

ANU COLLEGE OF LAW

THE AUSTRALIAN NATIONAL UNIVERSITY

THE LAW SCHOOL
LLB HANDBOOK

2006

This publication is intended to provide information about the ANU College of Law which is not available elsewhere. It is not intended to duplicate the *Undergraduate Handbook 2006* which **should be referred to** whenever a student is in doubt about any aspect of the law program. Copies of the *Undergraduate Handbook* may be purchased from the University Co-op Bookshop on campus, local booksellers and some newsagents. It can be found on the Web at: <<http://www.anu.edu.au/handbook/>>. The authoritative version of the *LLB Handbook* at any particular time is the Handbook as published on the Web at that time.

The *LLB Handbook 2006* can be found on the Web at:

<<http://law.anu.edu.au/Publications/lb/2006>>

ANU College of Law

February 2006

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MESSAGE FROM THE DEAN

A very warm welcome to the ANU Law School in 2006—to our local students, to those who have come from other parts of Australia, and to those who have come from overseas. We welcome you as a collective body and as individuals. Your presence here is pivotal to the life of this great law school.

And it is a great law school, embedded in a great university. The ANU was, for example, ranked by the *UK Times Higher Education Supplement* in 2004 as the top university in Australia and 16th in the world. As staff, we take great pride in being a part of this success. I hope that you will feel the same.

How our reputation for excellence impacts on you will vary from individual to individual, but I hope you will be able to take full advantage of the opportunities offered by the LLB curriculum, which, in addition to the well-set core of compulsory courses, includes a diverse range of electives, clinical programs, internship opportunities, overseas exchanges, and substantial research and writing projects, such as the honours thesis. I hope, also, that you will find time to engage in extra-curricula opportunities.

As you steer your way through the myriad of choices, there is a whole team of people in the Law School Office to help you, led by Sub-Dean Peta Spender and Student Administration Manager Sue Hancock. Please shed any reticence you might have in calling on them, or indeed in seeking help from anyone on staff, myself included.

The basic information you need is in this LLB Handbook. It deals with the technicalities of your time here, but may I take this opportunity to encourage you to engage with the deeper side of law school. The ANU Law School has an ethos not only of commitment to excellence in teaching and research, but also of commitment to the continuous improvement of the law and the legal system. I encourage you to engage actively with the intellectual and social life of the law school, but also to think seriously about how you might, in the course of your careers, put your legal knowledge and skills to use, not only for your own personal benefit but also for the benefit of society. I hope that the active engagement of many of my colleagues in research, writing and activities related to law reform and social justice will inspire you to think about law as much more than an end in itself.

That may seem a far cry from knowing the rules that govern your progression through the LLB. But one needs a sound platform for any venture, and this is your platform for a trouble-free, productive, and satisfying time at law school. That is what I wish for you in 2006.

Professor Michael Coper
Dean of Law and Robert Garran Professor of Law

ACADEMIC CALENDARS

Calendar 2006	
First Semester	20 February – 02 June
First teaching period begins	Monday 20 February
First teaching period ends	Friday 07 April
2-week teaching break	Monday 10 April – Friday 21 April
Second teaching period begins	Monday 24 April
Second teaching period ends	Friday 02 June
6-week teaching break	Monday 05 June – Friday 14 July
Second Semester	17 July – 27 October
Third teaching period begins	Monday 17 July
Third teaching period ends	Friday 01 September
2-week teaching break	Monday 04 September–Friday 15 September
Fourth teaching period begins	Monday 18 September
Fourth teaching period ends	Friday 27 October
2006 Public Holidays	
	Canberra Day–Monday 20 March
	Easter–Friday 14 April–Monday 17 April
	Anzac Day–Tuesday 25 April
	Queen's Birthday–Monday 12 June
	Labour Day–Monday 02 October

Calendar 2007	
First Semester	
First teaching period begins	Monday 19 February
First teaching period ends	Thursday 5 April
2-week teaching break	Friday 6 April – Friday 20 April
Second teaching period begins	Monday 23 April
Second teaching period ends	Friday 1 June
6-week teaching break	Monday 4 June – Friday 13 July
Second Semester	
Third teaching period begins	Monday 16 July
Third teaching period ends	Friday 31 August
2-week teaching break	Monday 3 September–Friday 14 September
Fourth teaching period begins	Monday 17 September
Fourth teaching period ends	Friday 26 October
2007 Public Holidays	
	Canberra Day–Monday 19 March
	Easter–Friday 6 April
	Anzac Day–25 April
	Queen's Birthday–Monday 11 June
	Labour Day–Monday 1 October

STAFF

Executive Office	
Dean of the ANU College of Law Michael Coper	Executive Assistant to the Dean Karen Heuer
Associate Dean and Head of School, Stephen Bottomley	Executive Assistant to the Head of School and College Executive Officer Vera Joveska
Director, Legal Workshop, Gary Tamsitt	
Assoc. Director, Legal Workshop, Tony Foley	
College Executive Officer, Alison Daun	
Law School Office	
Sub-Dean, Peta Spender	Administration Tanya Blewitt Sue East Sue Hancock, Manager Kathleen Hicks Lauren Kish Dinah Rigg
Assistant Sub-Deans	
Jean-Pierre Fonteyne (International Exchanges) Mark Nolan (Careers) Pauline Ridge (Careers)	
Services Office	
Patrick Bellchambers Rohan Coppin Jayne Hardy, Manager	
Academic Staff of the ANU College of Law	
Kent Anderson (on leave Semester 2) Donald Anton George Barker Juliet Behrens Tim Bonyhady (on leave Semester 1) Kevin Boreham Stephen Bottomley Simon Bronitt Ven. Alex Bruce (on leave Semester 2) Hilary Charlesworth Jennifer Clarke Tony Connolly Michael Coper Robin Creyke Joachim Dietrich (on leave 2006)	Judith Jones Anne Macduff Penelope Mathew (on leave Semester 1) Shae McCrystal Leighton McDonald (on leave Semester 2) Anne McNaughton (on leave Semester 2) Wayne Morgan Mark Nolan Gabriele Porretto James Prest Pauline Ridge (on leave Semester 1) Matthew Rimmer Kim Rubenstein Amelia Simpson Peta Spender

<p>Mick Dodson AM Thomas Alured Faunce Daniel Fitzpatrick (on leave Semester 1) Jean-Pierre L. Fonteyne Miriam Gani</p>	<p>James Stellios Daniel Stewart Gregor Urbas (on leave 2006) Phillipa Weeks (on leave 2006) Fiona Wheeler (on leave Semester 1) Asmi Wood Matthew Zagor (on leave 2006)</p> <p>Legal Workshop Ben Battcock Graeme Blank Glenda Bloomfield David Catanzariti Tony Cibiras Lynn Du Moulin Tony Foley Judith Harrison Doug Hassall Vivien Holmes Margie Rowe Charles Rowland Hugh Selby Gary Tamsitt</p> <p>Staff Currently on Extended Leave Henry Mares John McMillan Adrienne Stone Antony Taubman Ben Wickham John Williams</p>
<p>Other Administrative Staff</p>	
<p>Centre Administrators Wendy Forster (NJCA) Kathleen Hicks (ACEL) Michellé Mabile (CCL) Kavitha Robinson (CIPL)</p> <p>Finance & HR Unit Stacey Breeze Jennifer Holloway Sally Trotter, Manager</p> <p>Executive Support Jennifer Braid</p>	<p>Legal Workshop Administration Annette Armstrong Katrina Armstrong Laurel Claunch Maggie Rozanski Alicia Saiz Guillermo (Willy) San Martin JP Bob Sayce, Manager Wil Thomson Simon Trevitt</p>

	IT & Communications Unit Fiona Bush Phil Drury, Manager Alan Lew Andrew Vella Richard Vuckovic
Visiting Fellows, ARC Fellows, Adjunct Professors and Part Time Course Convenors	
Peter Bailey Gerry Bates AJ Brown Jim Davis Graham Fricke QC Don Greig David Hambly Barry Hooker France Houle Ann Kent Michael Kobetsky	Geoffrey Lindell Sir Anthony Mason AC KBE Dennis Pearce Richard Refshauge Jack Richardson Nicholas Seddon John Seymour Tom Sherman Brad Sherman Michael Smith Sue Tongue Peter Waight

COLLEGE INFORMATION

The ANU College of Law, formerly known as the ANU Faculty of Law, is Australia's national law school, and is known colloquially as the ANU Law School. The Law School encourages and maintains the highest standards of scholarship, research and teaching.

The ANU College of Law, unlike the other colleges at the Australian National University, is not divided into separate teaching departments.

THE DEAN

The Dean is responsible for the effective management of the College. This includes consulting with and receiving advice from a number of College committees. Students are represented on many of these committees.

ASSOCIATE DEAN AND SUB-DEAN

The Dean is assisted with the administration of the ANU College of Law by an Associate Dean and a Sub-Dean, both of whom form part of an Advisory Committee to the Dean. The Associate Dean is also the Head of School. In addition there are five Directors, each responsible for the oversight of a particular area of the College's administration. These areas are Legal Workshop, Research, Teaching and Learning, Graduate Program (Research) and Graduate Program (Coursework).

The Sub-Dean is a member of the teaching staff appointed to advise students and make decisions on matters requiring academic knowledge or judgment. The Sub-Dean is the person from whom students should seek advice on the following matters: course selection, status for previous studies, cross-institutional and non-award study, academic progress, special consideration and special exams, and College policies and practices relating to the undergraduate program.

If a student is worried about an individual course, they should discuss the problem with the member of staff concerned. The Sub-Dean can then assist the student if necessary.

APPOINTMENTS TO SEE THE SUB-DEAN SHOULD BE MADE THROUGH THE RECEPTIONIST (6125 3483 or enquiries.law@anu.edu.au).

ASSISTANT SUB-DEANS

The Law School has three assistant Sub-Deans: two are responsible for careers, and one is responsible for international exchanges.

COMMITTEES OF COLLEGE

The following is a brief description of the committees which provide advice to the Dean on undergraduate education matters.

ADMISSIONS COMMITTEE

This Committee, which usually consists of the Dean, the Head of School, the Sub-Dean, the Student Administration Manager, the Indigenous Student Adviser and two other members of the ANU College of Law, considers applications for entry to LLB programs.

INFORMATION TECHNOLOGY COMMITTEE

This Committee considers policy matters relating to the use of information technology in the ANU College of Law. Membership ordinarily consists of the Head of School, the Director of Teaching and Learning, IT&C Manager, Legal Workshop representative, College Executive Officer and College Marketing Manager.

UNDERGRADUATE STUDIES COMMITTEE

The Committee's role and responsibilities are to ensure that courses offered by the ANU College of Law are systematically reviewed and monitored, encouraging continuous improvement and accountability and to advise and make recommendations to the Dean on any aspect of the curriculum and teaching. One specific function of the Committee is to review proposed means of assessment to ensure compliance with the Law School's Assessment Policy (see below at page 40). Membership of the committee consists of the Chair (an academic staff member), the Dean (ex officio), the Associate Dean and Head of School (ex officio), the Sub-Dean (ex officio), Assistant Sub-Dean (ex officio), Director of Teaching & Learning (ex officio), the Student Administration Manager (ex officio), Director Legal Workshop or nominee, two members of academic staff, three student representatives (the President, Education Vice-President and one other member of the Law Students' Society), and two student representatives from the Law representatives on the ANU Students' Association.

The Committee may co-opt non-voting members from time to time.

LAW SCHOOL OFFICE (FORMERLY KNOWN AS THE FACULTY OFFICE)

Students seeking information or advice on any of the following matters should in the first instance seek advice from staff in the Law School Office situated on the ground floor:

- general student enquiries
- deciding to do a law degree, advice to school leavers, transferring from non-law disciplines, likely prospects for admission;
- program structure, choice of courses in different years of the program, full-time and part-time loads, prerequisites to courses and preliminary information on the choice of electives;
- transfers to or from other law schools;
- leave of absence;
- permission to enrol in restricted courses;
- tutorial enrolment;
- Summer School.

SERVICES OFFICE

The services provided by the staff of the office include:

- general enquiries;

- submission and later distribution of all assessment pieces, including examination script books;
- distribution of course materials (including course outlines and reading bricks); and
- the issuing of lockers

COURSE MATERIALS

Course materials are usually available from Orientation Week. There will be a course outline for each course. These are available free of charge from the Services Office or on-line from the course web page. For some courses there will also be a reading brick, which may be purchased. Advice on method of payment will be available from the Services Office in February 2006 for semester 1 courses and July 2006 for semester 2 courses. It is important that students collect course outlines only for the courses in which they are enrolled. Some additional handouts may be distributed in class.

Course material availability and prices of reading bricks will be posted on the ANU College of Law website: <<http://law.anu.edu.au/ServicesOffice/materials.html>>

POLICY ON REFUND ON READING BRICKS

There will be no refunds given from the Services Office on the purchase of reading bricks. Once a student has paid for the materials, they can only claim a refund from the Cashier at Student Administration in the Pauline Griffin Building the same day as the purchase.

It is advisable for students to keep their receipt.

OFFICE HOURS

The Student Services Office will be open during the following periods and times:

Orientation Week	10.30 am–5.00 pm	Monday to Friday
Semester	10.30 am–5.30 pm	Monday to Thursday
	10.30 am–5.00 pm	Friday
Term Break/Exam Period	10.30 am–5.00 pm	Monday to Friday
Collection of Assessment items/script books—see noticeboards		

LAW LIBRARY

As part of the ANU Division of Information, the Law Library provides access to a wide range of legal material in both print and electronic form. The library houses a significant collection of cases, legislation, books and journals that is both supportive of academic research and relevant to the program curriculum offered by the ANU College of Law. In addition to the print collection, legal resources are also available to ANU staff and students via the internet and through legal databases. With its group study rooms and two computer labs, the Law Library provides an ideal place for law students to meet and study.

The collection

Legislation and law reports, the primary materials of law, comprise more than half of the 130,000 volume collection. Like most large law collections, these primary materials are arranged by jurisdiction to facilitate access and use. The Law Library has a comprehensive collection of

primary materials from all Australian states and territories as well as the Commonwealth. Federal legislation and major case law reporting series from Great Britain, New Zealand, Canada and the United States are also included. Students of international law will also find a good collection of international treaties and primary resources. In addition to legislation and law reports, a significant array of legal journals, textbooks and looseleaf services provide commentary and analysis for the legal researcher.

Electronic resources

The Law Library subscribes to many legal online databases such as Lexis, Westlaw, Lawbook Online and LexisNexis.AU. Through the ANU Library website <<http://anulib.anu.edu.au>>, students can also access a wide range of multidisciplinary databases and internet resources. All of these networked resources are easily accessible both within the Law Library and through the extensive Info Commons computer laboratories on campus. Most resources are also available off-campus via the internet. The Law Library holds numerous tutorials to familiarise students with these databases and legal research techniques.

Borrowing materials

Undergraduate students may borrow most of the books in the collection for four weeks. Some books in high demand may be available for shorter periods as part of the Reserve Collection (see below). Legislation, law reports, journals and reference materials are for use within the library only although, as mentioned above, most of these materials are also available electronically. The ANU also offers a service enabling off-campus students who meet the criteria to borrow items from the collection.

Reserve collection

Textbooks and other materials in high demand for class work and essays are placed in the Reserve Collection and can be borrowed by students for two hours at a time. Some items are available on a two-day loan. Useful reference titles such as legal encyclopaedias, the Australian Digest Service and Australian Current Law are also located in the Reserve Collection. A significant number of journal articles recommended by lecturers for particular courses are available electronically as part of the Library's Electronic Reserve collection. Another popular item with students is the collection of past exam papers which are also accessible through the ANU Library website.

Getting assistance

Qualified library staff are happy to offer assistance to users new to legal research. Students who need help navigating through legislation or using an electronic database can obtain it at the Information Adviser's desk on the ground floor of the Law Library. For new students, tours of all library buildings on campus, including the Law Library, are held in Orientation Week and during the first week of each semester. Electronic resources tutorials are also offered at this time. Students in the first year of the LLB will receive more extensive legal research instruction through a series of library tutorials included in the course Foundations of Australian Law (LAWS 1201). Visiting the Law Library is an integral part of the law school experience. Come and get to know us!

LAW STUDENTS' SOCIETY

The ANU Law Students' Society (LSS) is the representative body for ANU law students, which plays a significant role in the life of the Law School by providing a wide range of social, educational and careers-oriented programs together with various publications. There is an \$8 membership fee, which entitles Society members to a range of discounts and services.

The Committee

The LSS consists of an elected committee whose general aim is to represent law students' interests at a College level, while providing students with opportunities to enrich their experience of the ANU law school. A new Constitution was written in 2003 which aims to facilitate corporate continuity, enhance accountability and outline a progressive and efficient organisation. There are five main Portfolios in the LSS: Education, Events, Administration, Careers and Finance. The President for 2006 is Niamh Lenagh-Maguire, who can be contacted at lss@anu.edu.au

For a full committee list and contact details, please visit our website:
<http://law.anu.edu.au/lss/>

Education: policy

LSS representatives sit on various College committees, chiefly on the Undergraduate Studies Committee. This ensures that law students' interests are represented when decisions are being made about program structures, courses to be offered, assessment schemes and other education and Law School issues. The Society always welcomes input from students interested in educational issues. The LSS, in conjunction with the Law School, runs several events which facilitate staff/student interaction. Of particular relevance in this context is the Staff/Student Symposium which provides an opportunity for staff and students to discuss important issues of mutual interest.

Education: services

In addition to the Society's representative capacity, the LSS Education portfolio also provides students with integral study support services including a tutorial register, exam tutorials with corresponding material on our site, and an on-line sample answer guide to assist students with exam preparation.

Events

The LSS runs a series of competitions including Mooting, Witness Examination, Client Interview, Paper Presentation and Negotiation. These competitions provide a valuable educational and practical experience for students. The winners are sent to the Australian Law Students' Association Conference in July and the Australian Client Interview and Negotiation Competitions in February to represent the ANU. The LSS also runs a 'buffet' of these competitions for first time competitors to try out the various competitions and develop their skills and confidence.

The LSS hosts a huge number of social events throughout the year. These range from \$2 Common room parties, lunchtime sporting events, the High Court Cocktail Party, through to the annual Law Ball – recognised as a highlight of the ANU social calendar. There are events to

cater for all students, including mature age, international and undergraduate students. The LSS has a Social Sub-Committee responsible for organising these events and is always interested in involving more students. Students are provided with an air-conditioned Common Room complete with TV and kitchenette on the ground floor of the Law building. Students are asked to care for this communal space, and to report any mess or breakages to the LSS or the Services Office.

Administration: publications

The Society has a regular newsletter, *The Brief*, which is distributed fortnightly, keeping law students up to date on the important issues around the law school. In 2006, we aim to publish the Brief electronically on our updated website. In addition, we publish a quarterly magazine, *Peppercorn*, incorporating articles, photos, reports and other interest pieces. We also produce a First Year Guide, the Careers Guide, and are hoping soon to produce an Academic Journal.

Careers: services

The Careers Portfolio, created two years ago, has expanded significantly since that time. The LSS publishes the annual Careers Guide, which has become an invaluable resource tool for students in making informed decisions about their futures. The Guide includes sections on employment in the private and public sectors, as well as international, alternative, and volunteer opportunities. The 2006 Careers Guide will be available online on our website and in hard copy early in Term 1. The LSS also runs a number of career fora with representatives from a range of organisations. A particularly successful forum is our 'Women in Law' evening.

Careers: community legal services

Several years ago the Society launched 'First Stop' in conjunction with ACT Legal Aid, Clayton Utz and the ACT Youth Coalition. This service provides free legal advice and referral for the youth of Canberra. It is open 1–5pm Monday to Friday and is staffed by student paralegals from the ANU Law School who are enrolled in the Clinical Youth Law Program (LAWS2235). Application opportunities will be advertised on the web and on posters. For information about the centre go to the web-site <<http://www.youthcoalition.net/firststop/>> or follow the link from the LSS site.

Finance: sponsorship

The LSS undertakes a significant and ongoing effort to obtain revenue from a variety of sponsors, and the constitutional changes of 2003 have reflected the importance of this. We also receive generous support from the ANU College of Law.

Finance: marketing

We aim to publicise our events and services to reach the largest audience possible. In addition to previous methods – lecture announcements, posters and our web-site –we have also invested in permanent signage, T-shirts, flyers and a member email capacity.

Get involved

The LSS is always interested in having new students contribute to our activities. Anyone interested in becoming involved in the LSS can be! If you would like to meet other students at

Law School, develop a variety of skills, enhance your employment opportunities or just generally improve your university experience, please contact us:

- Send an email to LSS@anu.edu.au
- Visit the office (GO 24) on the ground floor of the Law building, opposite Fellows Oval
- Call us on 0423 191 147 or phone/fax on 6125 0687
- Visit our website <http://law.anu.edu.au/lss>

PROGRAM INFORMATION

ADMISSION

Applicants for enrolment in the ANU College of Law must first meet the requirements for general admission to the University. Admission to the University does not guarantee enrolment in the ANU College of Law. The entry levels are set in late December or early January for entry in first semester and in June for entry in second semester if available. Entry levels may vary annually.

School leavers: the ANU College of Law may make selective offers to those who fall marginally below the cut-off, on the basis of demonstrated aptitude or motivation to study law, as evidenced by a brief statement of no more than one page. Applicants who are interested in being considered by this criterion should refer to the relevant entry in the Universities Admission Centre (UAC) Guide. High marks in English may improve an applicant's ranking for admission where the UAI or equivalent is marginally below the cut-off.

Transferees: applicants who have completed not less than the equivalent of a full first year load of a non-law degree program in minimum time (whether full-time or part-time) at the ANU or another Australian tertiary education institution may seek to transfer to a combined program with law or to the single law degree. Normally, the combined program requires a further four or four and a half years of study.

