UNIVERSITY ACADEMIC YEAR
DATES 1995

First Semester
Monday 27th February 1995 to Sunday 4th June 1995

Winter Recess
Monday 5th June 1995 to Sunday 16th July 1995

Second Semester
Monday 17th July 1995 to Sunday 22nd October 1995

Annual Examination Period
Monday 23rd October 1995 to Sunday 10th December 1995

Please note that the following holidays are not University holidays:

Labour Day, 13th March 1995
Melbourne Show Day, 21st September 1995
Melbourne Cup Day, 7th November 1995

Please direct inquiries about the LLB program to:

The Program Manager
Undergraduate Studies
Faculty of Law
The University of Melbourne
Parkville, Victoria 3052

Telephone (03) 344 7194
Facsimile (03) 347 2392
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 1995.
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THE LAW SCHOOL
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 600 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. Make the most of your time in the Law School, and all it has to offer!

Michael Crommelin
Zelman Cowen Professor of Law
Dean

FACULTY OFFICERS

Dean of Law:
MICHAEL CROMMELIN, Zelman Cowen Professor of Law, BA LLB Qld. LLM PhD Br. Col. Barrister-at-Law Queensland, Barrister and Solicitor Vic.

Deputy Dean:
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Associate Dean, Undergraduate Studies:
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Zelman Cowen Professor of Law
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EMERITUS PROFESSORS

HAROLD FORD, SJD Harv. BA LLM

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MAUREEN BRUNT, AO PhD Harv. BCom (also Professorial Fellow in the Graduate School of Management)
JAMES LAHNOR, BCL MA Cof. LLM Penn. LLB Barrister and Solicitor Vic.

BLAKE DAWSON WALDRON

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SANFORD DELBRIDGE CLARK, LLB Adel. PhD Barrister and Solicitor Vic and SA

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LAW LIBRARY STAFF

STEPHEN CONNELLY, Law Librarian

SHAWNAGH HARTE, Reference services and Deputy Law Librarian

PRISCILLA STOTT, Reference services and collection management

ROBERT HADDOCK, Orders

SOPHY KOSMOS, Reserve

ELISA QUATTROCCELLI, Serials

PENELIPE REED, Serials

JACQUELINE ROSARIO, Inter-library Loans

STEWARD STEINBERG, Shelving

FACULTY ADMINISTRATION

The Dean's Office
HELEN DOUNGAS

General Manager’s Office
JULIE ANNE QUINN, General Manager
SONIA ISSUE

Undergraduate Studies Office
MARGOT EDEN, Program Manager, Undergraduate Studies
MARY GRECO
SALLY MALAMAS
ANNA VORRATH

Research and Graduate Studies Office
KAYE NANKERVIS, Program Manager, Research and Graduate studies

JUDITH GILL

SOPHIE LANTOURIS

Development Office
ELIZABETH FOSTER, Development Officer

Law School Office
PATRICIA RUSSELL, Manager, Administrative Services; Selection Officer
JENNIFER COLINS
ROGER DENNIS
MARIA FRANCO
ANN GRAHAM
VELGA LAPINS
RICHARD PHILLIPS
DEBBIE RUSSO
BELLE WONG

KELVIN COOK, Building Supervisor

Information Technology Support Group
PAUL MC, Information Technology Manager
NANCIE LYNCH, Technical Support
The Faculty has appointed four members of academic staff as liaison officers to meet the needs of particular groups of students: Koons, students with disabilities, those who have come in under the special entry scheme and international students. If you are a student from one of these groups and have any concerns or need information, the liaison officers are a good place to start.

Koori Students’ Liaison Officer

Koori students have been part of the Law Faculty for nearly 20 years. There are currently around 20 Koori students enrolled at all levels of the LLB course. In 1993 the Law Faculty appointed a Koori Liaison Officer to provide assistance to these students. Among other things, the Koori Students’ Liaison Officer:

• acts as an adviser for Koori law students;
• liaises between Koori law students and members of academic staff where necessary;
• arranges seminars and information sessions to sensitize academic staff to the issues involved in teaching Koori students;
• helps to link Koori students with tutors under the ATAS (Aboriginal Tutoring Assistance) Scheme;
• liaises between the Law Faculty and the University’s Koori Student & Liaison Unit, which provides support services to all Koori students on campus.

The Koori Liaison Officers are Pene Mathew: Room A-16, phone 344 4759 and Maureen Tehan: Room 2-06 phone 344 6205.

International Students’ Liaison Officer

There are approximately 50 undergraduate international students in the Law School. The International Students’ Liaison Officer is the member of academic staff to whom international students may come with the range of issues which arise during their studies. In addition to acting as a mentor for individual students from overseas, the Liaison Officer also has close contact with the Overseas Law Students’ Society which represents international Law students generally. The duties of the Liaison Officer include raising awareness amongst Law School academic staff about issues which particularly affect international students.

Students wishing to contact the International Students’ Liaison Officer may do so through the Law School Office phone 344 6164.

Special Entry Liaison Officer

Each year, approximately 35-40 students are admitted to the Faculty of Law through one of the Faculty or University Special Entry schemes. Broadly speaking, students accepted under these schemes have suffered a disadvantage of a social, economic or like nature, and include students from schools under-represented at the University of Melbourne. One of the schemes provides for the admission of mature age students who have not completed VCE.

In 1993, the Law Faculty appointed a Special Entry Liaison Officer to assist these students with their study and related needs. One of the Officer’s most important responsibilities is to direct students to appropriate University services, ranging from the Learning Skills Unit to the English as a Second Language Program. The Officer is intended to act as mentor to special entry students, liaise between them and members of academic staff, assist them in making applications for special consideration (if necessary), and help establish a network of special entry students.

The Liaison Officer’s responsibilities are to all Special Entry students, not just those admitted to first year.

Students wishing to contact the Special Entry Liaison Officer may do so through the Law School Office phone 344 6164.

FACULTY COMMITTEES

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 equity issues within the Law School; to act as a resource for other Law Faculty committees and individuals on equity issues; to provide a forum for student concerns and suggestions on equity issues.

The Equal Opportunity Committee covers all Law, Commerce and Arts students taught by members of the Law Faculty. Among other things, the Committee is intended to provide a forum for student concerns and suggestions on equity issues. In the past, the Committee has acted on student concerns regarding the use of sexist language by lecturers, the non-treatment of gay and lesbian issues in classes, racist, sexist and homophobic graffiti in the Law Library, and the lack of support for special entry students. We would like to hear from you if you have any concerns or suggestions on equity issues raised by your encounters with the Law Faculty.

Contacts: LSS Women's Officer; Women's Law Collective; Yuroke Students Aboriginal Corporation; Jenny Morgan (convener).

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 education 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 it by the Dean or the faculty; to furnish advice on matters pertaining to the library; to the University Libraries Committee and University Librarian.

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 candidacy; 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, Baldwin Spencer Building 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 received support for its establishment from both the Commonwealth and Victorian Governments, The University of Melbourne Law School Foundation, the Victoria Law Foundation and the Japan Foundation. Australian law firms and companies were 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 located in the Law School. Its Director is Professor Malcolm Smith. Ms Veronica Taylor is Associate Director (Japan) and Ms Sarah Birdolph is Associate Director (China). Inquiries may be directed to the Administrative Officer Julie Glennen on extension 6847. Students with an interest in Asia are most welcome to visit the Centre to discuss their courses and plan postgraduate studies in Asia.

The Centre is sponsored in 1995 by:

- Arthur Robinson & Hedderwicks
- CCH Australia Limited
- The Commonwealth Attorney General's Department
- Maddock Lonie & Chisholm
- Sly Weigall

**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 Saltmann, who is assisted by the Deputy Executive Director, Ms Anne Wallace, Administrative Officer, Treasurer and Membership Officer, Mrs. Margaret McHutchison, and Administrative Secretaries Kathy Jamet 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, managing complex criminal trials, the use of computer technology in courts and, 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), situated just off campus at 157 Barry Street, was established by the University of Melbourne and its Faculty of Law in 1988 in recognition of the growing importance of constitutional studies nationally and internationally. It provides a unique Australian focal point for constitutional studies from a distinctive comparative perspective.

The Centre runs four main programs: the Australian constitutional system, including its relations with New Zealand; relations between levels of government; Asia-Pacific constitutional systems; and constitutional trends
world-wide. Each program is pursued through research and publication, teaching, public seminars and conferences.

The Director of the Centre since its establishment is Professor Cheryl Saunders AO. The Centre also employs four full-time staff: Dr Graham Hassall (Associate Director, Asia-Pacific), Anne Mulins (Associate Director, Australia and New Zealand), Tony Thomas (Research Fellow - Intergovernmental Relations) and Maxine Simpkins (Administrative Secretary). It also employs undergraduates and graduates on research projects and on publications such as the Centre's quarterly on intergovernmental relations, Intergovernmental News and the journal Public Law Review, both edited by Professor Saunders. Both include comments and analyses of recent constitutional and public law cases in Australia and overseas and developments in Australian federal relations, much of which is relevant for those studying constitutional law.

The interests and work of the Centre are reflected in the undergraduate compulsory subject Constitutional and Administrative Law, and the optional later year subjects Advanced Constitutional Law and Comparative Administrative Law. Students are encouraged to undertake research on topics within the Centre programs either for Research Project or for other research-based assessment in relevant subjects. The Centre has a growing resource collection (reference only), which may be used by students, and which includes the newly archived Australian Constitutional Convention Council materials. The Centre can also offer some facilities for students doing specialist research. For further information, please contact Professor Saunders.

The Centre is principally self-funding, through consultancies which it undertakes for both the government and the private sector and through government and other grants. In 1992, it became the research and information base for the Constitutional Centenary Foundation, chaired by Sir Ninian Stephen. The Foundation produces a newsletter, Constitutional Centenary, five times a year to which Centre staff contribute and this also includes articles on current constitutional issues.

The Centre runs regular seminars and conferences which students are welcome to attend, and plays host to a constant flow of international visitors, who are also available to discuss issues and research work with students. Information about these is placed on the library and other noticeboards and announced in relevant classes.

The Centre is also affiliated with a number of international associations including the International Association of Constitutional Law, the International Association of Centres for Federal Studies and acts as the secretariat for the Lawasia Standing Committee on Comparative Constitutional Law.

CENTRE FOR EMPLOYMENT AND LABOUR RELATIONS LAW

The Centre for Employment and Labour Relations Law was established at the beginning of 1994 with the broad aim of consolidating the teaching and research in employment and industrial relations law at the University, and more generally to contribute to such teaching and research throughout Australia.

The Centre is involved in a number of different activities ranging from the publication of Working Papers to holding seminars given by interstate and international speakers. The Centre houses the Australian Journal of Labour Law, the foremost Australian journal on labour law matters.

The Centre is located in the Baldwin Spencer Building on campus. Interested people are most welcome to take part in the activities of the Centre. Initial contact can be made with Richard Mitchell, the Centre's Director, on 344 7960 or with Ann Graham at the Centre's administrative office on 344 5281.

CENTRE FOR MEDIA AND TELECOMMUNICATIONS LAW AND POLICY

The Centre for Media and Telecommunications Law and Policy was founded as part of the University of Melbourne Law School in 1993. It conducts independent academic research into communications issues facing Australia and the Asia-Pacific region now and in the next 5 years. It addresses major communications policy issues, as well as legal issues. The three main research areas are:

- Telecommunications, including: carrier and service-providers issues, interconnection, competitive safeguards, technical regulation and standards, and emerging on-line and dial-up information and audiovisual services.
- Media content, including: defamation, contempt, access to information, privacy and media ethics.
- Radio, TV, and radio spectrum law: including narrowcasting, subscription TV and other audiovisual services; licensing, ownership regulation, and program codes and standards.

Projects take account of convergence and globalisation of communications, rather than maintaining rigid separations between telecommunications, information industries, audiovisual services or media content.

The Centre is supported by the University of Melbourne Law School Foundation, telecommunications carriers, television networks, IT corporations, and a number of other communications enterprises and firms of solicitors. Its advisory board includes leaders in telecommunications, broadcasting, computing film, the press, the judiciary and legal practitioners.

The research team are: Professor Mark Armstrong (Director), Mr David Lindsay, Ms Kate Paras and Mr Stephen O'Meara. The Secretary is Mrs Wendy Beec. The Centre is located at 153 Barry Street, Carlton. The Centre co-operates closely with Law School research and teaching, especially with the Graduate Diploma in Media, Communications and Information Technology Law and other media-related activities led by Professor Sally Walker, who contributes to Centre research.
**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 encourage all Australians to consider whether some of the constitutional system which has 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 deputy chair. 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 103 Barry Street, Carlton, phone 349 1846.

