

ANU COLLEGE OF LAW

THE AUSTRALIAN NATIONAL UNIVERSITY

LLB & JD HANDBOOK

2008

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 2008 Undergraduate Handbook. It can be found on the web at <http://law.anu.edu.au/Publications/IIB/2008>.

Copies of the 2008 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 www.anu.edu.au/studyat.

ANU College of Law

February 2008

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MESSAGE FROM THE DEAN

A very warm welcome to the ANU College of Law in 2008—to our local students, to those who have come from other parts of Australia, and to those who have come from overseas. I especially welcome the graduate students in our inaugural JD program. The presence of all of you is pivotal to the life of this great law school.

And it is a great law school, embedded in a great university. The ANU is, for example, consistently ranked in international surveys, such as those conducted by *The Times Higher Education Supplement* (UK), as the top university in Australia and as high as 16th in the world. Although sceptical about numerical precision, as staff we take great pride in the high reputation of ANU that rankings like this reflect. I hope 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 curriculum, which, in addition to the core compulsory courses, includes a diverse range of electives, clinical programs, internship opportunities, overseas exchanges, and research and writing projects, including the honours thesis. JD students will also have access to selected masters courses. I hope, also, that you will find time to engage in extra-curricula activities, especially in competitions run by the Law Students' Society.

As you steer your way through the myriad of choices, there is a knowledgeable and friendly team of people in the Law School Office to help you, led by Sub-Dean JP Fonteyne and Student Administration Manager Sue Hancock. Please do not hesitate to call on them, or indeed on any other staff, myself included.

The basic information you need is in this 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 College of Law 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 hope that the active engagement of many of my colleagues in research, writing and community outreach activities relating to law reform and social justice will inspire you to think about the law as much more than an end in itself, and to work for its improvement throughout your career.

That may seem a far cry from knowing the rules that govern your progression through your degree. But one needs a sound platform for any venture, and this Handbook is your platform for a trouble-free, productive, and satisfying time at law school. May you have such a time as a precursor to a trouble-free, productive and satisfying career.



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

ACADEMIC CALENDARS

Calendar 2008

First Semester

First teaching period begins	Monday, 25 February
First teaching period ends	Friday, 11 April
2-week teaching break	Monday, 14 April – Friday, 25 April
Second teaching period begins	Monday, 28 April
Second teaching period ends	Friday, 6 June
6-week teaching break	Monday, 9 June – Friday, 18 July
First Semester Examinations	

Second Semester

Third teaching period begins	Monday, 21 July
Third teaching period ends	Friday, 26 September
2-week teaching break	Monday, 29 September – Friday, 10 October
Fourth teaching period begins	Monday, 13 October
Fourth teaching period ends	Friday, 31 October
Second Semester Examinations	

2008 Public Holidays

Canberra Day—Monday, 10 March
Easter—Friday, 21 March
Anzac Day—Friday, 25 April
Queen's Birthday—Monday, 9 June
Labour Day—Monday, 6 October
ACT Family Day – Tuesday,
4 November (to be confirmed)

Calendar 2009

First Semester

First teaching period begins	Monday, 23 February
First teaching period ends	Thursday, 9 April
2-week & 2-day teaching break	Friday, 10 April – Monday, 27 April
Second teaching period begins	Tuesday, 28 April
Second teaching period ends	Friday, 5 June
6-week teaching break	Monday, 8 June – Friday, 17 July
First Semester Examinations	

Second Semester

Third teaching period begins	Monday, 20 July
Third teaching period ends	Friday, 25 September
2-week teaching break	Monday, 28 September – Friday, 9 October
Fourth teaching period begins	Monday, 12 October
Fourth teaching period ends	Friday, 30 October
Second Semester Examinations	

2009 Public Holidays

Canberra Day—Monday, 16 March
Easter—Friday, 10 April
Anzac Day—Monday, 27 April
Queen's Birthday—Monday, 8 June
Labour Day—Monday, 5 October

2009 calendar under review

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 to the College General Manager Vera Joveska
College General Manager Alison Daun	
Director, Legal Workshop Gary Tamsitt	Executive Assistant to the Director Elizabeth Henningham
Associate Director, Legal Workshop Tony Cibiras	
Law School Office Jean-Pierre Fonteyne, Sub-Dean & Director (International Exchanges)	Administration Sue Hancock, Manager Dinah Rigg, Assistant Manager Judy Buchanan Sue East Merran Jones Lauren Kish
Assistant Sub-Deans	
Mark Nolan (Careers) Pauline Ridge (Careers) Daniel Stewart (JD Program)	
Services Office	
Jayne Hardy, Manager Michael Brown Jason King	

Academic Staff of the ANU College of Law	
<p>Kent Anderson Don Anton George Barker Juliet Behrens Tim Bonyhady Kevin Boreham Stephen Bottomley Simon Bronitt Ven. Alex Bruce Peter Cane Hilary Charlesworth Jennifer Clarke Anthony Connolly Michael Coper Robin Creyke Mick Dodson Thomas Faunce Jean-Pierre Fonteyne Miriam Gani Kath Hall Sarah Heathcote Samantha Hepburn Brad Jessup Judith Jones Wendy Kukulies-Smith Anne Macduff Andrew Macintosh Leighton McDonald Anne McNaughton Wayne Morgan Hitoshi Nasu Mark Nolan Molly Townes O'Brien James Prest Michael Rawling Simon Rice Pauline Ridge Matthew Rimmer Heather Roberts Donald Rothwell Kim Rubenstein Helen Saunders Amelia Simpson Peta Spender</p>	<p>Jane Stapleton James Stellos Daniel Stewart Antony Taubman Margaret Thornton Richard Tooth Gregor Urbas Fiona Wheeler Asmi Wood Matthew Zagor</p> <p>Legal Workshop Ben Battcock Graeme Blank Glenda Bloomfield David Catanzariti Scott Chamberlain Tony Cibiras Lynn Du Moulin Tony Foley Judith Harrison Doug Hassall Vivien Holmes Lauren Honcope Tony Kidney Kathryn Lewis Margie Rowe Sharon Rowe Hugh Selby Aliya Steed Gary Tamsitt Chris Trevitt</p> <p>Staff Currently on Extended Leave Don Anton (on leave in Semester 2) Daniel Fitzpatrick Henry Mares Penelope Mathew John McMillan Antony Taubman Ben Wickham John Williams</p>

Other Administrative Staff	
<p>Centre Administrators Jayne Avent (NJCA) Wendy Forster (NJCA)</p> <p>Finance & HR Unit Tracey Sinott, Manager Stacey Breeze, Assistant Manager Christiana Alves Raechel Riley</p> <p>Research & Consultancy Administration Kieran Angel</p> <p>Executive Support Jennifer Braid</p> <p>College Marketing & Alumni Team Michellé Mabilie, Manager Elaine Cooper</p> <p>College Outreach & Administrative Support Team Christine Debono, Manager Kavitha Robinson, Assistant Manager Wendy Mohring</p>	<p>Legal Workshop Administration Bob Sayce, Manager Maggie Rozanski, Assistant Manager Annette Armstrong Katrina Armstrong Natalie Bush Rose Coppin Angela Mula Ellen Poels Alicia Saiz Guillermo (Willy) San Martin</p> <p>IT & Communications Unit Phil Drury, Manager Alan Lew, Assistant Manager Fiona Bush Andrew Vella</p>
<p>Distinguished Visiting Fellow Sir Anthony Mason AC KBE</p>	
Visiting Fellows, ARC Fellows, Adjunct Professors and Part Time Course Convenors	
<p>Peter Bailey Gerry Bates Rick Bigwood Jim Davis Morag Donaldson Peter Ford Don Greig David Hambly Masanori Hiramatsu Ann Kent Aya Kitaoka Michael Kobetsky</p>	<p>Geoffrey Lindell Desmond Manderson Dennis Pearce Jonathan Powles Richard Refshauge Jack Richardson Charles Rowland Nicholas Seddon John Seymour Sue Tongue Ernst Willheim Leslie Zines</p>

GENERAL COLLEGE INFORMATION

The ANU College 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 & CHAIR OF THE COLLEGE EXECUTIVE COMMITTEE

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. 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 LLB & JD programs.

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.

The Sub-Dean is currently also Director, International Exchanges, and is the person to consult where students are envisaging applying for an overseas exchange. They need to discuss their plans with the Sub-Dean prior to application irrespective of whether they intend to study law or only non-law while on exchange.

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 two Sub-Deans, responsible for careers.

COMMITTEES OF COLLEGE

The following is a brief description of the committees which provide advice to the Dean on 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 the LLB and JD 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 General Manager 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 42). 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.

JD STUDIES COMMITTEE

This Committee considers matters relating to the Juris Doctor, final Membership is not yet determined, but will include the Dean (ex officio), the Associate Dean and Head of School (ex officio), the Sub-Dean (ex officio), the Student Administration Manager (ex officio), Director Legal Workshop or nominee.

POSTGRADUATE STUDIES COMMITTEE

This Committee fulfils the same functions as the Undergraduate Studies Committee, but for Postgraduate matters.

THE LAW SCHOOL 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; and
- Summer School.

Office Hours

The Law School Office will be open during the following times:

Semester	10 am–5.00 pm	Monday
	9 am –5.00 pm	Tuesday to Friday

THE 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. It is important that students collect course outlines for the courses in which they are enrolled. Some additional handouts may be distributed in class.

Students can check what is available by logging into the student section of the ANU College of Law website <http://law.anu.edu.au> or by visiting the Services Office website <http://law.anu.edu.au/servicesoffice>.

Ordering On-line: We now have a new payment method for purchasing materials, <http://law.anu.edu.au/servicesoffice/newpaymentmethod.asp> is the link. Please check the left hand side menu for details regarding undergraduate or postgraduate materials.

Policy on Refunds for 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 notice boards

THE 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

JD and 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.

The 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 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!

THE 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 a \$5 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, Finance and Social Justice. The President for 2008 is Matt Sherman, who can be contacted at lss@anu.edu.au or on his mobile phone: 0409 929 336.

For a full committee list and contact details, please visit the LSS 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 & activities

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 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 lunchtime sporting events, to a cruise on Lake Burley Griffin, 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 by email, keeping law students up to date on the important issues around the law school. The Brief is also available online at the LSS website. In addition, it publishes a quarterly magazine, The Peppercorn, incorporating articles, photos, reports and other interest pieces. The Society also produces a First Year Guide, a Careers Guide and a Clerkships Guide.

Careers: services

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 2008 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 ANU College of Law, ACT Legal Aid, Clayton Utz and the ACT Youth Coalition, recently reopened as Youth Law Centre ACT. 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.youthlawact.org.au/> 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. It also receives generous support from the ANU College of Law.

Finance: marketing

The LSS aims to publicise its events and services to reach the largest audience possible. In addition to previous methods – lecture announcements, posters and our web-site – it has also invested in permanent signage, T-shirts, flyers and a member email capacity. In 2007, the society launched the 'LSS Card', a membership ID card combined with a discounts card for members.

Social Justice

The Social Justice portfolio was introduced in 2007 to enable the society to focus on issues of social justice at the ANU and in the broader community. The Social Justice VP is responsible for monitoring the LSS and the College of Law to ensure that social justice obligations are met. The LSS is also committed to increasing awareness of social justice issues through careers events, public fora and publications.

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 0409 929 336 or phone/fax on 6125 0687
- Visit our website <http://law.anu.edu.au/lss>

ANU STUDENTS' ASSOCIATION (ANUSA)

- ANUSA is the representative body of undergraduate students on campus. Two elected Law School representatives sit on ANUSA.
- The ANUSA Law School representatives are advocates within the ANU College of Law for student concerns, particularly on academic issues. They sit on College Committees, including the Undergraduate Studies Committee, and can also liaise with the College regarding student appeals.

ANU College of Law

- The Law School representatives also have direct access to the ANUSA President who sits on the University Education Committee and University Council.
- The 2008 ANUSA Law School representatives, Shiara Samarasinghe and Andrew Chou can be contacted by email at Law.facrep@anu.edu.au
- The ANUSA website can be found at <http://sa.anu.edu.au>

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. Application is made through the Universities Admission Centre (UAC) www.uac.edu.au for domestic applicants. Undergraduate programs are available in UAC Undergraduate, the Juris Doctor is available in UAC Postgraduate. Particular International applicants also apply through UAC, check the website for more information. Other International applicants can apply directly to the University www.anu.edu.au/sas/admission/

Bachelor of Laws (LLB)

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 from 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.

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 directly 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.

Graduates may also apply for a combined undergraduate degree program but their ranking will be based on academic merit in previous qualifications. It should be noted, however, that some weighting is still placed on secondary results. Graduates will not be considered for entry into the single LLB program.

Juris Doctor (JD)

Graduates of non-law disciplines or non-Australian law degrees: Graduates should apply to undertake the postgraduate Juris Doctor program. 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.

Non-award study

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/sas36a.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. 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/>.

PREREQUISITES FOR ADMISSION

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 College of Science.

CHAT (COME AND HAVE A TALK) ANU COLLEGE OF LAW, STUDENT MENTORING SCHEME

Refer to information on page 37.

ACADEMIC SKILLS AND LEARNING CENTRE

The Academic Skills and Learning Centre specialises in helping students improve their performance in the skills required for effective academic work, specifically writing skills, effective study techniques and mathematical methods.