The level of attainment required for entry as a transferee in a particular year depends on the overall number and standard of applications. As a guide, to be ranked for placement, applicants should aim to achieve a better than credit weighted average (HD=7, D=6, Cr=5, P=4) in their tertiary studies. Some weighting is also placed on secondary results, so the lower the UAI or equivalent score obtained the higher the tertiary results need to be. Applicants who fall below the cut-off in a particular year may submit a one page statement direct to the ANU Law School setting out their commitment and motivation to the study of law and/or any other relevant information.

Graduates of other disciplines: Graduates are ranked for selection in order of academic merit based on performance in any previous qualification.

The level of attainment required for graduate entry in a particular year depends on the overall number and standard of applications. As a guide, to be ranked for placement, applicants should have achieved a better than credit weighted average in their previous degree(s) (HD=7, D=6, CR=5, P=4). It should be noted, however, that some weighting is still placed on secondary results. Applicants who fall below the cut-off in a particular year may submit a one page statement direct to the ANU Law School setting out any other relevant information which may include a case for disregarding secondary or particular tertiary results.

Transferring From Other Law Schools: candidates seeking to transfer to the ANU Law School from other recognised Australasian Law Schools are considered on academic merit. However, an applicant who falls below the cut-off requirement, but who has compelling reasons for transferring to the ANU may submit those reasons direct to the Law School. To obtain an ANU Law degree at least 50% of the courses required for the degree must be completed at ANU.

Applicants considering taking honours should note that at least two thirds of the law degree must be completed at ANU for a student to be eligible for an honours degree.

Transferring law students can expect to receive some status for their previous recent law studies. The quantum of status will depend upon the structure of the program of prior study and in many cases will not amount to full credit for previous studies. The degree at the ANU will normally have to be completed within ten years of the commencement of the first course for which status is granted.

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

Non-award-examinable enrolment – fee-paying: The Law School will consider applications from persons who hold a law degree seeking to enrol in courses offered by the ANU College of Law on a non-award-examinable basis. Applicants may include those who hold an overseas qualification or who wish to gain knowledge in a particular area of law. Applicants in this category are advised to consult the Law School Office for details. Application forms and details of closing dates may be obtained from the University Admissions Office. A late application charge will apply to applications received after the closing date.

<<http://www.anu.edu.au/sas/forms/sas11.pdf> >

Non-award-examinable enrolment – cross-institutional: The Law School will consider applications from students enrolled in other law schools seeking to enrol in courses offered by the College on a cross-institutional basis. Such applications will be assessed on the merits of the case made in the application form. The form can be obtained by contacting staff in the Law School Office. (02 6125 3483 or enquiries.law@anu.edu.au)

Prerequisites

There are no prerequisite school or tertiary subjects for law studies. However, an important skill of the intending law student is an ability to write clear, concise and correct English. High marks in English may improve an applicant's ranking for admission where the UAI or equivalent is marginally below the cut-off.

Applicants for the combined program of Bachelor of Actuarial Studies/Bachelor of Laws are required to have achieved at least 160 in ACT Advanced Mathematics Extended Major Minor (Specialist Mathematics post-2005) or at least NSW HSC Mathematics Extension 1 (Band E3), or equivalent. (Applicants should check with the School of Finance and Applied Statistics in the College of Business and Economics for clarification.)

Applicants for the combined program of Bachelor of Information Technology/ Bachelor of Laws must have ACT Advanced Mathematics or NSW HSC Mathematics, or equivalent. (Applicants should check with the Faculty of Engineering and Information Technology for clarification.)

Bachelor of Science/Bachelor of Laws applicants are advised that for some science courses, specific knowledge of mathematics, physics or chemistry is assumed. Details are available from the Faculty of Science.

INDIGENOUS AUSTRALIANS' SUPPORT SCHEME

In 1990 the ANU College of Law established an entry and support scheme to give Indigenous Australian students the opportunity to enter and the skills to succeed in studies for a law degree. This Scheme is fully supported by the ANU College of Law and works in association with the Jabal Centre for Indigenous Australian Students.

The Scheme is now well established with twenty graduates and an indigenous student group of twenty two spread through all years of the degree. Indigenous Australian legal issues are taught in various courses and the ANU College of Law offers the elective subject Indigenous Australians and the Law.

In 2000, the ANU College of Law officially launched the Indigenous Legal Employment Program—a program designed to encourage private sector law firms to employ Indigenous law students during their study and possibly after graduation. The firms have the option of employing students either as cadets under the Commonwealth National Indigenous Cadetship Program or as part-time employees. The students gain some financial support as well as being able to obtain law practice skills and supportive contacts within the legal profession. In 2002, the ANU College of Law launched the Indigenous Legal Mentoring Program. This program encourages practicing lawyers to mentor Indigenous law students during their study.

Two part-time Academic Advisers have been specially appointed to tutor the Australian Indigenous law students in academic skills. The support scheme provides weekly tutorials for first year subjects. The Advisers, in conjunction with the Jabal Centre also arrange for individual tutoring assistance in other subjects if the students have a need. Help with administrative problems and pastoral care are also provided and a social program gives the students a sense of peer support and cohesion. Indigenous students are also strongly encouraged to enrol in English in a Legal Context in their first year.

Several entry places are available each year for Australian Indigenous students who do not meet mainstream entry criteria. Offers are made on the basis that the applicant has the capacity to succeed in law studies given the extra coaching in academic skills that is available through the Scheme. Interviews and written tests for applicants are arranged by the Jabal Centre for Indigenous Australian students. Applications for entry through the Indigenous Alternative Entry Scheme close at the end of October and interviews are usually held in early December. For further information contact:

Asmi Wood 02 6125 8141 Email: Wooda@law.anu.edu.au or Anne Macduff on 02 6125 4633
Email: Macduffa@law.anu.edu.au or The Jabal Centre on 02 6125 3520 Fax: 02 6125 3658.

DEGREE REQUIREMENTS

The Bachelor of Laws curriculum consists of compulsory and elective courses, each worth 6 units (with the exception of LAWS3202 Honours Thesis, worth 12 units) and one semester in length, with 48 units per year being the standard full-time load adopted by the University. The normal full-time load in each semester is 24 units. The compulsory courses are designed to ensure that every student gains a sufficient grounding in the fundamental branches of the law, and the elective courses provide an opportunity to develop particular interests and to deepen understanding.

Students are advised to consult the Student Administration Manager, in the first instance, if they have any questions about the requirements for the completion of the LLB degree in their particular degree program structure. Students enrolled prior to 1999 should consult the section on Transitional Arrangements (below at page 30).

Lectures are normally scheduled between the hours of 8.00 am to 6.00 pm, and classes cannot be timetabled specifically to accommodate the needs of part-time students.

The Bachelor of Laws program consists of the following:

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

Graduates of non-law disciplines may apply to undertake a shortened program referred to as the LLB(G). The LLB(G) is intended to be completed in three years full-time or on a part-time basis. The degree must normally be completed within ten years.

The Bachelor of Laws program for graduates of other disciplines consists of the following:

- 12 compulsory courses (named below), worth 72 units;
- 12 law elective courses, worth 72 units, which may include the 3 elective courses for admission to practice (named in italics below);
- 144 units in total.

The law component of a combined program consists of the following:

- 12 compulsory courses (named below), worth 72 units;
- 12 law elective courses, worth 72 units, which may include the 3 elective courses for admission to practice (named in italics below);
- 144 units in total.

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

Compulsory law courses	
LAWS1201	Foundations of Australian Law
LAWS1202	Lawyers, Justice and Ethics
LAWS1203	Torts
LAWS1204	Contracts
LAWS1205	Australian Public Law
LAWS1206	Criminal Law and Procedure
LAWS2201	Administrative Law
LAWS2202	Commonwealth Constitutional Law
LAWS2204	Property
LAWS2205	Equity and Trusts
LAWS2249	Legal Theory
LAWS2250	International Law
Elective courses required for admission to practise law	
LAWS2203	Corporations Law
LAWS2207	Evidence
LAWS2244	Litigation and Dispute Management

ELECTIVE COURSES

The following are the principal factors that affect the range and number of elective courses on offer:

- availability of core staff, and their other commitments, notably compulsory LLB courses, the postgraduate coursework program, administrative responsibilities;
- student demand;
- specialist interests of core staff who are available;
- availability of visitors/adjunct appointees to teach;
- the desirability of balancing the number and range of offerings between semesters;
- class sizes, that is, the desirability of increasing the number of offerings in order to spread student load and decrease class size;
- the need to offer every year the courses that are required for admission to legal practice, ie, Corporations Law, Evidence, and Litigation and Dispute Management, and courses required for other degrees (ie Corporations Law and Income Tax for students seeking professional accreditation in accounting);
- the Law School's specialisation in international law—so that in addition to the compulsory course it is desirable to have at least 2 elective courses per semester whenever possible;
- the Law School's specialisation in environmental law—so that environmental law is offered annually and additional courses are offered when possible ;
- the Law School's specialisation in commercial law—so that it is desirable to offer Commercial Law and Takeovers and Securities Industry Law annually, and at least 2 courses per semester;
- the Law School's specialisation in public law—so that in addition to the three compulsory courses, it is desirable to have elective courses on offer each year, preferably in both constitutional law and administrative law;
- the desirability of having courses that follow on from compulsory courses.

Ideally, elective courses would be scheduled on a 2–3 year cycle, so that students could plan their programs, but it has proved impossible, largely because of changes in staffing availability, often at very short notice. Staff resign or retire, take various forms of leave (research leave, long

service leave, sick leave, parental leave, leave without pay), and are appointed to administrative positions with reduced teaching load. Not all these departures, absences and changes can be planned in advance, let alone several years in advance. Where possible the gaps are covered from internal resources, or by making additional, short-term appointments.

GUIDELINES FOR COURSE SELECTION

The Law School has recommended standard patterns of enrolment for all its programs. These are documented in this Handbook at 26–29. The curriculum is planned on the assumption that the majority of students will enrol in these standard patterns. These patterns are recommended for a number of reasons, including: ensuring students have foundational understanding and prerequisite courses necessary to complete subsequent courses, maximising the possibilities for student and teachers to draw links between related courses and creating a cohort of students who do the same compulsory courses at the same time with benefits for collegiality and group learning.

There is, however, nothing to stop students enrolling in a non-standard pattern of courses, and permission is not usually required for this. Students are advised to keep variations to the minimum necessary and to plot their program completion, bearing in mind pre-requisite and co-requisite requirements, when they make a decision to vary from the standard pattern. Students should also check the timetable for clashes and ask for advice if their enrolment will result in clashes.

Part-time enrolment

A student will be classified as enrolled part-time if they undertake fewer than 3 courses (18 units) in a semester. The Law School encourages part-time enrolment as a mechanism for balancing work, study and caring responsibilities. Students who are working more than 15 hours a week are advised to consider part-time enrolment. No special permission is required for this. However, students should not enrol part-time in a combined program, at least in their first year, without seeking the advice of the Sub-Dean or the Student Administration Manager. The reason for this is that Foundations of Australian Law is "twinned" with Torts in first semester and with Contracts in second semester, and students who do not do both will be disadvantaged. Also, the Law School normally requires completion of all combined law programs within 11 years, and a plan for part-time enrolment for the whole of a combined program could affect this requirement.

No law courses

A student who does not want to enrol in any law courses in a particular semester, or to withdraw from all law courses, but who is not applying for leave, should seek the advice of the Sub-Dean or Student Administration Manager, except in the case of a student who is going on exchange or who is undertaking an honours year in another discipline. Where a student enrolled in a combined program wants to do all law courses in a particular semester they should check with their other faculty or college.

Overload

A student will be overloading if they are undertaking more than 24 units in semester 1 or 2 and more than 12 units over summer. Overloading is discouraged, although it is recognised that in

some special circumstances it may be necessary. Our experience is that a credit average in law courses is necessary to give students a reasonable prospect of coping with an overload. ISIS will not allow students to overload, and students who wish to do so will need to contact the Sub-Dean or the Student Administration Manager, who will advise the student and refer them to any other college or faculty in which they are enrolled. Overloads are undertaken on the basis that the student overloads at their own risk, and that the fact that they are overloading will not be taken into account in any decision which has to be made by the ANU College of Law, including decisions about special consideration and special examinations.

Taking Additional Courses

Students seeking to enrol in courses over and above those required for the degree need to enrol on a non-award basis and pay up-front full-fees. Courses taken in this way will not normally count towards honours. Further advice may be sought from the Sub-Dean or Student Administration Manager.

Concurrent enrolment

The ANU offers a wide range of programs, including combined programs. Occasionally students want to undertake a concurrent enrolment in more than one program (for example the LLB and the Graduate Diploma in Legal Practice). Students must have the permission of the Sub-Dean to do this.

Concurrent enrolments are discouraged for a number of reasons. First, students who are concurrently enrolled cannot use ISIS to vary their enrolment. All enrolment must be done on a green enrolment variation form and manually entered by SAS. Students are warned not to attempt to vary their enrolment on ISIS if they are concurrently enrolled. Second, the programs are not timetabled or planned to be taken together. This can lead to timetable (including exam timetable) clashes. Third, students can exhaust their Student Learning Entitlement (SLE) more quickly when they have a concurrent enrolment. This can leave them without enough SLE to complete their program, with financial consequences.

Students who want to undertake a concurrent enrolment must apply to all faculties/colleges where they are enrolled. For law, the Sub-Dean will deal with the application. The Sub-Dean will look at the student's academic record and reasons for wanting to enrol concurrently. If approval is given it will be on the basis that the student has been advised against concurrent enrolment, undertakes it at their own risk, and that decisions which have to be made by the ANU College of Law (for example, for special examinations) will not make allowances for this concurrent enrolment. If the concurrent enrolment involves an overload this must also be approved. Approval will not be granted for concurrent enrolment in a student's first semester in their LLB program.

Waiving prerequisites/corequisites and other requirements

Prerequisites and corequisites for particular courses are specified in the LLB Handbook. ISIS will not allow you to enrol in a course without the prerequisite or corequisite for that course. We keep prerequisite and corequisite requirements to the minimum required for effective teaching and learning. A student who wants to have a prerequisite or corequisite waived must make a case to the Sub-Dean or Student Administration Manager, who will refer the student to the course convenor to make a decision about whether or not to approve the student's enrolment in

the particular case. The student will then complete a green enrolment variation form (available from the reception desk). This must be either signed by the course convenor, or a print out of email approval from the course convenor attached.

There are special requirements for some law courses including Honours Thesis, Jessup Moot, Selected Topics in Australian-United States Comparative Law, Survey of US Law, Law Internship, Clinical Youth Law Program, Community Law Clinical Program and International Organisations (Geneva). Information about enrolment in these courses is available on the web. Decisions about enrolment are for the convenors of the courses.

HONOURS

Students enrolled in any of the law programs may qualify to obtain the degree with honours. The length of the program is the same as for the pass degree. Students considering taking honours should read the Honours Policy which can be found at p 55 of this handbook. Students should be conscious that their results in courses throughout their law program will count towards honours. In addition, students who have not completed all of their law degree at the ANU should pay careful attention to the requirements for the honours degree; in summary two thirds of the law degree must be completed at the ANU.

Students should note that requirements for Honours in law changed in 2005. An information sheet is available at the honours webpage <http://law.anu.edu.au/Undergraduate/Honours.asp>.

SUGGESTED DEGREE PATTERNS

BACHELOR OF LAWS (4300) (FULL-TIME)

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

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

BACHELOR OF LAWS (4300) (PART-TIME)*Suggested pattern for the first two years*

	First semester	Second semester
Year 1 (24 units)	LAWS1201 Foundations of Australian Law LAWS1203 Torts	LAWS1202 Lawyers, Justice and Ethics LAWS1205 Australian Public Law
Year 2 (24 units)	LAWS1204 Contracts 1 non-law elective course	LAWS2250 International Law 1 non-law elective course

BACHELOR OF LAWS (GRADUATE) (4303) (FULL-TIME)

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

LLB(G)-- a typical pattern for a full-time student (courses in italics are not compulsory, but are required by admitting authorities for admission to practice)

Year 1	
First Semester	Second Semester
LAWS1201 Foundations of Australian Law	LAWS1202 Lawyers, Justice and Ethics
LAWS1203 Torts	LAWS1205 Australian Public Law
LAWS1204 Contracts	LAWS2250 International Law
LAWS1206 Criminal Law and Procedure	LAWS2249 Legal Theory
Total 48 units	
Year 2	
LAWS2201 Administrative Law	LAWS2202 Commonwealth Constitutional Law
<i>LAWS2203 Corporations Law</i>	3 Law elective courses
2 Law elective courses	
Total 48 units	
Year 3	
LAWS2204 Property	LAWS2205 Equity and Trusts
<i>LAWS2244 Litigation and Dispute Management</i>	<i>LAWS2207 Evidence</i>
2 Law elective courses	2 Law elective courses
Total 48 units	
Program Total 144 units	

The first year load is heavy, and full-time students may consider taking only six courses in first year. They should then seek course advice about how to complete within the standard time frame.

BACHELOR OF LAWS (GRADUATE) (4303) (PART-TIME)

Suggested pattern for the first two years

	First semester	Second semester
Year 1 (24 units)	LAWS1201 Foundations of Australian Law LAWS1203 Torts	LAWS1202 Lawyers, Justice and Ethics LAWS1205 Australian Public Law
Year 2 (24 units)	LAWS1204 Contracts LAWS1206 Criminal Law and Procedure	LAWS2250 International Law LAWS2249 Legal Theory

COMBINED PROGRAMS

ANU College of Law offers the following combined programs

Bachelor of Actuarial Studies / Bachelor of Laws (4443)

Bachelor of Arts / Bachelor of Laws (4103)

Bachelor of Asian Studies / Bachelor of Laws (4593)

Bachelor of Asian Studies (Specialist) / Bachelor of Laws (4553) – The Year-in-Asia is usually taken in the fifth year in which case year 5 becomes year 6

Bachelor of Commerce / Bachelor of Laws (4403)

Bachelor of Economics / Bachelor of Laws (4203)

Bachelor of Finance / Bachelor of Laws (4423)

Bachelor of Information Technology / Bachelor of Laws (4703)

Bachelor of Music / Bachelor of Laws (4003)

Bachelor of Science / Bachelor of Laws (4603)

Bachelor of Science (Psychology) / Bachelor of Laws (4693)

Bachelor of Science (Resource and Environmental Management) / Bachelor of Laws (4633)

The structure for the law component is the same for each combined program with the exception of BMusic/BLaws which is shown separately. Students should consult the faculty or college responsible for the other part of the program in order to ensure that they meet the requirements for that part of the program.

Suggested pattern for combined programs excluding BMusic/BLaws

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

	First semester	Second semester
Year 1 (48 units)	LAWS1201 Foundations of Australian Law LAWS1203 Torts Non-law course (6 units) Non-law course (6 units)	LAWS1202 Lawyers, Justice and Ethics LAWS1204 Contracts Non-law course (6 units) Non-law course (6 units)
Year 2 (48 units)	LAWS1205 Australian Public Law LAWS1206 Criminal Law and Procedure	LAWS2250 International Law LAWS2249 Legal Theory

	Non-law course (6 units) Non-law course (6 units)	Non-law course (6 units) Non-law course (6 units)
Year 3 (48 units)	LAWS2201 Administrative Law <i>LAWS2203 Corporations Law</i> Non-law course (6 units) Non-law course (6 units)	LAWS2202 Commonwealth Constitutional Law Law elective course (6 units) Non-law course (6 units) Non-law course (6 units)
Year 4 (48 units)	LAWS2204 Property Law elective course (6 units) Non-law course (6 units) Non-law course (6 units)	LAWS2205 Equity and Trusts Law elective course (6 units) Non-law course (6 units) Non-law course (6 units)
Year 5 (48 units)	<i>LAWS2244 Litigation and Dispute Management</i> Law elective courses (18 units)	<i>LAWS2207 Evidence</i> Law elective courses (18 units)
Program total 240 units		

Suggested pattern for BMusic/BLaws (4003)

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

	First semester	Second semester
Year 1 (48 units)	Music Major (A) 1 Ensemble and Aural (B) 1 LAWS1203 Torts LAWS1201 Foundations of Australian Law	Music Major (A) 2 Ensemble and Aural (B) 2 Music: Critical and Theoretical Studies (C) 1 LAWS1202 Lawyers, Justice and Ethics
Year 2 (48 units)	Music Major (A) 3 Ensemble and Aural (B) 3 Music: Critical and Theoretical Studies (C) 2 LAWS1205 Australian Public Law	Music Major (A) 4 Music: Critical and Theoretical Studies (C) 3 Ensemble and Aural (B) 4 LAWS1204 Contracts
Year 3 (48 units)	Music Major (A) 5 Ensemble and Aural (B) 5 Music: Critical and Theoretical Studies (C) 4 LAWS1206 Criminal Law and Procedure	Music Major (A) 6 Music: Critical and Theoretical Studies (C) 5 LAWS2250 International Law LAWS2249 Legal Theory
Year 4 (48 units)	LAWS2201 Administrative Law <i>LAWS2203 Corporations Law</i> 2 Law elective courses	<i>LAWS2207 Evidence</i> LAWS2202 Commonwealth Constitutional Law 2 Law elective courses
Year 5 (48 units)	LAWS2204 Property <i>LAWS2244 Litigation and Dispute Management</i> 2 Law elective courses	LAWS2205 Equity and Trusts 3 Law elective courses
Program total 240 units		

SUMMER SESSION PROGRAM

The Law School has a limited number of courses available in the Summer session. More information about the courses being offered in the 2007 Summer session will be available in July 2006 to help students plan for their 2007 enrolment. The courses are available on a student contribution basis (previously HECS) for currently enrolled Commonwealth Supported ANU law students. For students applying from outside the Law School the courses attract Domestic Tuition Fees (or International Student Fees for International students). Information will be updated on the web site at <http://law.anu.edu.au/Undergraduate/> as it becomes available.

