Gifford's Book are now out of date.
Detailed references to other works will be given by the lecturer.

730-305 LITIGATION

*Evidence Act 1958 Victoria
*Crimes Act 1958 Victoria
Byrne D M and Heydon J D, Cross on Evidence 3rd Aust ed. 1986 Butterworths
Waight and Williams, Cases and Materials on Evidence 3rd ed. 1990 Law Book
*General Rules of Procedure in Civil Proceedings 1986 Vic Govt (PR)
*Williams N J, Supreme Court Civil Procedure 1987 Butterworths
Forbes J R S, Similar Facts 1987 Law Book
Gillies P, Law of Evidence in Australia 1987 Legal Books
Ligerwood A L C, Australian Evidence 1988 Butterworths
A departmental reading guide with additional references will be issued

730-348 MEDIA LAW

Broadcasting Act 1942 (Cth)
Printed Materials issued by the Law School Office

730-501 PROCEDURE

cf 730-305 Litigation
Williams N J, Supreme Court Civil Procedure 1987 Butterworths
Cairns B, Australian Civil Procedure 2nd ed. 1985 Law Book
*General Rules of Procedure in Civil Proceedings 1986 Vic Govt (PR)

730-321 RESTITUTION

Birks, An Introduction to the Law of Restitution OUP 1985
730-324 RESTRICTIVE TRADE PRACTICES

Trade Practices Act 1974 (Cth)
Printed Materials issued by the Law School Office.

730-323 SUCCESSION

Administration and Probate Act 1958 Victoria

730-403 TAKEOVERS AND SECURITIES REGULATION

Australian Corporations Legislation 2 Vols. (Butterworths)
OR
Australian Corporations and Securities Legislation 2 Vols. (CCH)
AND
Ford's Principles of Corporations Law, 6th ed.

730-407 TAXATION

Cooper Krever and Vann, Income Taxation: Commentary and Materials 1993 Law Book Co (lecturer advises this will be published early 1993)
Income Tax Assessment Act 1936 as amended Butterworths or CCH

730-303 TORTS 2

The subject descriptions included in this handbook are intended to assist a student in making his/her choice of subjects. With the exception of Equity and a Legal Theory subject which must be chosen from a prescribed list, all third and fourth year law subjects are optional. This gives the student a wide range of subjects from which to design a course over these two years. The subjects carry either ten or twenty points towards your degree. Experience has shown that many students are uncertain what considerations should guide their choice of subjects. The following observations are intended to assist in this respect. It is perhaps as well to start with a few don’ts.

The student should not allow the choice of subjects to be influenced by assumptions about future career or prospects of getting articles. There are several reasons for this. Most students are unlikely, whilst still only halfway through their law course, to be able to make any reliable prediction about the details of their future careers. Even if students know with reasonable certainty what sort of a career they intend to follow in general terms, they may not realise that the precise areas of law with which they will ultimately be most concerned are likely not to be theirs to choose. The demands which the community is making on the legal profession are changing all the time, with corresponding changes of emphasis on different areas of the law. Moreover, even if students do know in general terms what sort of a career they wish to follow, it is not necessarily the case that they will succeed in doing so.

Even if such expectations or hopes do prove to be well founded, there is the important consideration that it is not necessarily an advantage to have spent a substantial part of university time studying precisely those areas of law in which one is likely to be engaged for the rest of one’s life. By doing so the only opportunity to acquire a serviceable knowledge of other areas of law may be lost. It is quite mistaken to assume that a specialist needs to know nothing of other parts of the law. On the contrary, one whose skills are so limited is likely to lack that sense of perspective which is necessary to make the best use of special expertise. Most problems involving the law are not
narrowly specialised but have many different aspects. It is for this reason that failure to possess a general knowledge of the fabric of the law at large is a professional defect in any lawyer.

Similar considerations apply, with even greater force, to the matter of articles. Some students approach their choice of optional subjects upon the mistaken assumption that some subjects will enhance their chances of getting articles whereas others will not. There is no known evidence to support this. Of course, if a student is fortunate enough to be discussing articles with a firm of solicitors before choosing third or fourth year subjects he or she may wish to find out if the prospective employer has any views on the matter. The student may be influenced by such views, but would probably be making a mistake to apply too much attention to them. It is extremely unlikely that any firm of solicitors would allow its choice of a suitable articled clerk to be more influenced by the particular subjects which a student takes at university than by personal qualities and background and the results of examination.

It is not sensible for students to undertake a course in which they are not interested. The chances are that they will not do as well as they would if they were studying something in which they were interested. This ought to be so obvious as not to need express statement, but some students seem to overlook it. The first positive principle therefore is that students should choose options primarily by reference to what they are interested in.