Contact (02) 6125 2972

<https://academicskills.anu.edu.au/>

INDIGENOUS AUSTRALIANS' SUPPORT SCHEME

In 1990 the ANU Law College 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 Law School and works in association with the Jabal (Higher Education) Centre for Indigenous Australian Students. The Scheme is now well established with twenty six graduates and an indigenous student group of around twelve spread through all years of the degree. Indigenous Australian legal issues are taught in various courses and the Law School offers the elective subject Indigenous Australians and the Law.

In 2000, the Law School 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.

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 all subjects. The Advisers, in conjunction with the Jabal (Higher Education) 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 encouraged to enrol in English in a Legal Context in their first year.

Places are made available each year for Australian Indigenous students who do not meet mainstream entry criteria but who nonetheless can demonstrate a capacity successfully to complete the degree. 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 (Higher Education) 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 on 02 6125 8141 Email: WoodA@law.anu.edu.au or The Jabal Centre on 02 6125 3520 Fax: 02 6125 3658.

INTERNATIONAL STUDENTS

Assessment Arrangements for Students from Language Backgrounds Other Than English

Under this 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.

This policy is available at:

http://info.anu.edu.au/Policies/_REG/Policies/Assessment_Arrangements_for_Students_from_Language_Backgrounds_Other_Than_English.asp

Recognition of ANU Degree

The ANU LLB is recognised in Malaysia, Brunei, Singapore and India. Our graduates frequently gain admission to practice in the United Kingdom and the United States.

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 <http://www.anu.edu.au/sas/scholarships/>

The Phillipa Weeks Scholarship in Law

The scholarship is available to a person who:

- is a successful applicant for entry to the first year of a program of study leading to the award of Bachelor of Laws (LLB) whether undertaken as a single degree or part of a combined program;
- has attended secondary school in a regional or remote area of Australia;
- has completed school in the last 12 months; and
- is a citizen of or holds permanent resident status in Australia.

Further information can be found at: <http://law.anu.edu.au/Undergraduate/Scholarships.asp>

Legal Workshop Indigenous Student Scholarship Scheme

The ANU College of Law in conjunction with the National Centre for Indigenous Studies (NCIS) have developed a scholarship program to offer up to two Scholarships per year for full-time study in the Graduate Diploma of Legal Practice (GDLP) offered in the Legal Workshop commencing from January 2006.

Information on the Working Rules and the Application Form can be found at: <http://law.anu.edu.au/Undergraduate/Scholarships.asp>

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 (EFTSL) will be shown on the Enrolment Confirmation notice. If, in any semester, EFTSL 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.

DEGREE REQUIREMENTS

The curriculum of the ANU law degrees consists of compulsory and elective courses of one semester's length. Each is worth 6 units (with the exception of LAWS3202 Honours Thesis and LAWS2268 Community Law Clinical Program each worth 12 units), with 48 units per year being the standard full-time load adopted by the University. The normal full-time load in each semester is therefore 24 units. The compulsory courses are designed to ensure that every student gains a sufficient grounding in the fundamental branches of the law, as well as satisfying applicable requirements for admission to practice (see below page 34 for further information); 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 Law degree in their particular degree program structure. Students enrolled prior to 1999 should consult the section on Transitional Arrangements (below at page 33).

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.

BACHELOR OF LAWS (LLB)

The Bachelor of Laws program consists of 192 units in total, distributed as follows:

- 15 compulsory courses (named below), worth 90 units;
- 17 elective courses, worth 102 units, which may include up to a maximum of 48 units of non-law courses of which no more than 18 units may be at 1000 level;

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
LAWS2203	Corporations Law
LAWS2204	Property
LAWS2205	Equity and Trusts
LAWS2207	Evidence
LAWS2244	Litigation and Dispute Management
LAWS2249	Legal Theory
LAWS2250	International Law

The Bachelor of Laws is intended to be completed in four years full-time, or on a part time basis; in either case the degree must normally be completed within ten years from the start of study (including any periods of leave or suspension).

For graduates of non-law disciplines, a shortened study program, to be completed in three years full-time or on a part-time basis, is available. Details are provided below under the "JD" entry at page 25.

Bachelor of Laws (4300) (full-time) - Suggested Degree Pattern

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

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 (LLB) COMBINED DEGREES

The 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 law component of a combined program consists of 144 units in total, distributed as follows:

- 15 compulsory courses (named above), worth 102 units;
- 9 law elective courses, worth 54 units;

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)

	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 Non-law course (6 units) Non-law course (6 units)	LAWS2250 International Law LAWS2249 Legal Theory Non-law course (6 units) Non-law course (6 units)
Year 3 (48 units)	LAWS2201 Administrative Law LAWS2203 Corporations Law 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)	LAWS2244 Litigation and Dispute Management Law elective courses (18 units)	LAWS2207 Evidence Law elective courses (18 units)
Program total 240 units		

Suggested pattern for BMusic/BLaws (4003)

	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 LAWS2203 Corporations Law 2 Law elective courses	LAWS2207 Evidence LAWS2202 Commonwealth Constitutional Law 2 Law elective courses
Year 5 (48 units)	LAWS2204 Property LAWS2244 Litigation and Dispute Management 2 Law elective courses	LAWS2205 Equity and Trusts 3 Law elective courses
Program total 240 units		

JURIS DOCTOR (JD)

This is a distinctive program for graduates of non-law disciplines (or non-Australian law degrees). It allows students access to nominated postgraduate law courses while still equipping students with the academic qualifications for admission to practice. The program can be studied full or part-time with entry points in first and second semester. It is intended to be completed in three years full-time, or on a part time basis; in either case the degree must normally be completed within ten years from the start of study (including any periods of leave or suspension).

There are no combined degree options with the JD.

Applicants are ranked for selection in order of academic merit based on performance in previous qualifications. The level of attainment required for entry in a particular year depends on the overall number and standard of applications. It should be noted, however, that some weighting is still placed on secondary results. In 2008 approved applicants will be offered a Commonwealth Supported place.

The JD program consists of 144 units in total, distributed as follows:

- 15 compulsory courses, worth 90 units (please refer to the table in the LLB entry above);
- 9 law elective courses worth 54 units, including at least 2 postgraduate courses (12 units) selected from a nominated list.

Previous law studies and the JD: A student who enrolls in the ANU JD degree after completing law studies at another university may only be granted status for up to half of the courses prescribed for the ANU degree. Where a student was recently enrolled in a combined program with law, whether at ANU or at another institution, no status will be given for law courses that were included in the completion of the other award. A student may not repeat in the JD program a course the syllabus of which is substantially similar to that of a subject passed for the award of another degree or diploma; where a course is a compulsory part of the ANU JD program, an exemption from that course will normally be granted (ie the student will be required to undertake another course in lieu of the course for which exemption is granted).

Electives in the JD: Students will be able to choose 9 electives from the current list available to LLB students and from an additional list of nominated postgraduate courses.

Research component in the JD: Students must include amongst their electives at least 2 courses from the nominated list of research intensive postgraduate courses. In addition, and subject to satisfaction of the applicable performance requirements in their other coursework, JD students may be allowed to undertake a 12-unit Graduate Research Unit (GRU).

Typical course pattern for a full-time JD student

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

BACHELOR OF LAWS (GRADUATE) [LLB(G)]

As of 2008 no further enrolments are being accepted into the LLB(G), the study program previously available to graduates of non-law disciplines (or non-Australian law degrees). It however continues to be available to students already enrolled in that program of study, and details are therefore still provided below. The LLB(G) must normally be completed within ten years from the start of study (including any periods of leave or suspension).

Typical course pattern for a full-time LLB(G) (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 LAWS1204 Contracts LAWS1206 Criminal Law and Procedure	LAWS1202 Lawyers, Justice and Ethics LAWS1205 Australian Public Law LAWS2250 International Law LAWS2249 Legal Theory
Year 2 (48 units)	LAWS2201 Administrative Law <i>LAWS2203 Corporations Law</i> 2 Law elective courses	LAWS2202 Commonwealth Constitutional Law 3 Law elective courses
Year 3 (48 units)	LAWS2204 Property <i>LAWS2244 Litigation and Dispute Management</i> 2 Law elective courses	LAWS2205 Equity and Trust <i>LAWS2207 Evidence</i> 2 Law elective courses
Program total 144 units		

LLB(G) (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

HONOURS

Students enrolled in any of the LLB programs or in the JD 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. The LLB Honours Policy can be found at page 58 of this handbook. The JD Honours Policy essentially mirrors the LLB policy, subject to a number of minor differences which are set out at page 61. 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 essence, two thirds of the law degree must have been 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>.

GENERAL INFORMATION RELATING TO ALL ANU LAW DEGREES

Guidelines for Course Selection

The Law School has recommended standard patterns of enrolment for all its programs. These are documented in this Handbook at page 23–27. 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. The timetable is constructed based on students following the standard patterns.

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.

JD students should also refer to the specific information provided at page 25 above concerning the mandatory inclusion in their electives of at least two postgraduate courses selected from the nominated list.

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 desirability of having courses that follow on from compulsory courses.
- 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, where possible, 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;

Ideally, elective courses would be scheduled on a 2–3 year cycle, so that students could plan their programs, but this is not always possible, largely because of changes in staffing availability, sometimes at short notice. Staff resign or retire, take various forms of leave (research leave, long service leave, sick leave, parental leave, leave without pay), or may be 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.

Waiving prerequisites/corequisites and other requirements

Prerequisites and corequisites for particular courses are specified in the LLB & JD Handbook. ISIS will not allow you to enrol in a course without the prerequisite or corequisite for that course. Prerequisite and corequisite requirements are kept 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, International Organisations (Geneva) and International Arbitration and Negotiation Moot in Japan. Information about enrolment in these courses is available on the web. Decisions about enrolment in these courses are the responsibility of the respective convenors.

JD students wishing to undertake a 12-point Graduate Research Unit (GRU) must satisfy the specific performance requirements applying to that course (see information at page 106).

Status for previous studies

The amount of status for law courses completed at other institutions, whether in Australia or overseas, will be determined by the Sub-Dean on the basis of information provided by the applicant and other sources.

Students cannot be granted law status for more than half the courses required for a particular degree. Accordingly, the maximum amount of status that can be granted towards the law part of a combined degree program is 72 units (12 courses). In the case of students transferring to a 4 year LLB, up to 24 units (4 courses) of additional non-law status may be granted, including no more than 18 units (3 courses) at first-year level. JD students are referred to the specific status details set out at page 25 above in the JD entry.

Students are warned that it is unusual for maximum status to be granted and that status determination can be a complicated process, especially where compulsory courses or overseas studies are involved.

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.

Interrupting the pursuit of 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.

Overloading

A student will be overloading if they are undertaking more than 24 units in semester 1 or 2, or 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 students overload 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 or special examinations.

Taking Additional Courses

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 full fees. Courses taken in this way will not normally count towards honours.

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. Secondly, the programs are not timetabled or planned to be taken together. This can lead to timetable (including exam timetable) clashes. Thirdly, 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 colleges and/or programs 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 may have to be made by the ANU College of Law (eg for special consideration or special examinations) will not make allowances for this concurrent enrolment. If the concurrent enrolment involves an overload, this must also be approved (see entry on Overloading above). Approval will not be granted for concurrent enrolment in a student's first semester in their Law studies.

The Internship Program

The Internship program requires and develops both legal knowledge and a lawyer's approach to problem identification, analysis and recommendations.

The internship work setting may be in the government departments, law firms, parliament, and non-government organisations. The project, which is settled by written agreement among the student, professional and internship director, may be multi-disciplinary but must have a strong law element and of practical utility to the workplace organisation.

Internships may also be available to work with members of the Law School 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 Law School are involved (for example, advisory councils). A Law School protocol governs these Law School internships. College staff will advise the internship coordinator when such projects are available.

Full details and enrolment requirements below please go to the following website:
<http://law.anu.edu.au/undergraduate/Internship.asp>

Summer Session Program (domestic)

The Law School has a limited number of courses available in the Summer session. More information about the courses being offered in the 2009 Summer session will be available in July 2008 to help students plan for their 2009 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/Summer.asp> as it becomes available.

ANU International Summer Programs

Overseas summer courses are offered in Geneva and at the University of Alabama in January-February. Selection for enrolment in these programs is competitive, limited to small numbers, and, in the case of the Geneva Program, subject to prerequisites, with early application deadlines respectively in June (Geneva Program) and August (Alabama Program). Updated full details (including additional costs) will be available on the website at <http://law.anu.edu.au/Summer/Index.asp> a few weeks before the application dates.

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 law 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' and 'rigour' 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 law 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). Strict guidelines apply to study undertaken overseas (see below). Additional factors relating to the nature of the course and the type of assessment involved will be taken into consideration for the ANU JD where cross-institutional enrolment in postgraduate courses is involved.

International Exchange Program

Students may be allowed to study law courses under the international exchange scheme once they have completed at least 10 law courses (generally speaking, from the middle of the second

year of the single law degree (LLB or JD) or of the third year in the case of a combined degree). Students in combined degrees who do not intend to study law courses while on exchange (ie an exclusively non-law exchange) may, with the express approval of the Director, International Exchanges (Law), be permitted to undertake an exchange earlier on in their studies, subject to the requirements of the other college or program.

Applicants must have achieved at least a credit average in their law courses in order to study law on exchange. The length of a law-only exchange cannot normally exceed one semester. Where both law and non-law courses will be undertaken on exchange, the total duration can extend to one year. More law-specific exchange information is available on the law website <http://law.anu.edu.au/Exchanges/Index.asp> .