CROSS-INSTITUTIONAL AND NON-AWARD STUDIES

The permission of the Sub-Dean is required before an ANU student can study at another institution on a cross-institutional (student contribution, previously HECS) or non-award (tuition fee) basis. Permission to undertake study during semester 1 or 2 will only be granted in special circumstances, and is not given for distance education programs except in extraordinary circumstances. A more flexible approach is taken in relation to study at an Australian summer school (other than ANU). For such study permission will generally be granted, but only up to a maximum of 12 units (usually 2 courses) during the student's ANU program, and again not for distance education programs.

If permission for cross-institutional or non-award study is granted, the student must submit a detailed study proposal to the Sub-Dean. Particular attention is paid to whether the proposed study overlaps with courses studied at the ANU, whether the proposed study can adequately substitute for a course that is compulsory in the ANU degree, and whether the proposed study is roughly equivalent in "load" to study at the ANU. Once the Sub-Dean has approved a study proposal, it is the responsibility of the student to seek enrolment in the other institution and, after completion, to provide an official transcript of the assessment results to the Law School.

The maximum amount of status that can be granted for cross-institutional or non-award study is the equivalent of one full-time year of study at ANU (48 units). For study undertaken at an overseas law school, a maximum of 8 courses (48 units) will be granted. Strict guidelines apply to study undertaken overseas.

EXCHANGE PROGRAM

From the second year of the single law degree or third year of a combined program students may apply to study under the exchange scheme. Applicants must have achieved at least a credit average in their law courses. Normally the length of the exchange is one semester although this may be extended to a year where both law and non-law courses are studied. More information is available on the law website <http://law.anu.edu.au/undergraduate>. Interested students should consult Dr J-P Fonteyne, Assistant Sub-Dean (International Exchanges) about their proposed study by email on fonteynej@law.anu.edu.au.

TRANSITIONAL ARRANGEMENTS

Students who commenced their studies before 1999 should contact the Student Administration Manager for advice on the number of courses required to complete degree requirements. A number of changes to the curriculum and the adoption of a new points system has resulted in some confusion in degree requirements which should be clarified.

Likewise, any queries about the impact of other faculty or colleges' transitional rules upon the law component of a combined degree student's course should be discussed in the first instance with the Student Administration Manager. The Law School will attempt to ensure that students are not unfairly disadvantaged by the transition to new curricula in other Colleges.

ADMISSION TO PRACTICE

The Bachelor of Laws degree of the University is recognised for direct admission in the ACT, NT and NSW (and then reciprocal admission in other jurisdictions) so long as students cover all the courses required under the Uniform Admission Rules. As well as the compulsory courses in the Bachelor of Laws degree, these Rules require Evidence, Litigation and Dispute Management, and Corporations Law for admission followed by a practical legal training program such as the Graduate Diploma in Legal Practice offered by the ANU Legal Workshop (see below). (Students who commenced their Law studies before 1999 and who intend to apply for direct admission in NSW should consult the Sub-Dean about admission requirements.) When graduates apply for admission to practice they will need to give evidence of having completed the courses prescribed by the Uniform Admission Rules. This evidence is usually in the form of a certificate by the Dean of Law.

Inquiries concerning direct admission to practice in jurisdictions other than the ACT, NT and NSW should be directed to the Sub-Dean.

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

Students with any doubts on their eligibility for admission should consult the Secretary of the appropriate State/Territory Admission Board as early as possible.

Legal Practice Program

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

- full-time attendance over five months
- an off-campus or flexible option for students in full-time work and involving a 7-day attendance on campus plus a series of distance modules, usually over the period of a year
- "Legal Practice Experience" options with reduced coursework for students who can arrange longer term work or placement in a legal office.

Students who have graduated or qualified to graduate as Bachelor of Laws from an Australian university or diplomates of the Legal Profession Admission Board are eligible to enrol.

Concurrent enrolment may be considered under certain approved circumstances.

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

PRIZES

The list provided in the *Undergraduate Handbook 2006* gives an indication of the range of prizes available for law courses. Certificates are given at an annual prize ceremony held at the Law School each year in recognition of the academic achievements of students.

SCHOLARSHIPS

Littleton Groom Memorial Scholarship

This scholarship is available to a full-time student from Queensland who has completed all component courses of first year law at a standard satisfactory to merit the award. The scholarship is to assist the recipient to complete a law program or a combined law program. The recipient will continue to hold the scholarship while studying full time and achieving a satisfactory standard of results.

Details of other undergraduate scholarships offered by the University can be found on the web site <www.anu.edu.au/psi/scholarships/schol_all.html>

GENERAL INFORMATION

CAREERS

Careers Centre

The Careers Centre assists ANU students to maximise their potential and make a successful transition from education to work. It provides a wide range of career and employment services for ANU students, and recent graduates. Services include:

- confidential career counselling for individuals
- career development and job application seminars
- résumé and interview advice
- careers resource centre
- computer-based career guidance
- weekly drop-in sessions
- online advertisement of graduate, vacation and casual job vacancies
- Employer Visits Program and Campus Interview Program
- Tertiary to Work Careers Fair and Law Careers Fair
- law graduate and summer clerkship recruitment program
- student computers and printer for career related activity
- free publications and employer brochures

Careers noticeboard – CareerHub – www.anu.edu.au/careers

ANU CareerHub is an online vacancy and career information system for the exclusive use of ANU students and recent graduates. Students should register, using their student ID and password, on CareerHub as soon as possible. It will provide access to:

- part-time and casual employment opportunities
- graduate and full-time employment opportunities
- work experience, vacation, law summer clerkship and internships opportunities
- career planning, job search, application, and interview resources
- seminars, workshops, employer events and career fairs
- plus plenty of useful career information

Careers advice

The Careers Centre advises students and recent graduates on the career implications of their study program and possible employment opportunities, as well as preparing them for employment or further study. Advice can be given on an individual basis and consultations are confidential. Less formal drop-in sessions are offered at set times each week for students seeking a brief chat with a careers professional about careers or job search issues. Check CareerHub for drop-in session times.

Resource centre

The Careers Centre has a comprehensive resource centre including: books, videos and useful articles on topics such as job search, job applications, interviews, assessment centres and testing,

international employment, and labour market trends. The centre also has four student computers and a printing for job search and resume preparation.

Career education

Professional staff provide seminars, discussions and workshops related to graduate and vacation employment options, labour market trends and career development issues.

Graduate recruitment

A key part of the Centre's work is promoting the skills of ANU students and graduates to the community and in particular to employers. Each year the Careers Centre is in contact with hundreds of firms, companies and government departments advertising graduate positions and professional experience programs to students of all degree programs. A number of these organisations visit the ANU to run information sessions, conduct on-campus interviews and participate in careers fairs, such as the annual Law Careers Fair. These events are advertised via the *CareerHub* website.

Major graduate employers recruit students early in their final year of study for employment commencing in the following year, although the application processes and deadlines will differ for each. Always check *CareerHub*, company websites, or contact the employer directly for the most current information about employment opportunities.

Law Graduate Employment Program and Summer Clerkship Scheme

Many major Sydney and Canberra law firms and companies participate in the NSW and ACT Graduate Employment Program and Summer Clerkship Scheme to recruit law students/graduates for employment opportunities. Recruitment of final year students for Graduate positions occurs in March/April, while recruitment of penultimate year students for law summer clerkship positions over the summer holiday period occurs around July/August each year. Be sure to check with the Careers Centre about dates and eligibility requirements for these programs.

Plan ahead

- Visit the Careers Centre early in the year to avoid missing important closing dates.
- Take advantage of the Careers Centre's free seminars on job search, networking, application preparation, interview techniques, and assessment centres.
- Pick up your free copy of the *Career Launch* publication for strategies and suggestions on job search, resumes, applications, interview preparation and career development.
- Check the *CareerHub* job listings regularly and consult the Careers Centre about resources and publications promoting upcoming graduate and vacation employment opportunities.
- Attend the on-campus Employer Visits Program, Tertiary to Work Careers Fair and Law Careers Fair. These are held from March each year. Employer activities are advertised via the *CareerHub* website.
- Gain experience to value add to your degree. Consider work experience, vacation employment, volunteering, and committee positions with student clubs and societies.
- Join a professional association as a student member. They can provide great networking opportunities and information about careers in your field.

Not sure of your career options? Arrange to have an individual career counselling session by phoning 6125 3593.

Careers Centre
Building #15, Arts Centre Lane (just off Union Court, opposite The Gods Café).
Ph: 6125 3593
Email: careers@anu.edu.au
Web: www.anu.edu.au/careers

STUDENT CARD

Because of the University's policy on privacy you will be asked to show your student card whenever you are making an enquiry about details of your course, checking marks, asking for your examination script or assignments, or making an appointment to see the Sub-Dean. You will also be required to produce your student card on entry to an examination room.

RECORDING OF LECTURES

The policy of the Law School is that lecturers elect whether or not to record their lectures. If recorded, lectures are available either through the Law Library or, if digitally recorded, on the course web site. Where lectures are unavoidably missed and a recorded version is not available, students should approach the lecturer concerned. Students should *NOT* use personal tape or digital recorders in class without permission from the lecturer.

AUSTUDY/YOUTH ALLOWANCE

Students who receive Austudy/youth allowance are advised that it is their responsibility to ensure that their semester load is sufficient for full-time study. Semester load (EFTSU) will be shown on the Enrolment Confirmation notice. If, in any semester, EFTSU load falls below 0.375, affected students should notify Centrelink immediately. Failure to do so may result in their being required to repay the allowance paid.

LOCKER HIRE

A limited number of lockers are available outside the Law Theatre for a yearly hire charge (\$20.00 and your own lock). Contact the Services Office for further information.

PARKING

Permit parking restrictions apply on campus. Short-term parking spaces are available for visitors to the site. For all details see the web page at < <http://transport.anu.edu.au/permits/parking/students.html>. There are also certain restrictions which all users of the Law School car park must observe:

- do not park in the loading area beside the ANU College of Law. This area is reserved for vehicles delivering materials to the College;
- do not park in the areas reserved for specified vehicles or authorised vehicles;
- do not block off other vehicles;
- **motor bikes**—must be parked in the designated parking area. They are not to be brought into the quadrangle in front of the College;

- **bicycles**—are *not* to be brought into the Law building. A bicycle rack is available at the front of the building and near the Sparke Helmore theatres. Bicycles are not permitted near lecture rooms.

University parking inspectors are authorised to impose a fine for breach of parking rules.

CHANGE OF ADDRESSES AND PHONE NUMBERS

It is essential that students keep the University informed of their current address, phone number and e-mail address. Students should change their address and/or phone number themselves by using the University online system ISIS.

The web address is: <<https://isis.anu.edu.au/login.asp>>

EMERGENCY EVACUATION PROCEDURES

Procedure for students

A *On hearing the ALERT signal;*

- Switch off electrical equipment (where appropriate), close window (if fire).
- Collect up personal effects and leave door closed.
- Await instructions from lecturer, floor warden or staff member.

B *On hearing the EVACUATION signal:*

- Proceed calmly to the ASSEMBLY POINT and await instructions
- Do NOT USE THE LIFT
- Note that mobility impaired persons should wait in the designated safe areas of the stairwells until the floor warden can assist their exit.

Assembly point: The grassed quadrangle area outside the Law School.

FIRST AID

The Services Office have qualified staff. Contact number is 55421 or Ruth Hurrell in the Law Library 58368.

HARASSMENT

The ANU Equity and Diversity Unit deals with discrimination and harassment issues and provides contact persons for advice and counselling. If you are an ANU student and consider that you may be subject to discrimination or harassment, you may seek confidential and timely advice from the Equity and Diversity Unit at: <<http://www.anu.edu.au/equity/index.html>>

In particular, there are guidelines for students who are considering making a complaint involving discrimination or harassment at: <<http://www.anu.edu.au/equity/grievproc.html>>

Student contacts can be found at: <<http://www.anu.edu.au/equity/grievsc.html>>

Other contacts are: The Counselling Centre (52442) The Health Service (53598)

POLICIES AND PROCEDURES

This is an overview of the policies and procedures applying to LLB study in the ANU College of Law. Full University Rules and Policy papers can be accessed from the ANU website at <<http://info.anu.edu.au/policies>>. ANU College of Law policies are updated and made available on the web page <<http://law.anu.edu.au/>>. Students should also consult the SEAP Guide 2006 for relevant administrative procedures, including enrolment, re-enrolment, variation of courses and leave of absence. The Web address is: < http://www.anu.edu.au/sas/SEAP_guide >.

MISCONDUCT (INCLUDING PLAGIARISM)

NB: a new policy will be introduced shortly

Misconduct can have serious consequences for a student, including termination of a candidate's enrolment. A case of misconduct may jeopardise a student's admission to legal practice. The University defines a range of conduct as misconduct under its *Discipline Rules* 2005 (available on the web at <http://www.anu.edu.au/cabs/rules/> >). These rules provide the processes for dealing with cases of misconduct.

One particular form of misconduct is misconduct in relation to the preparation and submission of assessment. This form of misconduct (including plagiarism) may result in failure in a course or a mark penalty. In some circumstances students suspected of misconduct may face formal disciplinary proceedings, with more serious consequences.

Under the *Discipline Rules*, sub-rule 3.2, misconduct will include:

- (f) acting dishonestly or unfairly, including plagiarising, in connection with:
 - (i) any assessment for admission; or
 - (ii) the preparation or presentation of any assignment or material in support of an application for admission;
- ...
- (i) making a statement to the University or to an officer or employee of the University that the student knows to be false; and
- (j) engaging in, or being party to, conduct intended to deceive the University; and
- (k) in relation to an examination:
 - (i) cheating; and
 - (ii) plagiarism (including the reproducing in, or submitting for assessment for, any examination, by way of copying, paraphrasing or summarising, without acknowledgement and with the intention to deceive, any work of another person as the students' own work, with or without the knowledge or consent of that other person); and
 - (iii) except with the approval of the prescribed authority, submitting for an examination any work previously submitted for examination; and
 - (iv) failing to comply with the University's instructions to students at, or in relation to, an examination; and
 - (v) acting, or assisting another person to act, dishonestly in or in connection with an examination; and
 - (vi) taking a prohibited document into an examination venue.

"Examination" refers to any assessment task, and not just a formal examination.

The University has a *Code of Practice on Academic Honesty in Learning and Teaching*. It defines "academic honesty" as "the principle that the academic work of students is genuine, and completed only with the assistance allowed according to the rules, policies and guidelines of the University. In particular, that the use of the ideas, scholarship and intellectual property of others is both appropriate and acknowledged."

Plagiarism is an example of academic dishonesty, and is "the copying, paraphrasing or summarising, without acknowledgement, any work of another person with the intention of representing this as the student's own work. This remains plagiarism whether or not it is with the knowledge or consent of that other person."

Other forms of academic dishonesty are "collusion, the fabrication or deliberate misrepresentation of data, use of non-original work that is not properly attributed and failure to adhere to the rules regarding examinations in such a way as to effect unfair academic advantage."

Inevitably very little of what a law student, or academic, writes is truly original—our research is often directed at finding other people's ideas and words. What is important, however, is that all such material be acknowledged.

The only exception to this rule is where someone's phrase encapsulates a concept in a way that no other expression can match. In these circumstances the word or phrase tends to become generally used. It is acceptable to use such an expression without acknowledgment. Anything more significant, however, whether an actual quotation, a summary or a paraphrase, must be acknowledged. The acknowledgement must identify author and publication, and the page or paragraph where relevant.

A quotation is the use of another writer's or speaker's words and must be both acknowledged and presented in proper form, that is, either in quotation marks or, for longer passages, indented as a separate paragraph. Words omitted from the passage should be represented by an ellipsis (a series of three periods). Words added should be put in square brackets. The practice of constructing an essay in whole or part from material which is taken from sources but not presented as quotations is called "cobbling", and constitutes academic dishonesty.

Where students have doubts as to how to deal with or acknowledge source materials in essays and assignments they should consult the lecturer.

Submission of work previously submitted for assessment in another course or, indeed, prepared for any other purpose (for example for employment-related purposes) is of particular concern in courses where the choice of essay topic is left to the student. The practice is dishonest if done without knowledge of the examiners concerned. A full disclosure of the topics and content in related courses or for other purposes should be made to examiners who will then decide whether or not they will accept an essay on a given topic. A full disclosure must also be made where a student is studying a related course in another faculty.

The *Code of Practice on Academic Honesty in Learning and Teaching* sets out the responsibilities of students, academics, and Deans in relation to academic honesty, and will indicate the penalties for academic dishonesty. The code can be found at: http://info.anu.edu.au/policies/Codes_Of_Practice/Students/Other/Academic_Honesty.asp. The code specifies the responsibilities of students with regard to academic honesty, and sets out the consequences for breaching the Code, including breaches that involve deliberate plagiarism.

The Code also requires academics to undertake regular attempts to detect academic dishonesty. Students may be asked to submit work electronically so that it can be checked using appropriate programs for plagiarism and to ensure that the word count has not been misrepresented by the student.

For further guidance about academic honesty see the article by Juliet Behrens, published in the law students' newsletter *Peppercorn*, and reproduced on the web at http://law.anu.edu.au/undergraduate/helpful_info.asp

ACADEMIC PROGRESS

The University has a Policy on Academic Progress in Undergraduate Awards available at <http://www.anu.edu.au/cabs/rules/acadprogressrules.pdf> .

This provides that: "If a student in an undergraduate award program fails a course twice, the student must obtain approval from the Course Authority to be allowed to enrol in that course again. A fail includes grades of N, NCN or WN."

The Policy also provides that a student who fails more than 50% of the unit value of the courses attempted in a semester may be liable to show cause why they should be permitted to continue in their enrolled program.

Students who fail a substantial proportion of their courses are formally encouraged to seek help from (eg) the Counselling Centre, the Academic Skills and Learning Centre and/or the Sub-Dean.

ASSESSMENT: FORM AND PROCEDURES

POLICY ON ASSESSMENT IN UNDERGRADUATE COURSES IN THE ANU COLLEGE OF LAW

NB: this policy is currently under review, the most recent version will be found on the web at http://law.anu.edu.au/undergraduate/policies_Guidelines.asp

This policy reflects the University Policy 1423/2002 Principles for Determination of Systems of Assessment and for Consultation

In this policy:

'Chair of Examiners' means the same person as the course convenor/coordinator.

1 Principles

The Chair of Examiners determines assessment schemes after consultation with students.

- A Assessment schemes reflect course objectives and comply with the ANU College of Law and University policies in place from time to time.
- B No single item of assessment should constitute the sole assessment choice in a course, save in exceptional circumstances where the assessment is constituted by a substantial piece of research work.
- C Students are assessed on the basis of criteria that are available in advance of the assessment task.
- D Students receive timely feedback on assessment tasks to enable them to assess their progress and improve their performance. Results and feedback for assignments etc will be available to students within a reasonable time before they sit the final examination in the course.
- E Students are responsible for ensuring that they understand and comply with the requirements for assessment (including word limits and submission dates, below).
- F Assessment is carried out anonymously where this is feasible.

2 Process

- (a) The Chair of Examiners will submit to the Law School Office (formerly Faculty Office) at least three weeks before the beginning of the semester a statement of proposed means of assessment for the course that complies with Sections 3 and 4 of this policy.
- (b) A sub-committee of the Undergraduate Studies Committee (USC) will examine the statement of assessment to ensure compliance with this policy and report to the Chair of Examiners in the week prior to commencement of semester. The sub-committee will also coordinate assessment schemes to ensure as far as possible a reasonable distribution of student workload in the semester. After any necessary changes have been made, the proposed means of assessment will be published on the course web page by staff in the Law School Office. A printed hard copy of the proposed means of assessment will be made available to students at this time.

- (c) Within the first two weeks of semester, the lecturer in each class will explain the proposed scheme of assessment and provide an opportunity for discussion of the scheme with students. The lecturer will convey student views to the Chair of Examiners who will give consideration to those views. The lecturer will provide students with a response to student views.
- (d) By the end of week two, the Chair of Examiners must report to the sub-committee of the USC, noting any changes to the statement of assessment. The student representatives on the sub-committee may raise any concerns about compliance with the procedure on consultation, including whether the Chair of Examiners gave reasonable consideration to student views. In the event of significant disagreement between students and academic staff about the assessment scheme or procedure, the matter may be referred for mediation to the Dean.
- (e) Once approved by the sub-committee of the USC, the statement of assessment for each course will be posted on the course web page by Law School Office staff.
- (f) Any changes to the statement of assessment after week two of semester must be discussed with students. Where the proposed change does not have the agreement of the whole class, it must be approved by the Chair of the USC. The variation must be notified on the course web page.

3 *Statement of assessment in each course*

A statement of assessment for a course must contain the following:

- (a) a short overview of the options available for assessment in the course;
- (b) clear and precise information about each assessment task;
- (c) an explanation of the relationship between the assessment tasks and the course objectives;
- (d) an explanation of the criteria which will be used in assessing each task.

The following specific information must also be included:

For a formal examination

- the duration of the examination and the reading time, and if the duration does not comply with the limits prescribed in Section 4 of this policy, the statement of assessment must explain the reasons for the departure;
- its weighting;
- the permitted materials (a common formula is 'Any except ANU library books' for open-book examinations);
- the scope of the examination (as relevant- section of the course covered, restricted choice of questions for students who undertake other assessment, some indication of the extent of choice of questions);
- whether the examination is compulsory and/or redeemable;
- the timing of the examination; save in exceptional circumstances, formal examinations must be held in the University examination periods in the middle or end of each semester, and a

final examination may not be held in the final two weeks of semester or during the study break that precedes the commencement of the examination session;[#]

- students must be referred to the LLB Handbook for information concerning special consideration and special and supplementary examinations;
- for a mid-semester examination, the week during which results and feedback on assessment will be made available to students.