**The University of Melbourne Law School Foundation**

The University of Melbourne 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 Foundation has played an important role in the establishment of the Asian Law Centre and the Centre for Media and Telecommunications Law and Policy. The Law School Foundation Prize ($1000) is awarded annually to a student who makes an outstanding contribution to the life and affairs of the Law School.

**The Law Library**

The Law Library is a specialised library for students, teachers and researchers in the discipline of law. With holdings of over 100,000 printed volumes and many thousands of documents in microform and on CD-ROM, it provides most of the reference and reading materials required by students of the LLB. To research students it provides online access to computerised databases in Australia and many other parts of the world. It has ten staff, including three reference librarians, to help all its users gain access to the legal information or materials they need.

The Law Library is mainly a reference library, so most of the volumes it contains are unavailable for loan, but study and photocopying facilities exist to enable students to avoid any inconvenience which may arise from this restriction. As one of the libraries in the University of Melbourne network, its catalogues guide students to the locations of materials owned elsewhere on campus as well those held at the Law Library.

Students of the LLB have full users' entitlements at any library in the university network, of which the Law Library is a part. They can also enrol at the Law Library as members of the CAVAL reciprocal borrowing scheme, which gives them borrowers' rights at other university libraries in Victoria, and are entitled to use the library of the Supreme Court of Victoria, when this is necessary.

The Law Library's opening hours during semester are:

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

In the admissions period the Law Library's opening hours are:

- Monday to Friday: 9.00 am to 5.00 pm

For further information about the organisation of materials, services, borrowing or the rules and regulations of the Law Library, students are advised to consult the Law Library guide. The telephone number to call for general enquiries is 344 6177.

**The Undergraduate Studies Office**

The Program Manager, Undergraduate Studies, is responsible for the administration of the LLB course and combined LLB courses within the Faculty, under the academic direction of the Associate Dean, Undergraduate Studies. The Program Manager is responsible for enrolment, re-enrolment, deregistrations and withdrawals, credit transfers, complementary enrolments, continuing education enrolments and cross-institutional enrolments. The Program Manager also provides advice on course requirements, course planning, full and part-time study, leave of absence, exchange programs and HECS. All matters regarding assessment are dealt with by the Undergraduate Studies Office, including extensions for assignments, special arrangements for examinations, special consideration applications, consideration for students from a non-English speaking background, supplementary examinations and additional assessment. The Program Manager will also assist students experiencing general study problems by referring them to appropriate support groups and learning programs, for example, the Learning Skills Unit. Students in the Faculty who have been admitted under a Special Admissions Scheme, Koori students, students with disabilities, and
students from overseas are particularly invited to introduce themselves to the Program Manager to discuss any special concerns they may have, or their progress.

INFORMATION TECHNOLOGY
IN THE LAW SCHOOL

The Law School provides staff and students with a wide variety of computer-based resources. These range from word processing to global internet databases.

A student laboratory consisting of 16 IBM-compatible desktop computers, is located on the ground floor of the Law School Building in room G20. It is open to all law students, Monday to Friday, 9:00am to 5:00pm. Check the noticeboard outside the laboratory for extended opening times during the semester.

The laboratory offers word processing software including WordPerfect 5.1 for DOS and Microsoft Word 5.0 for DOS. In 1995 we hope to offer MS Word 6.0a for Windows. The range of programs and resources available is constantly being improved and in 1995 will include:

- Expert Systems developed by previous law students
- access to Internet information resources
- CD-ROM based databases such as Index to Legal Periodicals
- Electronic Mail
- various utility programs

The lab is also used for teaching computer related subjects and to deliver computer-assisted tutorials to law students.

Planning for the development of Information Technology within the Law School is co-ordinated by an Information Technology Advisory Group, which advises the Dean on relevant matters. Matters regarding information technology should be directed to the Information Technology Manager, Mr Paul Ivey, on telephone 344 6203.

CLUBS AND SOCIETIES

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. This is done through informal social functions, mainly wine and cheese afternoons, champagne and chicken parties, etc., with the aim of having a good time while meeting people in the faculty who may not otherwise be encountered. Functions are announced by placing posters on noticeboards, and the more who come, the merrier! For information refer to the 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 33 law schools are ALSA members. Through membership of the LSS, all University of Melbourne 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.

All students are encouraged to involve themselves in ALSA activities. In 1993, the Australasian President for ALSA was located at the University of Melbourne. The LSS has two ALSA Council Representatives.

LAW STUDENTS’ SOCIETY

All Law students are members of the Law Students’ Society which is sponsored by a number of Law firms and through affiliation with the Melbourne University Student Union Inc. 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 to discuss issues of concern to students, and the student staff liaison forum was a new initiative of 1994. The executive meets monthly 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. The Society’s mooting, client interview and witness examination 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. Recently, the society has started a number of new activities, including a taped-lecture service, a second-hand book register, a careers guide and a student-run tutorial program. It has also initiated the return of the infamous ‘Law Revue’ and produced a Yearbook recording the activities of the year.

OVERSEAS LAW STUDENTS’ SOCIETY

The Overseas Law Students’ Society (OLSS) is an affiliated body of the Law Students’ Society. It was established to promote and assist the welfare, status, social, educational and cultural activities of international
students, foster a common bond among them and work towards the goal of better goodwill between international students and Australians.

The Society has an active program of social and educational activities. A student mentor program assists new students adapt to the Law School, the University and Australia.

All international students are automatically members of the Society. However, the OLSS accepts as members any other students who show an interest in our goals and activities.

THE 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, (telephone 344 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.

JOURNALS


Australian Journal of Labour Law

The Australian Journal of Labour Law is housed in the Centre for Employment and Labour Relations Law, Law School. Published three times a year it is designed to be of service to students, academics and practitioners in labour law and labour relations. The Journal contains articles, notes and comments, and detailed commentaries on recent cases and legislation in the field of labour law.

Contributions are sought from members of the judiciary, barristers and solicitors, arbitrators and conciliators, academics, students and those otherwise engaged in the labour relations field. Students are particularly encouraged to contribute to the various sections of the Journal. These include reports, recent legislation, recent cases, and book reviews. Students wishing to contribute should contact Richard Naughton, the Journal's Associate Editor.

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, students and those otherwise engaged in the labour relations field 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.

Public Law Review

The quarterly journal Public Law Review is edited by Professor Cheryl Saunders and has been published by the Law Book Company Ltd since 1990. It is a refereed journal and is produced under the auspices of the Centre for Comparative Constitutional Studies (CCCS). A unique feature of the Review is its comprehensive coverage of public law developments in all Australian and New Zealand jurisdictions, in addition to its regular survey of major developments in public law in Asia-Pacific countries.
and in international law. An undergraduate law student is employed each year at the CCCS to assist with the compilation of material for this recent developments section. A large proportion of subscribers to the *Review* are from New Zealand and other overseas countries.

**Torts Law Journal**

Professor Harold Luntz is the General Editor of this *Journal*, which is published by Butterworths. It commenced publication in 1993. There are three issues a year, which go to make up a single volume. The *Journal* includes case notes, articles, comments on legislation and law reform proposals, and book reviews, on topics related to torts and alternative compensation schemes. The *Journal* aims to be of interest to both academics and practitioners; students may also find it useful. Contributions of sufficient scholarly quality from students are welcomed and have been published in the past.

**EXCHANGE PROGRAMS**

At present, an exchange scheme for students is operating with the University of British Columbia and McGill University in Canada, the University of Texas at Austin in the United States, University College, Dublin and Leuven University in Belgium. The Law School is also developing other opportunities for student exchanges in Europe and Asia. The Asian Law Centre can advise you about exchange opportunities in Asia. Credit in a University of Melbourne degree can be obtained for subjects completed during an approved exchange visit. For further information, contact Dr Michael Bryan, or the Program Manager, Undergraduate Studies.
LAW COURSES
LAW COURSES

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:
- Advanced Family Law
- Asian Law
- Corporations and Securities Law
- Dispute Resolution and Judicial Administration
- Finance Law
- Government Law
- Health and Medical Law
- Intellectual Property Law
- International Law
- Labour Relations Law
- Media Communications & Information Technology Law
- Natural Resources Law
- Transnational Law

pending University approval.

GRADUATE DEGREES

Master of Laws by Coursework (LLM)
Master of Laws by Coursework and Minor Thesis (LLM)
Master of Laws by Thesis (LLM)
Master of Taxation (MTax)
Doctor of Juridical Science (SJD)
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.

LLB COURSE OBJECTIVES

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.

PLANNING AN LLB COURSE

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 Subject(s)

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. Students may substitute 20 points of optional subjects for either Contracts, Constitutional and Administrative Law or Property in their first year of study subject to the approval of the Program Manager, Undergraduate Studies and the lecturer concerned.

**STANDARD YEARS OF STUDY FOR AN LLB DEGREE**

The following tables 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 deviates 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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Standard year: three year graduate LLB degree

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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.

Enrolling in Single Subjects

It is possible to enrol as a continuing education student in single subjects offered by the Law School. Special rules apply. Interested students should apply for information about undergraduate and graduate subjects to the Program Manager, Undergraduate Studies, and the Program Manager, Research and Graduate Studies, respectively. 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 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.

Diploma in Modern Languages

The University of Melbourne has been exploring paths other than the combined Arts degree to facilitate the study of foreign languages and has approved the introduction of a Diploma in Modern Languages in 1995. The Diploma will normally add one year to the total duration of a students' main degree course.

Enquiries about admission to the Diploma in Modern Languages should be directed in the first instance to the Faculty of Arts: telephone 344 5234/5235.
CONDITIONS ON WHICH LLB SUBJECTS MAY BE TAKEN

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 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 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 1995.

DEGREE OF BACHELOR OF LAWS

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

(ii) 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.

(iii) 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.

(iv) 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.

2. (i) 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 Constitutional Law
Current International Legal Problems
Feminist Legal Theory
Human Rights Law
Introduction to European Civil Law
Jurisprudence
Law and Artificial Intelligence
Law and Economics
Law and Indigenous Societies in Australia
Law and Society in China
Law and Society in Japan
Law and Society in Malaysia
Legislation
Rethinking Australian Democracy: History, Politics and the Law
Roman Law
Sex Discrimination Law

(ii) 20 point Optional Subjects

730-302 Advanced Administrative Law
730-356 Advanced Constitutional Law
730-404 Conflict of Laws
730-334 Corporations Law (year)
730-393 Corporations Law (semester)
730-338 Employment Law
730-313 Family Law
730-369 Feminist Legal Theory
730-386 Health and Medical Law
730-350 Human Rights Law
730-335 Intellectual Property
730-307 International Law
730-315 Jurisprudence
730-340 Labour Relations Law
730-346 Law of Sale
730-347 Law of Security and Secured Transactions
730-383 Legal Ethics and Professional Conduct
730-318 Legislation
730-348 Media Law
730-320 Natural Resources Law
730-413 Research Project
730-324 Restrictive Trade Practices
730-393 Roman Law
730-322 Succession
730-407 Taxation

(iii) 10 point Optional Subjects

730-330 Advanced Contract Law
730-408 Advanced Taxation Law
730-377 Australian Superannuation Law
730-309 Banking and Negotiable Instruments
730-394 Civil Procedure
730-392 Comparative Constitutional Law
730-370 Computer Law
730-349 Current International Legal Problems
730-390 Current Problems in Intellectual Property
730-374 European Union Law
730-365 Evidence
730-422 Insolvency 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
730-412 Land Contracts
730-371 Law and Artificial Intelligence
730-387 Law and Economics
730-391 Law and Indigenous Societies in Australia
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
730-388 Migration Law
730-321 Restitution
730-382 Rethinking Australian Democracy
730-372 Sex Discrimination Law
730-403 Takeovers and Securities Regulation
730-303 Torts 2

NOTE: An asterisk 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.