Applications for exchange are considered centrally twice a year and should be submitted through the International Office approximately one year prior to the intended exchange. Prior to lodging an application with the International Office, and *irrespective of whether or not they intend to include law courses in their exchange program*, all law students interested in applying for an exchange should consult Dr Jean-Pierre Fonteyne, Director (International Exchanges) (Law), about their proposed study and obtain the required Law endorsement, by booking an appointment, well in advance of the application deadline, through the receptionist, Law School Office on 6125 3483.

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 website. 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.

Prizes

The list provided in the Undergraduate Handbook 2008 gives an indication of the range of prizes available for law courses. Many of these prizes are available to LLB and JD students. Certificates are given at an annual prize ceremony held at the Law School each year in recognition of the academic achievements of students.

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 AND CAREER INFORMATION

ADMISSION TO PRACTICE

The Bachelor of Laws and the Juris Doctor degrees of the University are 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. These Rules require all the compulsory courses which now includes Evidence, Litigation and Dispute Management, and Corporations Law 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. Students should be aware of their obligations to disclose to relevant admitting authorities any information relevant to their fitness to practice law, including, for example, findings of academic misconduct or criminal convictions.

LEGAL PRACTICE PROGRAM

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

- Full Coursework Program over five months and a Reduced Coursework Program for students in full-time work and involving a 6-day attendance on campus plus a series of distance modules, usually over the period of a year. There are "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 or Juris Doctor 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>.

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.

Students should be aware that there are statutory obligations to disclose any conviction for a serious offence to the law practice that intends to employ them.

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.

PRACTICAL INFORMATION FOR STUDENTS

ACADEMIC SKILLS AND LEARNING CENTRE

Refer to information on page 19.

ADMISSION TO PRACTICE

Refer to information on page 34.

AUSTUDY/YOUTH ALLOWANCE

Refer to information on page 21.

CAREERS

Refer to information on page 35.

CHANGE OF ADDRESSES AND PHONE NUMBERS

It is essential that students keep the University informed of their current address, and phone number. The University assigns students an email address to which important University correspondence will be sent. Students should check their email regularly. 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>

CHAT (COME AND HAVE A TALK) ANU COLLEGE OF LAW, STUDENT MENTORING SCHEME

At the ANU College of Law we value collegiality. When you become a student in our College we want you to be a part of that collegiality and to feel that you are known and supported as an individual. Critical to that will be the quality of the relationships that you build with staff and with fellow students. To assist this process, 2008 will see the start of an important initiative within the College. CHAT is a mentoring scheme that will further enhance the supportive learning environment for which the ANU College of Law is known.

All first year law students will be allocated to a mentor group. We anticipate that each group will consist of two academic staff members, a later year student and a small number of other first year students. Mentors will be available to discuss the questions and issues that can arise in being a law student, and to refer students to appropriate sources of support and advice. Mentors will also facilitate the building of relationships between students in their group.

We hope that these relationships will enrich your experience at law school, and will continue throughout your time as a law student, and beyond.

For further information please contact Dr Juliet Behrens, Chair of the Student Mentoring and Pastoral Care Committee Juliet.behrens@anu.edu.au or (02) 6125 4218.

CHAT: Student Mentoring Scheme Guidelines can be found at http://law.anu.edu.au/Undergraduate/CHAT/CHAT_guidelines.pdf

COUNSELLING

Contact the ANU Counselling Centre on (02) 6125 2442

DISABILITIES

Contact the Disabilities Services Unit (DSU) on (02) 6125 5036

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 has qualified staff. Contact number is 55421 or Julie Arnold in the Law Library 54015.

HARASSMENT

In 2007 a new grievance process which covers issues of discrimination and harassment was instigated, together with new policies relating to these. Please consult the Students' website to keep abreast of these changes.

http://info.anu.edu.au/Policies/_DSTU/Policies/Prevention_of_Disc_Harass_Bullying.asp?tab=1

http://info.anu.edu.au/Policies/_DVC/Policies/Student_Complaint_Resolution.asp?tab=1

At any time, you may seek confidential and timely advice from the Dean of Students, who will direct you to the appropriate person.

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

INDIGENOUS AUSTRALIANS' SUPPORT SCHEME

Refer to information on page 19.

INTERNATIONAL STUDENTS (assessment arrangements for students from language backgrounds other than English)

Refer to information on page 20.

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.

MEDICAL PROBLEMS

Contact the ANU Health Service on (02) 6125 3598.

PARKING

Permit parking restrictions apply on campus. Short-term parking spaces are available for visitors to the site. Full-time students who are enrolled in a minimum of 18 units may be eligible for a parking permit. Voucher parking/Pay and Display parking is also available; once you have purchased a voucher, please ensure it is displayed correctly on your vehicle. For further information regarding parking, please go to the following website:

<http://transport.anu.edu.au/index.php?pid=92> 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 Security Officers are authorised to impose a fine for breach of parking rules.

SCHOLARSHIPS

Refer to information on page 21.

STUDENT CARDS

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.

- 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 (02) 6125 3593.

ANU College of Law

Careers Centre

Building No. 15, Arts Centre Lane (just off Union Court, opposite The Gods Café).

Ph: (02) 6125 3593

Email: careers@anu.edu.au

Web: www.anu.edu.au/careers

POLICIES AND PROCEDURES

This is an overview of the policies and procedures applying to LLB and JD 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 2008 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.

Academic dishonesty (including plagiarism)

Academic dishonesty can have serious consequences for a student, including termination of their enrolment. It may also jeopardise a student's admission to legal practice. Students should become familiar with the Law School's requirements for referencing.

In work that is submitted for assessment, all use of the work of others, whether an actual quotation, a summary or a paraphrase, must be acknowledged. The acknowledgement must identify author and publication, and the particular page or paragraph where relevant. Where web sites are the source, that should be clearly acknowledged. Quotations must be both acknowledged and put 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.

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

The University has a Code of Practice for Student Academic Honesty. The code can be found at: http://info.anu.edu.au/Policies/_DVC/Policies/Code_Practice_Student_Academic_Honesty.asp

It provides in section 5 that:

It is the responsibility of each individual student to ensure that:

- they are familiar with the expectations for academic honesty both in general, and in the specific context of particular disciplines or courses
- work submitted for assessment is genuine and original
- appropriate acknowledgement and citation is given to the work of others
- they declare their understanding of and compliance with the principles of academic honesty on appropriate proformas and cover sheets as required by the academic area, or by a statement prefacing or attached to a thesis
- they do not knowingly assist other students in academically dishonest practice.

The Code defines 'academic honesty' as 'the principle that students' work is genuine and original, completed only with the assistance allowed according to the rules, policies and guidelines of the University. In particular, the words, ideas, scholarship and intellectual property of others used in the work must be appropriately acknowledged.

Plagiarism is an example of academic dishonesty, and is defined in the Code as 'copying, paraphrasing or summarising, without appropriate acknowledgement, the words, ideas,

scholarship and intellectual property of another person. This remains plagiarism whether or not it is with the knowledge or consent of that other person. Plagiarism has also taken place when direct use of others' words is not indicated, for example by inverted commas or indentation, in addition to appropriate citation of the source'.

Other forms of academic dishonesty are 'collusion, the fabrication or deliberate misrepresentation of data, and failure to adhere to the rules regarding examinations in such a way as to gain unfair academic advantage'.

The Code also applies to recycling, that is, 'the submission for assessment of work which, wholly or in large part, has been previously presented by the same student for another assessment, either at the Australian National University or elsewhere. In some cases, lecturers will specifically allow this practice. If no specific provision to the contrary is made, submission of work for assessment a second or subsequent time constitutes a breach of this Code'.

The Code provides that '[a]ll breaches will be addressed' and that '[t]he nature of any further action will depend upon whether the instance is judged to have arisen through carelessness or deliberate dishonesty (i.e. with intent to deceive). The course convener, in consultation with relevant teaching staff (for example tutors) and the Head of School (or their delegate), will make a judgment on whether the breach is as a result of carelessness or a more deliberate act.' The Code provides guidance on what constitutes a careless breach and a deliberate breach.

If the breach is judged to be deliberate the consequences include a record of the breach being added to the student's central file. Further, the conduct will be referred to the Prescribed Authority for consideration of appropriate action to be taken under the Discipline Rules of the University (available on the web at <http://www.anu.edu.au/cabs/rules/DisciplineRules.pdf>).

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.

Students may be asked to submit work electronically so that it can be checked for plagiarism. Students should ensure that they keep an electronic copy of their work which can be readily accessed.

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

Assessment: Form and Procedures

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

This policy reflects the University Policy on Determination of Systems and Consultation on Assessment

http://info.anu.edu.au/Policies/_REG/Policies/Determination_of_Systems_of_Assessment.asp?tab=1. In this policy: 'Chair of Examiners' means the same person as the course convenor/coordinator.

1 Principles

- (a) The Chair of Examiners is responsible for determining the assessment scheme in a course.
- (b) Assessment schemes should reflect course objectives and comply with the College and University policies in place from time to time.
- (c) 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.
- (d) Students are to be assessed on the basis of criteria that are available in advance of the assessment task.
- (e) Students are to receive timely feedback on assessment tasks to enable them to gauge 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.
- (f) Students are responsible for ensuring that they understand and comply with the requirements for assessment (including word limits and submission dates, below).
- (g) Assessment is carried out anonymously where this is feasible.

2 Process

- (a) The Chair of Examiners will submit to the Sub Dean at least three weeks before the beginning of the semester a statement of the 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 ascertain 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 means of assessment will be published on the course web page by the Law School Office. A printed hard copy of the 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 scheme of assessment and provide students with a response to student comments and suggestions.
- (d) 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) A statement of assessment for a course must contain the following:
 - (i) a short overview of the options available for assessment in the course;

- (ii) clear and precise information about each assessment task;
 - (iii) an explanation of the relationship between the assessment tasks and the course objectives;
 - (iv) an explanation of the criteria which will be used in assessing each task
 - (v) an indication of whether the requirements of this policy, particularly those under headings 3(b)(i), 3(b)(ii) and 4, have been followed
 - (vi) where an element of assessment is compulsory, an indication of the consequence of non-completion of that element (ie whether it will result in a mark of "0" for that part or in an NCN for the entire course).
- (b) The following specific information must also be included:
- (i) *For a formal examination*
 - the duration of the examination and the reading time, and, where the duration does not comply with the limits prescribed in Section 4 of this policy, an explanation of the reasons for the departure;
 - its weighting;
 - the permitted materials (a common formula for open-book examinations is 'Any except ANU library books');
 - the scope of the examination (as relevant – eg section of the course covered, restricted choice of questions for students who undertake other assessment, some indication of the extent of choice of questions if any);
 - whether the examination is compulsory or optional, 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 at the 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 & JD 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.
 - (ii) *For other forms of assessment*
 - a general description of the assessment task, including whether it is compulsory or optional, 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 but 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

[#] University Policy – Principles for Determination of Systems of Assessment and for Consultation – at 5.1(a).

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; where 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 (Policy under review and likely to change in mid-2008 – please refer to information on the Law website);
- 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.

(b) **Method for calculating word length (Policy under review and likely to change in mid-2008 – please refer to information on the Law website)**

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 to be specified on the cover sheet;

^{**} University Policy – 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.

- 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.

The method for calculating word lengths differs substantially for the Honours Research Paper and for postgraduate electives (available to JD students). Please refer to the relevant rules.

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

Unless a statement of means 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 (optional assessment): An optional assignment, essay or take-home exam that is submitted after the due date and time will not be marked and will incur a mark of 0.
- Late submission without an extension (compulsory assessment): A compulsory assignment or essay or take-home exam 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. In the case of a compulsory take-home exam, the statement of means of assessment may provide for a more severe penalty in light of the restricted time available for completion of the task (including eg a provision that the piece of work will not be marked and will incur a mark of 0).
- Submission after return of papers (compulsory assessment): A compulsory assignment, essay or take-home exam will not be marked and will incur a mark of 0 if it is submitted after the examiners have marked and returned the other students' papers.
- Mitigation of penalties: The appropriateness of the normal, full application of the above penalties or of alternative penalties specified in statements of means of assessment, including provision that a piece of work will not be marked and will incur a mark of 0, should be assessed in the light of the circumstances and, where appropriate, mitigated in accordance with the responsibility of the Chair of Examiners to ensure that a student's performance is adequately and fairly assessed.

(d) Extension of time to submit

An application for an 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.

(e) **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 Sub-Dean for an exemption from this policy.

(f) **Submission & collection of assessment and feedback**

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

Exam scripts, essays and other assessment items will also usually be returned to students through the Services Office. They will be returned to students only during designated times of the week. Marks will not be given out and script books will not be returned at other times.

Final examination scripts and feedback will only be available for collection after the results are published, unless the convenor determines an alternative arrangement for their return, which will be notified to students on the Web.

Lists of what subject material is available are posted on the web at <http://law.anu.edu.au/servicesoffice/Assessment.asp> and at the counter.

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

Students should retain a copy (hard copy and/or electronic) of all work submitted for assessment, as well as retaining any marked pieces of assessment that were returned in order eventually to substantiate any request for a re-mark or appeal against a grade.

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.

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 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.