For other forms of assessment

- a general description of the assessment task, including whether it is compulsory and/or redeemable;
- its weighting;
- the due date, penalties for late submission and possibility of extension of time to submit; when the final piece of assessment is not a formal examination, it may be scheduled for submission during the examination period and should not be scheduled during the final two weeks of semester or during the study break that precedes the commencement of the examination session; other items of assessment should not be scheduled for submission in the last week of semester, during examination periods or the study break that precedes the commencement of the examination session;^{**}
- the word length and penalties for excess word length; if the word length does not comply with the limits prescribed in Section 4 of this policy, the statement of assessment must explain the reasons for the departure;
- the week during which results and feedback on assessment will be made available to students.

4 *Technical matters*

(a) Length of Assignments and Examinations

Unless there are sound educational reasons for providing otherwise:

- the permissible range for the word length of assignments, essays and take-home exams is to be calculated by reference to between 5000–6000 words for 100% of the final mark in a course;
- the permissible range for the writing time in a formal written examination should be calculated by reference to between 120–180 minutes for 100% of the final mark in a course;
- the length/duration and weighting of other forms of assessment (eg class presentations, in-class tests, written tutorial or seminar exercises, moots) should, taking into account the nature of the relevant assessment task, be broadly consistent with these principles.

[#] University Policy 1423/2002 - Principles for Determination of Systems of Assessment and for Consultation - at 5.1(a).

^{**} University Policy 1423/2002 - Principles for Determination of Systems of Assessment and for Consultation - at 5.1(b) and 5.2. Exceptions are:

- tutorial presentations/papers (including simulations/reflective diaries) which have to be scheduled in the final week;
- work which does not form part of the assessment for the final result in a course (eg short examination preparation tests); and
- assessment submitted to fulfil the requirements of Honours Thesis.

(b) Method for Calculating Word Length^{*}**

The word length of an assignment, essay or take-home exam will be calculated in the following manner, unless a statement of means of assessment provides otherwise:

- the word length must be calculated by the student using a word processing program applied to the text (which includes headings);
- the footnotes will not be counted, and substantive material (other than references and citations) in the footnotes will not be assessed;
- appendices will be treated as part of the text unless they merely reproduce primary materials for the aid of the examiners;
- the Chair of Examiners may require that the word length be recorded on each page, as well as the total which is required on the cover sheet;
- the Chair of Examiners may ask an individual student to submit their piece of work electronically, so as to enable a check of the word count.

(c) Default penalties for excess word length and late submission

Unless a statement of assessment provides otherwise, the following penalties shall apply:

- Excess word-length: the mark which is awarded initially will be reduced by half the proportion by which the word limit has been exceeded, eg if the word limit is 2,000 words, and the paper submitted is 3,000 words long, then the initial mark would be reduced by 25%.
- Late submission without an extension: An *optional* assignment, essay or take-home exam that is submitted after the due date and time will not be marked. A *compulsory* assignment or essay that is submitted after the due date and time will be reduced by 5% of the mark awarded for each day or part thereof (including weekends) that it is submitted late. A *compulsory* assignment or essay will be awarded a mark of 0% if it is submitted after the examiners have marked and returned the papers submitted by other students. A compulsory take-home exam will not be marked if it is submitted after the due date and time.

(d) Return of Assessment and Feedback

Final examinations scripts and feedback will be available for collection from the Services Office after the results are published unless the convenor determines an alternative arrangement for their return, which will be notified to students on the Web. Other assessment items will also usually be returned to students through the Services Office.

(e) Extension of Time to Submit

An application for extension of time to submit a piece of assessment must be directed to the convenor of the course or their nominee. The decision whether or not to grant the extension is within the discretion of the convenor where there are special circumstances. Unless the convenor specifies otherwise, a request for an extension of time should be submitted to the convenor in writing before the due date, and should be accompanied by any medical or other evidence that supports the special circumstances on which the request is based.

^{***} The word length and method of calculating the word count for the Honours Thesis has changed. This policy is also under review.

Departure from the policy on assessment

Where the Chair of Examiners for a course believes there are strong educational reasons that justify a departure from this policy, or that strict application of this policy is not practicable (particularly in relation to non-standard or intensive courses), and there is no other procedure specified, the Chair may seek approval from the Head of School for an exemption from this policy.

Submission/collection of assessment

There is a chute marked ESSAYS below the Services Office counter. All work for submission is to be placed there, *even if it is late*.

Lists are posted on the web at <<http://law.anu.edu.au/ServicesOffice/Index.html>> and the counter as to what subject material is available.

Mid-semester assessment items should be returned to the Services Office in order to enable any second marking to be carried out at the end of the semester.

STUDENTS FROM LANGUAGE BACKGROUNDS OTHER THAN ENGLISH

The ANU has a Policy on Assessment Arrangements for Linguistically Diverse Background Students. This policy is available at:

[http://info.anu.edu.au/policies/Policies/Students/Other/Assessment Arrangements for Linguistically Diverse Background Students.asp](http://info.anu.edu.au/policies/Policies/Students/Other/Assessment%20Arrangements%20for%20Linguistically%20Diverse%20Background%20Students.asp) . Under the policy students from linguistically diverse backgrounds (including Aboriginal and/or Torres Strait Islander people) may be eligible for additional time in examinations. Students who want to apply for additional time in law courses must demonstrate that they satisfy the criteria in the policy and that they have participated satisfactorily in the course English in a Legal Context. There is a presumption against additional time after a student's first year of study in the Law School. Students should contact the convenors of English in a Legal Context (Miriam Gani) or the Indigenous Support Scheme (Asmi Wood) for information about this policy. Students must apply to the Sub-Dean at least four weeks prior to the commencement of the relevant examination period.

GRADING SCALES AND DISTRIBUTION

The ANU College of Law policy is set out in full.

1 Grading/Marking System

- (a) **Grading scale:** The uniform grading scale adopted by the University shall apply in each course:

HD	High Distinction	80–100
D	Distinction	70–79
CR	Credit	60–69
P	Pass	50–59
PS	Passed at Supplementary Exam	(maximum mark 50)
N	Fail	0–49
NCN	Not Completed Fail	
CRS	Course Requirements Satisfied	

- (b) **Criteria for the award of grades:** The following descriptors shall provide a guide to the determination of grades for each item of assessment:

High Distinction: work of exceptional quality, which demonstrates comprehensive understanding of the subject matter, mastery of relevant skills, sophisticated or original critical and conceptual analysis, and outstanding quality in clarity, precision and presentation of work

Distinction: work of superior quality, which demonstrates a thorough knowledge and understanding of the subject matter, proficiency in relevant skills, and analytical and conceptual ability of a high order

Credit: work of good quality, which displays a good understanding of the subject matter and a sound grasp of relevant skills

Pass: work of satisfactory quality, which displays an adequate understanding of most of the subject matter and a sufficient grasp of relevant skills

Fail: work which is incomplete or displays an inadequate understanding of the subject matter or an inadequate grasp of relevant skills

2 *Distribution of Grades*

The distribution of grades in each course (except *Honours Thesis* and *Law Internship*) shall conform to the following guidelines. The considerations which underlie the adoption of these guidelines by the ANU College of Law include:

- (a) It is desirable that there is stability over time in marking patterns within the Law School. On the assumption that the law student population will be of similar competence each year, it is to be expected that grade distribution will conform to an approximate pattern.
- (b) Many staff are involved in the assessment of students, and staffing changes occur each year. It is desirable that guidelines exist to encourage consistency among staff in grading student performance.
- (c) The performance of individual students is often measured by comparison with the performance of other students. It is desirable that there is a stable grading benchmark to enable simple and meaningful comparisons of student performance to be made.
- (d) It is not to be expected that the performance of students in each course, or in each year, will always conform to a standard pattern. There may be special factors which explain a deviation from a grading profile. In particular, if students in a particular course or in a particular year display an unusually high or low level of academic performance, this should be reflected in the grades awarded to those students.
- (e) A policy on grade distribution should be simple to administer. It would be counterproductive if the policy regularly engendered a protracted period of re-assessment in courses, or was the chief source of disputation among staff and students regarding deviations from the policy.

In light of those considerations, the final assessment results for students in each course (except *Honours Thesis* and *Law Internship*) should normally conform to the following guidelines:

High Distinction (80% +)	2–5% of candidates
Distinction (70–79%)	10–20% of candidates
Credit (60–69%)	30–50% of candidates

It is acknowledged that special factors may exist, either in a particular course or in a particular year, which would justify a deviation from these guidelines. The special factors may include the following:

- (a) **Number of students enrolled in a course** – for example, a smaller enrolment of students in a course may be reflected in a differing level of academic commitment and performance; or a course with a small enrolment of students may display fluctuations in the competence of the student cohort.
- (b) **Stage of degree at which course is completed** – the greater difficulty that is often encountered by students at the outset of a degree may be reflected in different grading patterns in earlier year as opposed to later year courses in the degree structure.
- (c) **Methods of assessment** – the variations that occur in the methods of assessment used in different courses, and in the same courses from one year to another, may be reflected in different grading patterns, though in principle it is important to restate that a policy on grade distribution should moderate grading variations of that kind.

Ordinarily a deviation from the grading guidelines would not be justified solely on the basis that the course was being assessed in that year by a different group of teachers, that a change occurred that year in the content of the course, or that the course was a new course being taught for the first time.

The administration of these guidelines is to be undertaken in the following manner:

- (a) It is the responsibility of the examiners in a course to ensure that the final assessment of students in that course conforms as nearly as practicable to these guidelines.
- (b) To achieve that outcome, it may be necessary for the examiners to moderate the final marks that would otherwise have been awarded to students in the subject. Fairness may dictate that the moderation is applied not only to those students whose marks are on the boundary of a higher or lower grade, but to all students in the course. The moderation of marks would normally be undertaken by the examiners before submitting the examination returns for consideration by the Examiners' Meeting and approval by the Dean.
- (c) The examiners should submit to the Law School Office for the Examiners' Meeting a brief written statement that the policy has been considered and applied. If the examiners are aware that the marks which they are submitting deviate from these guidelines, they should point to the special factors which, in the opinion of the examiners, justify the deviation.
- (d) These guidelines apply only to the final assessment of students in a course. It is not expected that interim assessment in a course should necessarily conform to the guidelines, or that an examiner should be called upon by the ANU College of Law or by students to justify a deviation from the guidelines in interim assessment.

REVIEW OF RESULTS

The University policy on review of final results in a course is contained in 1303A/2001 *Assessment Review and Appeals*. This policy is available on the web at http://info.anu.edu.au/policies/Policies/Students/Other/Assessment_Review_and_Appeals.asp. The following statement summarises that policy and explains how it applies to the ANU College of Law. Staff and students are encouraged to refer to the full text of the University policy.

Summary of relevant procedures

In accordance with University policy:

- students are entitled to view all their marked assignments and examination scripts;
- students are also entitled to discuss their performance in relation to assessment with an examiner or other staff member involved in the teaching of a particular course.

If, following such discussion, a student wishes to seek a review of, and to appeal against, their final result in a course, the following procedures apply.

Step One: A student must make representations querying the mark awarded in a course to the course convenor/coordinator, bearing in mind the obligation of that person to 'ensure that the academic performance of each candidate attempting the course is adequately and fairly assessed' (*Examinations (The Faculties) Rules*, rule 7(2)(a)). The course convenor may, after consultation with other examiners in the course, recommend that a mark in the course be varied. The course convenor will inform the student of the reasons for the decision.

Step Two: A student who is dissatisfied with the outcome of his or her representations to the course convenor can seek a review of their mark for a course by Head of School. Students should initiate this process by making an appointment to see the Head of School, who will explore with the student the basis or bases for seeking a review. The student may also provide information in writing to the Head of School. The Head of School may ask the student to provide documentary evidence or other information. The Head of School will discuss the request for review with the course convenor, and other examiners if appropriate, in order to determine the rationale for the award of the particular mark and grade and whether established assessment procedures were carried out. The Head of School may involve a third examiner in reviewing the mark. The overall issue for the Head of School is whether the student's academic performance has been adequately and fairly assessed, as required by the *Examinations (The Faculties) Rules*. The Head of School will inform the student and the Chair of Examiners of the result of the review process and the reasons for it, and a copy will be placed on the student file.

Students may also seek the advice of the Sub-Dean and the Dean of Students.

Step Three: If after Step 2 a student still believes the result in the course is inappropriate, they should submit to the Dean, in writing, a formal appeal of the result. Reasons why the result is considered inappropriate must be clearly stated and other relevant material included. Students must show why the decision of the Head of School was wrong, or, if they are raising new grounds, must explain why they were not raised with the Head of School.

The Dean, after consideration of the student's submission, and following consultation with the Chair of Examiners, will determine whether an Appeals Committee will be appointed.

If an Appeals Committee is appointed it will examine:

- a written submission from the student explaining why the result in dispute does not accurately reflect his/her performance;
- a written statement from the course convenor involved and/or Head of School explaining why the result is justified;
- assessment criteria for the course;
- a copy of the work in question;
- the student's own statement if he/she chooses to appear in person before the committee;
- whether established assessment procedures have been carried out; and
- whether additional evidence or extenuating circumstances have come to light which might change the final result.

The Committee, on delegation from the Dean, will determine whether the original result should be upheld, or a remark is warranted, or that there is to be further examination. The Committee's decision is final. The decision and the reasons for it will be conveyed in writing to the student, the Dean, the Head of Department and the course convenor.

In relation to these general procedures, there are two matters that should be emphasised to clarify common misconceptions:

- a student is not entitled simply to lodge a request that an item of assessment be remarked. A student who is dissatisfied with the mark received in an item of assessment should first discuss the matter with a lecturer or examiner, as outlined above;
- the ANU College of Law will not as a general rule give any weight to a submission made after marks have been returned that a student was ill or disadvantaged at the relevant time. There are well-established procedures for seeking special consideration which normally require that a request be made before assessment is completed.

The University Policy 1303A/2001 *Assessment Review and Appeals* requires that an appeal to the Dean under Step 3 above be submitted within 30 working days of the formal notification of results. Although the ANU College of Law will entertain an application for review of results outside this formal time limit in special circumstances, unreasonable delay in initiating a review may significantly undermine a student's application.

EXAMINATIONS

Overview

A student who wishes to be granted a degree has an obligation to attend the exams required by the ANU College of Law on the date and under the conditions prescribed by the College. These exams are required in order that the work undertaken in the semester may be assessed under conditions which, so far as possible, are the same for all students.

As a consequence, students must be available for examination during the entirety of the published examination period. The University does, however, make the following provisions for students who have been seriously ill or have had serious personal problems, and who believe that their studies may have been adversely affected:

- a student may seek a **special (deferred) examination**;
- a student may seek to have his or her performance in an exam or other item of assessment given **special consideration** by the examiners.

In addition, students with particular problems, such as writing or sitting difficulties due to a medical condition or disability, may request **special examination arrangements**. In certain

specific circumstances, a student who has failed a course may be entitled to a **supplementary examination**.

Special examinations, special consideration, special exam arrangements and supplementary examinations are explained below. Information is also included about the exam timetable and illegible examination scripts.

Special examinations

Rules 9 and 10 of the *Examinations (The Faculties) Rules* (on the web at <<http://www.anu.edu.au/cabs/rules/index.html>>) provide that the ANU College of Law may grant special examinations in the following circumstances:

- where a student was unable to attend an exam. In this case, a request for a special exam must be lodged within three working days after the time fixed for conclusion of the examination. The request must be accompanied by a written statement explaining why the student was prevented from attending the examination and by such supporting evidence as is available to the student;
- where a student's performance has been adversely affected by illness or other cause in the period of studies to which the exam relates. In this case, a written statement of the circumstances, supported by medical or other evidence, must be lodged before the examination is held; or
- where a student's performance during the exam has been adversely affected by illness or other cause. In this case, an invigilator must be notified and a request for a special exam lodged as soon as possible.

Requests for special examinations are considered by the Sub-Dean. They are only granted in the case of serious medical conditions or other unavoidable circumstances which prevent a student attending an examination.

The following problems are **not** regarded as so out of the ordinary as to warrant help:

- the flu for a few days preceding exams (it is the whole semester's work which is assessed);
- a sore throat, feeling out of sorts, etc, on the day of the exam;
- a minor accident involving a few hours paperwork;
- two exams on the same day;
- exams on succeeding days;
- what you regard as an inconvenient or onerous exam timetable;
- an interruption to study during the semester; and
- travel arrangements which conflict with the exam timetable.

Students who make travel arrangements or work or other commitments during the examination period do so at their own risk.

The ANU College of Law does NOT grant special examinations where the examination is an optional examination.

It is important that people with minor problems do not abuse the special examination system so that it falls into disrepute and is not available to help those students who genuinely require it. It is equally important that students who have serious problems seek help at the time. Therefore, if you have a serious problem you should see the Sub-Dean, who can help you receive the assistance you need. The Sub-Dean may be almost powerless to help a student, no matter how genuine the need, who seeks help after sitting the exam, or after the papers have been marked.

Requests for a special (deferred) examination must be made on the standard University form 'Application for Special Examination'. The form can be obtained from the Law School Office in the ANU College of Law or accessed via the web at http://www.anu.edu.au/sas/examinations/application_for_special_exams.pdf. The completed form should be lodged with the Law School Office.

Medical documentation which simply states that a student is suffering from a "medical condition" or other vague term will not be accepted. The ANU College of Law prefers that a medical practitioner has completed Part B of the application form. If this is not possible, then the medical certificate must address all the questions in that part of the form, including giving a clear diagnosis, indicating whether or not the practitioner is the student's usual doctor, and indicating whether or not the severity of the condition was sufficient to prevent the student from attending the examination. Where complete information is not provided with the initial application the request for a special examination will be denied.

Applications lodged more than 3 working days after the date of the examination will not normally be accepted.

If the Sub-Dean approves a special examination, a fixed date and time will be specified, and these arrangements are not normally negotiable, particularly to fit in with a student's travel bookings or work commitments.

The University provides formal written notification of whether a request for a special exam has been approved, but the obligation nevertheless rests upon the student to confirm this. The Law School will not accept, as an explanation for a student's failure to sit a special examination, that the student did not receive the University's letter advising whether the request had been approved. Students may find that the timing of special examinations is inconvenient. Nevertheless, they have an obligation to attend. If a student does not attend a special examination, it is only in exceptional circumstances that a further exam will be set.

Special consideration

The opportunity for 'special consideration' is described in the *Examinations (The Faculties) Rules* (on the web at <http://www.anu.edu.au/cabs/rules/index.html>). Rule 10 provides that a student who considers that their academic performance in a course 'has been adversely affected by illness or other cause during the period of studies to which an examination relates' may request the examiners to take those circumstances 'into account in making their assessment of the performance of the candidate in the course'.

Requests for special consideration must be made on the standard University form 'Application for Special Consideration'. The form can be obtained from the Law School Office or accessed via the web at http://www.anu.edu.au/sas/examinations/application_for_special_consideration.pdf. The completed form should be lodged with the Law School Office. Such forms must be submitted either before or during the relevant examination.

It is important to bear in mind the context in which special consideration is given. The purpose of assessment is to enable an examiner to gauge the performance of a candidate, usually in demonstrating the candidate's comprehension of the content of a course. That is, the purpose of assessment is not to decide whether the mark awarded to a student is 'fair', or is an appropriate reward either for the innate ability of a student or for the amount of study preparation undertaken by a student.

The best evidence available to the examiner of a student's performance is usually the results of the assessment completed by the candidate. A request for special consideration can only cause the examiner to reflect whether the scripts and assignments provide satisfactory evidence of a candidate's performance. There is no presumption that a student who has requested special consideration should be given additional marks, nor that a fail mark should be altered. A request can at best cause an examiner to reconsider the usual practice of recording the marks received in prescribed assessment as the final mark for the course.

Two main options face an examiner who has received a request for special consideration. The first is to allow a student to undertake further written or oral assessment, and for the mark in that assessment to substitute for or to moderate an earlier mark. Most examiners will allow further assessment only where a student has failed a course, accepting that in that situation there is sufficient reason to outweigh the presumption that a mark received by a student in prescribed assessment is the best available evidence of the student's performance.

A second option facing an examiner is to vary the mark of a student who has requested special consideration. This option is appropriate only if there is a reason for thinking that the existing mark does not accurately reflect a student's performance. For example, a comparison of items of assessment undertaken at different stages in a course may indicate that a student was affected by illness or adversity at one of those stages. For this reason, many examiners will not make a decision about what to do as a result of a request for special consideration until after all the pieces of assessment for the course have been submitted. This may enable a comparison of the student's performance at times when they were, and were not, affected by the circumstances raised in their special consideration form.

Quite commonly it is not possible for an examiner to gauge whether a student's performance was affected by illness or adversity. This difficulty frequently arises where the assessment comprised a single examination, where a student performed better at a time when affected by illness, or where the evidence to support a request for special consideration is sketchy or based on assertion. It is usually appropriate in those situations to rely upon the prescribed assessment as the best available evidence of a student's performance.

Requests for special consideration should be submitted before the date of the relevant assessment item. Where such requests relate to circumstances surrounding an examination, an invigilator must be informed and the form must be submitted immediately after the examination. Requests which are submitted after this period are problematic, especially when they are made after the results are published. Such requests will only be forwarded to the examiners in a course after the student has made a case to the Sub-Dean that there were compelling circumstances which explained the late submission of the request.

Special examination arrangements

The University will endeavour to accommodate the special needs of students with a medical condition/disability which makes it difficult to undertake a formal examination without extra services.