3. No candidate 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. (i) 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 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.
   (ii) 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.
   (ii) 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:
   (i) publish the conditions of eligibility for honours candidature prior to the date fixed for re-enrolment in each year;
   (ii) 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;
   (iii) 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 100 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 not be 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: HP = (300/LP) x THP; where HP = calculated honours points, LP = the candidate's total of law subject points, and 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 has 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:

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<th>Classification</th>
<th>Honours Points</th>
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<tbody>
<tr>
<td>First Class Honours</td>
<td>15 points</td>
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<tr>
<td>Second Class Honours (A)</td>
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<td>Second Class Honours (B)</td>
<td>9 points</td>
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<tr>
<td>Third Class Honours</td>
<td>6 points</td>
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</tbody>
</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>Classification</th>
<th>Honours Points</th>
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</thead>
<tbody>
<tr>
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<td>10 points</td>
</tr>
<tr>
<td>Second Class Honours (A)</td>
<td>8 points</td>
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<tr>
<td>Second Class Honours (B)</td>
<td>6 points</td>
</tr>
<tr>
<td>Third Class Honours</td>
<td>4 points</td>
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</table>

(3) Honours points shall be awarded where a candidate gains honours in a 10 point optional law subject on the following basis:

<table>
<thead>
<tr>
<th>Classification</th>
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<tbody>
<tr>
<td>First Class Honours</td>
<td>5 points</td>
</tr>
<tr>
<td>Second Class Honours (A)</td>
<td>4 points</td>
</tr>
<tr>
<td>Second Class Honours (B)</td>
<td>3 points</td>
</tr>
<tr>
<td>Third Class Honours</td>
<td>2 points</td>
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</tbody>
</table>

(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 730-384 Civil Procedure and/or 730-385 Evidence on the following basis:
First Class Honours ................. 7.5 points
Second Class Honours (A) ............ 6 points
Second Class Honours (B) ............ 4.5 points
Third Class Honours .................. 3 points

(5) Honours points shall be awarded where a candidate gains honours in the subject 730-105 History and Philosophy of Law or 730-101 Legal Process on the same basis as if they were optional subjects 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. (i) 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.

(ii) 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 112.6.(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 112.6.(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 112.6.(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 112 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 112.6.(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 enrolls 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 Program Manager, Undergraduate Studies in the manner and form determined by the Program Manager in consultation with the Associate Dean, Undergraduate Studies. The Program 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. Instead, that student’s honours points will be calculated 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.

\[(\text{Honours points} \times 300) / n\]

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 program 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 Program 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 LLB;
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.
## Prize and Awards

The Faculty of Law receives generous support for the LLB course in the form of scholarships and prizes as follows:

<table>
<thead>
<tr>
<th>Prizes</th>
<th>Subject</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anna Brennan Memorial Prize</td>
<td>Female ranked highest on Final Honours class list</td>
<td>$1000</td>
</tr>
<tr>
<td>Arthur Andersen Prize</td>
<td>Taxation</td>
<td>$300</td>
</tr>
<tr>
<td>Arthur Phillips &amp; Just Exhibition</td>
<td>Corporations Law</td>
<td>$500</td>
</tr>
<tr>
<td>Arthur Robinson &amp; Hedderwicks Prize</td>
<td>Torts &amp; the Process of Law</td>
<td>$500</td>
</tr>
<tr>
<td>Australian Mining &amp; Petroleum Law Association Pr</td>
<td>Natural Resources Law</td>
<td>$500</td>
</tr>
<tr>
<td>Bailey Exhibition</td>
<td>International Law</td>
<td>$30</td>
</tr>
<tr>
<td>Blake Dawson Waldron Prize</td>
<td>Advanced Contract Law</td>
<td>$200</td>
</tr>
<tr>
<td>Blake Dawson Waldron Priz</td>
<td>Taxation</td>
<td>$300</td>
</tr>
<tr>
<td>Brian Benjamin Memorial Prize</td>
<td>Equity</td>
<td>$250</td>
</tr>
<tr>
<td>Clayton Utz Prize</td>
<td>Property (1st)</td>
<td>$500</td>
</tr>
<tr>
<td>Clayton Utz Prize</td>
<td>Property (2nd)</td>
<td>$200</td>
</tr>
<tr>
<td>Coltmans Prize</td>
<td>Intellectual Property</td>
<td>$200</td>
</tr>
<tr>
<td>Coltmans Prize</td>
<td>Law &amp; Artificial Intelligence</td>
<td>$200</td>
</tr>
<tr>
<td>Corrs Chambers Westgarth Prize</td>
<td>Banking &amp; Negotiable Instruments</td>
<td>$200</td>
</tr>
<tr>
<td>Corrs Chambers Westgarth Prize</td>
<td>Constitutional &amp; Administrative Law</td>
<td>$300</td>
</tr>
<tr>
<td>Corrs Chambers Westgarth Prize</td>
<td>Intellectual Property</td>
<td>$300</td>
</tr>
<tr>
<td>Corrs Chambers Westgarth Prize</td>
<td>Media Law</td>
<td>$300</td>
</tr>
<tr>
<td>Corrs Chambers Westgarth Prize</td>
<td>Restrictive Trade Practices</td>
<td>$300</td>
</tr>
<tr>
<td>Corrs Chambers Westgarth Prize</td>
<td>Takeovers &amp; Securities Regulation</td>
<td>$200</td>
</tr>
<tr>
<td>Davies Ryan de Boos/Davies Collison Cave Prize</td>
<td>Research Project (Intellectual Property)</td>
<td>$500</td>
</tr>
<tr>
<td>Dwyts Prize</td>
<td>Legislation</td>
<td>$300</td>
</tr>
<tr>
<td>Dwyts Prize</td>
<td>Roman Law</td>
<td>$300</td>
</tr>
<tr>
<td>E J B Nunn Scholarship</td>
<td>Student ranked first on Final Honours class list</td>
<td>$120</td>
</tr>
<tr>
<td>Freshill, Hollingdale &amp; Page Prize</td>
<td>Employment Law</td>
<td>$300</td>
</tr>
<tr>
<td>Freshill, Hollingdale &amp; Page Prize</td>
<td>Labour Relations Law</td>
<td>$250</td>
</tr>
<tr>
<td>Gadens Ridgway Exhibition</td>
<td>Australian Superannuation Law</td>
<td>$250</td>
</tr>
<tr>
<td>Gadens Ridgway Exhibition</td>
<td>Contracts</td>
<td>$500</td>
</tr>
<tr>
<td>Gadens Ridgway Exhibition</td>
<td>Land Contracts</td>
<td>$200</td>
</tr>
<tr>
<td>Gadens Ridgway Exhibition</td>
<td>Law of Planning &amp; Environment</td>
<td>$300</td>
</tr>
<tr>
<td>Gadens Ridgway Exhibition</td>
<td>Law of Security &amp; Secured Transactions</td>
<td>$300</td>
</tr>
<tr>
<td>Hall &amp; Wilcox Prize</td>
<td>Insurance Law</td>
<td>$200</td>
</tr>
<tr>
<td>Harrison Moore Exhibition</td>
<td>Advanced Constitutional Law</td>
<td>$30</td>
</tr>
<tr>
<td>Harry Emmerton Law Scholarship</td>
<td>Criminal Law &amp; Procedure (2nd)</td>
<td>$200</td>
</tr>
<tr>
<td>Hearm Exhibition</td>
<td>Jurisprudence</td>
<td>$30</td>
</tr>
<tr>
<td>Herbert, Geer &amp; Rundla Prize</td>
<td>Student ranked highest overall in Restrictive Trade Practices, Takeovers &amp; Securities</td>
<td>$250</td>
</tr>
<tr>
<td>J Rosanove QC Memorial Prize</td>
<td>Female ranked highest on Final Honours class list</td>
<td>$350</td>
</tr>
<tr>
<td>J R Maguire Exhibition</td>
<td>Criminal Law &amp; Procedure</td>
<td>$350</td>
</tr>
<tr>
<td>Jenkins Exhibition</td>
<td>Conflict of Laws</td>
<td>$30</td>
</tr>
<tr>
<td>Jessie Leggatt Scholarship</td>
<td>Computer Law</td>
<td>$200</td>
</tr>
<tr>
<td>Jessie Leggatt Scholarship</td>
<td>Current Problems in Intellectual Property</td>
<td>$300</td>
</tr>
<tr>
<td>Jessie Leggatt Scholarship</td>
<td>History &amp; Philosophy of Law</td>
<td>$300</td>
</tr>
<tr>
<td>Jessie Leggatt Scholarship</td>
<td>Law &amp; Society in Japan</td>
<td>$200</td>
</tr>
<tr>
<td>Jessie Leggatt Scholarship</td>
<td>Torts 2</td>
<td>$200</td>
</tr>
<tr>
<td>John Madden Exhibition</td>
<td>Jessup Moot</td>
<td>$200</td>
</tr>
<tr>
<td>John Madden Exhibition</td>
<td>International and Comparative Labour Law</td>
<td>$200</td>
</tr>
<tr>
<td>Just Australia China Holdings Prize</td>
<td>Law &amp; Society in China</td>
<td>$200</td>
</tr>
<tr>
<td>Kyoko Kinjo Prize</td>
<td>Law &amp; Society in Japan</td>
<td>$200</td>
</tr>
<tr>
<td>Mallesons Stephen Jaques Prize</td>
<td>(Best essay relating to Feminist Legal Studies in Japan)</td>
<td>$200</td>
</tr>
<tr>
<td>Mallesons Stephen Jaques Prize</td>
<td>Civil Procedure</td>
<td>$200</td>
</tr>
<tr>
<td>Mallesons Stephen Jaques Prize</td>
<td>Evidence</td>
<td>$200</td>
</tr>
<tr>
<td>Mallesons Stephen Jaques Prize</td>
<td>Law of Sale</td>
<td>$300</td>
</tr>
</tbody>
</table>
### Prizes

<table>
<thead>
<tr>
<th>Prize</th>
<th>Subject</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mallesons Stephen Jaques Prize</td>
<td>Natural Resources Law</td>
<td>$300</td>
</tr>
<tr>
<td>Minter Ellison Morris Fletcher Prize</td>
<td>International Law</td>
<td>$500</td>
</tr>
<tr>
<td>Phillips Fox Prize</td>
<td>Introduction to European Civil Law</td>
<td>$250</td>
</tr>
<tr>
<td>Phillips Fox Prize</td>
<td>Restitution</td>
<td>$250</td>
</tr>
<tr>
<td>Purves Clarke Richards Prize</td>
<td>Equity</td>
<td>$500</td>
</tr>
<tr>
<td>Purves Clarke Richards Prize</td>
<td>Succession</td>
<td>$300</td>
</tr>
<tr>
<td>R J Hamer Prize</td>
<td>Constitutional &amp; Administrative Law</td>
<td>$140</td>
</tr>
<tr>
<td>Raynes Dickson Exhibition</td>
<td>Advanced Constitutional Law</td>
<td>$300</td>
</tr>
<tr>
<td>Raynes Dickson Exhibition</td>
<td>Comparative Constitutional Law</td>
<td>$200</td>
</tr>
<tr>
<td>Raynes Dickson Exhibition</td>
<td>European Union Law</td>
<td>$300</td>
</tr>
<tr>
<td>Raynes Dickson Exhibition</td>
<td>Feminist Legal Theory</td>
<td>$300</td>
</tr>
<tr>
<td>Raynes Dickson Exhibition</td>
<td>Health &amp; Medical Law</td>
<td>$300</td>
</tr>
<tr>
<td>Raynes Dickson Exhibition</td>
<td>Human Rights Law</td>
<td>$300</td>
</tr>
<tr>
<td>Raynes Dickson Exhibition</td>
<td>Law &amp; Indigenous Societies in Australia</td>
<td>$200</td>
</tr>
<tr>
<td>Robert Craig Exhibition</td>
<td>Current International Legal Problems</td>
<td>$200</td>
</tr>
<tr>
<td>Robert Craig Exhibition</td>
<td>Law &amp; Society In Malaysia</td>
<td>$200</td>
</tr>
<tr>
<td>Ruth Campbell Prize</td>
<td>History &amp; Philosophy of Law</td>
<td>$300</td>
</tr>
<tr>
<td>Samuel Pond Prize</td>
<td>Rethinking Australian Democracy: History, Politics &amp; the Law</td>
<td>$120</td>
</tr>
<tr>
<td>Sir Charles Lowe Prize</td>
<td>Legal Ethics &amp; Professional Conduct</td>
<td>$175</td>
</tr>
<tr>
<td>Sir George Paton Prize</td>
<td>Insolvency Law</td>
<td>$200</td>
</tr>
<tr>
<td>Sir George Turner Exhibition</td>
<td>Constitutional &amp; Administrative Law (2nd)</td>
<td>$200</td>
</tr>
<tr>
<td>Spero Wilson Memorial Scholarship</td>
<td>Student ranked second on Final Honours class list</td>
<td>$250</td>
</tr>
<tr>
<td>Spero Wilson Memorial Scholarship</td>
<td>Advanced Taxation Law</td>
<td>$250</td>
</tr>
<tr>
<td>Spero Wilson Memorial Scholarship</td>
<td>International Dispute Resolution</td>
<td>$200</td>
</tr>
<tr>
<td>Spero Wilson Memorial Scholarship</td>
<td>Law &amp; Economics</td>
<td>$200</td>
</tr>
<tr>
<td>Spero Wilson Memorial Scholarship</td>
<td>Migration Law</td>
<td>$200</td>
</tr>
<tr>
<td>Supreme Court Prize</td>
<td>Student ranked first on Final Honours class list</td>
<td>$1000</td>
</tr>
<tr>
<td>Supreme Court Exhibition</td>
<td>Jurisprudence</td>
<td>$200</td>
</tr>
<tr>
<td>The University of Melbourne Law School Foundation Prize</td>
<td>Outstanding contribution to the life and affairs of the Law School</td>
<td>$1,000</td>
</tr>
<tr>
<td>Victorian Environmental Law Prize</td>
<td>Research Project (Environmental Law)</td>
<td>$500</td>
</tr>
<tr>
<td>Wright Prize</td>
<td>Family Law</td>
<td>$300</td>
</tr>
<tr>
<td>Peter Lockwood Taxation Law Scholarship</td>
<td>Bachelor of Commerce/Bachelor of Law</td>
<td>$10,000</td>
</tr>
<tr>
<td>(KPMG Peat Marwick)</td>
<td></td>
<td>over 2 years</td>
</tr>
</tbody>
</table>
LAW SUBJECTS
COMPULSORY SUBJECTS