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 8(1) and (5) of the Examinations Rules 2007 (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:

- (1) A student with a temporary or chronic disability who has dealt with the University's Disability Services Unit in relation to his or her disability may ask the Unit to determine special examination arrangements for the student for examination, including, but not limited to, additional reading or writing time, the provision of special equipment, separate accommodation or the services of an amanuensis;

- (5) A student with a temporary or chronic disability to whom subrule (1) does not apply may ask the Delegated Authority to approve special examination arrangements in relation to the student.

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 Disabilities Services Unit (02 6125 5036) and have their special examination arrangements determined by that unit.

Special consideration

The opportunity for 'special consideration' is described in the Examinations Rules 2007 (on the web at <http://www.anu.edu.au/cabs/rules/index.html>). Rule 12 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 examinations

Rules 11 and 12 of the Examinations Rules 2007 (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, irrespective of a student's travel bookings or work commitments.

The dates of special examinations are published on the noticeboard in the Law School foyer and on the Law School website several weeks prior to the end of each semester. A student granted a special examination MUST normally be available for examination on these dates. Students who make travel or other plans during the published Special and Supplementary examination period do so at their own risk. Failure to attend a special examination on the appointed date will normally result in the confirmation of a Fail or NCN result in the affected course.

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.

Supplementary examinations

(a) General Supplementary Examinations

Under the rules adopted by the ANU College of Law, 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 and on the Law School website several weeks prior to the end of each semester. If students wish to sit a supplementary examination, they **MUST** be available for examination on these dates. Students who make travel or other plans during the published Special and Supplementary examination period do so at their own risk. Failure to attend a supplementary examination on the appointed date will normally result in the confirmation of a Fail or NCN result in the affected course.

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.

Notification of the form, time and place of the supplementary assessment will be sent to the student's current address notified to the Registrar and to the student's University email address.

(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).

ANU COLLEGE OF LAW POLICY ON GRADING SCALES AND GRADE DISTRIBUTION

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)
PX	Awarded Supplementary Exam	Interim grade
N	Fail	0–49
NCN	Not Completed Fail	
CRS	Course Requirements Satisfied	

- (b) **Criteria for the award of final 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 *Assessment Review and Appeals*. This policy is available on the web at http://info.anu.edu.au/Policies/_REG/Policies/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 student attempting the course is adequately and fairly assessed' (Examinations Rules 2007, rule 9(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 Rules 2007. 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 will advise the Dean whether the original result should be upheld, or a remark is warranted, or that there is to be further examination. The Dean's decision whether arrived at

independently or following receipt of a recommendation of an Appeals Committee if established is final. The decision and the reasons for it will be conveyed in writing to the student, the Head of Department, the Sub-Dean 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 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.

ACADEMIC PROGRESS

The University has Rules on Academic Progress available at <http://www.anu.edu.au/cabs/rules/acadprogressrules.pdf>.

It provides that: 'If a student fails a course twice, the student must apply to obtain the approval of the Course Authority before re-enrolling in the course.'

[Note: Failure includes N, NCN and WN and takes no account of the program in which the course is taken.]

The Rules also provide that a student who fails more than 50% of the unit value of the courses attempted in a semester (including a session) of enrolment is considered to have failed to maintain a satisfactory standard of academic progress in his or her program.

[Note: It is intended that, for this rule, First Semester includes courses in Summer Session and Second Semester includes courses taken in Winter and Spring Sessions.]

Students who fail a substantial proportion of their courses are encouraged to seek help from the Sub-Dean.

HONOURS

LLB HONOURS POLICY

1 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*.

2 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.

The eligible law courses shall not include:

- a) Honours Thesis;
- b) 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;
- c) a course completed by a candidate in the postgraduate law program in the ANU College of Law at the Australian National University;
- d) 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);
- e) if the candidate has completed at least 114 units in the ANU College of Law at the Australian National University – the three courses in which the candidate obtained the lowest mark;
- f) if the candidate has completed 108 units in the ANU College of Law at the Australian National University – the two courses in which the candidate obtained the lowest mark;
- g) if the candidate has completed 102 units in the ANU College of Law at the Australian National University – the course in which the candidate obtained the lowest mark.

3 *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

4 *Eligibility to enrol in Honours Thesis*

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 84 units or more in 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.

** 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.

5 *Failure in a law course*

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

- (a) 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.
- (a) 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.
- (b) 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.

6 *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.

7 *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

* 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.

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.

8 *Transitional*

- (a) 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 Law prior to 1999 that was an annual course shall be treated as being two courses each with an identical result.
- (b) 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.
- (c) 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.
- (d) 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.

JD HONOURS POLICY

The JD may be awarded at H1, H2A or H2B under conditions essentially similar to those applying to LLB students (see section above). JD students will be required to meet the same eligibility criteria and enrol in the Honours Thesis even if they have completed a Graduate Research Unit (GRU).

Please note that paragraph (c) under the heading 'Eligible law courses' above, which excludes courses in the postgraduate law program, does not apply to JD students.

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

The ANU College of Law offers programs of study leading to:

- Masters degrees
- Graduate diplomas
- Graduate certificates

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 in mixed mode. Subject to applicable entry requirements and prerequisites, 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 or as part of the University's new Graduate Studies Select program.

Specialisations are available in:

- Government & Commercial Law
- Environmental Law
- International Law
- Australian Migration Law and Practice
- Practical Legal Training

LLM (LEGAL PRACTICE)

Students who have completed their Graduate Diploma in Legal Practice (GDLP) program at ANU or CDU 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

The ANU College of Law offers the following programs:

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

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>.

Table of LLB and JD courses available in 2008	
SUMMER SESSION (December 2007 to February 2008)	
Compulsory courses	
LAWS2202	Commonwealth Constitutional Law
LAWS2207	Evidence
Elective courses	
LAWS2229	Law and Society in SE Asia
LAWS2236	Succession
LAWS2241	Special Law Elective 5: Private Equity and Capital Markets Regulation
Restricted Elective courses	
LAWS2230	Law Internship
LAWS2247	Survey of US Law
LAWS2248	Selected Topics in Australian-American Comparative Law
LAWS2258	International Organisations (Geneva)
LAWS2266	International Arbitration and Negotiation Moot Competition in Japan
LAWS3010	Jessup Moot
SEMESTER 1	
Compulsory courses	
LAWS2201	Administrative Law
LAWS1205	Australian Public Law
LAWS1204	Contracts (Single Degree Students Only)
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 & Insolvency
LAWS2267	Clinical Youth Law Program
LAWS2268	Community Law Clinical Program
LAWS2259	Consumer Protection and Product Liability Law
LAWS2213	Contemporary Issues in Constitutional Law
LAWS2262	Current Issues in Administrative Law
LAWS1209	English in a Legal Context
LAWS2215	Environmental Law

ANU College of Law

LAWS3202	Honours Thesis
LAWS2221	Income Tax
LAWS2245	Information Technology Law
LAWS2253	International Environmental Law
LAWS2225	International Law of Human Rights
LAWS2226	International Trade Law
LAWS2227	Japanese Law and Society
LAWS2230	Law Internship
LAWS2269	Migration Law
LAWS2254	Restitution
SEMESTER 2	
Compulsory courses	
LAWS1205	Australian Public Law (Single Degree Students Only)
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
LAWS2267	Clinical Youth Law Program
LAWS2210	Commercial Law
LAWS2268	Community Law Clinical Program
LAWS2214	Criminal Justice
LAWS1209	English in a Legal Context
LAWS2217	Family Law
LAWS2219	Health Law, Bioethics & Human Rights
LAWS3202	Honours Thesis
LAWS2220	Human Rights Law in Australia
LAWS2222	Intellectual Property
LAWS2223	International Dispute Resolution
LAWS2228	Labour Law
LAWS2251	Legislative Drafting and Technology
LAWS2230	Law Internship
LAWS2255	Restrictive Trade Practices

LAWS2257	Selected Topics in Australian –US Law (ANU)
LAWS2261	Selected Topics in Criminal Law
LAWS2234	Special Law Elective 1: Refugee Law
LAWS2239	Special Law Elective 3: Law Reform
LAWS2237	Takeovers & Securities Law
LAWS3103	Law and the Environment

NOTE: The availability of courses to be offered in the 2009 Summer Session (December 2008 to February 2009) will be made public in July 2008. They will not necessarily duplicate the courses listed above that were offered in Summer 2008 (December 2007 to February 2008)

Table of Postgraduate Courses available in 2008 to students enrolled in the Juris Doctor (JD)			
Course Code	Name	Unit value	JD Prerequisite
LAWS8268	International Humanitarian Law	6 units	LAWS2250 International Law and LAWS2264 Advanced International Law
LAWS8129	Marine and Coastal Law	6 units	LAWS2250 International Law
LAWS8239	The European Union Law	6 units	Completed or completing 5 1000 level courses
LAWS8175	Citizenship Law in Context	6 units	LAWS1205 Australian Public Law
LAWS8180	International Climate Law	6 units	LAWS2250 International Law or LAWS2215 Environmental Law
LAWS8172	Media & Communications Law	6 units	Completed or completing 5 1000 level courses
LAWS8570	Legal Framework of Regulation	6 units	Completed or completing 5 1000 level courses
LAWS8274	Native Title	6 units	LAWS1204 Contracts, LAWS1205 APL, LAWS2204 Property Law, and LAWS2202 Com Const Law
LAWS8125	Law of Corporate Governance	6 units	LAWS2203 Corporations Law
LAWS8181	Australian Climate Law	6 units	Completed or completing 5 1000 level courses
LAWS8301	Graduate Research Unit	12 units	70% in 4 relevant courses + topic approval and appointment of supervisor

COURSES OFFERED

COMPULSORY COURSES

LAWS2201 Administration Law

Compulsory, 6 units

Coordinator: Robin Creyke and Leighton McDonald

Offered: Semester 1

Contact Hours: Four hours per week

Prerequisites: Australian Public Law

LAWS1205

Completed or completing five courses at 1000 level

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 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:

- accountability in an administrative state
- changing patterns of 'governance' in contemporary Australia
- the historical and constitutional context of Australian administrative law
- the administrative law framework for review of government decision-making
- concepts of merits and judicial review
- judicial review principles
- merit review principles
- standing
- remedies

- other administrative law avenues including information access rights and ombudsmen
- the impact of human rights legislation on Australian administrative law.

Proposed Assessment:

Creyke's Group - A 15 per cent compulsory short answer examination, a 2400-word optional essay; and a two and a quarter hour examination in the semester examination period. Details of the final assessment will be provided on the course home page by the first week of semester.

McDonald's Group - A 2400-word optional (redeemable) essay worth 40 per cent; and a final examination in the semester examination period. Details of the final assessment will be provided on the course home page by the first week of semester.

Preliminary Reading:

Creyke's Group - The reading timetable will be announced in the first class.

McDonald's Group - The reading timetable will be set out in the course outline and announced in first class.

Prescribed Text:

Creyke's Group - Robin Creyke and John McMillan, *Control of Government Action: Text, Cases and Commentary* (LexisNexis, 2005). McDonald's Group - Peter Cane and Leighton McDonald, *Principles of Administrative Law: the Legal Regulation of Governance* (Oxford University Press, 2008) plus a Reading Brick of supplementary materials (available from the College Services Office).

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

Changes to teaching in 2008: The course will be conducted in two streams in 2008:

one coordinated by Robin Creyke; the other by Leighton McDonald.

LAWS1205 Australian Public Law

Compulsory, 6 units

Coordinator: Matthew Zagor, Semester 1, Amelia Simpson, Semester 2 (single degree students only)

Offered: Semester 1 and Semester 2

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.

Details of the final assessment will be provided on the course home page by the first week of semester.

Prescribed Text: Please refer to LAWS1205 course home page.

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 the law degree.

LAWS2202 Commonwealth Constitutional Law

Compulsory, 6 units

Coordinator: Amelia Simpson, Summer Session, James Stellos, Semester 2

Offered: Summer Session, 2008 and Semester 2

Contact Hours: Four hours per week

Prerequisites: Australian Public Law LAWS1205

Completed or completing five courses at 1000 level

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.

Details of the final assessment will be provided on the course home page by the first week of semester.

Prescribed Text: Please refer to LAWS2202 course home page.

This course is normally taken in the third year of a combined degree.

LAWS1204 Contracts

Compulsory, 6 units

Coordinator: Anne McNaughton, Semester 1 (single degree students only), Alex Bruce, Semester 2

Offered: Semester 1 and Semester 2

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 course deals with breach and its consequences, including a discussion of the common law and equitable remedies. 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 also examined.

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.

Details of the final assessment will be provided on the course home page by the first week of semester.

Prescribed Text: Please refer to LAWS1204 course home page.

This course is taken in the second semester of first year for all combined degree students. Students undertaking LLB(G), JD or non-combined LLB will study Contracts in the first semester of first year.

LAWS1206 Criminal Law and Procedure

Compulsory, 6 units

Coordinator: Miriam Gani

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.

LAWS2203 Corporations Law

Compulsory, 6 units

Coordinator: Kath Hall

Offered: Semester 1

Contact Hours: Four hours per week

Prerequisites: Contracts LAWS1204

Completed or completing five courses at 1000 level

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
- winding up.

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.

Details of the final assessment will be provided on the course home page by the first week of semester.

Preliminary Reading: None

Prescribed Text: Please refer to LAWS2203 course home page.

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.

LAWS2205 Equity and Trusts

Compulsory, 6 units

Coordinator: Pauline Ridge

Offered: Semester 2

Contact Hours: Four hours per week

Prerequisites: Property LAWS2204

Completed or completing five courses at 1000 level

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: A compulsory mid-semester exam, an optional essay and a compulsory end of year exam.