The second positive recommendation is that students should not go to the opposite extreme and concentrate options in one relatively narrow field on the basis that they know they are interested in that area but are uncertain about others. If they do this they are to a considerable extent wasting the opportunities which a wide range of options spread over two entire years otherwise gives. If students pay attention to the published details of subjects they will see that numbers of them are more or less closely related to each other. They do not cover exactly the same ground but treat the same general area, differing basically in points of view rather than subject-matter. Where subjects appear to be related in this way students may well be able to see at once which approach is more likely to appeal. If they are not sure, they should seek further guidance on the character of the courses from the persons who teach them, or from the advisers to whom they are directed when deciding options.
To some students it may be more important to know who is teaching a course than precisely what is in it. Teachers vary just as widely in their methods and students vary just as widely in their responses. If a student knows, or has a good reason to believe, that a particular member of staff teaches in a way which holds the student’s attention, it may be a wise move to enrol in a course which that staff member is offering.

Another factor not to be overlooked is the method of assessment proposed for a course. Students vary in their abilities and preferences in relation to different modes of assessment. Some, for example, prefer writing to sitting three-hour examinations. On the other hand research papers are time-consuming. Too many should not be undertaken in any one year. This may have a direct bearing on choice of options.

The foregoing advice has been couched in general terms, without reference to any particular optional subject, quite deliberately. Particular examples of subjects to illustrate particular points can be misleading. Inevitably they direct the student’s attention to the existence of those subjects but not to others, from which it may be wrongly concluded that they have some special relevance. Moreover it is obviously impossible to give examples of the case where the student may have his or her mind on the instructor than on the subject-matter. Nevertheless, some students may feel that they do not get a clear enough picture of a course from this guide or the handbook. They should seek further information from the person teaching the course in question or the Associate-Dean.

The options are there for students to exercise their own choice. If, in the guise of advice, the Law School set about the business of telling them what subjects they should take, the whole point of the options system would be lost. It may be worth reminding students that the options system came into existence in response to pressure over many years from the student body itself. Now that the opportunity is there for students to play a major part in constructing their own legal education, they should take it and not expect the Law School to make up their minds for them. To repeat, when in doubt they should fall back on the question whether they think they are likely to be interested in any particular course. That should be the overriding consideration.

Finally, there are of course one or two restrictions on the range of choice. One is that subjects must be selected so as to conform with the points
requirements of the LL.B. Another is that a subject in which students think they might be interested may have a quota limitation. If so, they should consider whether they are genuinely interested in that course or only contemplating it as a fill-up to attain points. If the latter is the case, they should take into consideration that if they help to fill the quota they may be taking places away from others who are more genuinely interested. They may also find that the choice of options is affected by prerequisites.

As against these limitations, there is one factor which operates effectively as an extension of choice. Students who intend to enter legal practice must have passed in Evidence, Procedure, Professional Conduct before they can be admitted. The optional LL.B. subject of Litigation is recognised as satisfying the requirements of passes in Evidence and Procedure. It is not, however, essential that this subject be taken as part of the LL.B. degree. From 1994 the same will apply to Company Law. The subjects which are prerequisites for admission may be undertaken (with some limitations) after completion of the LL.B. either at the Professional Admission Summer School conducted in January and February each year or in courses offered during the normal academic year. It follows that if students are anxious to maximise the opportunities made available at university, they should bear in mind that if they take Litigation and Company Law as part of the LL.B. they are losing the opportunity to take other optional subjects which are not offered except as part of the LL.B. degree.
Advocacy Program

Students in final year are required to participate in a program in Advocacy. Successful completion of the program is essential to the award of the degree of Bachelor of Laws.

The objectives of the program are:-

(1) To give students practical training in the preparation of a case for trial, including critical analysis of pleadings in civil cases, proofing witnesses and preparation of briefs to counsel to appear;

(2) To provide students with knowledge of advocacy techniques and skills with particular reference to examination-in-chief and cross-examination;

(3) To provide students with the opportunity of employing those techniques and skills at a practical level as counsel through the examination and cross-examination of witnesses and the general presentation of cases at trial;

(4) To teach students about the appeal process and to enable them, at a practical level, to prepare and present cases on appeal.

Initial lectures will be given on advocacy skills and on the trial and appeal process. Students will be allocated to groups of six individuals and the group so chosen will participate in both the trial process and the appeal from the decision, judgment or verdict given at trial. Both the trial and the appeal will be completed in the one semester.

The judge presiding over the trial or appeal will assess the performance of students. Marks awarded to students in the program do not count for honours purposes nor will they appear in the official transcript of results. However, the judge will certify in respect of each student whether the program has been satisfactorily completed or not.

The practical sessions are held in the moot court room on Mondays and Wednesdays during first and second semesters commencing at 5.15pm. Observers are welcome to attend. Any enquiries may be made to Christina Clayton ext 7194.
The subject *Litigation* is not a pre-requisite to participation in the program. It is appreciated that many students may not have undertaken litigation and, therefore, may have no working knowledge of the rules of evidence. Students will be provided with sufficient background to the law of evidence to enable them to participate in the program.