Under rule 5A of the *Examinations (The Faculties) Rules* (on the web at <http://www.anu.edu.au/cabs/rules/index.html>) students can apply for special examination arrangements in either of two ways:

- a student with a temporary or chronic disability who has been accepted by the University's

Disability Support Unit as having a temporary or chronic disability may ask the Unit to determine special examination arrangements for the student. Special examination arrangements may include (for example) additional reading or writing time, the provision of special equipment or the services of a scribe. The Disability Support Unit can be contacted on x55036 and is located in the Student Services Building above the Commonwealth Bank in Union Court;

- as an alternative to approval by the Disability Support Unit, a student with a temporary or chronic disability may complete a standard University form 'Application for Special Examination Arrangements'. The form can be obtained from the Law School Office (for mid-semester or summer session assessment) or from the University Examinations Office (for end of semester assessment). The Examinations Office is located on the lower ground floor of Melville Hall. The completed form should be lodged with the office from which it was obtained. The form must include clear supporting documentation and is subject to approval by the Sub-Dean.

Students seeking special examination arrangements must apply for such arrangements well in advance of the relevant examination. It may be impossible to comply with requests received only a few days before the examination. The Law School prefers that students with chronic conditions (likely to last for more than a semester) register with the Disability Support Unit and have their special examination arrangements determined by that unit.

Supplementary examinations

(a) General Supplementary Examinations

Under the rules adopted by the ANU College of Law, which are more generous than the minimum prescribed by rule 11 of the *Examinations (The Faculties) Rules*, eligibility for a general supplementary exam arises where:

- the student received a final mark in a course which falls between 45-49; and
- the student attempted all the compulsory items of assessment in the course (ie, this policy does not apply to students receiving the grade of NCN (non complete fail)).

Students who are eligible for a supplementary exam will be assigned a result of PX against the relevant course. This interim result constitutes an offer of a supplementary exam in the course. **Students must then notify the Law School Office in writing of their intention to undertake a supplementary exam within 7 working days from the date of notification of their results over the web.** Hardcopy results notices are not sent to students. There is no limit to the number of supplementary exams which a student may be eligible to sit. A student who attempts a supplementary exam will receive a result of PS (with a maximum mark of 50) or N (fail). **A student who does not provide the requisite notice will not be entitled to sit a supplementary exam.**

The dates of supplementary examinations are published on the noticeboard in the Law School foyer several weeks prior to the end of each semester. If a student wishes to sit a supplementary examination they **MUST** be available for examination on these dates. Students who make travel or other plans during the published supplementary examination period do so at their own risk.

The form of supplementary examination is at the discretion of the course convenor, although the guiding principle is that the supplementary exam will be in the same form as the examination failed by the student. In preparing for a supplementary exam a student can consult the course convenor or examiner who may be available to provide some additional feedback and information about the form of the exam to students.

(b) Final Semester Supplementary Examinations

In certain limited circumstances, students are entitled to a supplementary examination in their final semester of law study even though their mark is below 45. Students who fail one course in their final semester of law study with a mark of less than 45 N are entitled to a supplementary examination if they have achieved a minimum result of 50 P in all other law courses in which they are currently enrolled. For this purpose, a pass following a general supplementary exam (50 PS) is not a minimum result of 50 P. A student's final semester of law study may, depending on their individual enrolment pattern, be either semester one or semester two or summer session.

A student who fails a general supplementary examination is not entitled to a final semester supplementary examination in the same attempt at the same course. The grades WN or NCN will not trigger an entitlement to a final semester supplementary exam. A final semester supplementary exam will not be granted if the Chair of Examiners considers there has not been a bona fide attempt at all the compulsory assessment items for the course. It is the responsibility of the student concerned to request a final semester supplementary exam.

The form of a final semester supplementary examination will be at the discretion of the Chair of Examiners. There will be no obligation on the lecturer to provide assistance to a student undertaking such an exam. The Sub-Dean will set the time and location of final semester supplementary exams. A student who attempts a supplementary exam in these circumstances will receive a result of PS (with a maximum mark of 50) or N (the mark in the course being the original fail mark).

Examination timetable

Examinations are conducted at the end of each semester, and in some cases in mid-semester, by the University Examinations Office. **Students must take their Student Identity Card to all examinations.** A draft timetable is published approximately 4 weeks before the June examinations and 6 weeks before the November examinations. It is available on the web. The final timetable is available on the web approximately two weeks before the June examinations and four weeks before the November examinations. **Absence from an examination through misreading, misunderstanding or failure to read the timetable does not entitle a student to a special examination.**

Illegible scripts

In the event that a student submits examination answers which are indecipherable to the examiners, the following procedure will be followed:

- a photocopy will be made (for which there will be a small charge) by the ANU College of Law;
- the student will provide, on the photocopy (to be collected from the Law School Office in the Law School), a word-by-word translation in red ink and block letters above the word as written (for example, any abbreviations used must be reproduced as they appear in the original script); and
- the original will be marked with the aid of the translation.

In these cases, the examiners will not be able to guarantee that normal timing for notification of results will be met. Students asked to translate an illegible script in accordance with the above procedures must do so promptly.

RESOLUTION OF DISPUTES RELATING TO TEACHING PRACTICES AND OTHER MATTERS

If a student has concerns about aspects of a course which they are undertaking, which they are unable to resolve with the teacher or convenor, the student may raise them with the Sub-Dean, Dean or University Dean of Students, who will endeavour to resolve them informally. If the student is not satisfied with the outcome and wishes to invoke the formal complaints mechanism, the student must follow the steps below (dispute resolution).

Dispute resolution

A student who wishes to complain about a teaching practice or another matter other than assessment procedures (see page 41), course content, or marks and grades in a subject (see page 47), must first seek to have the complaint resolved by the informal means available within the Law School for dealing with students' concerns. In this context, a student may raise 'worries' or 'concerns' with the Sub-Dean, Dean or University Dean of Students who will endeavour to resolve them informally. No record is kept of these matters and the anonymity of the student is preserved at this stage if requested by the student.

If the student is not satisfied with the outcome and wishes to invoke the formal complaints mechanism, they should follow the University policy on dispute resolution which can be found on the web at <http://info.anu.edu.au/policies/Policies/index.asp>

HONOURS

POLICY ON AWARD OF HONOURS IN THE ANU COLLEGE OF LAW

Requirements for honours degree

The degree of Bachelor of Law with honours shall consist of two parts:

Part A, which shall consist of a mark derived by applying the **Honours scale** to the eligible law courses. The mark for Part A shall constitute 70% of the mark for the final honours examination.

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

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

The ANU College of Law may decide not to award the degree with honours to a candidate who has failed an eligible law course or *Honours Thesis*.

Failure in a law course

Where a student has failed a law course, the following rules will apply.

- (1) One failure in a law course will not result in exclusion from enrolling in *Honours Thesis*, nor will it make a student ineligible for an award of Honours.
- (2) Two or more failures in a law course or law courses will result in a student being excluded from enrolling in *Honours Thesis*, and hence ineligible for an award of Honours. This rule is subject to the discretion of the Sub-Dean who can allow such a student to enrol in *Honours Thesis* in exceptional circumstances. The Sub-Dean will take account of any written submission from the student as to the circumstances of the failures, and any other relevant matters. If the Sub-Dean exercises the discretion and allows the student to enrol in *Honours Thesis*, then the fact of those failures will not make the student ineligible for an award of Honours.
- (3) One or more failure in a law course at the point of enrolment in *Honours Thesis*, with a subsequent failure or failures in a law course or courses will result in the student being ineligible for an award of Honours. This rule is subject to the discretion of the Dean, who can decide that such a student should be awarded Honours in exceptional circumstances. The Dean will take advice from the examiners' meeting and will take account of any written submission from the student as to the circumstances of the failures, and any other relevant matters.

Eligible law courses

The eligible law courses for the purposes of **Part A** shall be the law courses completed by a candidate in the ANU College of Law at the Australian National University as part of the Bachelor of Laws.

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The eligible law courses shall not include –

- Honours Thesis;
- a course completed by a candidate at another university for which the candidate has been given status in the Bachelor of Laws at the Australian National University, whether the course was completed by the candidate before being enrolled in the Bachelor of Laws, as an approved cross-institutional course, or as a course completed as part of an approved program at a foreign university;
- a course completed by a candidate in the postgraduate law program in the ANU College of Law at the Australian National University;
- a course which the candidate has taken for a second or further time, having failed the course at the first attempt (whether the first recorded failure was in a course taken in the ANU College of Law at the Australian National University or in a comparable course at another university);
- if the candidate has completed 19 or more courses in the ANU College of Law at the Australian National University – the three courses in which the candidate obtained the lowest mark;
- if the candidate has completed 18 courses in the ANU College of Law at the Australian National University – the two courses in which the candidate obtained the lowest mark;
- if the candidate has completed 17 courses in the ANU College of Law at the Australian National University – the course in which the candidate obtained the lowest mark.

Honours scale

The following grade point scale shall be applied to the eligible law courses and *Honours Thesis*. Each eligible law course and *Honours Thesis* will be attributed an Honours mark that is equivalent to the candidate's Course result in the course. The mark for Part A shall be the average of the Honours marks for all of the eligible law courses completed by the candidate. The mark for Part B shall be the Honours mark for the candidate's result in *Honours Thesis*. A candidate's mark for the final honours examination shall comprise 70% of the mark for Part A and 30% of the mark for Part B.

Course Result (0-100%)	Honours Mark (0-10)
0-49	0
50-52	1
53-56	2
57-59	3
60-62	4
63-66	5
67-69	6
70-72	7
73-76	8
77-79	9
80-100	10

Grade of honours

The honours result of a candidate shall be classified in the following manner:

- **Honours (first class):** if the candidate obtains an Honours mark of 4.25 or more in Part A, and a mark of 4.00 or more in Part B, and an Honours mark of 7.25 or more in the final honours examination;
- **Honours (second class, division A):** if the candidate obtains an Honours mark of 4.25 or more in Part A, and a mark of 4.00 or more in Part B, and an Honours mark of 5.75 or more (but less than 7.25) in the final honours examination;
- **Honours (second class, division B):** if the candidate obtains an Honours mark of 4.25 or more in Part A, and a mark of 4.00 or more in Part B, and an Honours mark of 4.25 or more (but less than 5.75) in the final honours examination, provided that the ANU College of Law may make an award of honours where the student has an Honours mark of 4.25 or more in the final honours examination and there is a marginal shortfall in Part A which may be seen to be compensated for by the result in Part B.

Part B (Honours Thesis)

The College shall arrange for a member of the academic staff of the ANU College of Law, or some other person who in the opinion of the College is able to provide adequate supervision at the appropriate level, to be appointed to supervise a candidate enrolled in *Honours Thesis*.

For the purposes of *Honours Thesis*, a thesis of between 11,000-13,000 words* shall be submitted by a candidate by a date specified by the College.

A candidate shall be eligible to be enrolled in *Honours Thesis* in the following circumstances:

- (a) the candidate, at the time of completion of his or her studies in the ANU College of Law, will have completed 14 or more eligible law courses;
- (b) the candidate has, by the end of the first week of the semester in which they will undertake *Honours Thesis*, submitted to the Law School Office a form signed by their supervisor and counter-signed by the convenor of *Honours Thesis*, indicating that the supervisor has read and approved a detailed research proposal prepared in accordance with issued guidelines,** and has agreed to supervise the student; and
- (c) the candidate is in a position to complete the requirements for admission to the degree in a period of one year or less as a full-time student; and
- (d) at the time that the candidate qualifies under paragraph (c), the candidate has an Honours mark of 4.5 in the eligible law courses completed by the candidate, after disregarding the three courses (or less, if this policy otherwise requires) in which the candidate has scored the lowest marks.

Transitional

1. In identifying for the purposes of this policy the law courses in which a candidate obtained the lowest mark, a course completed by the candidate in the ANU College of

* Honours Thesis word length has increased to 11,000-13,000 words but the method of counting the words has changed. See the course outline for more details.

** Honours Thesis workshops will be offered by the College during the year to assist students to prepare the detailed research proposal which will be required for eligibility to enrol in Honours Thesis. Guidelines for the preparation of the detailed research proposal are available in the course outline for Honours Thesis.

Law prior to 1999 that was an annual course shall be treated as being two courses each with an identical result.

2. A candidate who, at the time the changes to this policy commence operating (1 March 2002), has already completed one or more courses at a foreign university as part of an approved program at that university, or who has already been given approval by the ANU College of Law to take any such courses, may elect to have all of those courses (but not some only of those courses) treated as eligible law courses, and to have the Honours marks for those courses calculated in accordance with the policy operating prior to the commencement of these changes.
3. A candidate who, at the time the changes to this policy commence operating (1 March 2002), has already completed one or more courses at another university as approved cross-institutional courses, or who has already been given approval by the College to take any such courses, may elect to have all of those courses (but not some only of those courses) treated as eligible law courses, and to have the Honours marks for those courses calculated in accordance with the policy operating prior to the commencement of these changes.
4. In respect of any candidate who was enrolled in the Bachelor of Laws at the Australian National University prior to 2002, any law courses undertaken by the candidate at another university prior to being enrolled at the Australian National University and for which the candidate was given status upon enrolment at the Australian National University, shall be counted as an eligible law course under this policy. The Honours marks for those courses shall be calculated in accordance with the policy operating prior to the commencement of these changes.

Table of courses available in 2006	
SUMMER SESSION	
<i>Compulsory courses and elective courses required for admission to practise law</i>	
LAWS2202	Commonwealth Constitutional Law
<i>Elective courses</i>	
LAWS2233	Selected Topics in Torts
LAWS2241	Special Law Elective 5: Migration Law
LAWS2263	Special Topics in Intellectual Property
LAWS2236	Succession
Restricted Elective courses	
LAWS2258	International Organisations (Geneva)
LAWS3010	Jessup Moot
LAWS2230	Law Internship
LAWS2248	Selected Topics in Australian-US Comparative Law (Alabama)
LAWS2247	Survey of US Law
SEMESTER 1	
<i>Compulsory courses and elective courses required for admission to practice law</i>	
LAWS2201	Administrative Law
LAWS1205	Australian Public Law
LAWS1204	Contracts
LAWS2203	Corporations Law
LAWS1206	Criminal Law and Procedure
LAWS1201	Foundations of Australian Law
LAWS2244	Litigation and Dispute Management
LAWS2204	Property
LAWS1203	Torts
Elective courses	
LAWS2209	Bankruptcy and Insolvency
LAWS2210	Commercial Law
LAWS2259	Consumer Protection and Product Liability Law
LAWS2213	Contemporary Issues in Constitutional Law
LAWS1209	English in a Legal Context
LAWS2215	Environmental Law

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LAWS2219	Health Law, Bioethics and Human Rights
LAWS3202	Honours Thesis
LAWS2221	Income Tax
LAWS2245	Information Technology Law
LAWS2225	International Law of Human Rights
LAWS2226	International Trade Law
LAWS2227	Japanese Law and Society
LAWS2230	Law Internship
LAWS2235	SLE 2: Clinical Youth Law Program
LAWS2240	SLE 4: Community Law Clinical Program
LAWS2234	SLE 1: Insurance Law
SEMESTER 2	
Compulsory courses and elective courses required for admission to practice law	
LAWS1205	Australian Public Law
LAWS2202	Commonwealth Constitutional Law
LAWS1204	Contracts
LAWS2205	Equity and Trusts
LAWS2207	Evidence
LAWS1201	Foundations of Australian Law
LAWS2250	International Law
LAWS1202	Lawyers, Justice and Ethics
LAWS2249	Legal Theory
Elective courses	
LAWS2264	Advanced International Law
LAWS2262	Current Issues in Administrative Law
LAWS1209	English in a Legal Context
LAWS2217	Family Law
LAWS3202	Honours Thesis
LAWS2220	Human Rights Law in Australia
LAWS2222	Intellectual Property
LAWS2253	International Environmental Law
LAWS2224	International Law Elect: Law of the Sea
LAWS2228	Labour Law
LAWS2251	Legislation and Expert Systems
LAWS2260	Law and Psychology

LAWS2256	Law and Sexualities
LAWS2230	Law Internship
LAWS2257	Selected Topics in Australian –US Law (ANU)
LAWS2261	Selected Topics in Criminal Law
LAWS2235	SLE 2: Clinical Youth Law Program
LAWS2240	SLE 4: Community Law Clinical Program
LAWS2246	SLE: 6 Race and the Law

POSTGRADUATE STUDY OPTIONS

The ANU College of Law offers a range of postgraduate coursework and research degrees. Study can be undertaken on a full-time or part-time basis. Further information is available at <<http://law.anu.edu.au/postgraduate/>>.

COURSEWORK

Programs offered:

- Masters degrees
- Graduate diplomas
- Graduate certificate (Environmental Law only)

Most of the courses within the programs are offered intensively over a period of three to five days with some courses now being offered on-line or mixed mode. Courses may also be taken individually (on a non-award basis) without being part of a degree or diploma to suit personal and professional needs.

Specialisations are available in:

- Government & Commercial Law
- Environmental Law
- International Law

LLM (LEGAL PRACTICE)

Students who have completed their Graduate Diploma in Legal Practice (GDLP) program and have not had the qualification conferred, can apply to upgrade to an LLM (Legal Practice) or LLM by completing additional courses. The GDLP program contributes half of the units required for an LLM (Legal Practice) and a quarter of the units towards an LLM.

RESEARCH

Programs offered:

- Doctor of Juridical Science (SJD)
- Doctor of Philosophy (PhD)
- Master of Philosophy (MPhil)

Students can undertake research under the supervision of leading scholars in the ANU College of Law. Academics in other areas of the University and experienced practitioners in private practice and in government departments may also supervise research.

Research may be conducted in many areas of law, and we encourage students to contact staff to discuss their potential research project and supervision requirements. Further information is available at <<http://law.anu.edu.au/researchstudents/>>.

COURSES OFFERED

COMPULSORY COURSES

LAWS2201 Administrative Law

Compulsory, 6 units

Coordinator: Daniel Stewart

Offered: Semester 1

Contact hours: Four hours per week

Prerequisites: Australian Public Law

LAWS1205

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

The following topics will be covered:

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

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

Preliminary Reading: The reading timetable will be announced in the first class.

Prescribed Text: R Creyke and J McMillan, *Control of Government Action: Text, Cases and Commentary*, (LexisNexis Australia 2005).

Additional information: in a combined degree, this course will generally be taken in third year.

LAWS1205 Australian Public Law

Compulsory 6 units

Coordinators: First Semester Tony

Connolly, Second Semester Amelia Simpson

Offered: Semester 1, Semester 2. Second semester for LLB and LLB(G) students only (not available for students in combined degrees).

Contact hours: Three hours per week.

Prerequisites: None

Syllabus: This course examines the structure and themes of Australian public law, and in that way provides a bridge to all other public law study in the curriculum. In essence, the course examines a prominent feature of the Australian legal system, namely how power is structured, distributed, and controlled in Australia. The distinctive roles played by the legislature, the executive and the judiciary receive special attention. Subsidiary themes in the course are protection of individual rights in the Australian legal system, and constitutional change and evolution in Australia. The following topics will be covered:

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

Proposed Assessment: The proposed means of assessment for this course will provide students with the option of undertaking at least two pieces of assessment, including one piece during the semester. More detail will be provided on the College's website in the last week before the relevant semester commences.

Prescribed Text: To be advised

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

LAWS2202 Commonwealth

Constitutional Law

Compulsory, 6 units

Coordinator: James Stellios

Offered: Semester 2

Contact hours: Four hours per week

Prerequisites: Australian Public Law LAWS1205

Syllabus: Building on previous public law studies, particularly Australian Public Law, this course aims to deepen student understanding of key aspects of the Commonwealth Constitution and its judicial interpretation by the High Court. Particular attention will be paid to the historical, social and institutional forces which have helped shape the Constitution and the High Court's reading of it. The course includes:

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

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

Preliminary Reading: None

Prescribed Text: To be advised
Additional information: Students should also note that Administrative Law is no longer a corequisite for this course. However it is desirable that, if possible, students take Administrative Law before, or at the same time, as this course.

LAWS1204 Contracts

Compulsory, 6 units
Coordinators: First Semester Anne McNaughton, Second Semester TBA
Offered: Semester 1, Semester 2. First semester for LLB and LLB(G) students only (not available for students in combined degrees).
Contact hours: Four hours per week
Prerequisites: None
Syllabus: The Contracts course is one of the foundation subjects in the law course and examines a central aspect of the law of obligations. The evolution of contract, its central role in a market economy and the criteria for making legally enforceable promissory obligations are explored before embarking on the requirements for the formation of contract. The content of agreements and the associated rules and doctrines for ascertaining the meaning and scope of the obligations expressly or impliedly undertaken by the parties is discussed. The invasion of contract by new rules, in particular estoppel and the prohibition on misleading or deceptive conduct, makes it clear that the commercial relationship is multi-faceted and that the study of contract law ranges more widely than the traditional rules. Equitable doctrines, such as duress, undue influence and unconscionability, that can provide grounds for avoiding contractual commitment, are examined. The course finishes with breach and its consequences, including a discussion of the common law and equitable remedies.
Proposed Assessment: The proposed means

of assessment for this course will provide students with the opportunity of undertaking at least two pieces of assessment, including one piece during the semester. More details will be provided on the College's website in the last week before the relevant semester commences.

Prescribed Text: To be advised.
Additional information: This course is taken in the second semester of first year for all combined degree students. Students undertaking LLB(G) or non-combined LLB will study Contracts in the first semester of first year.

LAWS1206 Criminal Law and Procedure

Compulsory, 6 units
Coordinator: Mark Nolan
Offered: Semester 1
Contact hours: Four hours per week
Prerequisites: None
Syllabus: A student who successfully completes the course should have:

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

Topics will include: the nature and purposes of criminal law, theories of criminal culpability; elements of criminal offences; offences against the person (including homicide, assaults, sexual offences); offences against property; complicity; and the law of criminal procedure.
Proposed Assessment: The method of assessment will be settled after discussion with students.