Details of the final assessment will be provided on the course home page by the first week of semester.

Prescribed Text: Please refer to LAWS2205 course home page.

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.

LAWS2207 Evidence

Compulsory, 6 units

Coordinator: Gregor Urbas

Offered: Summer Session, 2008 and Semester 2

Contact Hours: Three hours of lectures per week, plus tutorials

Prerequisites: Torts LAWS1203 and Criminal Law and Procedure LAWS1206

Completed or completing five courses at 1000 level

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
- admissibility rules (e.g. credibility, hearsay, opinion, tendency and coincidence, identification and character evidence), and exceptions
- privileges
- judicial discretions and conduct of proceedings.

The course will be based on the Evidence Law; comprising the Evidence Act 1995 (Cth), which applies in proceedings in Federal and ACT courts, along with counterpart legislation in New South Wales, Tasmania and Norfolk Island. The course also makes reference to law reform perspectives such as the recent Australian Law Reform Commission report on Uniform Evidence Law (ALRC 102).

Proposed Assessment: Details of the final assessment will be provided on the course home page by the first week of semester. Preliminary Reading: None, but students will benefit from rereading 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 terms of accuracy and analysis) in various 'real crime' literature and courtroom drama.

Prescribed Text: Please refer to LAWS2207 course home page.

The course is designed to be taken towards the end of the degree. The study of

evidence is required for admission to legal practice.

LAWS1201 Foundations of Australian Law

Compulsory, 6 units

Coordinator: Fiona Wheeler, Semester 1, Miriam Gani, Semester 2

Offered: Semester 1 and Semester 2

Contact Hours: In every week there will generally be a one-hour lecture and a two-hour seminar. In some weeks there will also be a one-hour research skills tutorial.

Prerequisites: None

This course must be taken in the commencing semester of a student's LLB or JD enrolment.

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 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 research skills tutorials.

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.

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.

Details of the final assessment will be provided on the course home page by the first week of semester.

Preliminary Reading: None

Prescribed Text: Please refer to LAWS1201 course home page

LAWS2250 International Law

Compulsory, 6 units

Coordinator: Don Rothwell

Offered: Semester 2

Contact Hours: Three hours per week

Prerequisites: None

Completed or completing five courses at 1000 level

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 College 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 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.

Details of the final assessment will be provided on the course home page by the first week of semester.

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: Please refer to LAWS2250 course home page.

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: 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.

Details of the final assessment will be provided on the course home page by the first week of semester.

Prescribed Text: Please refer to LAWS1202 course home page.

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

Completed or completing five courses at 1000 level

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 per cent. Essay (1200 words) based on seminar presentation 20 per cent. Seminar presentation (5-10 minutes) and discussion of presentation - 10 per cent. Seminar attendance and participation - 10 per cent. Details of the final assessment will be provided on the course home page by the first week of semester.

Prescribed Text: Please refer to LAWS2249 course home page.

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.

LAWS2244 Litigation and Dispute Management

Compulsory, 6 units

Coordinator: Peta Spender

Offered: Semester 1

Contact Hours: Four hours per week

Prerequisites: Torts LAWS1203 and Contracts LAWS1204

Completed or completing five courses at 1000 level

Syllabus: This course is an introduction to dispute resolution focussing upon mediation and civil litigation. The course

will examine dispute resolution within and outside the legal system and will explore litigation via the principles of civil procedure. The interlocutory steps in civil litigation will be analysed alongside the strategies adopted by lawyers in the conduct of litigation. The course is structured to meet the requirements for admission as a legal practitioner in the Australian States and Territories but also provides opportunities for critical appraisal of litigation policy and practice.

Topics to be covered include:

- access to justice
- the importance of process
- mediation procedures
- confidentiality and power imbalances in dispute resolution
- when and how to commence proceedings in court
- class actions
- urgent applications
- gathering evidence.

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.

Details of the final assessment will be provided on the course home page by the first week of semester.

Prescribed Text: Please refer to LAWS2244 course home page.

This course is best undertaken by students later in their degree.

In particular, students will benefit from an understanding of Corporations Law.

LAWS2204 Property

Compulsory, 6 units

Coordinator: Wayne Morgan

Offered: Semester 1

Contact Hours: Four hours per week

Prerequisites: Contracts LAWS1204

Completed or completing five courses at 1000 level

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.

Details of the final assessment will be provided on the course home page by the first week of semester.

Prescribed Text: Please refer to LAWS2204 course home page 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: The aim of this course is to study one of the basic disciplines of the common law. When a person has been harmed by the conduct of another - whether he or she incurs injury to the person, property or reputation, or financial loss, or interference with the use of land or goods - it is the rules of the law of torts which determine by whom the loss must be borne. Since the law of torts has predominantly derived from judicial decisions (although legislation is of increasing significance) and since it generates more litigation than any other area of the law, except criminal law, it also provides a wealth of material for the development of an understanding of the legal system. This course will focus on personal injuries and examine the torts of trespass to the person and negligence. The course will also consider one of the ways in which interests in property can be protected, namely through the tort of trespass to land.

As this is generally the first substantive law course that students encounter in their law program, this course is also designed to

teach students to read, understand and write about cases and to read, understand and apply legislation.

For 2008, the course has been redesigned to focus on the common law and relevant ACT legislation (in particular the Civil Law (Wrongs) Act 2002 (ACT)) rather than on NSW legislation as in previous years. At the conclusion of this course students should be able to:

- demonstrate an understanding of the core principles of the torts of negligence and trespass
- construct a proposition of law established by case law
- identify the relevant legal issues that arise on a given set of facts
- make arguments about the way in which those legal issues are likely to be resolved, noting contrary arguments and their strengths
- provide case authorities for propositions of law that they use in those arguments
- apply case law and legislation to a given set of facts
- where applicable, distinguish the facts in decided cases from those in a given set of facts and build this into argument
- structure an answer to a problem question in a logical and effective way
- comment critically on the outcome and reasoning in cases studied during the course and identify the considerations of policy that may underpin them.

Proposed Assessment: The assessment for this course will involve two compulsory examinations: one at mid-semester and one at the end of semester. In 2008, attendance at tutorials will be compulsory, with 5 per cent of marks deducted for failure to attend at least eight out of ten tutorials. Details of the final assessment will be provided on the course home page by the first week of semester.

ANU College of Law

Prescribed Text: Please refer to LAWS1203
course home page.
Please note that classes in Torts will not be
recorded in 2008

ELECTIVE COURSES

LAWS2264 Advanced International Law

Elective, 6 units

Coordinator: Sarah Heathcote

Offered: Semester 2

Contact Hours: Three hours per week

Prerequisites: LAWS2250 International Law

Completed or completing five courses at 1000 level

Syllabus: This course is a follow-up to the compulsory International Law course (LAWS2250). It is intended to round out the coverage of 'general' public international law by focusing on those areas not (or only partially) dealt with in the compulsory course. It consists of three inter-related modules.

At this stage, it is anticipated that the course will cover:

- state responsibility
- state immunity, Heads of State (and other high officials) immunities, consular and diplomatic immunities
- counter-terrorism and international law.

Proposed Assessment: Details of the final assessment will be provided on the course home page by the first week of semester.

Prescribed Text: Please refer to LAWS2264 course home page

LAWS2209 Bankruptcy and Insolvency

Elective, 6 units

Coordinator: Doug Hassall

Offered: Semester 1

Contact Hours: Three hours per week

Prerequisites: Corporations Law LAWS2203

Completed or completing five courses at 1000 level

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 in individual bankruptcy. This course will also look at pre-insolvency debtor-creditor relations, 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 card. 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: Details of the final assessment will be provided on the course home page by the first week of semester. Prescribed Text: Please refer to LAWS2209 course home page.

This is a commercial law elective course, therefore, 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.

LAWS2267 Clinical Youth Law Program

Elective, 6 units

Coordinator: Judy Harrison

Offered: Semester 1 and Semester 2

Contact Hours: Six hours per week

Prerequisites: Completion of 48 units of law courses

(This course is capped at 10 students)

Syllabus: This is a clinical program enabling students to participate in the Youth Law Centre, a non-profit legal service for ACT youth aged 12-25 years. Students undertake an initial two-day orientation, work onsite for four hours a week for twelve weeks and participate in a program of weekly seminars which runs for eleven weeks. The course objectives are to:

- contextualise the study of law and student learning in a wide range of other law courses
- guide and support students in identifying, developing and applying ethical legal practice skills
- develop students' critical understanding of legal practice approaches, the roles of lawyers in relation to individual clients and social justice issues
- 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 links between the legal framework of legal practice 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'

- tailoring service models to client needs.

Proposed Assessment: It is proposed that the assessment scheme will involve three compulsory elements, on-site participation, learning and performance, 50 per cent seminar participation, 20 per cent: and research project of 1,800 words, 30 per cent.

Details of the final assessment will be provided on the course home page by the first week of semester.

Prescribed Text: Please refer to LAWS2267 course home page.

LAWS2210 Commercial Law

Elective, 6 units

Coordinator: Anne McNaughton

Offered: Semester 2

Contact Hours: Three hours per week

Prerequisites: Contracts LAWS1204

Completed or completing five courses at 1000 level

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
- International Sale of Goods
- 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.

Details of the final assessment will be provided on the course home page by the first week of semester.

Prescribed Text: Please refer to LAWS2210 course home page.

This course provides essential background for advanced commercial law courses.

LAWS2268 Community Law Clinical Program

Elective, 12 units

Coordinator: Judy Harrison

Offered: Semester 1 and Semester 2

Contact Hours: Two days (15 hours) per week onsite, plus two hours per week seminar.

This course runs continuously for twelve weeks without a mid-semester break.

Prerequisites: Completion of 48 units of law courses including LAWS2201

Administrative Law and LAWS2204 Property.

(This course is capped at 8 students)

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.

The course objectives are to:

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

Students undertake an initial two-day orientation, work at Welfare Rights two days a week, and participate in weekly seminars. Seminar topics may include:

- Introduction to public interest law
- Professional responsibilities
- Legal practice skills - legal writing, interviewing, casework skills, advising
- Substantive law in Welfare Rights and Legal Centre's areas of practice, tenancy, Social Security and Disability Discrimination
- Law Reform.

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; presentation.

Details of the final assessment will be provided on the course home page by the first week of semester.

Prescribed Text: Please refer to LAWS2268 course home page.

LAWS2211 Comparative Legal History

Elective, 6 units

Not offered in 2008

Prerequisites: None

Completed or completing five courses at 1000 level

LAWS2212 Conflict of Laws

Elective, 6 units

Not offered in 2008

Later Year Course

Prerequisites: None

Completed or completing five courses at 1000 level

LAWS2259 Consumer Protection and Product Liability Law

Elective, 6 units

Coordinator: Alex Bruce

Offered: Semester 1

Contact Hours: Three hours per week

Prerequisites: None

Completed or completing five courses at 1000 level

Syllabus: The object of this special subject is to introduce students to the Consumer Protection and Product Liability provisions of the Trade Practices Act (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.

Details of the final assessment will be provided on the course home page by the first week of semester.

Prescribed Text: Please refer to LAWS2259 course home page.

LAWS2213 Contemporary Issues in Constitutional Law

Elective, 6 units

Coordinator: James Stellios

Offered: Semester 1

Prerequisites: Commonwealth Constitutional Law LAWS2202

Completed or completing five courses at 1000 level

Syllabus: This course will be taught in conjunction with the equivalent postgraduate course. The course builds upon core constitutional law concepts and doctrines. It is anticipated that there will be two main components to the course in 2008.

First, the course 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.

Secondly, the course will give close attention to express and implied 'constitutional rights' and critically assess whether their 'rights' status is compatible with constitutional history and context and judicial interpretation.

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.

Details of the final assessment will be provided on the course home page by the first week of semester.

Prescribed Text: Please refer to LAWS2213 course home page.

LAWS2214 Criminal Justice

Elective, 6 units

Coordinator: Molly O'Brien

Offered: Semester 2

Contact Hours: Three hours per week

Prerequisites: LAWS1206 Criminal Law and Procedure

Completed or completing five courses at 1000 level

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 course will also examine how criminal justice theory operates in practice and evaluate the social impact of the criminal justice system.

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. In conjunction with this part of the course, students will observe and report on criminal proceedings in the Magistrates' and Supreme courts. The second part of the course will explore theoretical and practical legal and policy issues through an examination of a range of substantive topics, such as: policing, criminal investigation, covert operations, electronic and other surveillance, charging and prosecution, diversionary conferencing and restorative justice, committal and trial requirements, the role of the jury, the impact of the criminal justice system on

indigenous people, victims' interests, miscarriages of justice, domestic violence, multiculturalism, sentencing and corrections.

Proposed Assessment: Details of the final assessment will be provided on the course home page by the first week of semester.

Prescribed Text: Please refer to LAWS2214 course home page.

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

LAWS2262 Current Issues in Administrative Law

Elective, 6 units

Coordinator: Robin Creyke

Offered: Semester 1

Contact Hours: Three hours per week

Prerequisites: Administrative Law

LAWS2201

Completed or completing five courses at 1000 level

Syllabus: This course will be taught in conjunction with the equivalent postgraduate course. The 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.

Details of the final assessment will be provided on the course home page by the first week of semester.

Prescribed Text: Please refer to LAWS2262 course home page.