**Jessup Moot**

The Philip C. Jessup International Law Moot Court Competition, co-sponsored by the International Law Students Association and the American Society of International Law, is an annual event involving law students from some 250 law schools in 35 countries throughout the world. Over a thousand law students prepare written and oral Pleadings involving a hypothetical case brought before the International Court of Justice. The competition involves a hypothetical dispute between two nations in the International Court of Justice. Teams must present both written and oral arguments on the international legal issues involved. Most Australian law schools field a team in the Australian competition, held in Canberra in mid-February. The winning Australian team then goes on to compete in the international finals, held in Washing DC in April each year.

Teams from this Law School have performed with great distinction in the Jessup competition and are regularly in the Australian grand final. The 1980, 1981, 1988 and 1989 teams represented Australia in the United States and in all cases were ranked in the top four teams in the world competition. The 1990 Melbourne team's written briefs were judged to be the best in the world competition; the 1992 team's written briefs came second in this same competition.

Members of staff who teach international law spend a busy summer advising and organising the five students selected as members of the Jessup Team.
Admission to Practice

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 academic requirements for admission are satisfied by passing the compulsory subjects of the degree, and the following, either as part of the LL.B or otherwise: Litigation (or Evidence and Procedure) and Professional Conduct.

A candidate who has obtained the degree of Bachelor of Laws is required to serve for one year in articles or complete the legal practice course at the Leo Cussen Institute.

The Council of Legal Education has adopted recommendations from its Academic Course Appraisal Committee prescribing the timetable for introduction of revised requirements for admission to practise law in Victoria. The following are the required areas of knowledge for admission in 1993 and from 1994:

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<th>On or after 1 January 1993</th>
<th>On or after 1 March 1994</th>
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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-February.

The subjects of the Summer School are-

- Evidence
- Procedure
- Professional Conduct (including Trust Accounts)

If you have qualified for the degree of LL.B. (or its equivalent) at any institution approved for admission purposes in Victoria under the rules of the Council of Legal Education, you may enrol in the Summer School.

If you are going to serve Articles of Clerkship outside Melbourne or are intending to enrol in the legal practice course at the Leo Cussen Institute you are advised to enrol in the Summer School.
Assessment
Methods of assessment in the Law School may vary considerably from subject to subject. Some information is included in the details of each subject, but for further information, see the Schedule of Assessment and other information below.

Introduction

Submission of Assignments/Essays to the Law School Office

All essays/assignments must be handed to the Law School Office by 4:30 pm on the due date, unless stated otherwise. A cover sheet must be attached to each of the two copies which are submitted. Students are advised to retain a further copy of the completed essay/assignment.

Marking Policy

Several years ago the Faculty decided to formalise its policy in relation to the enforcement of word limits. The examiners in each subject have a choice of three alternative policies. The policy which has been adopted for each subject is explained in the following pages by the use of code numbers. The code numbers stand for the following policies:

Code 1: Any word limit will be enforced strictly and any excess will incur a marking penalty.

Code 2: Work adjudged grossly in excess of any word limit may incur a marking penalty or be returned for rewriting.

Code 3: Any word limit will be regarded as recommended rather than compulsory, and no student will be disadvantaged for exceeding the limit.

Joint Work

Where this is permitted, the express approval of the lecturer in charge of the subject MUST be obtained beforehand.
### LAW SCHOOL

#### SCHEDULE OF ASSESSMENT 1993

**Note:**
1. All dates are **PROVISIONAL** and subject to confirmation.
2. All topics submitted by students must be approved by the lecturer concerned.
3. All assignments must be submitted in duplicate by 4.30 pm on the due date, unless announced otherwise.
4. Assignments may be problems, essays, papers, memorials or any other kind of work as indicated when announced.
5. All assignments marked "optional" are chosen by the student not by the subject lecturer or tutor.