730-104 TORTS AND THE PROCESS OF LAW

Lecturers: Ms J Wright, Mr D Anton, Prof H Luntz, Dr T McCormack, Mr A Palmer, Mr G Patmore, Mr D Stepniak.
Prerequisites: None
Contact: 4 hours per week (Both semesters)
Prize: Arthur Robinson and Hedderwicks ($500)

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 fulfills 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 certain legally recognised interests relating to the person and property. It allocates losses primarily by requiring the person who wrongfully invades such an 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.

Topics include the following: What is a tort?; institutional structure of Australian government, and sources of law; library skills, research skills and writing skills in the context of tort law; the doctrine of precedent in the context of negligence law, and the duty to take care; specific application of the doctrine of precedent; breach of duty: in particular, an analysis from a feminist perspective; proof of a negligence action, including proposals for reform; causation and remoteness of harm; defences; compensation theory, and proposals for reform; critical legal studies: an analysis of negligence law; particular negligence situation: product liability, including the thalidomide tragedy and development risk defence; particular negligence situation: negligent professionals, including doctors and lawyers.

Also included are discussions of the litigation process: examination of pleadings; particular negligence situations: omissions and the conduct of others; assessment of damages: in particular, an analysis from a feminist perspective and assessment of damages in the context of proposals for reform; fatal accidents and survival of actions; law reform: how to use the Transport Accident Act 1986 (Vic.). The subject also considers issues of statutory interpretation; breach of statutory duty; AIDS and tort law; vicarious liability and contribution. We may also consider intentional and strict liability torts.

Assessment: Up to 5 skills-related assignments (credit) and an assignment (1,500 words) (15 per cent) and Assignment (2,500 words) (35 per cent) and Final Exam 2 hours (50 per cent).


730-105 HISTORY AND PHILOSOPHY OF LAW

Lecturers: Ms L Skene, Mr S Cooney, Mr D Hunter, Ms P Mathew, Ms L Samas, Mr G Simpson, M Tehan, Ms K Walker
Prerequisites: None
Contact: 3 hours per week (Both semesters)
Prize: Ruth Campbell Prize ($300) Jessie Leggett Scholarship ($150)

Objectives: Students completing this subject should: have gained an understanding of the origins and development of the Australian legal system, and its relationship with pre-existing indigenous laws; 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 and comparative law; have an awareness of corresponding and contrasting themes in non-Western legal systems; understand the close inter-relationship of issues in the history, philosophy and sociology of law; have an awareness of issues of race, class, gender and ethnicity in the study and practice of law; have developed enough of an understanding of legal history, comparative law, 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; have developed oral skills by contributing to group discussions during the course; and have developed an attitude to legal education which accepts pre-reading, reflection and class discussion as essential to learning.


Assessment: Research Assignment 3000 words (45 per cent) and Class Participation (10 per cent) and Final Exam 3 hours (45 per cent).
Prescribed texts: Printed materials will be issued by the Law School.

730-202 CONTRACTS

Lecturers: Mr M Ellinghaus*, Mr A Christie, Ms J Edwards, Ms F Hanks, Mr R Naughton
Prerequisites or Corequisites: Torts and the Process of Law; History and Philosophy of Law.
Contact: 4 hours per week (Both semesters)

Prize: Gaders Ridgeway Exhibition ($500)

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 perspective on contract law; the ability to apply their understanding and knowledge to specific tasks, for example the construction of contracts, and the prevention and resolution of contract disputes; the ability to apply their understanding and knowledge to the critical evaluation of the content, operation and significance of contract law.


Assessment: Research Assignment 2500 words (30 per cent) and Final Exam 2 hours (70 per cent).
Prescribed texts: To be advised.

730-203 PROPERTY

Lecturers: Ms M Tehan*, Ms S Biddulph, Mr M Raff
Prerequisites or Corequisites: Torts and the Process of Law; History and Philosophy of Law.
Contact: 4 hours per week (Both semesters)

Prize: Clayton Utz ($500) 1st place; ($200) 2nd place.

Objectives: Students completing this subject should be able to: critically evaluate property as a social and legal institution; define and critically evaluate essential legal concepts of a proprietary interest; understand the fundamental legal concepts of proprietary and possessory interests in relation to both land and goods; understand the conceptual bases of property law including the doctrine of tenure, Crown grants and native title; define and distinguish legal and equitable interests in land and understand the operation of a trust; understand and evaluate the operation and effectiveness of the general law system and the Torrens system of land registration; identify and solve priority disputes between and 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 from a range of perspectives. Analysis of basic principles of the law of property, personal property, doctrine of tenure, Public land, Native title, legislative regimes for aboriginal title. 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 2½ hours (70 per cent); or Final Exam 3 hours (100 per cent).
730-204 CONSTITUTIONAL & ADMINISTRATIVE LAW

Lecturer: Prof C Saunders, Mr G Lindell, Mr P Morrissey, Ms K Rubenstein, Ms K Walker, Mr J Waugh

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

Contact: 4 hours per week (Both semesters)

Prizes: Corrs Chambers Westgarth ($500) 1st place; Sir George Turner Exhibition ($200) 2nd place; R J Hamer Prize ($140).

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).


730-102 CRIMINAL LAW AND PROCEDURE

Lecturers: Mr R Evans, Ms B Bartal, Ms D Otto, Dr D Wood

Prerequisites: Torts and Process of law; History and Philosophy of Law

Contact: 3 or 4 hours per week (Both semesters), except for the last 2 weeks of each semester which may involve contact for 1 (one) only per week in small groups.

Prizes: J R Maguire Exhibition ($350) 1st place; Harry Emmerton Law Scholarship ($200) 2nd place.

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 3000 words (40 per cent) and Final Exam 2 hours (60 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: 4 hours per week (Both semesters)

Prizes: Puves Clarke Richards Prize ($500) Brian Benjamin Memorial Prize ($250)

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

Assessment: Either Research Paper 5000 words (50 per cent) and Final Exam 2 hours (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.

**OPTIONAL SUBJECTS**

**GENERAL INFORMATION ON CHOICE OF OPTIONAL SUBJECTS**

The subject descriptors 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, fourth and fifth 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.

The advice is 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.

When choosing optional subjects, students should not allow their choice to be influenced by assumptions about a future career or the prospects of getting articles. There are several reasons for this. Most students are unlikely, while still only halfway through their law course, to be able to make any reliable prediction about their future careers. Even if students feel certain about the sort of career they intend to follow, they will find that, over the course of a career, the demands made by the community on the legal profession are continually changing, with corresponding changes of emphasis on different areas of the law. Moreover, even if students do know what sort of a career they wish to follow, circumstances may not provide the necessary opportunities.

Even if early 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 areas 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 reliable evidence to support this. Of course, if a student is 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 it would probably be a mistake to think no further. It is extremely unlikely that any firm of solicitors would allow its agent's clerk to be more influenced by the particular subjects which a student takes at university than by personal qualities 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 principle therefore is that students should choose options primarily by reference to what they are interested in.

A 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.

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 formal examinations while others prefer to do research assignments. Most subjects allow students a choice in
such matters, but not all. This may have a direct bearing on choice of options.

To some students it may be more important to know who is teaching a course than precisely what is in it. Lecturers vary widely in their methods and students vary just as widely in their responses. Take advantage of the sessions during the enrolment period in which various lecturers talk about their subjects and how they teach them. If necessary, arrange to meet with the lecturer of the subject you are interested in, and ask questions about how it is taught and what it entails. The Program Manager, Undergraduate Studies, can also help you with course advice. Be cautious about relying only on what other students have to say about subjects: it is better to find out the facts for yourself.

Finally, there are 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 LLB. Another is that some subjects have a quota which limits enrolments. Students should be sure to check the prerequisites of any subject in which they wish to enrol. These are listed in the subject descriptions in this guide.

Students should note that, if they intend to enter legal practice, they will be required to have passed in Evidence, Civil Procedure, Corporations Law and Professional Conduct before they can be admitted. It is not, however, essential that these subjects be taken as part of the LLB degree. The subjects which are prerequisites for admission may be undertaken (with some limitations) after completion of the LLB, either at the Professional Admission Summer School, which is held in January and February each year, or through the continuing education scheme in courses offered during the normal academic year.

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: Ms K Rubenstein*

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: have an understanding of the administrative law at an advanced level; be familiar with the principle by which governmental action may be challenged; understand the principal grounds on which the courts will review governmental decisions and the procedures and jurisdiction of the Commonwealth and Victorian Administrative Appeals Tribunals; be familiar with the main provisions of Commonwealth and Victorian Freedom of Information Acts have an appreciation of contemporary issues in administrative decision-making.

Content: Specific topics covered will vary according to current developments in administrative law. In 1994, the topics were as follows:


Assessment: Research Assignment not exceeding 6000 words (50 per cent) and Seminar Paper (50 per cent).

Prescribed texts: To be advised.

730-356 ADVANCED CONSTITUTIONAL LAW

Lecturers: Prof C Saunders *, Prof M Crommelin, Dr G Lindell

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

Contact: 2 hours per week (Both semesters)

Prizes: Raynes Dickson Exhibition ($300) Harrison Moore Exhibition ($30)

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 century 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)

Prize: Blake Dawson Waldron ($200)

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.

730-408 ADVANCED TAXATION LAW

Lecturer: To be advised.
Prerequisites: Torts and the Process of Law, History and Philosophy of Law and Taxation Law.
Corequisites: Students should have completed or be concurrently enrolled in Corporations Law and Equity.
Contact: 2 hours per week (First semester)

Prize: Spero Wilson Memorial Scholarship ($250)

Objectives: Students completing this subject should: have acquired a detailed understanding of the taxation treatment of interposed entities (companies, trusts, and partnerships), have analysed the current use of these structures for tax minimisation purposes in commercial transactions, have considered current issues and difficulties in the taxation treatment of these entities, and have assessed critically any recent legislative and judicial developments in the taxation treatment of these entities.

Content: The course involves an advanced study of areas of practical importance in taxation law which are not tackled in depth in the regular taxation course. Particular attention is given to: the income and capital gains tax treatment of companies, trusts and partnerships; the current use of these entities in commercial transactions for tax minimisation and avoidance purposes; the taxation of international transactions involving these entities; the tax policy underlying their taxation treatment. Other topics which bear upon these matters or which are affected by them will be addressed depending on current developments.

Assessment: Either Research Essay 5000 words (100 per cent) or Final Exam 3 hours (100 per cent).
Prescribed texts: The Income Tax Assessment Act as amended (Butterworths or CCH). Further texts to be advised.
730-377 AUSTRALIAN SUPERANNUATION LAW

Lecturer: Dr M Bryan

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

Contact: 2 hours per week (Second semester)

Prize: Gadens Ridgway Exhibition (250)

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;
- 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 governments 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 governments 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; Property.

Corequisites: Equity. 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 optional 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)

Prize: Cons Chambers Westgarth ($200)

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 1996 (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.