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 units

Coordinator: Miriam Gani

Offered: Semester 1 and Semester 2

Contact Hours: Two hours per week

Prerequisites: None. This subject 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
- participating effectively in discussion groups.

Proposed Assessment: This subject is not assessed.

Preliminary Reading: None

Prescribed Text: Please refer to LAWS1209 course home page.

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 College 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

Completed or completing five courses at 1000 level

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 both theoretical and practical perspectives, taking a broad national and thematic approach. Whilst it places particular emphasis on the applicable Commonwealth, NSW and ACT law, the course reviews fundamental concepts, useful tools and insights with which to understand and critically analyse environmental law.

The course commences with an introduction to concepts relating to defining the 'environment', including the notion of 'ecologically sustainable development'. It then considers environmental law 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, climate change and energy law, the enforcement of environmental protection measures (including the topics of standing and access to justice), as well as environmental litigation.

Proposed Assessment: Mid-semester examination and research essay.

Details of the final assessment will be provided on the course home page by the first week of semester.

Prescribed Text: Bates, G, *Environmental Law in Australia*, 6th edition, LexisNexis, Farrier and Stein (eds), *The Environmental Law Handbook*, 4th ed, RLC Publishing. Please refer to LAWS2215 course home page.

LAWS5920 Exchange Program for Law Students

6 units

Later Year Course

Offered: Semester 1 and 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/index.asp>.

For further information on academic aspects of exchanges and the necessary approvals, please contact Dr Jean-Pierre Fonteyne: jp.fonteyne@anu.edu.au. Please note that all law students in combined degrees require Law School 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: 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

Completed or completing five courses at 1000 level

Syllabus: The course is designed to equip students with the theoretical and contextual material to enable them to think critically about, and to take a considered position on family law issues. It is also designed to enable students to acquire understanding of law and its contexts in relation to the following areas: marriage, nullity and dissolution; violence and abuse in families; decision-making about parenting after separation; economic aspects of marriage and relationship breakdown. Themes which run through the course (and associated questions) include:

- the public/private dichotomy (to what extent and in what ways is 'the family' a private sphere?)
- the focus of regulation (has marriage as the benchmark of family law been replaced by parenthood?)
- gender and domestic violence (how well does the family law system respond to domestic violence? Are family laws and decision-making gendered?)
- child-centredness (to what extent are

laws, decision making, process and research on family law child-centered?)

- the form of regulation (to what extent does family law rely on discretion, principles and rules? What are the advantages and disadvantages of these various forms of regulation?)
- private ordering (to what extent is family law privately ordered? What are the implications of this?).

Proposed Assessment: The means of assessment for this course will involve a compulsory research essay and a compulsory end of semester examination. Details of the final assessment will be provided on the course home page by the first week of semester.

Preliminary Reading: Students should read the outline, and Chapter 1 of the prescribed text before the end of the first week of term.

Prescribed Text: Belinda Fehlberg and Juliet Behrens, *Australian Family Law: The Contemporary Context* (OUP, 2007). Please refer to LAWS2217 course home page.

Please note that classes in Family Law will not be recorded in 2008. Students are advised not to enrol in this course unless they can attend class on a regular basis. This course can be taken at any stage in a degree. Students sometimes say that they find it easier to cope 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 commercial aspects to the course, and links with Property, Equity and Trusts and Corporations Law.

LAWS2218 Feminist and Critical Legal Theory

Elective, 6 units
Not offered in 2008
Prerequisites: None
Completed or completing five courses at 1000 level

LAWS2219 Health Law, Bioethics and Human Rights

Elective, 6 units
Coordinator: Tom Faunce
Offered: Semester 2
Contact Hours: Three hours per week
Prerequisites: None
Completed or completing five courses at 1000 level
Syllabus: The course examines the regulation of health care in Australia, involves analysis and development of moral and bioethical 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, safety and cost-effectiveness regulation of pharmaceuticals and new medical technologies, nanomedicine and biotechnology regulation, stem cells and medical research, 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: Draft academic article (essay) (2000 words) or participation in a medico-legal moot in the ACT Supreme Court or ACT Magistrates Court with medical students from the ANU Medical School - 50 per cent and end of course examination (50 per cent).

Details of final assessment will be provided on the course home page by the first week of semester.

Preliminary Reading: I Freckleton and K Petersen, *Controversies in Health Law* (2006).

Prescribed Text: T Faunce, *Who Owns Our Health. Medical Professionalism, Law and Leadership Beyond the Age of the Market State* (NSW Press 2007), plus a small brick of local legislation and key cases.

Please refer to LAWS2219 course home page.

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
Coordinator: Pauline Ridge
Offered: Semester 1 and Semester 2
Prerequisites: Enrolment in Honours Thesis is restricted to students who satisfy the following requirements:

- the candidate, at the time of completion of his or her studies in the Law School, will have completed 14 or more eligible law courses
- 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 Administration 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

- 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
- 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 in the Law School otherwise requires) in which the candidate has scored the lowest marks
- 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 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

- 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, is supervised by a member of the Law School 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 words honours thesis.

To assist students to prepare their detailed research proposal and to undertake Honours Thesis, the ANU College of Law offers Honours Thesis Workshops each year. Attendance is voluntary. Dates for 2008 will be advised on the web. 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 about Honours in Law available on the noticeboard at the student's login page.

Students should 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

Prerequisites: Completed or completing five courses at 1000 level

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?
- review of aspects of Australian law in relation to human rights, eg rights to life and an adequate standard of living; terrorist and refugee legislation; rights of indigenous peoples.

Proposed Assessment: A two part assessment package is in place 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.

Details of the final assessment will be provided on the course home page by the first week of semester.

Preliminary Reading: Please refer to LAWS2220 course home page.

Prescribed Text: Please refer to LAWS2220 course home page.

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.

LAWS2221 Income Tax

Elective, 6 units

Coordinator: Michael Kobetsky

Offered: Semester 1

Contact Hours: Three class hours per week

Prerequisites: None

Completed or completing five courses at 1000 level

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.

Details of the final assessment will be provided on the course home page by the first week of semester.

Prescribed Text: Please refer to LAWS2221 course home page.

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

LAWS2238 Indigenous Australians and the Law

Elective, 6 units

Not offered in 2008

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

Corequisite: Property LAWS2204.

Completed or completing five courses at 1000 level

LAWS2245 Information Technology Law

Elective, 6 units

Coordinator: Fiona Guy (Ruleburst)

Offered: Semester 1

Contact Hours: Three hours per week

This course is capped at 80 students

Prerequisites: None

Completed or completing five courses at 1000 level

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
- computer crime and related issues.

Proposed Assessment: Details of the final assessment will be provided on the course home page by the first week of semester.

Prescribed Text: Please refer to LAWS2245 course home page.

LAWS2222 Intellectual Property

Elective, 6 units

Coordinator: Matthew Rimmer

Offered: Semester 2

Contact Hours: Three hours per week

Prerequisites: None

Completed or completing five courses at 1000 level

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 an essay, a seminar and an exam.

Details of the final assessment will be provided on the course home page by the first week of semester.

Prescribed Text: Please refer to LAWS2222 course home page.

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 policy-based seminar each week.

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.

LAWS2265 International Advocacy and Procedure

Elective, 6 units

Not offered in 2008

Prerequisites: LAWS2250 International Law
Completed or completing five courses at 1000 level

LAWS2266 International Arbitration and Negotiation Moot Competition in Japan

Elective, 6 units

Coordinator: Kent Anderson

Offered: Summer Session, 2008 and Spring Session, 2008

Contact Hours: 39 hours minimum
(Capped at 5 students)

Prerequisites: LAWS2250 International Law
Students must be fluent in Japanese to undertake this course

Completed or completing five courses at 1000 level

Syllabus: The course objective is to provide students with a practical education in international dispute resolution. This covers the procedural/mechanical aspects of both arbitrated and negotiated settlement. Thus, the students will develop a familiarity and expertise in the UNCITRAL Rules of Commercial Arbitration and standard negotiation processes. Further, the competition problems require research and development of an expertise in the following substantive legal areas: international contracting law, private international law and comparative law.

Most significantly, the course and competition provides practical experience and training in cross-border lawyering. Through the preparation phase, which requires reading and processing an extremely long and convoluted factual problem, the students must use and hone their skills at client counselling and fact deciphering. The arbitration branch develops brief writing skills and oral argumentation. Finally, the negotiation portion provides an opportunity to develop creative and strategic thinking in a fluid environment very similar to the so-called 'real world'.

Topics covered in this course generally include:

- Private International Law: Basic Concepts
 - Jurisdiction over disputes, people, property
 - Choice and conflict of laws
- Substantive Cross-Border Legal Matters
 - UNIDROIT Principles of International Commercial Contracting
 - Comparative law topics (the specific subject will be determined by the factual problem and may cover constitutional law, administrative law, environmental law, torts etc)
- Arbitration
 - Introduction to arbitration
 - UNCITRAL Rules of Commercial Arbitration
- Advocacy and Cross-Cultural Communication
 - Effective oral advocacy in arbitration
 - Effective written advocacy for arbitration and for negotiation
 - Effective Japanese language and cross-cultural communication in a legal context
- Negotiation
 - Basic principles and strategies of negotiation

▪ Cultural based negotiation?
Proposed Assessment: Assessment will be based on:

- student contribution to the team's preparation
- the team's two memorandum for arbitration and negotiation
- assessment of the student's participation in the competition
- a reflective essay following the competition.

Details of the final assessment will be provided on the course home page by the first week of semester.

Prescribed Text: Please refer to LAWS2266 on the course home page.

LAWS2252 International Criminal Law

Elective, 6 units

Not offered in 2008

Prerequisites: International Law LAWS2250

Completed or completing five courses at 1000 level

LAWS2223 International Dispute Resolution

Elective, 6 units

Coordinator: Wayne Morgan

Offered: Semester 2

Contact Hours:

Prerequisites: International Law LAWS2250

Completed or completing five courses at 1000 level

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.

Details of the final assessment will be provided on the course home page by the first week of semester.

Prescribed Text: Please refer to LAWS2223 course home page.

LAWS2253 International Environmental Law

Elective, 6 units

Coordinator: Don Anton

Offered: Semester 1

Contact Hours: Three hours per week

Prerequisites: International Law LAWS2250

Completed or completing five courses at 1000 level

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, and the marine environment. Key institutions such as the United Nations Environment Programme and the World Bank will also be examined.

Proposed Assessment: Details of the final assessment will be provided on the course home page by the first week of semester.

Prescribed Text: Please refer to LAWS2253 course home page

LAWS2224 International Law

Elective: Law of the Sea

Elective, 6 units

Not offered in 2008

Prerequisites: International Law LAWS2250.

(This course is capped at 25)

Completed or completing five courses at 1000 level

LAWS2225 International Law of Human Rights

Elective, 6 units

Coordinator: Kevin Boreham

Offered: Semester 1

Contact Hours: There will be three contact hours per week, made up of one large group lecture and two smaller seminars.

Prerequisites: International Law LAWS2250

Completed or completing five courses at 1000 level

Syllabus: This course critically assesses international efforts to protect human rights. It aims to provide students with an in depth understanding of international human rights law and practice.

Topics to be covered include:

- historical development of international human rights law
- theories of rights
- supervisory mechanisms in the UN and treaty body systems, including the new UN Human Rights Council
- threats to rights in the context of the

war on terror

- the rights of women and the rights of indigenous peoples
- application of international human rights law in Australia, including refugee issues, anti-terror legislation and the argument about an Australian Bill of Rights.

Proposed Assessment: The package is varied to give students feedback on their progress and to ensure that the final mark is not dependent on only one form of assessment. Details of the final assessment will be provided on the course home page by the first week of semester.

Preliminary Reading: Students should read Mary Ann Glendon's *A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights* (Random House 2001). This is a very accessible and stimulating account of the development of the UDHR and its impact, and an excellent introduction to theories of rights and the way they have influenced the development of the International Bill of Rights: there is a copy in the Law Library. Students should also visit the website of Human Rights Watch (www.hrw.org) to familiarise themselves with current human rights issues.

Prescribed Text: Henry J Steiner, Philip Alston and Ryan Goodman, *International Human Rights in Context* (3rd ed, 2007).

Please refer to LAWS2225 course home page.

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 the indigenous right to self-determination.

LAWS2258 International Organisations (Geneva)

Elective, 6 units

Coordinator: Jean-Pierre Fonteyne

Offered: Summer Session, 2008

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).

Completed or completing five courses at 1000 level

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 or JD 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 Graduate Institute of International Studies 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 per cent for class participation and 80 per cent 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.

Details of the final assessment will be provided on the course home page.

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

Completed or completing five courses at 1000 level

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. 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 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.

Details of the final assessment will be provided on the course home page by the first week of semester.

Preliminary Reading: A perusal of the web site of the WTO would be useful.

Prescribed Text: Please refer to LAWS2226 course home page.

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

Completed or completing five courses at 1000 level

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.

Details of the final assessment will be provided on the course home page by the first week of semester.

Prescribed Text: Please refer to LAWS2227 course home page.

When to take this course: 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: Kevin Boreham

Offered: Summer Session, 2008

Prerequisites: Only students selected by the Coordinator for the course, on the basis of criteria adopted by the ANU College of Law, to represent the ANU in the Jessup Moot Competition will be eligible to enrol in the course. Applications for selection for the 2008 team closed on 17 September 2007. Familiarity with International Law and/or mooting and research experience is desirable, as well as a willingness to devote most of the summer period to the undertaking.