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<tr>
<th>Subject No.</th>
<th>Subject</th>
<th>Type of Work</th>
<th>Compulsory or Optional</th>
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<th>Timing</th>
<th>Marking Policy (Code)</th>
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<tr>
<td>730-302</td>
<td>Advanced Administrative Law</td>
<td>Research Assignment</td>
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<td>100%</td>
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<td>Compulsory</td>
<td>70%</td>
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<td>Compulsory</td>
<td>100%</td>
<td>June/November</td>
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<td>June</td>
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<td></td>
<td></td>
<td></td>
<td>Compulsory</td>
<td>50%</td>
<td>November</td>
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<tr>
<td>Subject No.</td>
<td>Subject</td>
<td>Type of Work</td>
<td>Compulsory or Optional</td>
<td>Value</td>
<td>Timing</td>
<td>Marking Policy (Code)</td>
<td>Joint Work Permitted</td>
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<tr>
<td>730-348</td>
<td>Media Law</td>
<td>Research Assignment 4-5,000 words AND Final Exam: 2 Hours (if assignment is submitted)</td>
<td>Optional</td>
<td>40%</td>
<td>Announced: TBA Due: TBA</td>
<td>2</td>
<td>No</td>
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<tr>
<td></td>
<td></td>
<td>Final Exam: 3 Hours (if no assignment is submitted)</td>
<td>Compulsory</td>
<td>60%</td>
<td>November</td>
<td></td>
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<tr>
<td>730-501</td>
<td>Procedure</td>
<td>Final Exam: 3 Hours</td>
<td>Compulsory</td>
<td>100%</td>
<td>June</td>
<td></td>
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<tr>
<td>730-203</td>
<td>Property</td>
<td>Research Assignment 3-4,000 words AND Final Exam: 2 Hours (if assignment is submitted)</td>
<td>Optional</td>
<td>30%</td>
<td>Announced: 13 April Due: 20 July</td>
<td>2</td>
<td>No</td>
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<td></td>
<td></td>
<td>Final Exam: 3 Hours (if no assignment is submitted)</td>
<td>Compulsory</td>
<td>70%</td>
<td>November</td>
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<td></td>
<td>Compulsory</td>
<td>100%</td>
<td>November</td>
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<td>Subject No.</td>
<td>Subject</td>
<td>Type of Work</td>
<td>Compulsory or Optional</td>
<td>Value</td>
<td>Timing</td>
<td>Marking Policy</td>
<td>Joint Work Permitted</td>
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<tr>
<td>730-413</td>
<td>Research Project</td>
<td>Research Essay 10,000-12,000</td>
<td>Compulsory</td>
<td>100%</td>
<td>2 November</td>
<td></td>
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<tr>
<td>730-321</td>
<td>Restitution</td>
<td>Research Assignment (not exceeding 4,000 words)</td>
<td>Optional</td>
<td>40%</td>
<td>TBA</td>
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<td>AND</td>
<td>Final Exam: 2 Hours (if assignment is submitted)</td>
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<td></td>
<td>OR</td>
<td>Final Exam: 3 Hours (if no assignment is submitted)</td>
<td></td>
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<tr>
<td>730-324</td>
<td>Restrictive Trade Practices</td>
<td>Final Exam: 3 Hours</td>
<td>Compulsory</td>
<td>100%</td>
<td>November</td>
<td></td>
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<tr>
<td>730-382</td>
<td>Rethinking Australian Democracy: History, Politics and the Law</td>
<td>Final Exam: 3 Hours and Research Essay 3-5,000 words</td>
<td>Compulsory</td>
<td>60%</td>
<td>November</td>
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<tr>
<td></td>
<td>AND</td>
<td>Final Exam: 1½ Hours</td>
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<td></td>
<td>OR</td>
<td>Final Exam: 3 Hours</td>
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<td></td>
<td>OR</td>
<td>Research Essay 8,000 words</td>
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<td>Subject No.</td>
<td>Subject</td>
<td>Type of Work</td>
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<td>Marking Policy (Code)</td>
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<tr>
<td>730-372</td>
<td>Sex Discrimination Law</td>
<td>Research Assignment 5,000 words OR Take-Home Examination</td>
<td>Compulsory</td>
<td>100%</td>
<td>November</td>
<td></td>
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<tr>
<td>730-323</td>
<td>Succession</td>
<td>Final Exam: 3 Hours</td>
<td>Compulsory</td>
<td>100%</td>
<td>November</td>
<td></td>
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<tr>
<td>730-403</td>
<td>Takeovers and Securities Regulation</td>
<td>3,000 word essay AND Final Exam: 1½ Hours (if essay is submitted) OR Final Exam: 3 Hours (if no essay is submitted)</td>
<td>Optional</td>
<td>50%</td>
<td>TBA</td>
<td>Compulsory 50% June</td>
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<tr>
<td>730-407</td>
<td>Taxation</td>
<td>Final Exam: 3 Hours</td>
<td>Compulsory</td>
<td>100%</td>
<td>November</td>
<td></td>
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<tr>
<td>Subject No.</td>
<td>Subject</td>
<td>Type of Work</td>
<td>Compulsory or Optional</td>
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<td>Timing</td>
<td>Marking Policy (Code)</td>
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<tr>
<td>730-303</td>
<td>Torts 2</td>
<td>2,500-3,000 word assignment AND Final Exam: 1½ Hours (if assignment is submitted) OR Final Exam: 3 Hours (if no essay is submitted)</td>
<td>Optional</td>
<td>50%</td>
<td>Due: 20 September</td>
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<td></td>
<td></td>
<td></td>
<td>Compulsory</td>
<td>50%</td>
<td>November</td>
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<td></td>
<td></td>
<td>Compulsory</td>
<td>100%</td>
<td>November</td>
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<tr>
<td>730-104</td>
<td>Torts and the Process of Law</td>
<td>Up to 5 skills - related assignments AND Assignment: (1,500 words) AND Assignment: (2,500 words) AND Final Exam: 2 Hour open book</td>
<td>Compulsory</td>
<td>Credit towards pass in subject</td>
<td>TBA (second semester)</td>
<td>2</td>
<td>No</td>
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<td></td>
<td></td>
<td></td>
<td>Compulsory</td>
<td>15%</td>
<td>TBA (second semester)</td>
<td>2</td>
<td>No</td>
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<td></td>
<td></td>
<td></td>
<td>Compulsory</td>
<td>35%</td>
<td>TBA (second semester)</td>
<td>2</td>
<td>No</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Compulsory</td>
<td>50%</td>
<td>November</td>
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Cheating

Your attention is drawn to the Rules made by Council pursuant to Statute 12.2.10 (Legislation relating to assessment), and in particular to Rules 2 and 3:

2. (1) A student shall not, by act or omission, do anything which has the purpose, or has, or is likely to have, the effect of obtaining for that student or any other person an advantage, in or arising out of the performance of assessment, by unauthorised, unscholarly or unfair means.