Content: A brief overview of the Australian banking system. The legal concept of the business of banking. The nature of the banker-customer relationship. Who is a customer? The Codes of Banking Practice. The rule in Clayton’s case. Set-off (combination of accounts). The duty of the customer in relation to the account. The bank’s duty of secrecy. The bank’s liability for advice - to customers and to third parties. Alternative dispute resolution: the Australian Banking Industry Ombudsman. The concept of negotiability. 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 1½ hours (50 per cent); or Final Exam 3 hours (100 per cent).


730-384 CIVIL PROCEDURE

Lecturer: Mr G Reinhardt
Prerequisites: Torts and the Process of Law, History and Philosophy of Law.
Contact: 3 hours per week (First semester)
Prize: Mailesons Stephen Jaques ($200)

Objectives: Students completing this subject should: acquire an understanding of how civil disputes are regulated and resolved whether in the Courts or through some other medium of dispute resolution.

Content: The objectives underlying the rules of civil procedure; costs in the litigious process and the cost of justice generally; the jurisdiction of the Courts, including cross-vesting and transfers between Courts; preliminary discovery, fact finding generally and the preservation of the status quo pending determination of a dispute; joinder of causes of action and parties, including class actions; originating process, service and appearance; moving a proceeding along, including default and summary judgments and judicial intervention in the litigious process; pleading, documentary discovery and interrogation, including possible reform to require further disclosure by parties; mistakes and amendments; the settlement process including offers of compromise, pre-trial conferences and mediation; the specialist lists; judgments, orders and their enforcement; the appeal process; alternative dispute resolution, including arbitration, mediation and mini trials.

Assessment: Final Exam 3 hours (100 per cent).

730-392 COMPARATIVE CONSTITUTIONAL LAW

Lecturers: Dr G Hassall
Prerequisites: Torts and the Process of Law, History and Philosophy of Law and Constitutional and Administrative Law.
Contact: 2 hours per week (First semester)
Prizes: Raynes Dickson Exhibition ($200)

Objectives: Students completing this subject should: gain an understanding of diversity among constitutional systems in Europe and Asia; be familiar with diverse foundations of constitutionalism; demonstrate awareness of key comparative constitutional concepts such as separation of powers and responsibilities and constitutional interpretation; gain an understanding of notions of individual and state rights; and be equipped to undertake advanced studies in comparative constitutional law.

Content: This course comprises an overview of the foundations of constitutionalism using a comparative perspective. It focuses on the historical, cultural, and socio-legal influences which shape constitutions and constitutional interpretation in selected European and Asian jurisdictions; separation of powers; rights and responsibilities; and constitutional amendment. The course will also examine relations between branches of government and other organs of the state, including the judiciary.

Assessment: Either Research Assignment 4000 words (80 per cent) and Seminar Paper 1000 words (20 per cent) or Final Exam 2 hours (60 per cent) and Seminar Paper 2000 words (40 per cent).

Students must select the form of assessment in Week 3 of the course. No changes will be possible.

Prescribed texts: Printed materials will be issued by the Law School.
**730-370 COMPUTER LAW**

* Not offered in 1995

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

**Contact:** 2 hours per week (Second semester)

**Prize:** Jessie Leggatt Scholarship ($200)

**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.


**Assessment:** Final Exam 3 hours (100 per cent).

**Prescribed texts:** G Hughes, *Data Protection in Australia*, Law Book Company 1991.

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**730-404 CONFLICT OF LAWS**

**Lecturer:** Mr G Lindell

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

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

**Prize:** Jenks Exhibition ($30)

**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 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 (35 per cent) and Final Exam 1 1/2 hours (50 per cent); or Final Exam 3 hours (100 per cent).


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**730-334 CORPORATIONS LAW**

**730-393 CORPORATIONS LAW**

**Lecturer:** Prof I Ramsay*, Mr G Stapledon, 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:** 730-344: 2 hours per week (Both semesters) 
730-393: 4 hours per week (First semester).

**Prize:** Arthur Philips & Just Prize ($300)

**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 associations; 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 corporations 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. Aspects of corporate insolvency.

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


730-349 CURRENT INTERNATIONAL LEGAL PROBLEMS

Lecturer: Mr G Simpson
Prerequisites or Corequisites: Torts and the Process of Law; History and Philosophy of Law; Property and completion or current enrolment in Intellectual Property.
Contact: 2 hours per week (Second semester)
Prize: Robert Craig Exhibition ($200)

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: This course involves intensive study of areas of international law possessing current significance in the international community which tend not to be covered in the regular international law course. It does so from a thematic and theoretical perspective. The themes considered throughout the course are, briefly, the future of sovereignty and statehood, the limits of intervention and the use and abuse of international legal argument. The first half of the course (7 weeks) is devoted to the major theoretical questions underlying international law discourse. These include the meaning of the new world order realist, liberal, feminist and critical approaches to the nature of the international legal order and the relationship between international law and international relations methodology and practice. In the second half of the course we apply these perspective to case studies (Yugoslavia and interventions, US foreign policy and international legal argument) and to new developments in international law (the International Criminal Court, legal regulation of nuclear proliferation and the new international information order).

Assessment: Either: Research Assignment 4000 words (100 per cent) with Instructor's consent) or Final Exam 3 hours (100 per cent).

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

730-390 CURRENT PROBLEMS IN INTELLECTUAL PROPERTY

Lecturer: Dr A Christie
Prerequisites or Corequisites: Torts and the Process of Law; History and Philosophy of Law; Property and completion or current enrolment in Intellectual Property.
Contact: 2 hours per week (Second semester)

Prize: Jessie Leggatt Scholarship ($300)

Objectives: Students completing this subject should: know which particular areas of intellectual property law are of current importance and significance to Australia and the international community; have a detailed understanding of the practical and theoretical problems requiring resolutions in certain of those areas; comprehend the various proposals for resolution of those problems; have analysed the practical, economic and legal consequences of those proposals; have evaluated the appropriateness of the possible solutions; have developed where necessary alternative or additional solutions to those problems; and hold reasoned views on the strategic methodology to be adopted in the resolution of these and similar future problems.

Content: Since the course deals with problems that are current in Australia and the international community, the content of the course to some extent will vary from year to year. For 1995, the course will address issues drawn from the following three current problems: (i) intellectual property protection for the products and processes of information technology, including in particular algorithms, computer software, data and databases, networked publications, multimedia objects, virtual environments, and
of the employment relationship. The collective and the work and the obligation of the employer to pay wages. will worker and who is not. The importance of distinguishing interrelationship Sources of Employment Law. An overview of the various Australian labour law affect the position of workers in this Australia Questions to be addressed include: how did the exist between both. History of Worker Protection in between the obligation of the worker to and the obligation of the employer to pay wages.

Assessment: Research Essay 5000 words (100 per cent).
Prescribed texts: Printed Materials will be issued by the Law School.

730-338 EMPLOYMENT LAW

Lecturer: Dr M Vranken 
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)

Prize: Freehill, Hollingdale and Page ($300)

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; appreciate the international and comparative dimension of the law of employment; understand and apply the legal rules regulating health and safety at work; and appreciate the historical and sociological dimension of the regulation of health and safety at work.

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 Gramophone. The traditional and the modern approaches to the availability of relief akin to specific performance in employment law. Federal and State Regulation of Employment Termination. Occupational Health and Safety. The basic principles of occupational health and safety management; workers' compensation; rehabilitation; the history of standard setting; the Occupational Health and Safety Act 1985 (Vic.); enforcement by the state; and the industrial relations of occupational health and safety.

Assessment: Either Research Essay 6000 words (60 per cent) and Final Exam 1½ hours (40 per cent); or Final Exam 3 hours (100 per cent).
Prescribed texts: To be advised. Printed materials will be issued by the Law School.

730-374 EUROPEAN UNION LAW

Lecturer: Dr M 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: 2 hours per week (First semester)

Prize: Raynes Dickson Exhibition ($300)

Objectives: Students completing this subject should be able to: have a basic understanding of the law of the European Union; 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 European Union: 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 Union: the composition of the various Community bodies: the Council of the European Union, the Commission, the European Parliament; the European Union Court of Justice; and various auxiliary bodies; the interaction between these institutions in the law-making process of the Union. The formal sources of Union Law: the role of the Treaty in its relation to the tradition of code-based law in the six founding members of the Union. Issues of implementation and enforcement: actions before and the procedure in the Court of Justice and the Court of First Instance. Substantive Union Law: the Four Freedoms: free movement of goods, persons, services and capital. Selective Issues. External Relations of the Union: the relationship between the Union and GATT; the relationship between the Union and EFTA; relations with Australia. The future of the Union.
A key concern of the course, then, is to identify some of the primary aims of the law of evidence is the avoidance of miscarriages of justice. Despite the fact that the rules of evidence are widely perceived as favouring the accused, yet miscarriages of justice do occur - despite the fact that the rules of evidence are widely perceived as favouring the accused. Justice do occur - despite the fact that the rules of evidence are widely perceived as favouring the accused. Yet miscarriages of justice occur and how they might be avoided; formed a view on how the law should strike a balance between the interests of a person suspected or accused of committing a crime in freedom from wrongful detention or conviction; the interests of society at large in the prosecution and punishment of crime; and the interests of victims of crime in fair and humane treatment by the criminal justice system; developed through this a model of a fair trial which can be used to critically evaluate the law of evidence.

In our society, a person accused of committing a crime is entitled to a fair trial according to law - but what does this actually mean? A large part of the answer to this question is to be found in the law of evidence. Fairness is, in part, a matter of ensuring that the fact-finding methods employed at trial are rational and reliable: if they are not, then injustice is likely to result. One of the tasks of the law of evidence, then, is to minimise the risk of mistake, particularly the risk of wrongful conviction. But a conviction which is achieved by 'unfair' means can also be described as unfair: the public interest in the investigation, prosecution and punishment of crime must be balanced against respect for the rights of the individual. These not only include the right to freedom from wrongful arrest, detention and imprisonment but also the right to fair, humane and dignified treatment at the hands of the state. The law of evidence is one of the means by which the law strikes the balance between these two competing interests. In striking that balance, however, the law must also recognise that the victims of crime are entitled - just as are those suspected of committing it - to fair, humane and dignified treatment by the law. Fundamentally, then, Evidence 730-385 is concerned with justice in criminal proceedings. The course assumes that one of the primary aims of the law of evidence is the avoidance of miscarriages of justice. Yet miscarriages of justice do occur - despite the fact that the rules of evidence are widely perceived as favouring the accused. A key concern of the course, then, is to identify some of the causes of miscarriages of justice, and to consider how they might be avoided.

But the course also acknowledges that achieving just outcomes in criminal proceedings is not only a matter of ensuring that the innocent are acquitted. The course therefore examines some of the issues associated with the treatment by the legal system of victims of crime, and considers whether the rules of evidence make the successful prosecution of some crimes unduly difficult, in particular sexual crimes against women and children.

The course covers the following areas:

- **Introduction**: fair trial; miscarriages of justice; basic concepts of evidence.
- **Investigation**: the right to silence; interrogation and confession; the rights of a suspect in custody; illegally obtained evidence; evidence from the body of the accused; committal for trial. **Trial**: fundamentals of the common law trial; access to evidence; relevance; the examination of witnesses; rape trials; the evidence of children. **Hearsay**: definition of hearsay; the permissible uses of out of court assertions; exceptions to the hearsay rule; reform and development of the hearsay rule. **The accused**: proof and prejudice; propensity evidence; cross-examination of the accused; joint trials and co-offenders. **Experts and eyewitnesses**: identification evidence; psychological evidence; scientific evidence.

**Assessment**: Either Research Assignment 6000 words (100 per cent); or Research Assignment 3000 words (50 per cent) and Final Exam 2 hours (50 per cent); or Final Exam 3 hours (100 per cent).

**Prescribed texts**: Crimes Act 1958. Printed Materials will be issued by the Law School.

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**730-313 FAMILY LAW**

**Lecturer**: Ms B Fehlberg

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

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

**Prize**: Wright Prize ($300)

**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.
730-369 FEMINIST LEGAL THEORY

Lecturer: Ms J Morgan

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

Contact: 4 hours per week (Second Semester)

Prize: Raynes Dickson Exhibition ($300)

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 battered women, sexual violence and mental abuse are examined. At the end of this part, students should have an understanding of 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 legal writing on women and connection, and be able to analyse critically traditional doctrines concerning women's control over their reproductive decisions.

Assessment: Research Assignment 4000 words (40 per cent) and Take Home Examination (30 per cent). Students are also expected to participate actively in class.