Completed or completing five courses at 1000 level.

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 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 reflects the performance of the team through the entire Jessup period.

The mark awarded to each Jessup team member may also take account of their individual performance.

LAWS2228 Labour Law

Elective, 6 units

Coordinator: Michael Rawling

Offered: Semester 2

Contact Hours: Three hours per week

Prerequisites: Contracts LAWS1204

Completed or completing five courses at 1000 level

Syllabus: This course examines labour law in Australia. Students are introduced to practical and theoretical perspectives on the legal rules, principles and institutions that regulate work. In particular, the Workplace Relations Act 1996 (Cth), as recently amended by the Workplace Relations Amendment (Work Choices) Act 2005 (Cth) will be examined. Both the historical significance and practical effects of these substantial changes to federal labour laws will be highlighted. Students are offered a practical analysis of Australian labour laws but are also invited to critically assess those laws.

Topics covered include:

- the history and development of Australian labour law including the role

- of conciliation and arbitration and industrial awards
- the constitutional framework and its impact on workplace relations systems; employees and other categories of workers
- the common law contract of employment
- termination of employment
- minimum employment standards
- individual and collective workplace bargaining and agreements
- the regulation of industrial conflict
- transmission of business rules.

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.

Details of the final assessment will be provided on the course home page by the first week of semester.

Prescribed Text: Please refer to LAWS2228 course home page.

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.

LAWS2256 Law and Sexualities

Elective, 6 units

Coordinator: Wayne Morgan

Offered: Semester 2

Prerequisites: None

Completed or completing five courses at 1000 level

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.

Details of the final assessment will be provided on the course home page by the first week of semester.

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: Please refer to LAWS2256 course home page.

LAWS2229 Law and Society in South East Asia

Elective, 6 units

Coordinator: Daniel Fitzpatrick

Offered: Summer Session, 2008

Prerequisites: None

Completed or completing five courses at 1000 level

Syllabus: This course introduces students to the legal systems 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 a range of customary, Islamic and State laws.

These laws exist today in varying combinations, occasionally in harmony and, not infrequently, in conflict.

Part 1 of the course will provide an historical outline and general overview of these systems.

In Part 2, the focus will be on land law and legal pluralism, as a representative case-study of law-in-action in Southeast Asia.

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.

Details of the final assessment will be provided on the course home page by the first week of semester.

Preliminary Reading: Please refer to LAWS2229 course home page.

Prescribed Text: Please refer to LAWS2229 course home page.

LAWS2260 Law and Psychology

Elective, 6 units

Not offered in 2008

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

Completed or completing five courses at 1000 level

LAWS2230 Law Internship

Elective, 6 units

Coordinator: Peter Ford

Offered: Summer Session, 2008, Semester 1, and Semester 2

Prerequisites: A student must be in their penultimate or final year with a credit average

Completed or completing five courses at 1000 level

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 issue 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.

Details of the final assessment will be provided on the course home page by the first week of semester.

Prescribed Text: Please refer to LAWS2230 course home page 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:

<http://law.anu.edu.au/Undergraduate/Internship.asp>

LAWS2251 Legislative Drafting and Technology

Elective, 6 units

Coordinator: Fiona Guy (Ruleburst)

Offered: Semester 2

Contact Hours: Three hour lecture/lab each week.

Prerequisites: None

Students should be familiar with Microsoft Word and have basic computer literacy Completed or completing five courses at 1000 level

This course is capped at 20 students

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. It also looks at how technology can be used throughout the legislative lifecycle. 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.
- Legislation and Technology - This part of the course will demonstrate how an increasing number of government agencies are using technology to interpret and administer complex law, and expose students to technologies for

the analysis and visualisation of legal rules. This type of toolkit aids in navigating complex webs of tightly integrated statutes, regulations and policy determinations.

This second section of the course will allow students to use the same tools governments around the world are using to analyse and administer legislation.

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.

Details of the final assessment will be provided on the course home page by the first week of semester.

Prescribed Text: Please refer to LAWS2251 course home page.

LAWS2269 Migration Law

Elective, 6 units

Coordinator: Hitoshi Nasu

Offered: Semester 1

Contact Hours: Three hours per week

Prerequisites: LAWS1205 Australian Public Law. Students will benefit from having completed LAWS2201 Administrative Law Completed or completing five law courses at 1000 level

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. It aims to demonstrate administrative, constitutional and international law in action in migration areas, and encourages thinking about the interaction among the legislature, executive and judiciary.

Students will be enabled to provide migration clients with practical advice on the law.

Proposed Assessment: There will be two assignment tasks.

Details of the final assessment will be provided on the course home page by the first week of semester.

Prescribed Text: Please refer to LAWS2269 course home page.

LAWS2254 Restitution

Elective, 6 units

Coordinator: Pauline Ridge

Offered: Semester 1

Contact Hours: Three hours per week

Prerequisites: LAWS1204 Contracts

Completed or completing five courses at 1000 level

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: Mid-semester exam worth 50 per cent; and, an end of semester

exam worth 50 per cent, or an essay worth 50 per cent.

Details of the final assessment will be provided on the course home page by the first week of semester.

Prescribed Text: Please refer to LAWS2254 course home page.

LAWS2255 Restrictive Trade Practices

Elective, 6 units

Coordinator: Alex Bruce

Offered: Semester 2

Contact Hours: Three hours per week

Prerequisites: Contracts LAWS1204

Completed or completing five courses at 1000 level

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 principally involves 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.

Details of the final assessment will be provided on the course home page by the first week of semester.

Prescribed Text: Please refer to LAWS2255 course home page

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

Elective, 6 units

Coordinator: Margie Rowe

Offered: Summer Session, 2008

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

Prerequisites: None

Completed or completing five courses at 1000 level

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 2008). 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.

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.

In 2008, the course will involve a comparative study of Family 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.

Details of the final assessment will be provided on the course home page by the first week of semester.

Prescribed Text: Please refer to LAWS2248 course home page.

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: Margie Rowe/Juliet Behrens

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.

Prerequisites: None

Completed or completing five courses at 1000 level

This course is capped at 20

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: 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.

In 2008, the course will involve a comparative study of Family 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.

Details of the final assessment will be provided on the course home page by the first week of semester.

Prescribed Text: Please refer to LAWS2257 course home page.

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.

LAWS2234 SLE 1: Refugee Law

Elective, 6 units

Coordinator: Matthew Zagor

Offered: Semester 2

Contact Hours: Thirty nine hours

Prerequisites: LAWS2201 Administrative Law and LAWS2250 International Law

Completed or completing five courses at 1000 level

Syllabus: The course will introduce students to the following issues:

- history of the international refugee protection regime, including regional systems for refugee protection
- – key foundational concepts and debates in refugee protection (Is there a right to asylum? Who is a refugee?)
- the international rights framework applicable to refugees and asylum-seekers
- the interface between the refugee protection regime and the broader movement of people (asylum-migration; asylum-internal displacement; asylum-statelessness; asylum-trafficking; asylum-terrorism)
- refugee law and practice in Australia (refugee status determination procedures; detention, offshore/extraterritorial processing facilities)
- the role of the Office of the High Commissioner for Refugees (UNHCR), including in Australia.

Upon completion of this course, students should be able to demonstrate:

- an appreciation for the historical development of the international refugee protection regime and its placement within the broader political context (World War II; Cold War, post-Cold War)
- a grasp of key foundational concepts relevant to refugee protection
- an understanding of the interface between different international legal

- frameworks as they apply to the protection of refugees and asylum-seekers and possibilities for engaging international human rights mechanisms
- the ability to name some of the similarities and differences between asylum and the broader phenomenon of the movement of people
 - awareness of some of the gaps in the international protection regime
 - the capacity to identify some of the major challenges to refugee protection in Australia
 - an appreciation of the global refugee protection environment and Australia's place in that broader context
 - the ability to apply legal principles and case law to fact situations and case studies
 - skills in listening and engaging in oral argument
 - improved skills in case reading, interpretation and critical analysis.

Proposed Assessment: The 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.

Details of the final assessment will be provided on the course home page by the first week of semester.

Prescribed Text: Please refer to LAWS2234 course home page

LAWS2239 SLE 3: Law Reform

Elective, 6 units

Coordinator: Simon Rice

Offered: Semester 2

Prerequisites: None

Completed or completing five courses at 1000 level

Syllabus: The course will examine law reform from a number of interdisciplinary perspectives.

The topics to be covered in the course are as follows:

- the institutions and processes of law reform
- the politics of law reform
- the history of law reform
- the economics of law reform
- what is law reform
- comparative and international perspectives
- case studies in law reform.

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.

Details of the final assessment will be provided on the course home page by the first week of semester.

Preliminary Reading: Please refer to LAWS2239 course home page.

Prescribed Text: Please refer to LAWS2239 course home page.

LAWS2241 SLE 5: Private Equity and Capital Markets Regulation

Elective, 6 units

Coordinator: Justin O'Brien

Offered: Summer Session, 2008

Contact Hours: 36-39 hours

Prerequisites: This course is capped at 50 students

LAWS1204 Contracts, LAWS2203

Corporations Law and completed or completing five LAWS courses at 1000 level

Syllabus: Private equity is an increasingly important and controversial component of capital markets. This course investigates the legal and policy dimensions, both nationally and globally. The issues are drawn together through two extended case studies: the bid for control of Qantas and the listing of Blackstone in the United States.

On completion, the students will be able to display:

- detailed knowledge and critical understanding of the fundamental doctrines, principles and features of

corporate governance and regulation, including design, implementation and enforcement

- detailed knowledge and critical understanding of how private equity financing impacts on the form and substance of corporate governance
- critical understanding of the wider socio-legal context in which corporations and the markets in which they operate are governed.

Teaching will involve a series of formal lectures, interactive class discussion and two intensive seminars, in which students examine the implications of private equity from a range of discrete perspectives (this forms part of the formal research project assessment). Given the complexity and fast-changing private equity environment, it is essential that students keep abreast of current developments. Key resources, which can be accessed via LexisNexis, include The Australian Financial Review, the Wall Street Journal and the Financial Times. In addition, students can access a dedicated private equity website, maintained by the Centre for Applied Philosophy and Public Ethics (www.cappe.edu.au).

Topics will be drawn from the following:

- What is private equity: the transactional basis of private equity
- Theories of corporate governance: shareholder and stakeholder conceptions of the corporation and its role in society
- Theories of regulation: regulator as market promoter, facilitator or guardian?
- Internal challenges: the limits of directorial discretion
- Market challenges: conflicts of interest, insider trading and market manipulation
- Case study: the bid for Qantas (Aus)
- Case study: the Blackstone IPO (US)
- Regulatory responses: the takeovers

panel GN 19 (Aus); FSA (UK)

- Market responses: operational protocols
- Political responses: senate inquiry (Canberra); treasury select committee (Westminster); house finance committee (Washington).

Proposed Assessment: The 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. The proposed assessment is a research paper - 40 per cent, and a final take home exam - 60 per cent.

Details of the final assessment will be provided on the course home page by the first week of semester.

Prescribed Text: Key legislation:

- *Companies Act 2006* (UK) c 46
- *Corporations Act 2001* (Cth) (AUS)
- *Financial Services and Markets Act 2000* (UK)
- *Public Company Accounting Reform and Investor Protection Act of 2002, Pub L No 107-204, 116 Stat 745* (2002) (US)
- *Qantas Sale Act 1992* (Cth) (AUS)

Students will find Justin O'Brien (ed), *Private Equity, Corporate Governance and the Dynamics of Capital Market Regulation* (2007) a useful introduction to the themes developed in the module. Students will be provided with an integrated suite of online resources (regulatory agency and practitioner reports) and key journal citations for each session. For interpretation of Australian Law, students should refer to R Baxt, A Black and P Hanrahan, *Securities and Financial Services Law* (2003) and HAJ Ford, RP Austin and IM Ramsay, *Ford's Principles of Corporations Law* (2005).

Please refer to LAWS2241 course home page.

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

Elective, 6 units
Not offered in 2008
Contact Hours: Three hours per week
Prerequisites: None
Completed or completing five courses at 1000 level

**LAWS2261 Selected Topics in
Criminal Law**

Elective, 6 units
Not offered in 2008
Prerequisites: Criminal Law and Procedure LAWS1206
Completed or completing five courses at 1000 level

**LAWS2263 Special Topics in
Intellectual Property**

Elective, 6 units
Not offered in 2008
Prerequisites: Intellectual Property LAWS2222
Completed or completing five courses at 1000 level

LAWS2233 Selected Topics in Torts

Elective, 6 units
Later Year Course
Prerequisites: Torts LAWS1203
Completed or completing five courses at 1000 level

LAWS2236 Succession

Elective, 6 units
Coordinator: Charles Rowland
Offered: Summer Session, 2008
Contact Hours: 36 hours plus 2 hours revision
Prerequisites: None
Completed or completing five courses at 1000 level
Syllabus: The course examines the law governing succession to property after the death of the owner.
Major topics include:

- the nature of wills and their relationship to contracts
- capacity to make a will, fraud on the testator, undue influence, formalities for making a will and how a will is revoked
- what wills mean and how they are applied
- the principles and practice of drafting wills
- loss of capacity to benefit under a will; for instance, for killing the testator
- how an estate is divided when there is no will
- how the law protects family members against being disinherited by will.