(2) In determining whether an advantage is intended, or is likely, to be obtained the fact that such an advantage is not or could not be obtained due to circumstances beyond the control of the student concerned shall be disregarded.

(3) Without limiting the generality of sub-clauses (1) and (2), a student shall not during or in connection with the performance of any component of assessment:

(a) use any unauthorised or prohibited information, books, notes, paper or other materials;
(b) directly or indirectly assist any other student or accept assistance from any other person;
(c) copy from or otherwise use the answer of any other person engaged in the performance of the same or comparable component of assessment or permit any other person to copy from or otherwise use his or her answer;
(d) submit or represent the whole or part of published or unpublished material written or prepared by some person or persons other than that student as being the work of that student;
(e) cause a disturbance, annoyance or nuisance to, or interference with, any other student;
(f) commit a breach of good order or propriety;
(g) disobey any instructions or directions given for the performance of a component of assessment;
(h) disobey any reasonable instructions of a supervisor;
(i) refuse or fail to answer any reasonable question put by a supervisor.

(4) A student shall not assist, or attempt to assist, any person, to do anything prohibited by sub-clauses (1) and (3) of rule 2.

(5) The examiners in any subject or the chairman of the department responsible for giving the lectures in the subject (or in the circumstances set out in Statute 12.1.6) the dean as defined in Statute 12.1.10 may, by notice in writing published to students in that subject, whether with the details of subjects or otherwise, exempt
them either generally or in connection with the performance of a particular component or components of assessment, from compliance with all or any of paragraphs (b), (c) and (d) of rule 2.

3. (1) Any enrolled student of the University committing a breach of any of these Rules shall be guilty of misconduct, in respect of which the Discipline Committee established by Statute 13.1 has power to

(a) exclude the student from the University or from any course or subject, either permanently or temporarily;
(b) impose a fine;
(c) deprive the student of credit for the whole or part of any assessment or component of assessment in respect of which the offence was committed or for any subject or subjects for which the student was enrolled at the time the offence was committed;
(d) reprimand the student;
(c) do more than one of these.

The following may be regarded as evidence of an infringement of Rule 2:

1. The submission of an answer substantially similar to that submitted by a student in the same or any preceding year, whether at this University or any other institution;
2. The submission of an answer not based substantially on student's own work (or, in the case of joint work, not based on the work of those named as having done the joint work therein); or
3. The submission of an answer containing substantial quotations from another work (whether in exactly the same words or in some variation thereof) without appropriate reference to the source.

Students should note that Rule 2 (3) (c) applies to a student whose answer is copied. You are therefore advised not to exchange or make available to other students any working notes, drafts or final answers, whether you have prepared them this year or previously. There is no objection to assignments being discussed in a preliminary way among students. What is not permissible is anything in the nature of joint planning or execution of an assignment.

**Joint Work**

In those instances in which it is expressly indicated by the lecturer concerned that joint work is permitted more than one student may participate in the submission of an answer to the assignment. In such cases only one answer is to be submitted and it is to list the names of all the students who jointly worked in its preparation. The
answer will be granted as a whole for examination purposes and each participant will receive the same mark.

Assignments

Submission of Assignments/Essays to the Law School Office

All essays/assignments must be handed to the Law School Office by 4:30 pm on the due date, unless stated otherwise. A cover sheet must be attached to each of the two copies which are submitted. Students are advised to retain a further copy of the completed essay/assignment. Assignments submitted by post must have been posted to arrive in the Law School Office before the due date. Assignments may not be submitted by fax.

Extensions. Grounds of application. Topics for written work and submission dates are notified to students well in advance. Extensions will therefore not normally be granted. In the rare case where there are reasonable grounds for requesting an extension, it may be granted. If it is, an assignment submitted late will not necessarily be returned by the date nominated for the return of work filed in due time.

Lodging of applications. Applications for extensions of time must be made to the Program Manager, Undergraduate Studies. Lecturers have no authority to grant extensions and no extensions granted by anyone other than the Associate Dean or the Program Manager, Undergraduate Studies, in terms of Statute 12.4, will be accepted. Applications must be made on a form obtainable from the Law School Office. After three working days students may contact the Law School Office to ascertain whether the application was successful.