Prescribed texts: Regina Graycar and Jenny Morgan, The Hidden Gender of Law, Federation Press, 1990
730-386 HEALTH AND MEDICAL LAW

Lecturer: Ms L Skene

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

Contact: 2 hours per week (Both semesters)

Prize: Raynes Dickson Exhibition ($300)

Objectives: Students completing the subject should understand the legal relationship between the patient and the health care provider. They should understand the law on day-to-day consultations between the patient and the health professional. This includes the health professional’s duty to inform the patient about proposed medical procedures and to take reasonable care in consultations, diagnosis and treatment. Students will understand the health professional’s obligations in dealing with particular types of patient, such as children, the intellectually disabled, the mentally ill and the dying. They will also be familiar with the statutory provisions concerning particular kinds of treatment. They will know when a patient is entitled to gain access to his or her medical records, what information is confidential and the limits of the general requirement of confidentiality.

Content: Although legal remedies for medical injuries will be considered, that is not the primary focus of the subject.

Topics to be covered are: informed consent; the requirements of reasonable care; negligence, battery, breach of contract, product liability laws, breach of fiduciary duty and vicarious liability, so far as they relate to medical injuries in public and private hospitals, nursing homes and hostels; access to patients’ medical records, the Freedom of Information Act; confidentiality of records and the exceptions to the general confidentiality requirement; contraception and abortion; euthanasia; when patients may refuse treatment, the Medical Treatment Act; maintenance of life support and the withdrawal of treatment from terminally ill patients, severely handicapped infants, do not resuscitate orders; donation and use of organs and tissue for transplant and research; certification of death; autopsies; coronial investigations; prescription and supply of drugs including restricted and experimental drugs; in vitro fertilisation and other assisted reproductive procedures, the Infertility (Medical Procedures) Act; tests and treatment for patients suffering from AIDS and other infectious diseases; notification of diseases and conditions; clinical trials of new drugs and procedures including their monitoring by institutional ethics committees; treatment of children, when parental consent is needed; treatment of intellectually disabled and mentally ill patients, assessment of competence, involuntary treatment, the Guardianship and Administration Board Act, the Mental Health Act; complaints to the Health Services Commissioner and the Medical Board, quality assurance, disciplinary procedures, legal effect of professional codes of ethics.

Assessment: Final Exam 3 hours (100 per cent) or Essay 7500 words (100 per cent).

Essay approved as a substantial piece of legal writing.


730-350 HUMAN RIGHTS LAW

Lecturers: Dr T McCormack, Ms P Mathew

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

Contact: 2 hours per week (Both semesters)

Prize: Raynes Dickson Exhibition ($300)

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 jurisdiction 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.

and directors of the company being wound-up; disclaimer of onerous property; claims against directors, other corporate officers and third parties, including claims based on Barnes v Addy, claims under Corporations Law, s 589G.

The insolvency of particular persons, including corporate trading trusts, companies that carry on business in more than one jurisdiction.

The position of secured creditors - floating charges, fixed charges, appointment of receivers and managers, the appointment of controllers, liability of receivers and managers and controllers, the impact of Part 5.3A.

The responsibilities of lawyers acting for insolvent persons, creditors and insolvency administrators.

Assessment: Research Paper 5000 words (50 per cent) and Final Exam 3 hours (100 per cent).

Prescribed texts: Tomasic R., Australian Corporate Insolvency Law Butterworths 1993; Bankruptcy Act 1966; Corporations Law. Printed Materials will be issued by the Law School Office.

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)

Prize: Hall and Wilcox ($200)

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. Insurers rights of subrogation and contribution.

Assessment: Final Exam 3 hours (100 per cent).
730-335 INTELLECTUAL PROPERTY

Lecturer: Dr A Christie
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 5-6000 words (50 per cent) and Final Exam 1½ hours (50 per cent); or Final Exam 3 hours (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: This course examines the causes, processes and outcomes of international disputes. We will attempt to develop a framework within which international disputes may be analysed. We focus on disputes which threaten the peace, using current examples wherever possible. Legal doctrine will be considered in light of political interests and the contemporary structure of the international community. There is scope within the course to negotiate new or different topics, according to student interest. Topics to be covered include: the causes of international disputes and the participants in them; the role of international law in dispute settlement; methods of dispute resolution, including self help, economic sanctions, the use of force (including self-defence), institutional means (the U.N. and regional organisations), negotiation, mediation, international fact finding, international arbitration and judicial settlement. Other possible topics (depending on student interest) include: U.N. Peacekeeping as dispute resolution, institutional reforms to the U.N. to improve peacekeeping, threats to the peace (especially armament build-up), the role of the media in international disputes.

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.

730-307 INTERNATIONAL LAW

Lecturers: Ms P Mathew *, Dr T McCormack, Ms D Otto, Dr R Shanwood, Mr G Simpson, Ms K Walker

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

Contact: 2 hours per week. (Both semesters)

Prizes: Minter Ellison Morris Fletcher ($500)
Bailey Exhibition ($30)

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-selfgoverning 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 guerrilla 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 Essay 6000 words (60 per cent) and Final Exam 2 hours (40 per cent) or 2 Assignments 2000 words (2 x 20 per cent) and Final Exam 3 hours (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)

Prize: Phillips Fox ($250)

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 Roman-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; analyse 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 Roman-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. Comparative Labour Law: Case Study IV: the purpose of this case study is to contrast different approaches to the resolution of industrial disputes. In Europe various institutionalised forms of worker participation exist. These reflect a cooperative approach to the resolution of industrial disputes. 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 4000 words (60 per cent) and Final Exam 1 ½ hours (40 per cent); or Final Exam 3 hours (100 per cent).

Prescribed texts: A Reading guide will be issued.

730-414 JESSUP MOOT

Lecturers: Ms D Otto *, Ms K Walker *
Prerequisites: Torts and the Process of Law; History and Philosophy of Law.
Contact: As arranged (One semester)

Prize: John Madden Exhibition ($200)

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 mootng experience.

Content: Supervised and arranged research and compilation and submission of written briefs in an area of International Law, for the Philip 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: Mr D Hunter *, Dr D Wood *
Prerequisites: Torts and the Process of Law; History and Philosophy of Law.
Contact: 2 hours per week (Both semesters)

Prizes: Supreme Court Exhibition ($200) Heam Exhibition ($30)
**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, Mr R. Naughton

**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)

**Prize:** Freehill, Hollingdale and Page ($300)

**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; and practical application of enterprise bargaining in Australia; be able to identify the major statutory and common law constraints on the organisation and functioning of trade unions in Australia; demonstrate an understanding of the common law and statutory constraints on the taking of industrial action by workers in Australia; appreciate the historical, political and economic forces which influence the nature, scope and operation of labour relations law in Australia; have further developed the fundamental legal skills of analysing, applying, synthesising and evaluating legal rules and principles; and have developed a system of values pertaining to, and a greater interest in, the role of the law in regulating workplace relations.


**Assessment:** Either Research Essay or Assignment 6000 words (60 per cent) and Final Exam 1 1/2 hours (40 per cent); or Final Exam 3 hours (100 per cent).


**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)

**Prize:** Gadens Ridegway Exhibition ($200)

**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 1983.

Assessment: Either Research Assignment - topics may be chosen by student and approved by lecturer 3000 words (30 per cent) and Final Exam 2 hours (70 per cent); or Final Exam 3 hours (100 per cent).


730-371 LAW AND ARTIFICIAL INTELLIGENCE

Lecturer: Mr D Hunter

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

Content: General introduction - historical development (roots in 19th century utilitarianism, response to legal realism) and current significance as a legal discipline; goals (rigorous approach to determining/evaluating economic consequences of law); scope of application contrasting old law and economics (where use of economic analysis self-evident since law explicitly implementing economic goals) with new law and economics/economics of law (where application is across 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 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: Expert system construction (includes system analysis exercises, system design, implementation and documentation) (50 per cent) and Final Exam 3 hours (50 per cent).


730-387 LAW AND ECONOMICS

Lecturer: Ms M Richardson

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

Contact: 2 hours per week (First semester)

Prize: Spero Wilson Memorial Scholarship ($200)

Objectives: Students completing the course should: understand the value of law and economics as a tool for analysing the law and for promoting and guiding changes in the law; have a grounding in the principles of law and economics including methodology, assumptions, approaches; be able to apply law and economics analysis to a range of issues with which they are already familiar (and therefore can approach at an in depth level); be capable of critically evaluating the use of law and economics methodology and identifying the limits of law and economics as an effective tool for analysis in a socio/legal context.

Content: General introduction - historical development (roots in 19th century utilitarianism, response to legal realism) and current significance as a legal discipline; goals (rigorous approach to determining/evaluating economic consequences of law); scope of application contrasting old law and economics (where use of economic analysis self-evident since law explicitly implementing economic goals) with new law and economics/economics of law (where application is across 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 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: Expert system construction (includes system analysis exercises, system design, implementation and documentation) (50 per cent) and Final Exam 3 hours (50 per cent).


730-371 LAW AND ARTIFICIAL INTELLIGENCE

Lecturer: Mr D Hunter

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

Contact: 2 hours per week (First semester)

Prize: Spero Wilson Memorial Scholarship ($200)

Objectives: Students completing the course should: understand the value of law and economics as a tool for analysing the law and for promoting and guiding changes in the law; have a grounding in the principles of law and economics including methodology, assumptions, approaches; be able to apply law and economics analysis to a range of issues with which they are already familiar (and therefore can approach at an in depth level); be capable of critically evaluating the use of law and economics methodology and identifying the limits of law and economics as an effective tool for analysis in a socio/legal context.

Content: General introduction - historical development (roots in 19th century utilitarianism, response to legal realism) and current significance as a legal discipline; goals (rigorous approach to determining/evaluating economic consequences of law); scope of application contrasting old law and economics (where use of economic analysis self-evident since law explicitly implementing economic goals) with new law and economics/economics of law (where application is across
the board; assumptions and methodology (introduction to concepts such as rationality, opportunity cost, marginal utility, externalities, transaction costs, Pareto versus Kaldor Hicks versions of efficiency); possible limits of law and economics (extent to which economic analysis can be used as compared to other standards such as fairness, happiness); interaction with other mainstream philosophies (in particular critical legal studies, postmodernism, feminist theory).

Application to selected substantive areas of the law - both in terms of how courts/legislators and law reformers are using law and economic analysis and also how their use might be improved. Special topics will include: property law (in particular the concept of property with a specific focus on intellectual property rights); tort law (in particular the doctrine of negligence and alternatives such as strict liability, assumption of risk, statutory regimes); contract law (in particular the basic assumptions behind contract law of equal bargaining with positive sum result, limits on contract law and doctrines such as unconscionability, good faith).

Critique of law and economics in the light of the above substantive analysis - determining the limits of law and economics methodology in a society such as Australia including distinctions if any, to be drawn between legislators and courts (should judges attempt such analysis, and how should economic factors be balanced against considerations such as fairness to the parties?).

Assessment: Either Research Essay 4000 words (66% per cent) and Final Exam 1 hour (33½ per cent) or Final Exam 3 hours (100 per cent).

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

730-391 LAW AND INDIGENOUS SOCIETIES IN AUSTRALIA

Lecturer: Ms M Tahan

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

Contact: 2 hours per week (Second semester)

Prize: Raynes Dickson Memorial Exhibition ($200)

Objectives: Students completing this subject should: have developed an understanding of the range of critical and theoretical analyses of the underlying assumptions of the Anglo/Australian legal system and the implications of these for the relationship between the system and Indigenous Australians; have gained an understanding and awareness of the spiritual, cultural and historical factors and the contemporary social, political and historical forces that affect the lives of Indigenous Australians; have gained an understanding of the legal consequences of colonisation and the subsequent operation of the Anglo/Australian legal system upon the lives of Indigenous Australians; have gained an understanding of the constitutional history and framework of laws and government affecting Indigenous Australians; have gained a critical understanding of the common law and legislative regimes that regulate land tenure, use and management, including resource development, of Indigenous Australians; understand the ways in which the Anglo/Australian legal system and the law of Indigenous Australians intersect and conflict and in particular have developed a critical analysis about the issues surrounding proposals for the recognition of customary law within the Anglo/Australian legal system; have developed an understanding of the impact of the criminal justice system on the lives of Indigenous Australians and the specific ways in which the criminal justice system deals with Indigenous Australians; have gained an understanding of sovereignty as a legal and political concept and of the significance of sovereignty for Indigenous Australians both domestically and at international law; have gained an understanding of the concept of self-determination and the ways in which it may be implemented within the Anglo/Australian legal and constitutional system; have gained an understanding of the ways in which the experiences of indigenous people in other common law countries are relevant to and may inform legal and political debate on issues relating to Indigenous Australians.