Prescribed Text: S Bronitt and L B McSherry, *Principles of Criminal Law* (2nd ed, 2005) if available.

Preliminary Reading: Chapters 1 and 2. A detailed course outline will be issued, together with extracts from cases not included in the prescribed textbook.

Additional information: This is a foundation course in the Law degree.

LAWS2205 Equity and Trusts

Compulsory, 6 units

Coordinator: Pauline Ridge

Offered: Semester 2

Contact hours: Four hours per week

Prerequisite: Property LAWS2204

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

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

Proposed Assessment: An optional essay, an optional mid-semester exam and an end of semester exam.

Preliminary Reading – helpful texts are:

R P Meagher, W M C Gummow and J R F Lehane *Jacob's Law of Trusts in Australia* (6th ed, 1997), R P Meagher, D Heydon and M Leeming, *Equity, Doctrines and Remedies* (4th ed, 2002), P Parkinson, *The Principles of Equity* (2nd ed, 2002), R Radan, C Stewart and A Lynch, *Equity and Trusts* Butterworths Tutorial Series (2nd ed, 2005), M Evans *Equity and Trusts* (2003).

Prescribed Text: Text to be advised.

(Students are advised to confirm the text by going to the Law website.)

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

LAWS1201 Foundations of Australian Law

Compulsory, 6 units

Coordinators: First Semester Judith Jones, Second Semester Miriam Gani

Offered: Semester 1, Semester 2

Contact hours: In every week there will be a one-hour lecture and a two-hour seminar. In some weeks there will also be a one-hour library tutorial.

Prerequisites: None. This course must be completed at the beginning of the LLB.

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

system and the history underlying that system. In this way, Foundations of Australian Law lays the groundwork for the remainder of students' legal studies.

The specific objectives of the course are:

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

Proposed Assessment: The assessment for the course will be decided after consultation with the class.

Preliminary Reading: None.

Prescribed Text: To be advised.

Additional information: This course is informally "twinned" with LAWS1203 Torts in Semester One and LAWS1204 Contracts in Semester Two. It is strongly recommended that students enrolled in Foundations of Australian Law

simultaneously undertake the relevant companion course.

LAWS2250 International Law

Compulsory, 6 units

Coordinator: Pene Mathew

Offered: Semester 2

Contact hours: Two to four hours per week

Prerequisites: None

Syllabus: No major area of Australian law remains unaffected by international law, so an understanding of international law is essential for any legal practitioner in the twenty-first century. Given this vast scope, this course does not seek to cover all aspects of international law. Instead it aims to offer an introduction to the main principles and substantive elements of the international legal system, both for those students who will go on to study some of the many international law electives available in the ANU College of Law and for those who intend to study and practise in other fields. The course seeks to achieve these objectives by clarifying the institutional framework, theoretical bases and processes of the international legal system and then applying them, in a practical way, both to Australian law and to some specific fields of international law. Accordingly, the course is designed to enable students to:

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

Proposed Assessment: The final assessment scheme will be settled after consultation with students. It is likely to involve a number of elements, including an end of

year open-book examination/and a compulsory non-redeemable assignment (including some multiple choice questions).

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

Prescribed Text: To be advised. See course outline on the College's website.

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

LAWS1202 Lawyers Justice and Ethics

Compulsory, 6 units

Coordinator: Glenda Bloomfield

Offered: Semester 2

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

Prerequisites: None

Incompatible: Law in Context

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

The course is designed:

- to impart an awareness of the social, political and economic contexts of legal practice, litigation and statutory law-making;
- to generate insight into the realities and diversity of legal practice;
- to examine the nature of legal

processes and procedures and the limitations on access to the legal system;

- to investigate the structure and workings of the legal profession from a political and sociological, as well as functional, perspective;
- to explore the ethical dimension of legal practice and the various forms of regulation of professional conduct;
- to introduce students through simulations and role playing to skills required for working in a legal setting, particularly in relation to clients, including interviewing, legal writing, negotiation and advocacy.

Proposed Assessment: It is proposed that there be a component of the mark for seminar work, a mid-semester assignment, and an examination at the end of the course.

Prescribed Text: A detailed Course Outline and Reading Materials will be issued. Other materials to be advised.

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

LAWS2249 Legal Theory

Compulsory, 6 units

Coordinator: Tony Connolly

Offered: Semester 2

Contact hours: Three hours per week

Prerequisites: None

Syllabus: This course explores a number of important theoretical issues concerning law. These issues include the nature and function of law in modern societies, the nature of citizens' obligations under law, the nature of legal reasoning and the interpretation of legal texts, the

relationship between law, power, justice and democracy and the capacity of the law to provide for gender, cultural and other forms of difference. The course proceeds by way of a critical examination of the leading contemporary schools of thought about law and legal issues. In the course of this examination, specific attention may be paid to the perspectives of these schools on such topical issues as civil disobedience, freedom of speech and indigenous sovereignty.

Its objectives are:

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

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

Preliminary Reading: Brian

Bix, *Jurisprudence: Theory and Context* (3rd ed, 2003).

Prescribed Text: Required reading is contained and recommended reading is listed in the course materials.

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

LAWS2204 Property

Compulsory, 6 units

Coordinator: Wayne Morgan

Offered: Semester 1

Contact hours: Four hours per week

Prerequisites: Contracts LAWS1204

Syllabus: The course is designed to:

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

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

Proposed Assessment: The proposed means of assessment for this course will provide students with the option of undertaking at least two pieces of assessment, including one piece during the semester. More detail will be provided on the College's website in the last week before the relevant semester commences.

Preliminary Reading: Helpful texts are: R P Meagher, W M C Gummow and J R F Leane *Jacob's Law of Trusts in Australia* (6th ed, 1997), R P Meagher, D Heydon and M Leeming, *Equity, Doctrines and Remedies* 4th ed, 2002), P Parkinson, *The Principles of Equity* (2nd ed, 2002), R Radan, C Stewart and A Lynch, *Equity and Trusts* Butterworths Tutorial Series (2nd ed, 2005), M Evans *Equity and Trusts* 2003.

Prescribed Text: Text to be advised.

(Students are advised to confirm the text by going to the Law website.)

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

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

LAWS1203 Torts

Compulsory, 6 units

Coordinator: Juliet Behrens

Offered: Semester 1

Contact hours: Four hours per week

Corequisites: Foundations of Australian Law LAWS1201

Syllabus:

- to provide knowledge and understanding of the tort of negligence and other related areas of the law of torts;

- to gain an insight, from the perspective of a particular branch of the law, into the way in which the law develops, and the advantages and disadvantages of judicial development of the law;
- to apply and interpret relevant legislation.

The tort of negligence is the principal means by which the law provides compensation for a loss caused by another's carelessness, whether that loss be physical injury, damage to property, or financial harm. This course focuses on personal injuries and examines the torts of negligence and trespass in this context. A study is made of the essential features of the tort of negligence, the way in which the tort is applied in particular situations, and the principles by which damages are assessed for one who has suffered personal injury by another's negligence. A further subject of study is the torts relating to trespass to the person - battery, assault and false imprisonment, as well as trespass to land.

Proposed Assessment: The proposed means of assessment for this course will provide students with the option of undertaking at least two pieces of assessment, including one piece during the semester. More detail will be provided on the College's website in the last week before the relevant semester commences.

Prescribed Text: To be advised.

Additional information: This course is taken in the first semester of first year.

ELECTIVE COURSES REQUIRED FOR ADMISSION TO PRACTISE LAW

LAWS2203 Corporations Law

Elective, required for Admission to Practice, 6 units

Coordinator: Stephen Bottomley

Offered: Semester 1

Contact hours: Four hours per week

Prerequisites: Contracts LAWS1204

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

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

Proposed Assessment: Assessment will be a combination of written assignments and a final examination.

Preliminary Reading: None

Prescribed Text: An up to date copy of the *Corporations Act 2001* (Cth).

Recommended Text: To be advised.

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

LAWS2207 Evidence

Elective, required for Admission to Practice, 6 units

Coordinator: Gregor Urbas

Offered: Semester 2

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

Prerequisites: Torts LAWS1203 and Criminal Law and Procedure LAWS1206.

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

- investigation and organisation of factual material;
- adducing evidence in court;
- testimonial, real and documentary evidence;
- examination, cross-examination and re-examination of witnesses;
- burden and standard of proof;
- relevance of evidence to facts in issue; and
- admissibility rules (eg, credibility, hearsay, opinion, tendency and coincidence, identification and character evidence, and privileges; judicial discretions and conduct of proceedings).

The course will be based on the "Uniform Evidence Law" – comprising the *Evidence Act 1995* (Cth), which applies in proceedings in all Federal and ACT courts, along with counterpart legislation in New South Wales, Tasmania and Norfolk Island. Proposed Assessment: To be advised, after consultation with class.

Preliminary Reading: None, but students will benefit from re-reading cases with

which they are already familiar from earlier law courses, such as Torts and Criminal Law and Procedure – though now focusing on the factual bases of these cases and considering how 'the facts' are actually established in legal proceedings, rather than concentrating on the principles of substantive law which are applied to the facts to reach a decision. Some aspects of criminal investigation and trial procedures are also portrayed (though not always realistically) in various 'real crime' literature and 'courtroom drama'.

Prescribed Text: To be advised.

Students are required to obtain and bring to classes a copy of the *Evidence Act 1995* (Cth). This may be in the form of an annotated text such as Odgers (2004).

Recommended texts: Annotated commentaries and texts on the Act are particularly useful and include:

- S Odgers, *Uniform Evidence Law* (6th ed) Thomson Lawbook Co (2004)
- J Anderson, J Hunter and N Williams, *The New Evidence Law: Annotations and Commentary on the Uniform Evidence Acts*, LexisNexis Butterworths (2002)

The companion book to Odgers is also useful:

- S Odgers, E Pedden and M Kumar, *Companion to Uniform Evidence Law*, Thomson Lawbook Co (2004)

Other recent textbooks on evidence include:

- A Palmer, *Proof and the Preparation of Trials*, Lawbook Co (2003)
- K Arenson and M Bagaric, *Understanding Evidence*, LexisNexis Butterworths (2002)
- P Bayne, *Uniform Evidence Law, Text and Essential Cases*, Federation Press (2003)
- J Gans and A Palmer, *Australian Principles of Evidence* (2nd ed), Cavendish (2004)

- A Ligertwood, *Australian Evidence* (4th ed), LexisNexis Butterworths (2004)
- C Ying, *Essential Evidence* (3rd ed), Cavendish (2005)

In 2005, the Australian Law Reform Commission (ALRC) is conducting an inquiry into the Uniform Evidence Acts and has released the following:

- Issues Paper 28: *Review of the Evidence Act 1995* (20 December 2004)
- Discussion Paper 69: *Review of the Uniform Evidence Acts* (4 July 2005)

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

LAWS2244 Litigation and Dispute Management

Elective, required for Admission to Practice, 6 units

Coordinator: Alex Bruce

Offered: Semester 1

Contact hours: Two to four hours per week and a one-day weekend workshop

Prerequisites: Torts LAWS1203 and Contracts LAWS1204

Syllabus: This course is an introduction to the principles of dispute resolution focussing upon mediation and civil litigation. The coverage of litigation will reveal the principles underlying civil procedure in superior courts. There will be a consideration of the interlocutory steps in civil litigation as well as appropriate tactics and ethical considerations.

The course is structured to meet the admission requirements for practice as a legal practitioner in the Australian States and Territories. Students will be encouraged to develop practical skills through an intensive workshop in mediation and a litigation case study in tutorials.

Topics to be covered include:

- dispute resolution within and outside the legal system;

- confidentiality and power imbalances in dispute resolution;
- mediation procedures;
- when and how to commence proceedings in court;
- gathering evidence;
- urgent applications; and
- class actions.

Proposed Assessment: The assessment will include a written assignment and a final exam.

Prescribed Text: Rules of the Supreme Court of the Australian Capital Territory. S Colbran et al, *Civil Procedure: Commentary and Materials*, (2nd ed) Butterworths (2002).
Additional information: This course is best undertaken by students later in their degree. In particular, students will benefit from an understanding of Corporations Law.

ELECTIVE COURSES

LAWS2264 Advanced International Law

Elective, 6 units

Coordinator: Jean-Pierre Fonteyne

Offered: Semester 2

Contact hours: Three hours per week

Prerequisites: International Law LAWS2250

Syllabus: The primary objective of the course is to provide undergraduate students wanting to specialise in international law with an opportunity to study those parts of general international law not addressed in the compulsory course. This elective will address three or four major topics:

- Jurisdiction
- Sovereign and other immunities
- State responsibility;
- Unspecified fourth topic (to be determined each year in light of current issues and staff availability).

Proposed Assessment: A mid-semester compulsory assignment, and a final exam.

Prescribed Text: D J Harris, *Cases and Materials on International Law* (5th ed, Sweet and Maxwell 1998), Jean-Pierre Fonteyne, A McNaughton, J Stellios, Harris, *Cases and Materials on International Law – An Australian Supplement* (Lawbook Co 2003).

LAWS2209 Bankruptcy and Insolvency

Elective, 6 units

Coordinator: Kent Anderson

Offered: Semester 1

Contact hours: Three hours per week

Prerequisites: Corporations Law LAWS2203

Syllabus: This course introduces the foundations of debtor-creditor law, including the law of personal bankruptcy under the *Bankruptcy Act 1966* and corporate insolvency under chapter 5 of the *Corporations Act 2001*. The course

covers pre-insolvency debtor-creditor practice, liquidation of insolvent entities, and rehabilitation of distressed debtors. The course will follow a systems-approach to the material. This means that the course emphasises the broad purposes and mechanisms at each stage of an insolvency from a practical standpoint. The largest amount of time in this course will be spent on liquidations, and particularly individual bankruptcy. This course will also look at pre-insolvency debtor-creditor relations to insolvency proceedings, and reorganisation alternatives to liquidation. Students completing this course should be fluent in the special terminology of debtor-creditor law and familiar with the conceptual building-blocks of insolvency. The course will be very useful for a variety of students including those seeking to go into commercial business or law practice, people planning on operating a small business at some time, future consumer and family lawyers, and anyone with an over-extended credit car. Because insolvency law incorporates a huge variety of other substantive law areas within its gamut (including property law, contracts, torts, commercial law, corporate law, consumer protection law and family law), policy concerns in these areas will also be discussed.

Proposed Assessment: To be settled after consultation with the class.

Prescribed Text: The *Bankruptcy Act 1966* and chapter 5 of the *Corporations Act 2001* are the prescribed texts. Background reading materials will be accessible via the course web page. For reference, some students purchase M Murray, *Keay's Insolvency: Personal and Corporate Law and Practice* (5th ed) Law Book Company (2005).

Additional information: This is a

commercial law elective course, therefore, Corporations Law, Commercial Law, Banking and Finance, and Property will all be helpful. However, the course will be taught with no assumption of having taken these courses other than Corporations Law.

LAWS2210 Commercial Law

Elective, 6 units

Coordinator: Shae McCrystal

Offered: Semester 1

Contact hours: Three hours per week

Prerequisites: Contracts LAWS1204

Corequisites: Property LAWS2204

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

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

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

Proposed Assessment: The proposed means of assessment for this course will provide students with the option of undertaking at least two pieces of assessment, including one piece during the semester. More detail will be provided on the College's website in the last week before the relevant semester commences.

Prescribed Text: Pearson, Fisher and Ali, *Commercial Law: Commentary and Materials* (2nd ed, 2004).

Additional information: This course provides essential background for advanced commercial law courses.

LAWS2211 Comparative Legal History

Elective, 6 units

Not offered in 2006

Contact hours: Three hours per week

Prerequisites: None

Syllabus: This course has four objectives: to introduce students to the use of history as a tool for legal analysis; to introduce students to the comparative legal method; to increase students' depth of understanding of the legal system; and to increase students' proficiency at writing and research.

The course takes as its focus the experience of Australia and Canada, the two most similar of the settler colonies established by Great Britain in the latter half of the eighteenth century. After an introduction to historical comparative method, topics will include: patterns of reception of English law in the colonies; the development of colonial legal institutions; constitutional evolution and growth to nationhood; crime, punishment and policing; anti-discrimination law; gender, family and the law; Indigenous peoples and the law; and trade unionism and industrial relations.

Note: This course is jointly taught with the University of British Columbia and the University of Victoria (Canada) and Macquarie University (NSW).

Proposed Assessment: The proposed means of assessment for this course will provide students with the option of undertaking at least two pieces of assessment, including one piece during the semester. More detail will be provided on the College's website in the last week before the relevant semester commences.

Prescribed Text: None. A wide range of materials is available on line.

LAWS2212 Conflict of Laws

Elective, 6 units

Not offered in 2006

Contact hours: Two hours of lectures per week, and a one-hour tutorial every week for each student.

Prerequisites: Torts LAWS1203 and Contracts LAWS1204

Syllabus: This course is concerned with the way in which the law deals with cases in which not all of the facts are referable to one State or Territory of the Commonwealth. Topics include:

- the law applicable to actions in contract, with particular emphasis on international business transactions;
- the law applicable to actions on torts committed outside the State or Territory in which the proceedings are heard;
- the grounds on which foreign laws and institutions will not be recognised in Australia;
- jurisdiction of Australian courts over defendants either outside Australia or elsewhere within the country;
- recognition and enforcement in Australia of judgments and arbitral awards delivered overseas.

Proposed Assessment: An optional redeemable exam half-way through the semester and a further exam in the November examination period.

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

Prescribed Text: None. A set of materials will be available from the Services Office

before the course starts.

Additional information: In the discussion of the jurisdiction of Australian courts the course is closely related to Litigation and Dispute Management. Because of this relationship, some students may prefer to take Conflict of Laws in the final or penultimate year of the degree. On the other hand, since the course looks at principles of the law of Torts and the law of Contract from a different perspective, students may wish to take Conflict of Laws soon after completing those two compulsory courses.

LAWS2259 Consumer Protection and Product Liability Law

Elective, 6 units

Coordinator: Alex Bruce

Offered: Semester 1

Contact hours: Three hours per week

Prerequisites: None

Syllabus: The object of this special subject is to introduce students to the Consumer Protection and Product Liability provisions of the TPA. This will involve a consideration of:

- the role and function of consumer protection and product liability laws as part of Australia's National Competition Policy;
- misleading and deceptive conduct (s 52) and its most common forms including silence, comparative advertising, passing off, sale of businesses, breach of contract and franchising industry issues;
- the status of future representations including predictions, opinions and testimonials (s 51A)
- various forms of false conduct (s 53);
- "special" areas of consumer concern such as pyramid selling and false claims for payments;
- country of Origin representations (Div 1AA);
- conditions and warranties implied into

consumer contracts by the TPA (Div 2 and Div 2A) including the status of 'No Refund' policies;

- unconscionable conduct (Part IVA);
- industry Codes of Conduct with an examination of the franchising industry (Part IVB);
- product Liability (Part VA);
- the criminal regime (Part VC);
- the various remedies under TPA including damages, injunctions and other orders;
- the various defences under the TPA;
- enforcement of the Consumer Protection and Product Liability provisions of the TPA by the Australian Competition and Consumer Commission, including the Commission's enforcement priorities and a consideration of recent enforcement activity.

Proposed Assessment: The proposed means of assessment for this course will provide students with the option of undertaking at least two pieces of assessment, including one piece during the semester. More detail will be provided on the College's website in the last week before the relevant semester commences.

Prescribed Text: Stephen Corones and Philip Clarke, *Consumer Protection and Product Liability Law – Commentary and Materials* (2nd ed, 2002).

LAWS2213 Contemporary Issues in Constitutional Law

Elective, 6 units

Coordinator: James Stellios

Offered: Semester 1

Contact hours: Four hours per week

Prerequisites: Commonwealth

Constitutional Law LAWS2202

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

It is anticipated that significant components of the course in 2006 will focus on Chapter III of the Constitution, including consideration of federal jurisdiction and its exercise by federal courts (particularly the High Court) and state courts. The course will also focus on the law and practice of constitutional litigation.

Proposed Assessment: The proposed means of assessment for this course will provide students with the option of undertaking at least two pieces of assessment, including one piece during the semester. More detail will be provided on the College's website in the last week before the relevant semester commences.

LAWS2214 Criminal Justice

Elective, 6 units

Not offered in 2006

Contact hours: Three hours per week

Prerequisites: Criminal Law and Procedure LAWS1206

Syllabus: This course examines the process, institutions and contexts of criminal justice. It is designed to develop a critical understanding of the theoretical, legal and policy issues relating to crime, punishment and the criminal process, and to introduce students to interdisciplinary perspectives through an examination of contemporary topics in criminal justice.

The first part of the course will examine the role and place of punishment in the criminal justice system. Theoretical perspectives on criminology and criminal justice, both explanatory and normative, will be evaluated. The second part of the course will explore theoretical, legal and policy issues through an examination of a range of substantive topics, such as policing, the jury, diversionary conferences, criminal investigation, electronic surveillance, the fair trial, entrapment, mode of trial, prosecution, the impact of

the criminal justice systems on indigenous peoples, miscarriages of justice, domestic violence, multiculturalism, sentencing and prisons.

Proposed Assessment: The proposed means of assessment for this course will provide students with the option of undertaking at least two pieces of assessment, including one piece during the semester. More detail will be provided on the College's website in the last week before the relevant semester commences.

Prescribed Text: None. A wide range of materials is available on-line.

Additional information: This course complements Criminal Law and Procedure, Selected Topics in Criminal Law, Lawyers, Justice and Ethics, and Evidence. It is essential for students contemplating work in any criminal justice context, for example, DPP, Legal Aid, Community Legal Services, Police.