Deadlines. Students are expected to meet deadlines for the submission of work and extensions will not normally be granted. Applications for extensions must be made at least seven days before the assignment is due in. Any application lodged within this time will be considered only if accompanied by a satisfactory explanation for its late lodgement. Applications lodged after the submission date for the assignment in question will as a general rule not be considered. In extraordinary circumstances, however, an exception may be made and an extension granted, if the Program
Manager, Undergraduate Studies, thinks it appropriate. At the discretion of the examiner, a penalty may be imposed.

Marking Policy Regarding Word Limits on Assignments. Several years ago the Faculty decided to formalise its policy in relation to the enforcement of word limits. The examiners in each subject have a choice of three alternative policies. The policy which has been adopted for each subject is explained in the following pages by the use of code numbers. The code numbers stand for the following policies:

**Code 1:** Any word limit will be enforced strictly and any excess will incur a marking penalty.

**Code 2:** Work adjudged grossly in excess of any word limit may incur a marking penalty or be returned for rewriting.

**Code 3:** Any word limit will be regarded as recommended rather than compulsory, and no student will be disadvantaged for exceeding the limit.

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**Examinations**

See the Student Diary for information regarding university examinations and the determination of disputes relating to assessment.

**Duties of Examiners and Examination Boards.**

These matters are covered by Statute 12.3.5. Statute 12.3.2. provides that the Academic Board shall give certain directions.

They are as follows:

(i) All oral and aural tests should be conducted before two markers. If this is not possible, and a single marker fails the student of 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 marker, should thereupon be marked by another marker before being returned to the student. Alternatively, a board of examiners may retain a second copy of a 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 test, examination, essays or similar assignments which can reasonably be assessed by two markers may, for the purposes of Statute 12.3. 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 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 group

Supplementary Examinations

Pursuant to Statute 12.4.3 the Faculty of Law has resolved that supplementary assessment shall be available to students in the following circumstances:

1. In cases where the candidate has failed in Law subjects) aggregating not more than 30 points and has obtained not less that 40% in each of those subject(s) in the annual assessment and requires to obtain passes in the subject(s) to qualify for the LL.B. degree. For the purpose of this provision and this provision only, the subject
Litigation shall be deemed to comprise two subjects, namely Evidence and Procedure.

2. In cases where the candidate has failed in one Law subject, and has obtained not less that 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 AUSTUDY.

3. In cases where the candidate has failed in a Law subject or Law subjects for which he or she is enrolled under the Continuing Education Programme and has obtained not less that 40% in that subject or subjects in the annual assessment and requires a pass or passes in the subject or subjects in order to be admitted to practise as a barrister and solicitor in the Supreme Court of Victoria in the year following the year of assessment. Provided that the Associate-Dean may allow supplementary assessment in the 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.

4. No additional assessment shall be available for Research Project or Jessup Moot. Candidates seeking additional assessment pursuant to paragraph 1 or to paragraph 2(b) (i) or (ii) must make application in writing to the Associate-Dean by Monday 20 December 1993. Those eligible by virtue of paragraph 1 will be identified automatically by the Associate-Dean’s office.

Form of Special or Supplementary Examinations

If a special or supplementary examination is awarded to you, a determination will be made as to the form which the examination will take. You may be required to submit additional written work as part of, or in place of, the examination, or you may be permitted to rely on written work already submitted as part of the examination.

If the examination is to be a formal written examination, the name of the subject(s) will appear in the timetable which will be posted on the University Notice Board.
Special Examinations

No further examinations are granted to students who fail to sit for, are ill during, or ill during the preparation for, a special examination, a deferred examination or a supplementary examination. If you have been ill during the preparation for a special examination, deferred examination or supplementary examination, you may, however, apply for special consideration.

The application for special consideration should be made to the Program Manager, Undergraduate Studies. It must be lodged with the Law School Office, together with any supporting documents, within three days after the conclusion of the examination. You must lodge a new application in respect of your Special Examinations; it is not possible to rely upon an earlier application.

Your application will be considered and the examination board may be informed of the facts, in which event the examination board will take this into account in assessing your performance in the special, deferred or supplementary examination.

Honours Marks Obtained in Special and Deferred Examinations

It is possible for you to be awarded honours in a special examination or deferred examination.

If you are awarded honours in a special or deferred examination, your record card will indicate that fact as well as the class of honour awarded. In the annual examinations, first class honours and second class honours (division A) are ranked in order of merit: such honours obtained in special or deferred examinations will be unranked honours.

The Final Honours Board will consider any honours obtained in special or deferred examinations for the purpose of calculating whether you will be awarded an honours degree. If, however, in computing points for an honours degree, two students obtain equal marks, preference in the final honours class list will be given to the student or students whose honours points in individual subjects were not obtained at special or deferred examinations.
Introduction. University Regulations provide for the granting of special consideration to any student who has suffered hardship which has placed him or her at a disadvantage in preparing for, or writing, compulsory assignments or examinations. The relevant provisions are to be found in Statutes 12.4.4-7. The following paragraphs set out the main matters you need to know concerning the way in which this regulation is applied by the Faculty of Law.

Critical Principles. (1) Deadlines. You must lodge any application for special consideration before the appropriate date as set out in this document. Only in the most exceptional circumstances will an out-of-time application be considered.