Content: Indigenous laws and cultures: past and present, diversity and cohesion of Indigenous societies, language, demography, social conditions including health, housing, employment, impact of the criminal justice system; Land: tenure, communal native title, Murray Islands case (and subsequent cases) Native Title legislation, Native Title Tribunal, statutory tenure including Aboriginal reserve lands and the assumptions underlying the different regimes; Land: historical uses and management, current uses and management regimes, resource planning and use issues including access, participation and benefits deriving from resource projects; Government: sovereignty, constitutional issues, division of responsibilities between Commonwealth and States and Territories, financial arrangements arising out of these issues; Government: self-government regimes, self-management, ATSIC as an example of self-management, self-determination, the difference between these concepts, activities in other countries promoting and developing self-management; Human rights and anti-discrimination law including constitutional issues, international law perspectives, the concept of ‘equality’ and ‘special measures’ under the Racial Discrimination Act 1975 (Cw); The interaction between customary law and the Anglo/Australian legal system, possible methods of recognition, critical analysis of the range of proposed methods of recognition; Sovereignty, international law and the rights of indigenous people including the quest for recognition of sovereignty at international law, sovereignty as a domestic issue, activities and processes in international forums including the United Nations; Proposals for Reconciliation including a Treaty and its implementation, constitutional entrenchment, international precedents; In relation to each topic students will be required to engage in critical analysis of the content of the law and the assumptions underlying it and its impact on Indigenous Australians.
Assessment: Research Essay 5-6000 words (100 per cent) or Research Project undertaken at an organisation of Indigenous Australians (100 per cent).

Prescribed texts: McRae, Nettheim and Beacroft, Aboriginal Legal Issues (LBC 1991); Native Title Act 1993 (CW); Land Titles Validation Act 1993 (Vic) (As Amended); Aboriginal Land Rights (Northern Territory) Act 1976 (CW). Printed materials will be issued by the Law School.

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 (Second semester)

Prize: Just Australia China Holdings ($200)

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.

Content: Topics will be drawn from the following areas: The place of law in Chinese society; Historical, political and philosophical influences; Legal institutions and their role in the machinery of state; The relationship between law and administration; Legal mechanisms for social control; Criminal and administrative law; Labour law and trade unions; Civil law relationships; Family law; Tort, contract. Commercial relationships; Contract, Foreign related trade and investment law; Securities markets; Copyright; Domestic enterprises; Dispute resolution.

Assessment: Either Research Essay 5000 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: Prof M Smith

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 (First Semester)

Prize: Jessie Laggatt Scholarship ($200)

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; 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 system; 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 5000 words (100 per cent) or Final Exam 3 hours (100 per cent).

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

730-358 LAW AND SOCIETY IN MALAYSIA

Lecturer: Mr T Lindsey

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

Contact: 2 hours per week (Second semester)

Prize: Robert Craig Exhibition ($200)

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.

730-381 LAW OF PLANNING AND ENVIRONMENT

* Not offered in 1995

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

Contact: 2 hours per week (First semester)

Prize: Gadiers Rodgeway Exhibition ($300)

Objectives: This subject will educate students in the following issues: the social and economic rationales for land use and environmental controls; the historical and institutional background to land use and environmental controls within Australia; the role of expertise and administrative discretion in the operation of these controls in contrast to traditional judicial method; the framework of land use planning and controls in Victoria and the operation of that system; the structure and enforcement of environmental pollution controls in Victoria; the uses and drawbacks of legal remedies; and the relationship between Federal powers and State powers with respect to planning, conservation and environment protection.


Assessment: Closed Book Test 2 hours (30 per cent) and Research Assignment 3500 words (70 per cent).


730-346 LAW OF SALE

Lecturer: Dr M Lambis

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

Contact: 2 hours per week (Both semesters)

Prize: Mallesons Stephen Jaques ($300)

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.


Assessment: Either Research Assignment 3000 words (33 per cent) and Final Exam 2 hours (67 per cent) or Final Exam 3 hours (100 per cent).

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

730-347 LAW OF SECURITY AND SECURED TRANSACTIONS

Lecturer: Mr N Ye". Prequisites: Torts and the Process of Law; History and Philosophy of Law. Contact: 2 hours per week (Both semesters)

Prize: 

Gadens Ridgeway Exhibition ($300)

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 (33 per cent) and Final Exam 2 hours (67 per cent) or Final Exam 3 hours (100 per cent).


730-383 LEGAL ETHICS AND PROFESSIONAL CONDUCT

Lecturers: Mr Justice P Cummins*, Mr G Glennen, Mr G Reinhardt. Prequisites: Torts and the Process of Law; History and Philosophy of Law. Only final year students may enrol in this subject.

Prize: Sir Charles Lowe Prize ($175)

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.


Assessment: Research Paper 3000 words (30 per cent) and Final Exam 2 hours in July in Trust Accounts and Final Exam 3 hours in November on Ethics and Conduct (70 per cent).


730-318 LEGISLATION

Lecturers: Prof S Clark. 
Prerequisites: Torts and the Process of Law; History and Philosophy of Law; Constitutional and Administrative Law

Quote: 25

Contact: 2 hours per week (Both semesters)

Prize: Dwyer's Prize ($300)

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 limits to the powers of the legislature; have examined in detail the way legislation is formulated, the process of its scrutiny and 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 issued by the Law School.

730-348 MEDIA LAW

Lecturer: Prof S Walker, Prof M Armstrong
Prerequisites: Torts and the Process of Law; History and Philosophy of Law.

Contact: 2 hours per week (Both semesters)

Prize: Cornells Chambers Westgarth ($300)

Objectives: This subject aims to examine and critically evaluate the legal rules which (a) restrict newspapers and broadcasters in obtaining and reporting information and (b) govern ownership and control of media organisations. 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-judge 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: blasphemy; incitement to racial hatred. Reporting political events: contempt of parliament; election material; section D notices. The Press Council: establishment; role; practical examples of complaints upheld or dismissed. Programming restrictions: television, radio and children's standards; special restrictions
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 texts: Broadcasting Services Act 1992 (Cth). Printed materials will be issued by the Law School.

730-388 MIGRATION LAW

Lecturer: Ms K Rubenstein *
Prerequisites: Torts and the Process of Law, History and Philosophy of Law, Constitutional and Administrative Law
Contact: 2 hours per week (Second Semester)
Attendance at one session of the Victorian Immigration Advice and Rights Centre and one hearing at the Immigration Review Tribunal.

Prize: Spero Wilson Memorial Scholarship ($200)

Objectives: Students completing this subject should be able to: analyse the legal framework regulating entry to Australia; determine its coherence, fairness, and effectiveness; develop skills of statutory interpretation through examining the Migration Act and Regulations and relevant court decisions; discuss policy issues, including the access of non-citizens and illegal entrants to administrative review, the significance of citizenship, Australia's responsibility to refugees and the impact of culture differences; to give migration clients accurate practical advice on the law, and be aware of appropriate legal remedies; examine the relationship between Immigration Law and other areas of Law such as Administrative Law and Human Rights Law.

Content: The course begins with an outline of the issues affecting Immigration law; state sovereignty, the history of Australian immigration policy and an introduction of the relevant concepts such as permanent residence, change of status, refugees etc. An analysis of the Constitutional power of the Commonwealth to legislate in the area is then covered. The basic structure of the Migration Act is reviewed prior to 1989 and post 1989 and an analysis of the validity of the regulations is undertaken. The different categories of visas and entry permits such as permanent residency and temporary residency will be examined and the grounds for change of status will be reviewed. An examination of the position of refugees is then covered looking at the International Convention and the Australian decisions. The areas of deportation and compliance will then be examined. The ability for merits review and the avenues of judicial review will then be examined and students will hear about running an Immigration case in the Federal Court. The next topic will be citizenship and multiculturalism and how those notions are related to immigration.

Assessment: Research Assignment 3000-4500 words (50 per cent), Report on practical experience 1000 words (20 per cent) and Final Exam 1½ hours (30 per cent).
Prescribed texts: Printed materials will be issued by the Law School.

730-320 NATURAL RESOURCES LAW

* Not offered in 1995

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

Prizes: Australian Mining and Petroleum Law Association ($500) Mallesons Stephen Jaques ($300)

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

**Assessment:** Research Assignment 10 000 words (100 per cent).

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

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### 730-413 RESEARCH PROJECT

**Lecturer:** Prof S Walker  
**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:** No formal meetings (Both semesters)

**Prizes:**  
- Victorian Environmental Law Prize ($500)  
- Davies Ryan De Boos/Davies Collison Cave Research Prize in Intellectual Property ($500)

**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).

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### 730-321 RESTITUTION

**Lecturer:** Dr M Bryan  
**Prerequisites:** Torts and the Process of Law; History and Philosophy of Law  
**Contact:** 2 hours per week (First semester)  
**Points:** From 1995 this subject will be worth 10 points

**Prize:** Phillips Fox ($250)

**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:** Introduction: the history and basic concepts of restitution. The meaning of "unjust", and the different forms of enrichment (money, goods and services) recognised by the law. The family home: a special study of the use of the concept of unjust enrichment in matrimonial home disputes, and the relevance of these disputes to the general law of restitution. Mistake: recovery of money paid under mistake, and restitution in respect of services rendered under a mistake. Compulsion: restitution of benefits conferred under actual or threatened pressure, including economic duress. Restitution from government and public authorities. Restitution in cases of necessity. The role of agency of necessity. Restitution for benefits conferred under ineffective contractual or proprietary transactions. The role of free acceptance and failure of consideration. Restitution for wrongs including waiver of tort. Defences to restitutionary claims, including change of position and estoppel. Restitutionary remedies, with special reference to 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.

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### 730-324 RESTRICTIVE TRADE PRACTICES

**Lecturer:** Mr G Stapledon  
**Prerequisites:** Torts and the Process of Law; History and Philosophy of Law

**Contact:** 2 hours per week (Both Semesters)

**Prize:** Corrs Chambers Westgarth ($300)

**Objectives:** Students completing this subject should be able to: examine and evaluate the way the common law and the legislation 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.

**Content:** Introduction. What is a restrictive trade practice? How do restrictive trade practices affect competition in a market? Development of the common law doctrine of restraint of trade. Development of, and rationale for, American anti-trust law and Australian restrictive trade practices law. The constitutional operation of the Trade

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)
Prize: Samuel Pond Prize ($120)

Objectives: Students who complete this course will: 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 and democracy (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 2500 words (50 per cent) and Final Exam 1½ hours (50 per cent); or Research Essay 5000 words (100 per cent); or Final Exam 3 hours (100 per cent).

730-389 ROMAN LAW

* Not offered in 1995
Prerequisites: Torts and the Process of Law, History and Philosophy of Law.
Contact: 2 hours per week (Both semesters)
Prize: Dwight's Prize ($300)

Objectives: Students studying this subject should: understand the influence of social, political and economic factors on the development of Roman Law during the period 450 BC to 533 AD; be familiar with the modern and ancient sources of Roman private law; be able to trace the historical and jurisprudential development of the major legal principles of Roman private law; be familiar with the various divisions of Roman law; understand and be able to apply principles and rules of Roman law to specific problems; understand and account for the survival and reception of Roman law in modern times.


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).

730-372 SEX DISCRIMINATION LAW

* Not offered in 1995

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: 2 hours per week. (One 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 family responsibilities, 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 5000 words (100 per cent) or a Take-Home Examination (100 per cent).


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**730-323 SUCCESP**

**Lecturer:** Mr R Boaden

Prerequisites: Torts and the Process of Law; Property. 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)

**Prize:** Purves Clarke Richards ($300)

**Objectives:** Students completing this subject should be able to prepare wills and be familiar with the principles relating to the construction of wills; to administer a deceased estate, whether the deceased left a will or died intestate; and familiar with the purpose and procedure of contentious probate applications and applications for family provision.

**Content:** The law of wills, including the requirements for making and revocation of wills; the law and procedure relating to obtaining grants of probate and letters of administration, including limited grants and contentious applications; 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).


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**730-407 TAXATION**

**Lecturers:** 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)

**Prize:** Arthur Andersen ($1000), Blake Dawson Waldron ($300)

**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:** Either Research Essay 5000 words (50 per cent) and Final Exam 1½ hours (50 per cent); or Final Exam 3 hours (100 per cent).