LAWS2262 Current Issues in Administrative Law

Elective, 6 units

Not offered in 2006

Contact hours: Three hours per week

Prerequisites: Administrative Law LAWS2201

Syllabus: This course is designed to familiarise students with some of the contemporary challenges facing the Australian system of Administrative Law, and to permit them to engage in a scholarly and reflective analysis of the issues involved in cases and issues which are coming before the courts. To best suit the needs of the student body, cases and issues will be examined both from a theoretical and practical dimension. The nature of this course means that the course outline will generally not be fully settled before each semester, in order to leave some space for significant issues or cases which arise just prior to or during the

teaching period. Nevertheless, certain topics will need to be covered to supplement the foundation course. Topics from which sessions will be selected include:

- Jurisdictional error;
- Administrative law theory;
- New trends in accountability in an administrative state;
- The role of privative clauses and other means of removing or limiting the jurisdiction of courts and tribunals;
- Commercialisation, privatisation and outsourcing of government functions;
- Damages as an administrative law remedy;
- The status of international law principles and conventions in Australian administrative law;
- Controlling administrative decision-making—alternatives to external review: internal review; codes of conduct; service charters;
- The interaction of administrative law and human rights and anti-discrimination principles;
- Investigative bodies, including Ombudsman and Parliamentary Commissioners and their place in administrative law;
- Protection of privacy in the public and private sector;
- Executive Power and administrative law;
- E-Government and its impact on administrative law;
- Issues in relation to tribunals such as evidence, modes of inquiry, structure of tribunal system, tribunal independence.

Proposed Assessment: The assessment for this course is designed to give students an opportunity to do a reflective essay on one of the major areas of the course, while encouraging engagement with other topics by requiring a short more practical piece on two other topics and a class presentation

on a further topic. The class presentation will also foster the development of presentational skills.

The final assessment scheme will be settled after consultation with the class.

Prescribed Text: Teaching materials will be prepared especially for the course.

Additional information: The course will be conducted, class size permitting, in an interactive seminar format. Students will be expected to play an active part in class discussions.

LAWS1209 English in a Legal Context

Elective, 0 unit

Coordinator: Miriam Gani

Offered: Semester 1, Semester 2

Contact hours: Two hours per week

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

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

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

- how to read cases;
- how to write case notes;
- techniques to simplify legal writing;
- how to speed up reading of cases and other material;

- preparing for tutorial problems; and
- participating effectively in discussion groups.

Proposed Assessment: This subject is not assessed.

Preliminary Reading: None.

Prescribed Text: The class will work with texts and materials from Torts, Foundations of Australian Law, Lawyers Justice and Ethics and Contracts.

Additional information: This course runs in both first and second semester. Students may enrol for two semesters and are encouraged to do so. Satisfactory participation in this course is a ANU College of Law requirement for consideration for extra time in examinations under the University's Policy on Assessment.

LAWS2215 Environmental Law

Elective, 6 units

Coordinator: James Prest

Offered: Semester 1

Contact hours: Three hours per week

Prerequisites: None

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

The course examines environmental law from theoretical and practical perspectives, taking a broad national and thematic approach. The course commences with an introduction to concepts relating to defining the 'environment', including philosophical/ethical bases for environmental protection and the notion of 'ecologically sustainable development'. It then considers environmental protection in a federal system. This is followed by consideration of the role of local and state/territory governments in the implementation of environmental protection objectives through statutory land-use planning and other measures

(including consideration of techniques for development control such as environmental impact assessment). The course also covers regulatory strategies and techniques for pollution control, the enforcement of environmental protection measures (including the topics of standing and access to justice), and the intersection between Indigenous land use and environmental regulation.

Proposed Assessment: Mid-semester examination and research essay.

Prescribed Text: To be advised.

LAWS2216 Environmental Law Elective

Elective, 6 units

Not offered in 2006

Syllabus: This will vary from year to year.

In any given semester the elective will provide intensive coverage of a topic or topics in a substantive area of law relating to the environment.

Proposed Assessment: The proposed means of assessment for this course will provide students with the option of undertaking at least two pieces of assessment, including one piece during the semester. More detail will be provided on the College's website in the last week before the relevant semester commences.

LAWS5920 Exchange Program for Law Students

6 - 24 units

Later Year Course

Offered: Semester 1, Semester 2

Students enrol in this course when they have been approved to participate in a formal Law exchange with one of the Australian National University's overseas exchange partners.

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

ndex.asp>. For further information on academic aspects of exchanges and the necessary approvals, please contact Dr Jean-Pierre Fonteyne, Assistant Sub-Dean (International Exchanges, Law):

jp.fonteyne@anu.edu.au. Please note that all law students in combined degrees require ANU College of Law approval prior to applying, even if they do not intend to study law while on exchange.

All administrative functions are handled by the ANU International Education Office.

For details on how to apply, application forms, cost estimates, and other questions of an administrative nature, please go to the following website:

<http://www.anu.edu.au/ieo/admissions/admission_howtoapply.html/>. Further information may be obtained by contacting the IEO directly.

LAWS2217 Family Law

Elective, 6 units

Coordinator: Juliet Behrens

Offered: Semester 2

Contact hours: Three hours per week

Prerequisites: None

Syllabus: The course is designed to consider a selection of law as it relates to 'the family' in Australia, to place the law in its political, economic, constitutional and other contexts, and to encourage evaluation of the law and proposals for its reform.

The course explores the nature of 'family' relationships and what happens when there is a separation of the adults within such relationships, both in terms of financial/property outcomes and decisions about parenting. The course commences with a discussion of 'the family', including the difficulties of defining 'family' and what the law's role in this is and should be. It then moves to place family law in various contexts, by examining theoretical perspectives, constitutional and

jurisdictional issues and the Family Court and dispute resolution. The following topics are then covered:

- violence by men against women in the home;
- de facto/domestic relationships;
- nullity and dissolution of marriage;
- economic aspects of marriage breakdown (including child support, spousal maintenance and property distribution);
- parenting orders/agreements.

Proposed Assessment: The proposed means of assessment for this course will provide students with the option of undertaking at least two pieces of assessment, including one piece during the semester. More detail will be provided on the College's website in the last week before the relevant semester commences.

Preliminary Reading: Students should read the outline, including the class guides.

Prescribed Text: P Parkinson and J Behrens, *Australian Family Law in Context: Commentary and Materials* (3rd ed) Law Book Co (2005). Reading will be prescribed for each class and classes will be conducted on the basis that students have done the reading.

Additional information: This course can be taken at any stage in a degree. Students sometimes say that they find it easier to cope with if they have done Property. There is a lot of feminist writing on family law, and those who have an interest in feminist legal theory and women and the law will find this course enhances their study in those areas. The course is also particularly recommended for those who are interested in social welfare and social security issues. There are also strong practical and commercial aspects to the course, and links with Property, Equity and Trusts, Corporations Law and Dispute Resolution.

LAWS2218 Feminist and Critical Legal Theory

Elective, 6 units

Not offered in 2006

Coordinator: Pene Mathew

Contact hours: Three hours per week

Prerequisites: None

Syllabus: This course introduces students to critical and transformative theories about law and legality. Students draw on these theories to analyse current legal problems. The course has three components. The first is the study of a variety of feminist challenges to the dominant legal orthodoxies. The different and intersecting approaches to theorising the law and the state taken by liberal feminists, radical feminists and post-modern feminist theory are addressed. Second, the course draws on scholarship both inside and outside the discipline of law in order to study legal practices and images of law and legality. This may include law and literature, cultural studies, critical race theory and postcolonial theory. Third, these theoretical approaches are used to interpret current legal debates in areas such as free speech, native title, sexual harassment, access to in vitro fertilisation and legal education.

Proposed Assessment: The proposed means of assessment for this course will provide students with the option of undertaking at least two pieces of assessment, including one piece during the semester. More detail will be provided on the College's website in the last week before the relevant semester commences.

Prescribed Text: Reading materials will be issued from the College of Law Services Office.

Additional information: This course aims to provide students with critical skills which they can bring to bear in any area of law, complementing and building on skills

attained in Lawyers, Justice and Ethics and Legal Theory.

LAWS2219 Health Law, Bioethics and Human Rights

Elective, 6 units

Coordinator: Tom Faunce

Offered: Semester 1

Contact hours: Three hours per week

Prerequisites: None

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

The course begins with an overview of the Australian health system and its constitutional and legislative framework. Emphasis is placed on the concepts of medical ethics, patients' rights and efficiency and safety in health care including healthcare whistleblowing. Particular topics which are covered include: confidentiality, consent, negligence, accountability, health records, expert evidence, research and experimentation, organ donation, emergency treatment, intensive care, abortion, new reproductive technologies, and death and dying. Consideration is also given to the law relating to mental health and public health, as well as the impact of international trade agreements on access to essential medicines and Australia's Pharmaceutical Benefits Scheme.

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

Preliminary Reading: I Freckleton and K Petersen, *Controversies in Health Law* (2001).

Prescribed Text: Issued materials.

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

LAWS3202 Honours Thesis

Elective 12 units

Coordinators: First Semester Robin Creyke, Second Semester Pauline Ridge

Offered: Semester 1, Semester 2

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

1. the candidate, at the time of completion of his or her studies in the ANU College of Law, will have completed 14 or more eligible law courses;
2. the candidate has, by the first Tuesday of the semester in which they will undertake Honours Thesis, submitted to the Law School Office a form signed by their supervisor indicating that the supervisor has read and approved a detailed research proposal prepared in accordance with issued guidelines, and has agreed to supervise the student;
3. the candidate is in a position to complete the requirements for admission to the degree in a period of one year or less as a full-time student; and
4. at the time that the candidate qualifies under paragraph 3, the candidate has an Honours mark of 4.5 in the eligible law courses completed by the candidate, after disregarding the three

courses (or less, if the Policy on Award of Honours requires) in which the candidate has scored the lowest marks.

5. Please note that it is no longer a requirement that students take another law course or courses alongside Honours Thesis (although most students will continue to do so).

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

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

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

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

Proposed Assessment: 11,000–13,000 word honours thesis.

Additional information: To assist students to prepare their detailed research proposal and to undertake Honours Thesis, the Law School offers Honours Thesis Workshops each year. Attendance is voluntary. Dates for 2006 will be advised. It is strongly recommended that students

attend a Workshop *at least three months before* the semester in which they enrol in Honours Thesis. Students may attend more than one Workshop. See also the brochure 'Honours in Law 2006: Important Information to Students' available on the Honours web page <http://law.anu.edu.au/Undergraduate>. The word count rules for Honours Thesis have changed in 2006. Consult the course outline for details.

LAWS2220 Human Rights Law in Australia

Elective, 6 units

Coordinator: Peter Bailey

Offered: Semester 2

Contact hours: Three hours per week

Corequisites: Commonwealth Constitutional Law LAWS2202

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

Topics to be covered include:

- theories of human rights;
- the constitutional framework for protection of human rights in Australia including express constitutional rights, implied constitutional rights, common law and statutory protections;
- institutional mechanisms for the protection of rights, particularly the Human Rights and Equal Opportunity Commission;

- discrimination law;
- the comparative merits of protecting human rights by constitutional, statutory and common law means; the ACT Human Rights Act 2004 - what about Australia?; and
- review of aspects of Australian law against human rights, eg to life, an adequate standard of living, terrorist and refugee legislation, indigenous rights.

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

Preliminary Reading: See outline on the web.

Prescribed Text: P Bailey, *Human Rights: Australia in an International Context* (1990). This text will be useful for most of the classes. It is available as remainders in some shops, but possession of a copy is not required. Multiple copies are available in the library.

The materials for the course will be available electronically.

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

LAWS2238 Indigenous Australians and the Law

Elective, 6 units

Not offered in 2006

Contact hours: Three hours per week

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

Corequisite: Property LAWS2204.

Syllabus: This course aims to arm students with an understanding of, and a critical approach to, the law as it applies to Aboriginal people and Torres Strait Islanders. It presents that law in its historical and cultural context, highlighting problems which stem from that context for the definition of 'Aboriginality' itself and for the relationship between indigenous Australians and the state.

Proposed Assessment: To be settled after class discussion

Prescribed Text: Materials to be issued by the ANU College of Law

Additional information: This course touches on a wide range of legal areas and concepts and therefore is best undertaken by students later in their degree.

LAWS2221 Income Tax

Elective, 6 units

Coordinator: Michael Kobetsky

Offered: Semester 1

Contact hours: Three class hours per week

Prerequisites: None

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

Topics to be considered include:

- the concept of income;
- personal service income;
- business income;
- property income;
- the deductions that are available to taxpayers;

- the taxation of capital gains;
- the taxation of fringe benefits;
- residency, source and double tax agreements;
- the taxation of trusts and partnerships;
- the anti-avoidance measures;
- tax administration.

Proposed Assessment: The proposed means of assessment for this course is two take-home exams. More detail will be provided on the College's website in the last week before the relevant semester commences.

Prescribed Text: M Kobetsky, et al, *Income Tax: Text, Materials and Essential Cases* (2005).

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

LAWS2245 Information Technology Law

Elective, 6 units

Coordinator: Sasha Agafonoff from RuleBurst

Offered: Semester 1

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

Prerequisites: None.

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

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

- electronic commerce; and
- computer crime and related issues.

Proposed Assessment: The final assessment scheme will be settled after consultation with the class.

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

Prescribed Text: The course materials will be available from the ANU College of Law website.

LAWS2222 Intellectual Property

Elective, 6 units

Coordinator: Daniel Stewart

Offered: Semester 2

Contact hours: Three hours per week

Prerequisites: None

Syllabus: The course provides an overview of the different areas of law that relate to the protection and exploitation of ideas, information and knowledge. It briefly covers the main aspects of copyright, design, confidential information, patents, trade marks and passing off. The course concentrates on the relationship between the different forms of Intellectual Property and the process of reform to provide students with an understanding of the underlying principles behind such forms of protection.

Proposed Assessment: The proposed means of assessment for this course is likely to include a substantial comment on a recent case or legislative proposal, and an exam. Students may be given a choice as to the respective weights to be given to these pieces of assessment. More detail will be provided on the College's website in the last week before the relevant semester commences.

Prescribed Text: There will be extensive materials available on-line through the course web site and a number of possible recommended texts.

All classes will be interactive and students

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

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

LAWS2252 International Criminal Law

Elective, 6 units

Not offered in 2006

Prerequisites: International Law LAWS2250

Syllabus: This course will examine the development of the concepts of international criminal law. The topics to be discussed are likely to include:

- the development of individual responsibility under international law for international crimes, including the availability of the defence of superior orders;
- the definition of war crimes, crimes against humanity and crimes against peace;
- the results of efforts to define the broader category of international crimes or crimes against international law (including the work of the International Law Commission and the International Law Association);
- specific international crimes, such as genocide and crimes against humanity;
- the mechanisms of enforcement of international criminal law, including the

work of the Nuremberg and Tokyo war crime tribunals and the tribunals established by the United Nations in relation to former Yugoslavia and Rwanda;

- the work of the International Criminal Court;
- the implementation and enforcement of international criminal law at the national level.

The course will also consider the role of criminal law in societies in transition and other approaches to addressing systematic human rights violations under a former regime.

The course will seek to examine these matters from a political and historical, as well as a legal, perspective and will consider recent feminist critiques of developments in the area.

Proposed Assessment: The proposed means of assessment for this course will provide students with the option of undertaking at least two pieces of assessment, including one piece during the semester. More detail will be provided on the College's website in the last week before the relevant semester commences.

Preliminary Reading: There is a vast amount of material available on the issues we will be looking at in books and periodicals as well as on the web. A good starting-point is the website of the American Society of International Law <http://www.asil.org/>, which has a special section on International Criminal Law.

Prescribed Text: To be advised.

LAWS2223 International Dispute Resolution

Elective, 6 units

Not offered in 2006

Prerequisites: International Law LAWS2250

Syllabus: The course examines the role of international law and, in particular, international organisations in restoring and

maintaining peace and providing mechanisms for the peaceful settlement of disputes (eg arbitration, good offices). Topics include: the development of legal doctrines, notably state responsibility for international harm and the regulation of the use of force in international law (self-defence, humanitarian intervention, war crimes); the evolution of the United Nations system and its work in the realm of collective security (Somalia, Haiti, Yugoslavia), with particular attention to the United Nations Security Council, and the International Court of Justice. This course is an exercise in applied international law and politics. The objective of the course is to train students to use international legal materials in analysing inter-state disputes and the role of international organisations in resolving or exacerbating them.

Proposed Assessment: The proposed means of assessment for this course will provide students with the option of undertaking at least two pieces of assessment, including one piece during the semester. More detail will be provided on the College's website in the last week before the relevant semester commences.

LAWS2253 International Environmental Law

Elective, 6 units

Coordinator: Don Anton

Offered: Semester 2

Contact hours: Three hours per week

Prerequisites: International Law LAWS2250

Syllabus: The course takes a thematic approach by using selected regimes to highlight current trends in the development of international environmental law. This thematic approach also facilitates an exploration of the political and economic factors which influence the development of legal instruments designed to tackle pressing

global environmental problems.

The course will cover fundamentals such as the history and sources of international environmental law, and the tension between international environmental regulation and state sovereignty. It also examines specific regimes and institutions to illustrate the complex and dynamic nature of the discipline. Issues to be covered will include climate change, biological diversity, trade and the environment, trade in hazardous wastes and nuclear pollution. Key institutions such as the United Nations Environment Programme and the World Bank will also be examined.

Proposed Assessment: Simulated climate change negotiation and research essay.

Prescribed Text: D Anton, et al, *International Environmental Law: Cases, Materials, Problems* (2005).

LAWS2224 International Law

Elective: Law of the Sea

Elective, 6 units

Coordinator: Jean-Pierre Fonteyne

Offered: Semester 2

Contact hours: Three hours per week

Prerequisites: International Law

LAWS2250. (This course is capped at 25.)

Syllabus: The syllabus of this course varies from year to year. In 2006 it will be devoted to Law of the Sea and will be taught in conjunction with the equivalent postgraduate course.

A participant who has successfully completed this course should:

- have a clear understanding of the evolution, and current status of the various jurisdictional zones and regimes that currently govern the utilisation of the world's oceans, and of the underlying policy considerations that led to the adoption of the compromises reflected in the contemporary Law of the Sea

- be capable of applying the relevant legal norms to practical situations.
- The course will focus on the impact of the 1982 Convention on the Law of the Sea and more recent supplementary agreements in the light of current State practice, seeking to identify, in particular, the extent to which its provisions have become part of customary international law in that area.

Addressed will be the history of Law of the Sea concepts; internal waters, territorial waters and the regime of innocent passage; the contiguous zone; transit passage through straits used for international navigation; islands, archipelagoes and the regime of archipelagic sealanes passage; the Exclusive Economic Zone; the Continental Shelf; recent developments in delimitation of maritime zones; the high seas and the management of High Seas fisheries; deep-seabed mining and the International Area.

Proposed Assessment: A mid-term take-home assignment (50%) plus an end-of-semester examination (50%).

LAWS2225 International Law of Human Rights

Elective, 6 units

Coordinator: Kevin Boreham

Offered: Semester 1

Contact hours: There will be an average of three contact hours per week, made up of large group lectures and smaller seminars. There will be significant student involvement during all classes.

Prerequisites: International Law LAWS2250

Syllabus: This course is concerned with the efforts at the international level to establish legal norms to protect human rights. It aims to provide students with an in depth understanding of international human rights law and practice and to develop some of the relevant legal skills. The course deals with contemporary issues.

A contextual approach to the area is taken, which involves an examination of theories of rights, relevant legal and structural frameworks and the political, social, economic and cultural environment in which human rights arise.

Topics to be covered include:

- historical development of international human rights law;
- theories of rights;
- structural limitations on international human rights law;
- supervisory mechanisms;
- refugee law and practice; and
- application of international human rights law in Australia.

Proposed Assessment: A varied assessment package will be proposed, so as to enable students to have some feedback on their progress and to ensure that the final mark is not dependent on only one form of assessment. Assessment options may include essays, take-home assignments and class presentations. The final assessment scheme will be settled after consultation with the class in the first session and will then be available on the web at <http://law.anu.edu.au/Undergraduate/>.

Preliminary Reading: Students must read the first chapter of the prescribed text prior to the commencement of the semester. Students should also follow the media relating to human rights issues before and during semester.

Prescribed Text: H Steiner and P Alston, *International Human Rights in Context: Law, Politics, Morals* (2nd ed, 2000).

Supplementary Reading Materials will be made available online.

Additional information: Students may find it helpful to take the course Human Rights Law in Australia (LAWS2220) as well at some point in their degree, as the two courses together provide a comprehensive introduction to the law on human rights. This course is also a useful adjunct to

Indigenous Australians and the Law in presenting the international context of such issues as indigenous claims to self-determination.

LAWS2258 International Organisations (Geneva)

Elective, 6 units

Coordinator: Jean-Pierre Fonteyne

Offered: Summer Session

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

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

Syllabus: This course will be taught in conjunction with the equivalent postgraduate course. Enrolment will be strictly limited (20 students in total).

Priority will be given to later year LLB students and to students who have completed at least one additional international law elective. Subject to this priority, students will be selected on academic merit. Enrolment is subject to the payment of the applicable administrative fees and accommodation costs.

The purpose of the course is to provide participants with a substantive overview of the activities of international organizations (governmental and non-governmental) located in Geneva, focusing on the legal

issues arising in their operations or area of concern.

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

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

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

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

Additional information: This unit is particularly suitable for later-year students who have completed at least one international law elective in addition to the basic international law course. Students

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

LAWS2226 International Trade Law

Elective, 6 units

Coordinator: James Stellios

Offered: Semester 1

Contact hours: Three class hours per week

Prerequisites: International Law LAWS2250

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

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

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

The effects of trade liberalisation in general on developing countries will also be the subject of review together with an analysis

of the on-going conflict between the basic dictates of international trade agreements on the one hand and the need to enshrine and protect international environmental and labour standards on the other.

Proposed Assessment: The proposed means of assessment for this course will provide students with the option of undertaking at least two pieces of assessment, including one piece during the semester. More detail will be provided on the College's website in the last week before the relevant semester commences.