Lodging of applications. All applications for special consideration shall be made to the Program Manager, Undergraduate Studies. They must be lodged with the Law School Office. Applications should be made on the forms which are available from the Law School Office. All applications which are made on medical grounds must be supported by an appropriately worded medical certificate.

Consideration of applications. You must not approach an individual lecturer, examiner or marker on this matter; there are strict rules against communicating with examiners. If you have any inquiry or are in doubt as to what you should do, you should see the Program Manager, Undergraduate Studies.

Confidential Information. The Program Manager, Undergraduate Studies, if requested, can take special steps to ensure that any grounds of a particularly personal or confidential kind for special consideration are protected from unnecessary disclosure.

You should not hesitate to apply for special consideration because of fear that confidential information will be disclosed.

Limits of jurisdiction. You must not wait until your result is published before putting forward a case for a special examination or special consideration. Generally speaking there is no power to consider applications made after the publication of results.

In one case set out below an application can be made after the result has been published. It is also possible that in an extremely exceptional case an application could be considered, e.g. where a chronic medical condition had not previously come to light; but such cases are extremely rare.

Illness during the preparation of written work. If you have been ill, handicapped or
otherwise disadvantaged during preparation of a piece of written work during the year you may apply for special consideration in respect of that work.

Your application should be made to the Program Manager, Undergraduate Studies. It must be lodged with the Law School Office, together with any supporting documents, within three days after the date on which the written work was due for submission.

Your application will be considered and, if granted, directions considered proper to meet the case will be given to the lecturer responsible for the subject. If an extension has previously been given in respect of the same piece of written work on the same grounds this will be taken into account in reaching a decision.

Retention of written work. Wherever written work is prescribed as compulsory or may count as part of the examination, you must retain it after it has been returned to you, as an examiner may wish to review it subsequently. This warning is especially important in the case of students who wish to be considered for honours or who may have to make an application for special consideration in respect of a final examination in the subject.

Mid-year examinations.

(a) Failure to sit for an examination

If you are prevented from sitting for a compulsory mid-year examination through illness, accident or some other good cause, you may apply for special consideration.

If the case is one of real emergency and not otherwise, you may make your application before the examination and it may be determined to arrange for you to have a deferred examination.

Otherwise you must make your application, together with any supporting documents within three days after the conclusion of the examination. Your application should be made to the Program Manager, Undergraduate Studies and should be lodged with the Law School Office (see above).

In due course your application will be considered and a determination will be made as to whether or not you will be granted a deferred examination.

(b) Illness during a mid-year examination

If you have been ill, handicapped or otherwise disadvantaged during the sitting of a mid-year examination in any subject, you may apply for special consideration.

Your application must be lodged with the Law School Office, together with any supporting documents, within three days after the conclusion of that examination.

The examiners in the subject will be advised if our application for special consideration is granted and may act accordingly by calling upon you to undergo a further oral or written test, or by making an appropriate allowance in your marks.
Further, a determination will be made as to whether, in the event that you fail the subject as a whole, you should be granted a special examination.

(c) Illness during preparation for a mid-year examination

If you have been ill, handicapped or otherwise disadvantaged during preparation for a mid-year examination, you may apply for special consideration.

The examiners in the subject will be advised if your application for special consideration is granted and may act accordingly by calling upon you to undergo a further oral or written test, or by making an appropriate allowance in your marks. Further, a determination will be made as to whether, in the event that you fail the subject as a whole, you should be granted a special examination.

Final examinations

(a) Failure to sit for an examination

If you are prevented by illness, accident or some other good cause from sitting for the final examination in any subject, you may apply for special consideration.

If the case is one of real emergency and not otherwise, you may make your application before the examination and it may be determined to arrange for you to have a deferred examination.

Ordinarily, in a case which does not fall under sub-paragraph (b) above, you must make your application, together with any supporting documents, within three days after the conclusion of the examination. Your application should be made to the Program Manager, Undergraduate Studies and should be lodged with the Law School Office.

Your application will be considered and it will be determined whether or not you will be granted a deferred examination.

(b) Illness during a final examination

If you are ill, handicapped or otherwise disadvantaged during a final examination in any subject, you may apply for special consideration.

Your application must be lodged with the Law School Office, together with any supporting documents, within three days after the conclusion of the examination. The examiners in the subject will be advised if your application for special consideration is granted and may act accordingly by calling upon you to undergo a further oral or written test, or by making an appropriate allowance in your marks. Further, a determination will be made as to whether, in the event that you fail the subject as a whole, you should be granted a special examination.
(c) **Illness during preparation for a final examination**

If you have been ill, handicapped or otherwise disadvantaged during the year in your preparation for the final examination in any subject or in either of the cases covered above you may apply for special consideration.

Your application should be made to the Program Manager, Undergraduate Studies. It must be lodged with the Law School Office, together with any supporting documents, within three days after the conclusion of that final examination.