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**730-403 TAKEOVERS AND SECURITIES REGULATION**

**Lecturer:** Ms A O’Connell

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

**Contact:** 2 hours per week (Second semester)

**Prize:** Corms Chambers Westgarth ($200)

**Objectives:** Students completing this subject should have: examined in greater depth the concept of company securities dealt with briefly in Corporations 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 Essay 3000 words (50 per cent) and Final Exam 1½ hours (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.

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**730-303 TORTS 2**

**Lecturer:** Prof H Luntz

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

**Contact:** 2 hours per week (Second semester)

**Prize:** Jessie Leggatt Scholarship ($200)

**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: After an introduction to the nature and objects
of tortious liability and a discussion of the historical
derivation of modern torts, including the distinction
between actions in trespass and on the case, the course
will deal with selected issues in the law of trespass to
the person, such as when consent to the invasion of
the person may be ineffective and the problem of the limitation
of actions in cases of child abuse. The course will then
consider in detail a range of torts, which will vary from
year to year. The torts considered may include false
imprisonment; malicious prosecution and abuse of
process; deceit, and negligence as a remedy for
misrepresentation and other instances of pure economic
loss; trespass to land; nuisance; and remedies for the protection of the proprietary interest in goods, such as
detinue, conversion and trespass to chattels.

Assessment: Either Research Essay 2500-3000 words
(50 per cent) and Final Exam 1½ hours (50 per cent); or
Final Exam 3 hours (100 per cent).

Prescribed texts: Luntz and Hambly, Torts: Cases and
Commentary 4th ed 1995 Butterworths. Students should
also purchase one of Fleming Law of Torts 8th ed 1992
Butterworths, Trindade and Cane, Law of Torts in Australia
2nd ed 1993.

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.

A series of four weekly lectures on advocacy skills and on
the trial and appeal process will be held commencing the
first week of first semester. 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 weeknights during first and second semesters.
Observers are welcome to attend. Any enquiries may be
made to Christina Clayton ext 7912.

The subject Evidence is not a prerequisite to
participation in the program. It is appreciated that many
students may not have undertaken this subject 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.

Minter Ellison Morris Fletcher generously sponsored
this program in 1994.

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
Washington 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, 1989, 1993 and 1994 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, in 1993 the
team won the International Competition and the prize for
the best written briefs and in 1994 the team was runner
up in the oral 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.

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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: Civil Procedure, Corporations Law, Evidence 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:

<table>
<thead>
<tr>
<th>On or after 1 January 1993</th>
<th>On or after 1 March 1994</th>
</tr>
</thead>
<tbody>
<tr>
<td>Criminal Law &amp; Procedure</td>
<td>Criminal Law &amp; Procedure</td>
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<td>Torts</td>
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<td>Property</td>
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<td>Trusts or Equity</td>
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<td>Administrative Law</td>
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<td>Constitutional Law</td>
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<td>Civil Procedure</td>
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<td>Evidence</td>
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<td>and Accounting OR</td>
<td>and Accounting OR</td>
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<td>(including Trust Accounts)</td>
<td>(including Trust Accounts)</td>
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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.

Submission of Essays or Assignments: 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 Regarding Word Limits on Assignments: Several years ago the Faculty formalised its policy in relation to the enforcement of word limits imposed on assignments. 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.

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.

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.
(6) Where joint work is submitted, the express approval of the lecturer in charge of the subject MUST be obtained beforehand.

<table>
<thead>
<tr>
<th>Subject No.</th>
<th>Subject Type of Work</th>
<th>Compulsory or Optional</th>
<th>Value</th>
<th>Timing</th>
<th>Marking Policy Code</th>
<th>Joint Work Permitted</th>
</tr>
</thead>
</table>
| 730-302     | Advanced Administrative Law
             | Research Assignment (not exceeding 6,000 words) | Compulsory 50% | Set: TBA |
|             | AND Seminar Paper    | Compulsory 50%         | Due: TBA |
|             |                      |                        | Return: TBA |
| 730-356     | Advanced Constitutional Law
             | Research Assignment 10,000 words | Compulsory 100% | Set: 19 April
             | OR Final Exam: 3 Hours | Compulsory 100% | Due: 20 October
             |                        |                        | Return: With final results |
|             |                      |                        |          | 2 No |
| 730-330     | Advanced Contract Law Final Exam: 3 Hours | Compulsory 100% | November |
| 730-408     | Advanced Taxation Law Research Essay 5,000 words | Compulsory 100% | Set: 1 April
             | OR Final Exam: 3 Hours | Compulsory 100% | Due: 21 May
             |                        |                        | Return: 17 July |
|             |                      |                        |          | 2 No |
             |                      |                        |          | |

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<table>
<thead>
<tr>
<th>Subject No.</th>
<th>Subject</th>
<th>Type of Work</th>
<th>Compulsory or Optional</th>
<th>Value</th>
<th>Timing</th>
<th>Marking Policy (Code)</th>
<th>Joint Work Permitted</th>
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<tr>
<td>730-377</td>
<td>Australian Superannuation Law</td>
<td>Research Essay 4,000 words</td>
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<td>Return: 31 October</td>
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<tr>
<td>730-309</td>
<td>Banking and Negotiable Instruments</td>
<td>Research Assignment 2,500-3,000 words</td>
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<td>AND Final Exam: 2 Hours</td>
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<td>730-384</td>
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<td>730-392</td>
<td>Comparative Constitutional Law</td>
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<td>OR Final Exam: 2 Hours</td>
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<td>Return: 22 September</td>
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<th>Subject No.</th>
<th>Subject</th>
<th>Type of Work</th>
<th>Compulsory or Optional</th>
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<th>Marking Policy (Code)</th>
<th>Joint Work Permitted</th>
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<tr>
<td>730-334</td>
<td>Corporations Law (Year)</td>
<td>Research Essay 3,000 words</td>
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<td>OR</td>
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<td>Compulsory 3 Hours</td>
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<td>730-393</td>
<td>Corporations Law (First semester)</td>
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<td>AND Final Exam: 1 1/2 Hours (if assignment is submitted)</td>
<td>Compulsory</td>
<td>50%</td>
<td>November</td>
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<td>OR Final Exam: 3 Hours (if no assignment is submitted)</td>
<td>Compulsory</td>
<td>100%</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;
(e) 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.

SUBMISSION OF 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. Students submitting an assignment by post are advised to use certified mail and that assignments must arrive in the Law School Office by 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 submitted 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.

The guidelines relating to late submission of assignments are currently under review.

**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. These 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 grouped.
SUPPLEMENTARY EXAMINATIONS

Supplementary examinations will be allowed to candidates in the following circumstances:

1. In terms of Statute 12.4., where, on grounds of special consideration, Faculty, through its Special Consideration Committee, directs the Examination Board in question to administer a supplementary component of assessment.

2. In terms of a resolution of Faculty made under the provisions of Statute 12.4.3.

   a) where a candidate:
      has failed in Law subjects aggregating not more than 30 points, and;
      has obtained not less than 40% in such subject(s) in the annual assessment, and;
      requires passes in the subject(s) concerned to qualify in that year for admission to the LLB degree.

   b) where a candidate:
      has failed in Law subjects aggregating not more than 20 points, and;
      has obtained not less than 40% in such subject(s) in the annual assessment, and;
      requires a pass in the subject(s) concerned
      (i) to qualify for admission to some other degree of the University in those cases where the candidate has been pursuing a combined degree course including Law and intends to abandon further studies in Law; or
      (ii) to retain or qualify for an entitlement to a living allowance under AUSTUDY.

   c) where a candidate:
      has failed in Law subjects in which he or she is enrolled as a continuing education student and;
      has obtained not less than 40% in such subject(s) in the annual assessment, and;
      requires a pass in the subject(s) concerned in order to be admitted to practise as a barrister and solicitor in Victoria within the next year. Provided that, even where the candidate has obtained less than 40% in such subject(s), and provided special circumstances exist, the Associate Dean may, after consultation with the examiners in question, exercise a discretion to allow a supplementary examination.

3. No supplementary examinations shall be allowed to candidates enrolled in Research Project or Jessup Moot.

4. Candidates seeking supplementary examinations on grounds of special consideration must make application in the prescribed form to the Program Manager, Undergraduate Studies, within three days after the date specified for the component of assessment in question and must provide proof of the circumstances relied on.

5. The Directions of the Academic Registrar pursuant to Statute 12.2.10(2) state that absence or lateness due to misreading the examination timetable does not entitle a student to any further examination or special consideration.

FORM OF SUPPLEMENTARY EXAMINATIONS

If a 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 Noticeboard.

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

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 supplementary examination.

HONOURS MARKS OBTAINED IN SUPPLEMENTARY EXAMINATIONS

It is possible for you to be awarded honours in a supplementary examination.

If you are awarded honours in a supplementary 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 but honours obtained in supplementary examinations will be unranked honours.

The Final Honours Board will consider any honours obtained in supplementary 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 supplementary examinations.
SPECIAL CONSIDERATION

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 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, decisions 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.

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 supplementary examination.

If you are selected to represent Australia in a sporting event the timing of which prevents you from sitting the scheduled examination you may apply to the Program Manager, Undergraduate Studies to defer your 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 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 supplementary 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 supplementary 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.

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 supplementary examination.

If you are selected to represent Australia in a sporting event the timing of which prevents you from sitting the scheduled examination you may apply to the Program Manager, Undergraduate Studies to defer you 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 supplementary 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 supplementary 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 supplementary 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 supplementary 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 supplementary examination.

If you are granted a supplementary examination you will be deemed to have elected to stand on the marks awarded at the supplementary 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 supplementary 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 supplementary 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 supplementary examinations.

### APPEALS AGAINST RESULTS

Statute 12.22 states that components of assessment may include any examination, essay, test exercise, article, thesis or other requirement prescribed in the details of subjects or determined by an examination board under section 3 of Statute 12.3 and any additional assessment.
Students may consult examiners to discuss a component of assessment and the Law School has a policy whereby examiners will meet students to provide educational advice about what is required for better performance. Examiners, however, will not be required to defend or justify particular results and have no authority to change any result unless some mechanical error is detected.

In the event of a challenge to the mark of a component of assessment the Associate Dean, Undergraduate Studies will investigate the complaint, form an opinion as to whether an appeal to the Academic Board is likely to be successful and take steps in accordance with that opinion. However, the Associate Dean, Undergraduate Studies has no authority to review any matter of academic judgment on the part of examiners or an examination board.

The Academic Board may decide any dispute or question in relation to assessment other than a decision by an examiner or examination board in relation to the academic performance of a student in any component of assessment which is based solely on academic judgement.

**STUDENT PROGRESS**

See also the Student Diary and Statute 11.5 in the 1988 Consolidation of University Statutes and Regulations contained in the University Calendar.

**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

(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 be taken is then compiled. Each student whose name appears on the list is notified and invited to make a written submission to the appropriate Progress Committee. Arrangements are also made for each student to be interviewed by the Progress Committee.

At the interview the student is given the opportunity to be heard and any information before the Committee 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 also notified in writing by post. 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.

**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 programs following that assessment.

STUDENTS WITH DISABILITIES

The Law School welcomes students with disabilities. Some of you, however, may find access to some parts of the Law School building difficult. It is an old building with only two lifts, one in the Library and another in the East Wing of the law Quad, which goes up to the first floor only. 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.

Access to Classrooms: Although some of our teaching rooms are inaccessible for students in wheelchairs, it is usually possible to arrange suitable rooms if there is an access problem. Please inform the Program Manager Undergraduate Studies about any access requirements when enrolling each year/semester. If you have a vision impairment, and are unable to see whiteboards or overhead projector screens properly, please tell your lecturer so that alternative arrangements can be made. If you have a severe physical disability or hearing impairment and need a notetaker, contact the University's Disability Liaison Officer on 344-7068.

If you require special arrangements for assessment please apply on the appropriate application form available from the Disability Liaison Office, four weeks prior to the examination period.

Access to teachers: Although some lecturers' offices are inaccessible by wheelchair there is a telephone in the Law Library which you may use to contact staff members who can arrange to meet you elsewhere. If you are unable to use the phone, ask the Library Staff to assist you.

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.

General: A booklet called 'Handbook for Students with Disabilities' sets out general information about 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 on the Ground Floor of 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.

The information in this Course and Subject Guide is correct at the time of writing, 26th August 1994. Students should check the noticeboards in the faculty building from time to time for additional information and for any changes to the information published in this guide.