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

Prescribed Text: To be advised.

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

LAWS2227 Japanese Law and Society

Elective, 6 units

Coordinator: Kent Anderson

Offered: Semester 1

Contact hours: Three class hours per week

Prerequisites: None

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

and legal profession. Topics covered in the second part of the course on Japanese legal society include Japan's views on litigation, foreigners, women, and minorities. Topics covered in the third part of the course on Japanese substantive law include the foundations and current topics in Japanese constitutional, criminal, contract, tort, and commercial law.

Proposed Assessment: The proposed means of assessment for this course will provide students with the option of undertaking at least two pieces of assessment, including one piece during the semester. More detail will be provided on the College's website in the last week before the relevant semester commences.

Prescribed Text: Milhaupt, Ramseyer & Young, *Japanese Law in Context* (2001).
Additional information: This course does not assume you have a knowledge of Japan or Japanese. However, if you have a background in Japanese or Asian Studies, you will be able to use this in your analysis of the topics covered in this course.

LAWS3010 Jessup Moot

Elective, 6 units

Coordinator: Don Anton

Offered: Summer Session

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

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

- the joint preparation of written memorials in support of the claims of each of the two parties in the dispute;

- the presentation by some or all of the team members of oral argument in a competition with teams representing other Australian Law Schools.

Proposed Assessment: Members of the Jessup team are expected to prepare the written memorials and participate in the internal ANU practice moots. Assessment is based on the performance of each student through the entire Jessup period. The mark awarded to each Jessup team member will be based on their individual performance.

LAWS2228 Labour Law

Elective, 6 units

Coordinator: Shae McCrystal

Offered: Semester 2

Contact hours: Three hours per week

Prerequisites: Contracts LAWS1204

Syllabus: The course introduces students to the foundational principles of Australian labour law, focussing on the nature and attributes of work relationships, and the diverse and changing sources of rights and obligations in the work place.

The principal topics are:

- the shaping of Australian labour law, including the contractual basis of employment, the role of conciliation and arbitration, the evolution of the award system and the nature of modern awards, the contemporary shift towards decentralised and individualised bargaining;
- the constitutional framework and its impact on the federal industrial relations system;
- the nature and content of the employment relationship, as distinct from other work relationships, in particular independent contracting;
- termination of employment;
- regulation of industrial conflict.

Proposed Assessment: The proposed means of assessment for this course will provide students with the option of undertaking at

least two pieces of assessment, including one piece during the semester. More detail will be provided on the College's website in the last week before the relevant semester commences.

Prescribed Text: M Pittard and R Naughton, *Australian Labour Law, Cases and Materials* (4th ed, 2003).

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

LAWS2260 Law and Psychology

Elective, 6 units

Coordinator: Mark Nolan

Offered: Semester 2

Contact hours: Three hours per week

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

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

Proposed Assessment: The proposed means

of assessment will provide students with the option of undertaking at least two pieces of assessment, usually a casenote and essay. More detail will be provided on the College's website in the last week before the relevant semester commences.

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

Additional information: Some understanding of criminal law and process is beneficial.

LAWS2256 Law and Sexualities

Elective, 6 units

Coordinator: Wayne Morgan

Offered: Semester 2

Prerequisites: None

Syllabus: This course is designed to explore the interactions between law and sexualities. It will:

- provide a theoretical framework which highlights the complexity and contradictions inherent in the construction of sexualities, from an interdisciplinary perspective;
- examine a range of legal controversies surrounding sexuality;
- consider the interaction of gender, class, race and sexuality issues;
- consider the relationship between "queer" theory, lesbian and gay theory and feminist theory;
- consider the relationship between activism and the legal process.

Proposed Assessment: The proposed means of assessment for this course will provide students with the option of undertaking at least two pieces of assessment, including one piece during the semester. More detail will be provided on the College's website in the last week before the relevant semester commences.

Preliminary Reading: No essential

preliminary reading. A background knowledge of the history and theories of sexuality would, however, be useful. In this respect students may wish to read in advance Annamarie Jogose *Queer Theory* (MUP 1996) and/or Gayle Rubin, "Thinking Sex: Notes for a Radical theory of the Politics of Sexuality" in Vance (ed), *Pleasure and Danger: exploring female sexuality*. The Rubin article is in the reading brick. Prescribed Text: To be advised.

LAWS2229 Law and Society in South East Asia

Elective, 6 units
Not Offered in 2006
Contact hours: Three hours per week
Prerequisites: None
Syllabus: This course introduces students to the legal cultures of Southeast Asia, an area of immediate importance to Australia. Legally speaking, the area is one of the most complex in the world. It comprises: Burmese, Thai, Khmer and Java-Bali laws (the so-called 'Indian group'), the Malay and cognate laws (the 'Islamic group'), the Vietnamese laws (the 'Chinese group'), and, on the European side, Spanish, Portuguese, French, Dutch and English laws. These laws exist today in varying combinations, occasionally in harmony and, not infrequently, in conflict.
Part 1 of the course provides an historical outline of these systems. In Part 2 topics are selected from among a number of contemporary issues which include: constitutional law, family law, women and religious law (Islam), laws applicable to the overseas Chinese, customary law of land, current law reforms in selected states, Islamic law in Southeast Asia, colonial law, and legal pluralism.
Proposed Assessment: The proposed means of assessment for this course will provide students with the option of undertaking at least two pieces of assessment, including

one piece during the semester. More detail will be provided on the College's website in the last week before the relevant semester commences.

Preliminary Reading: To be advised.

Prescribed Text: To be advised.

LAWS2230 Law Internship

Elective, 6 units
Coordinators: Tom Sherman, Summer Session and Semester 1, TBA, Semester 2
Offered: Semester 1, Semester 2, Summer Session
Prerequisites: A student must be in their penultimate or final year with a credit average.
Syllabus: The student serves as an intern with a lawyer in a workplace (eg law firm) to complete a research paper on a practical topic chosen by the workplace. The workplace may be in the public or private sector. The project, which is settled by written agreement among the student, professional, and internship director, may be multidisciplinary but must have a strong law element.
Internships may also be available to work with members of the ANU College of Law on projects of an applied nature. These projects may include submissions to inquiries and parliamentary committees, responses to discussion and issues papers, and projects of bodies with which members of the ANU College of Law are involved (for example, advisory councils). A Law School protocol governs these internships. College staff will advise the internship coordinator when such projects are available.
The time to be spent at the work site is variable; it reflects factors such as availability of data, library resources, interviewing needs, and degree of professional supervision.
Proposed Assessment: A final paper of approximately 6,000 words
Internships are available during each

semester, and during the summer vacation. To assist in placements, applications for an internship have to be made earlier than for other subjects - by end December in the preceding year for first semester, and by end May for second semester. For the summer internships, applications need to be in by mid-October. This is in addition to the normal course enrolment. Further information (including application form) is available on the ANU College of Law website.

LAWS2251 Legislation and Expert Systems

Elective, 6 units

Coordinator: Sasha Agafonoff from RuleBurst

Offered: Semester 2. This course is restricted to 20 students.

Contact hours: Three hour lecture/lab each week.

Prerequisites: None. Students should be familiar with Microsoft Word and have basic computer literacy.

Syllabus: The aim of this course is to give students an appreciation of issues involved in administering legislative rules and to teach students ways of preventing these issues during the legislative drafting phase. Students will be introduced to a methodology which emphasises the importance of precise and structured legal expression, and it offers many options to analyse and represent the structure of complex legal material. The course contains both theoretical and practical components through which students will be required to demonstrate their understanding of the material.

There are two parts to the course:

- **Rule drafting** – The rule drafting component of this course will give students an awareness of legislative drafting styles and common drafting structures, practice in discerning the

meaning of legislation and an understanding of both the importance and ingredients of good drafting technique.

- **Service Delivery: Applying rules using Expert Legal Systems as a case study**

– This part of the course will demonstrate one method that an increasing number of government agencies are using to interpret complex law (particularly in administrative areas), and expose students to a toolset for the analysis and visualization of legal rules. There is growing interest in this type of toolkit to assist analysis and delivery of the law, particularly in government, due to the assistance it can provide in navigating complex webs of tightly integrated statutes, regulations and policy determinations.

Proposed Assessment: The proposed means of assessment for this course will provide students with the option of undertaking at least two pieces of assessment, including one piece during the semester. More details will be provided on the College's website in the last week before the relevant semester commences.

Prescribed Text: The course materials will be available from the website.

LAWS2254 Restitution

Elective, 6 units

Not offered in 2006

Prerequisites: Contracts LAWS1204

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

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

- the history of restitution

- theories of restitution and the concept of unjust enrichment.

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

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

The third part highlights various defences including:

- estoppel
- change of position.

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

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

Prescribed Text: To be advised.

LAWS2255 Restrictive Trade Practices

Elective, 6 units

Not offered in 2006

Coordinator: Alex Bruce

Contact hours: Three hours per week

Prerequisites: Contracts LAWS1204

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

The object of this course is to consider the National Competition Policy and the way the TPA seeks to promote fair and

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

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

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

Prescribed Text :Stephen Corones, *Competition Law in Australia* (2004.)

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

Elective, 6 units

Coordinator: Matthew Zagor

Offered: Summer Session

Taught at the University of Alabama Law School in Tuscaloosa, Alabama in Jan-Feb.

Prerequisites: None.

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

In 2006 the topic for this course focuses on comparative environmental law.

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

Proposed Assessment: The proposed means of assessment for this course will provide students with the option of undertaking at least two pieces of assessment, including one piece during the semester. More detail will be provided on the College's website in the last week before the relevant semester commences.

Prescribed Text: To be advised.

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

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

Elective, 6 units

Coordinator: Matthew Zagor

Offered: Semester 2

Contact hours: The course will be taught on a semi-intensive basis over a period of 4-5 weeks in Canberra right at the start of the semester, in conjunction with the

visiting University of Alabama students taking part in the ANU session of the ANU/UA Joint Teaching Program. (Capped at 20)

Prerequisites: None

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

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

In 2006, the topic for this course focuses on comparative environmental law.

Proposed Assessment: The proposed means of assessment for this course will provide students with the option of undertaking at least two pieces of assessment, including one piece during the semester. More detail will be provided on the College's website in the last week before the relevant semester commences.

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

LAWS2261 Selected Topics in Criminal Law

Elective, 6 units

Coordinator: Miriam Gani

Offered: Semester 2

Contact hours: Three hours per week

Prerequisites: Criminal Law and Procedure LAWS1206

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

- to consolidate and build upon the skills and knowledge gained during their study of Criminal Law and Procedure;
- to undertake in-depth study of specific areas of the substantive criminal law;
- to engage with contemporary and emerging issues in the area; and
- to consider the purpose and role of the criminal law in our society.

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

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

Prescribed Text: To be advised.

Additional information: This course has Criminal Law and Procedure as a prerequisite. It complements the other criminal law related courses offered by the ANU College of Law including Criminal Justice and International Criminal Law.

LAWS2263 Special Topics in Intellectual Property

Elective, 6 units

Not offered in 2006

Contact hours: Three hours per week

Prerequisites: Intellectual Property LAWS2222

Syllabus: The course is intended to be a more advanced and specialised consideration of intellectual property issues. The topics to be covered will depend on the interest of students and the development of emerging areas of concern. They will be finalised after consultation with the class, but could potentially include:

- protection of Indigenous custom and folklore;
- digital access and distribution of information, including issues arising out of on-line media distribution and impact of technological protection measures;
- databases and ownership of compilations of factual information;
- biotechnology and art 27b, including positive and normative issues
- biodiversity and benefit sharing;
- access to medicines, in particular but not limited to developing countries;
- geographical indications and domain names;
- IP and competition.

The course will also include consideration of further materials that often underlie the issues that would be considered in the presentations. This might include:

- examining the institutional structures that influence IP policy development, both in Australia and internationally, including the role of different non-government organisations such as the WTO and WIPO, domestic policy making arrangements etc;
- a more comprehensive examination of some of the theoretical aspects of IP that are only briefly touched upon in the Intellectual Property course;
- how IP is commercialised, including looking at the process of product development, licensing, marketing etc.

Proposed Assessment: It is proposed that the assessment scheme will involve 2

elements, a group presentation and essay. Each type of activity will be assessed out of 100, but their contribution to the final grade will vary between 40% or 60% depending on which gives the highest overall grade.

LAWS2233 Selected Topics in Torts

Elective, 6 units

Coordinator: Jim Davis

Offered: Summer Session

Prerequisites: Torts LAWS1203

Syllabus: The course examines some contemporary issues in the law of torts, in order to evaluate the law's response to social change and to provide students with a sound preparation for legal practice. Topics include a detailed treatment of defamation and privacy, and the torts relating to the intentional and negligent infliction of purely economic loss. Other topics deal with contemporary issues in the law of negligence (eg, actions for 'wrongful birth' and 'wrongful life') and new applications of the law of trespass, with implications for civil liberties and privacy, for regulating non-consensual medical procedures, and for intervening in abusive domestic relationships.

Proposed Assessment: A take-home exam on defamation in the week beginning Monday 16 January 2006. An examination on the other topics in the examination period of 9 or 10 February 2006.

Preliminary Reading: R Balkin and J Davis, *Law of Torts* (3rd ed, 2004). Multiple copies of this book is kept on the Short Loan desk in the Law Library.

Prescribed Text: There is no suitable casebook for this course. The only materials that students are encouraged to buy are those issued by the ANU College of Law.

Additional information: Aspects of this course obviously follow on from Torts, and students may find it advantageous to take this course early in their degree. But since

the course aims to equip students for the practice of the law, other students may prefer to undertake it nearer to the completion of their studies.

**LAWS2234 Special Law Elective 1:
Insurance Law**

Elective, 6 units

Coordinator: Brendan Pentony

Offered: Semester 1

Contact hours: Three hours per week

Prerequisites: LAWS1204 Contracts

Syllabus: This course is designed to:

- Introduce students to the law relating to the institution of insurance as an important feature of the Australian financial services sector and as a socially and commercially significant transaction;
- distinguish life insurance, general insurance and marine insurance;
- familiarise students with the relevant legislation affecting the prudential regulation of the insurance industry and the statutory intervention in the insurance transaction;
- introduce the concepts that are synonymous with insurance law;
- examine in detail the *Insurance Contracts Act 1984*;
- expose students to the process of settling an insurance dispute and thereby develop the skills necessary to practise in this discipline.

Proposed Assessment: Precise scheme to be determined, but will comprise a combination of written assignments 30% and a final examination 70%.

Prescribed Text: To be advised.

**LAWS2235 Special Law Elective 2:
Clinical Youth Law Program**

Elective, 6 units

Coordinator: Judy Harrison

Offered: Semester 1, Semester 2

Contact hours: Six hours per week. Two

groups in each semester capped at 10 students per group.

Prerequisites: Completion of 48 units of law courses.

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

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

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

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

- Debriefing/reflection – enhancing on client issues/dealing with clients

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

**LAWS2239 Special Law Elective 3:
Law Reform**

Elective, 6 units

Not offered in 2006

Prerequisites: Contracts LAWS1204,
Administrative Law LAWS2201

Syllabus: The course will examine the law relating to the governance and regulation of sport, and aims generally to provide a critical perspective of this developing area of the law. It will begin with a general introduction to the legal nature of sport. The course will then review this area of the law under a number of broadly defined headings, namely: the application of contract law to sports relationships, including a review of standard form contracts in sports; the doctrine of restraint of trade; the application of competition law as applied to sports; judicial review and scrutiny of sports associations; internal regulation of sports, including topics such as discipline, natural justice and rights of athletes; civil and criminal liability arising from participation in and management of sport; the internationalisation of sports law; and finally, dispute resolution in sport. Material will be drawn mainly from the Australian, New Zealand, Irish, United Kingdom United States and Canadian legal systems. The course will also provide an insight into careers in specialised professional practice e.g., sports agents.

**LAWS2240 Special Law Elective 4:
Community Law Clinical Program**

Elective, 12 units

Coordinator: Judy Harrison

Offered: Semester 2

Contact hours: Two days (15 hours) per week onsite, plus two hours per week seminar. The courses run continuously for twelve weeks without a mid-semester break.

Course is capped at 8 students.

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

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

- Professional responsibilities
- Legal writing and drafting
- Interviewing clients, taking instructions, working with interpreters and dealing with difficult clients
- Negotiation
- Introduction to Public Interest Law
- Law Reform
- Substantive law in Welfare Rights and Legal Centre's areas of practice; tenancy, Social Security and Disability Discrimination

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

**LAWS2241 Special Law Elective 5:
Migration Law**

Elective, 6 units

Coordinator: Sue Tongue

Offered: Summer Session

Contact hours: Intensive 36 – 39 Hours

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

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

Proposed Assessment: Two assignments

Prescribed Text: John Vrachnas et al, *Migration and Refugee Law: Principles and Practice in Australia* (2005).

**LAWS2246 Special Law Elective 6:
Race and the Law**

Elective, 6 units

Coordinator: Jennifer Clarke and Bryan Fair

Offered: Semester 2

Contact hours: Three hours per week

Prerequisites: None

Recommended text: Materials will be provided through the Services Office.

Syllabus: This course aims to equip students to think critically about ways in which the laws of Australia and the United States are built around pre-existing 'racial' categories, or promote 'raced' outcomes or

objectives. It aims to stimulate students to consider:

- What 'races' are, and how 'colour lines' are drawn;
- The extent to which the present era of 'racial non-discrimination' represents a break from national pasts in which racial classifications were explicitly used as tools for achieving different economic, political, civic and private outcomes for different people;
- Ways in which the law has contributed to the creation of these categories and to the privilege of 'whites', and what remedies law now offers to 'non-whites';
- Ways in which the law has expressed relationships between nationhood, territorial expansion, economic development and race, and allowed the monopolisation of resources by some 'racial' groups.

Proposed Assessment: The proposed means of assessment for this course will provide students with the option of undertaking at least two pieces of assessment, including one piece during the semester. More detail will be provided on the ANU College of Law's website in the last week before the relevant semester commences.

LAWS2236 Succession

Elective, 6 units

Coordinator: Charles Rowland

Offered: Summer Session

Prerequisites: None

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

- the historical, social and economic context of succession law;
- the concept of an estate - what is the governing law, and what is included;
- wills, including the nature of wills, capacity, fraud, undue influence,

formalities of making a will, revocation revival;

- construction;
- the drafting of wills;
- capacity to benefit under a will;
- intestacy rules; and
- family provision.

Proposed Assessment: The proposed means of assessment for this course will provide students with the option of undertaking at least two pieces of assessment, including one piece during the course. More detail will be provided on the College's website in the last week before the relevant session commences.

Additional information: It is preferable to take Succession after, or at least with, Property.

LAWS2247 Survey of United States Law

Elective, 6 units

Coordinator: Bill Andreen (University of Alabama)

Offered: Summer Session

Taught at the University of Alabama Law School in Tuscaloosa, Alabama in Jan-Feb Applications must be submitted in early August of the preceding year.

Prerequisites: Enrolment in the summer course is restricted to the students who have been accepted in the 5-week intensive ANU/UA Joint Teaching Program. Priority will be given to later year students (12 or less semester courses left to complete).

Subject to this priority, students will generally be selected on a first-come first-serve basis, as enrolment will be strictly limited (10 students in 2006). Where appropriate, academic merit may be taken into account.

Syllabus: The course will consist of a series of introductory lectures by various University of Alabama Law School staff members on various aspects of American Law, supplemented by field trips to, e.g.,

the Civil Rights Museum in Birmingham, the Alabama Supreme Court in Montgomery, the Southern Poverty Law Center, and a large American law firm (forming an integral part of the course's class work and included in the contact hours). It will concentrate on non-common law subjects (e.g., Constitutional Law, Administrative Law, Labour Law, Limited Liability Corporations, Bankruptcy, Consumer Protection, Environmental Law, Federalism, etc.).

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

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

LAWS2237 Takeovers and Securities Industry Law

Elective, 6 units

Coordinator: Stephen Bottomley

Not offered in 2006

Contact hours: Three hours per week

Prerequisites: Corporations Law LAWS2203

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

The following topics will be covered:

- issues prompting, and theories shaping, the regulation of takeovers and the securities industry generally;
- the regulation of securities;
- the powers of the Australian Securities and Investment Commission and the Australian Stock Exchange over listed companies and other participants in the industry;

- the obligations of listed companies, brokers and dealers;
- controls upon market manipulation and insider trading;
- the legal requirements for prospectuses;
- directors' responsibilities in a takeover situation;
- controls upon the acquisition of shares under Part 6 of the Corporations Law;
- compulsory acquisition powers;
- controls of merger activity.

Proposed Assessment: The assessment will include a written assignment and a final exam.

Prescribed Text: Students must purchase an up to date copy of the *Corporations Act 2001* (Cth).

Recommended Text: To be advised.

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

LAWS2231 Work and Law — Selected Topics

Elective, 6 units

Not offered in 2006

Syllabus: The workplace is the site for extensive legal regulation over and above the mechanisms of contract, awards and workplace agreements (which are explored in Labour Law) — in areas such as occupational health and safety, equal employment opportunity, and relations between trade unions and their members. There are also distinctive regulatory issues thrown up by the role of international norms and by changing conceptions of public sector work. The course is designed to examine contemporary issues in workplace regulation. The content will vary in emphasis from time to time.

Proposed Assessment: The proposed means of assessment for this course will provide students with the option of undertaking at least two pieces of assessment, including one piece during the semester. More detail will be provided on the ANU College of Law's website in the last week before the relevant semester commences.

Additional information: This course, together with Labour Law, makes up a specialisation in Labour Law.

Discrimination law, studied in Human Rights Law in Australia, is also relevant.

Nowadays, labour law adds an important dimension to studies in commercial law and social welfare law.

Prescribed Text: Reading materials will be issued or made available electronically.