The examiners in the subject will be advised if your application for special consideration is granted and may act accordingly by calling upon you to undergo a further oral or written test, or by making an appropriate allowance in your marks. Further, a determination will be made as to whether, in the event that you fail the subject as a whole, you should be granted a special examination.

**Honours Candidates who have Applied for Special Consideration**

If you have applied for special consideration in a subject under any of the above paragraphs, and you are passed or awarded honours in that subject, you may nevertheless apply for a special examination in that subject. You may wish to do this if you think that, but for the handicap from which you suffered, you would have done better in the subject.

Your application must be lodged with the Law School Office within three days of the publication of results in that subject. It will be possible for you to be awarded honours at such a special examination. Your application will be considered in the light of your application for special consideration already received, and a determination will be made as to whether or not you will be granted a special examination.

If you are granted a special examination you will be deemed to have elected to stand on the marks awarded at the special examination, which marks will be used by the Final Honours Board whether or not they are less than or more than those previously awarded you in the subject.

If you are awarded honours in a special or deferred examination, your record card will indicate that fact as well as the class of honour awarded. In the annual examinations, first class honours and second class honours (division A) are ranked in order of merit; such honours obtained in special or deferred examinations will be unranked honours.

The Final Honours Board will consider any marks so obtained for the purpose of calculating whether you will be awarded an honours degree. If, however, in computing points for an honours degree, two students obtain equal marks, preference in the final honours class list will be given to the student or students whose honours points in individual subjects were not obtained at special or deferred examinations.
Progress Rules

The Faculty appoints 2 Progress Committees annually. 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 fact 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 Statute 11.5. In considering a student's progress the faculty would normally take into account personal, financial and study problems.

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

(a) failed in half or more than half of his or her enrolment in that year in terms of either credit points or subjects, excepting a student whose enrolment comprises one or two law subjects and one or more subjects in another faculty, and who passes all subjects in the other faculty but fails one law subject and this failure is the first failure in a law subject; or

(b) has failed a subject on two or more occasions. Apart from the exception set out in (a), 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 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 the Progress Committee.

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.
If any decision is made to specify the subjects, the Committee advises the Program Manager, Undergraduate Studies as to the number of subjects to be taken and whether the specification is for named subjects.

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.

Any student in respect of whom a report has been made to the Academic Board that the 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.

For the precise rules relating to unsatisfactory progress students should consult Statute 11.5 in the University Calendar.

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**Students from a Non-English Speaking Background**

The Academic Board of the University has determined that the University Statutes do not support the granting of Special Consideration to candidates who are judged to be disadvantaged in their academic studies because of insufficient competence in English arising from their non-English-speaking background. As a result, the Law School is not able to grant Special Consideration in the form of extra reading time in examinations to such students.

Although Special Consideration in the above circumstances is no longer possible, the Faculty of Law has resolved that, when marking any component of assessment, examiners may make due allowance in the case of a candidate whose native language is not English. Students who fall into this category and who would like examiners to be notified of the fact should complete the notification form which is available from the Law School Office as early in the year as possible.

Students in this category are urged to seek assessment at the Horwood Language Centre and to enrol in any recommended programmes following that assessment.
Students with disabilities

The Law School welcomes students with disabilities. However, some of you may not find the Law School building so accessible. Apart from the Library lift, there is a lift to the first floor of the Law Building. It is in the East Wing, through the entrance there. The nearest toilets for the disabled are located in the basement of the Union building, just a short distance from the Law Quadrangle, and on the ground floor of the Old Arts Building.

Classrooms and Teaching: Although many of our teaching rooms are inaccessible for students in wheelchairs, we are usually able to rearrange rooms if we know there is an access problem. Please see Frances Gilleard, the Program Manager (Undergraduate Studies), if there is an access problem in a law class. If you have a vision impairment, and are unable to see the board or overheads properly, please tell your lecturer: s/he'll make alternative arrangements. If you need a notetaker, contact the University’s Disability Liaison Officer on 344-7068 to discuss this.

If you require special arrangements for assessment please approach your teacher or the Law School Office.

Access to teachers: Some teachers' offices are inaccessible by wheelchair. There is an internal phone in the Law Library where you can contact staff members who can arrange to meet you elsewhere. If you can't use the phone, ask the Library Staff.

Library: There are parts of the Law Library that are inaccessible to wheelchairs. If you need books from these areas, please approach the Law Library staff who will help. There are lifts in the Law Library available for use by students in wheelchairs. Some library research assistance may be arranged for students who have difficulty in physically obtaining library materials.

Generally: There is a booklet produced by the University called 'Handbook for Students with Disabilities' which sets out information of more general relevance to life in the University. In particular, you should know that apart from contacting people in the Law School direct, the Disability Liaison Officer, Julia Powell, can also be contacted for assistance. Her office is situated in the Old Geology South building.

Please do not hesitate to draw to the Law School's attention ways in which we can assist you or other students with disabilities. Often a solution will be obvious to you, but we have not thought of it - Tell Us! A useful first point of call will be Frances Gilleard in Room G-05.
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