The law on the various topics is considered in a social and political context, and the principles and rules re related to theory and to practice.

The course concentrates on the law of the ACT. However, the ACT law is constantly compared with and considered in the light of the law in other jurisdictions. It follows that considerable attention is given to pressures and directions for reform.

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.

Details of the final assessment will be provided on the course home page by the first week of semester.

Prescribed Text: Please refer to LAWS2236 course home page.

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, 2008

Contact Hours: 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/JA 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 2008). Where appropriate, academic merit may be taken into account.

Completed or completing five courses at 1000 level

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, Labor Law, Limited Liability Corporations, Bankruptcy, Consumer Protection, Environmental Law, Federalism, etc.).

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

Details of the final assessment will be provided on the course home page.

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: Peta Spender

Offered: Semester 2

Contact Hours: Three hours per week

Prerequisites: Corporations Law LAWS2203
Completed or completing five courses at 1000 level

Syllabus: This course examines important facets of the regulation of corporations. It investigates the law and policy 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 ASX 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 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.

Details of the final assessment will be provided on the course home page by the first week of semester.

Prescribed Text: Please refer to LAWS2237 course home page.

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 2008
Prerequisites: Completed or completing five
courses at 1000 level

POSTGRADUATE ELECTIVE COURSES FOR JD STUDENTS

LAWS8274 Native Title

Elective, 6 units

Coordinator: Jennifer Clarke

Offered: Winter Session, Intensive, 14-15 and 17-18 July

Prerequisites: Contracts LAWS1204, Australian Public Law LAWS1205, Property Law LAWS2204, Commonwealth Constitutional Law LAWS2202

Syllabus: This course covers the common and statute law of native title, including the Mabo and Wik decisions, the amended *Native Title Act 1993* (Cth) and associated state legislation. It considers the growing body of Federal Court and other jurisprudence in native title claims, the roles of native title institutions, and the regulation of grants of titles to, and uses of, native title land.

Content: A participant who has successfully completed this course should have an understanding of:

- the nature of Aboriginal and Torres Strait Islander land traditions - as the courts comprehend them;
- the international and constitutional law context in which the Native Title Act 1993 and parallel state legislation operate;
- the concept of native title and its limitations, including those arising from the law of extinguishment;
- the processes by which Aboriginal people or Torres Strait Islanders may apply for determination of native title claims;
- the roles of the National Native Title Tribunal, the Federal Court and parallel state bodies;
- the roles of indigenous representative bodies and native title holding bodies; the 'future acts' regime for

management of native title land.

Proposed Assessment: Students must rely on the Approved Assessment which will be posted to the course homepage on the ANU Law website, prior to the commencement of the course.

LAWS8181 Australian Climate Law

Elective, 6 units

Coordinator: James Prest

Offered: Spring Session, Intensive, 8-10 October

Prerequisites: Completed or completing five courses at 1000 level

Syllabus: This course will examine climate law in Australia including not only the current state of the law but also its likely future direction.

Topics include:

- The federal framework for climate law. Relevant provisions in Commonwealth environmental impact assessment law
- State laws applying to emissions reduction and avoidance in the energy, transport, building sectors and provisions in planning and environmental impact assessment laws
- The rise of climate litigation
- Energy and energy efficiency laws relating to coal, gas, nuclear, and renewable sources
- Possible responses to the problem including market mechanisms, information based regulation, voluntary approaches, legislative approaches to emissions reduction. The course will pay particular attention to proposed carbon trading regimes. The inter-relationship between a cap-and-trade scheme and existing and potential regulatory regimes such as mandatory renewable energy legislation will be considered
- Climate liability and climate adaptation including the impact of climate change on planning regimes and the approval practices of coastal local governments

- Many of the topics above will be presented drawing on international comparisons with the domestic law of other jurisdictions including the United States and the EU.

Proposed Assessment: Students must rely on the Approved Assessment which will be posted to the course homepage on the ANU Law website, prior to the commencement of the course.

LAWS8175 Citizenship Law in

Context

Elective, 6 units

Coordinator: Kim Rubenstein

Offered: Winter Session, Intensive, 21-22 and 25-26 August

Prerequisites: Australian Public Law LAWS1205, Completed or completing five courses at 1000 level

Syllabus: This course looks at the way citizenship in law sits with broader notions of citizenship; it compares the legal notion of citizenship with the normative notion. The course also uses Australia as a case study to look at citizenship law and policy. There will also be a strong comparative country aspect to the course. It is expected that students will on the completion of the course be able to:

- Comprehend the theoretical debates about citizenship;
- Understand the relationship between the theoretical debates and citizenship law;
- Describe the elements of citizenship law covered during the subject;
- Evaluate and discuss the policy issues arising from the areas covered in the subject; and
- Consider comparative country citizenship laws.

Content: It is expected that the following topics will be covered:

- Introduction: the concept of citizenship
- Citizenship and constitutions

- Birthright citizenship
- Citizenship by grant
- Citizenship by descent
- Citizenship and administrative law/merits review
- The difference that citizenship makes
- Loss of citizenship
- Dual citizenship
- Post-national citizenship
- International law and citizenship/nationality
- Summary/overview

Proposed assessment: Students must rely on the Approved Assessment which will be posted to the course homepage on the ANU Law website, prior to the commencement of the course.

LAWS8239 The European Union

Elective, 6 units

Coordinator: Anne McNaughton

Offered: Autumn Session, Intensive, 16-17 and 30-31 May

Prerequisites: Completed or completing five courses at 1000 level

Syllabus: This course provides an introduction and critical overview of the legal system of the European Union. It will examine selected topics in constitutional and substantive law from a range of political, economic and social perspectives. Where appropriate, comparisons with the Australian federal system and local approaches to substantive law will be made. Content: Selected topics include: the institutional history and framework of the EU; fundamental rights and principles of EU law; the influence of human rights on EU law; case-studies in selected social and economic rights (eg gender discrimination, the "four freedoms" on which the internal market is based).

Proposed assessment: Students must rely on the Approved Assessment which will be posted to the course homepage on the ANU

Law website, prior to the commencement of the course.

LAWS8268 International Humanitarian Law

Elective, 6 units

Coordinator: Don Rothwell

Offered: Summer Session, Intensive, 22-23 February and 7-8 March

Prerequisites: International Law LAWS2250, Advanced International Law LAWS2264, Completed or completing five courses at 1000 level

Syllabus: A participant who has successfully completed this course should:

- have a sound understanding of the basic international legal norms governing armed conflicts
- have a thorough knowledge of the relevant international institutional framework and especially the role of the International Committee of the Red Cross (ICRC)
- acquire an appreciation of the key policy challenges arising in relation to efforts to protect the victims of armed conflict and to extend the scope and reach of existing law
- be familiar with critical perspectives on the role of these norms, institutions and policies; and
- be able to assess the strengths and weaknesses of the emerging regime in this area.

Content: Topics covered in the course may include:

- the historical evolution of international legal norms
- the principles determining the rules applicable in different conflict situations
- the relationship between human rights and humanitarian law norms
- the role of the ICRC in general, as well as in specific conflicts such as the former Yugoslavia

- enforcement of international humanitarian law; the Security Council and international war crimes tribunals for Rwanda and the former Yugoslavia
- new directions, including the challenges posed by international terrorist activities, and the emergence of new weapons.

Proposed assessment: Students must rely on the Approved Assessment which will be posted to the course homepage on the ANU Law website, prior to the commencement of the course.

LAWS8125 The Law of Corporate Governance

Elective, 6 units

Coordinator: Kath Hall

Offered: Winter Session, Intensive, 5-6 and 19-20 September

Prerequisites: Corporations Law LAWS2203, Completed or completing five courses at 1000 level

Syllabus: A participant who has successfully completed this course should:

- have an overall understanding of the functions of the board of directors in modern corporations;
- have obtained a thorough knowledge of the fiduciary duties and responsibilities owed by the modern corporate director or company officer;
- be aware of the problems that confront the modern board of directors and the legal mechanisms that have been adopted to address these problems;
- be conversant with the major reform initiatives in the area of corporate governance and their advantages and disadvantages.

Content:

- The importance of corporate governance;
- The division of corporate power and the role and structure of the board;
- Good faith and related duties

- The director's duty of care
- The standard of liability (including the business judgment rule)
- Related party transactions
- Protections against liability: insurance and ratification.

Proposed assessment: Students must rely on the Approved Assessment which will be posted to the course homepage on the ANU Law website, prior to the commencement of the course.

LAWS8180 International Climate Law

Elective, 6 units

Coordinator: Don Anton

Offered: Winter Session, Intensive, 24-26 June

Prerequisites: International Law LAWS2250 or Environmental Law LAWS2215, Completed or completing five courses at 1000 level

Syllabus: This course will examine international climate law, examining both the current law and a range of potential international legal responses. The course will also explore fundamental questions about legal responses to looming crises, using climate change as the focal point of a broader discussion. For example: Can legal institutions deal with such mega-problems? Will doing so lead to basic changes in international legal institutions? The course will devote most time to exploring current international legal challenges and responses and will culminate in a simulated negotiation looking toward Kyoto II. A participant who has successfully completed this course should have a sound understanding of legal issues, standards and principles relating to the international protection of climate and be familiar with the key international instruments and the international institutions (governmental and non-governmental) designed to address and

implement measures aimed at climate change.

Topics include:

- Development, operation and problems associated with the UNFCCC and Kyoto Protocol
- Alternative international regulation and beyond 2012
- Municipal implementation of international norms, including comparisons between Kyoto Protocol, European ETS and US Initiatives.
- Simulated negotiation focused on GHG concentrations, in addition to emissions.

Proposed Assessment: The approved assessment will be posted to the course homepage on the ANU Law website, prior to the commencement of the course.

LAWS8570 Legal Framework of Regulation

Elective, 6 units

Coordinator: Daniel Stewart/George Barker

Offered: Spring Session, 12-14 and 17-18 November

Prerequisites: Completed or completing five courses at 1000 level

Syllabus: This course focuses on the legal framework of economic regulation, or how governments or other actors exercise coercive influence over four principal elements – entry, price, quality and conditions of service, and access obligations or obligations to serve all on reasonable conditions. These elements are seen not only in establishing regulatory bodies in connection with the privatisation of utilities but increasingly can be seen to characterise the government response in areas where market competition is not considered sufficient to achieve the desired regulatory outcomes. The control of genetically modified crops or allocation of water, delivery of welfare services, even allocation of domain names or credit

ratings may be seen as examples of economic regulation.

This course was developed to introduce those involved or interested in economic regulation to the constitutional and administrative law checks and balances on the exercise of regulatory power, the private law alternatives to regulatory intervention, and the likely effects of regulatory intervention given the underlying legal framework. Through a focus on the utility regulation the course provides an understanding of the crucial role played by the underlying legal framework in establishing the forms of regulation found in the Australian economy and how the economic justifications for such regulation in turn has helped to shape that legal framework.

A mix of lectures, discussion-based seminars, student-prepared presentations, case studies and visiting speakers may be used. The latter have been chosen to give a range of views and approaches across the spectrum of industries.

Proposed Assessment: Students must rely on the approved means of assessment which will be posted to the course homepage on the ANU Law website, prior to the commencement of the course.

LAWS8129 Marine and Coastal Law
Elective, 6 units

Coordinator: Don Rothwell

Offered: Autumn Session, Intensive, 14-16 May

Prerequisites: International Law LAWS2250, Completed or completing five courses at 1000 level

Syllabus: This course is designed to provide participants with an understanding of the complexities of environmental regulation of the coastal and marine environment. Conceptually, the course is intended to move from the shore to the high seas, beginning with the foundations of coastal

law and ending with recent marine pollution disasters.

Content:

- Ownership and Boundaries of Submerged Lands
- The Public Trust Doctrine
- Riparian Rights and the Navigational Servitude
- Public Access to the Shoreline
- Regulating Development in the Coastal Zone
- State Regulation of Fisheries and Indigenous Fishing Rights
- Commonwealth Regulation of Fisheries
- Admiralty Law
- Marine Pollution Law

Proposed assessment: Students must rely on the Approved Assessment which will be posted to the course homepage on the ANU Law website, prior to the commencement of the course.

LAWS8172 Media and Communications Law

Elective, 6 units

Offered: Spring Session, Intensive, 6-7 and 10-11 November

Coordinator: Matthew Rimmer

Prerequisites: Completed or completing five courses at 1000 level

Syllabus: This course considers the legal regulation of the media and communications. It is expected that students will, on the completion of the course have:

- An awareness of the regulation of the media industry;
- An understanding of the major areas of law regulating media content;
- An ability to solve legal problems involving media and communications law;
- An awareness of problems which are developing in relation to particular fields of the media industry, and emerging technologies; and

- A critical approach to evaluating new developments in respect of media and communications law; and
- An appreciation of theoretical concerns about freedom of speech, the operation of democratic institutions, censorship, and privacy.

Content: This course will consider legal and policy developments in media and communications law. Principal topics include:

- Media Regulation
- Australian Communications and Media Authority
- The Broadcasting Services Act 1992 (Cth)
- Cross-Media Ownership
- Foreign Ownership
- The Australian Press Council
- The Australian Journalists' Association

Defamation Law

- Freedom of Speech
- Choice of Law and Jurisdiction
- Imputations
- Defences
- Remedies

Contempt

- Reporting of Court Proceedings
- Reporting of Parliamentary Proceedings

Censorship

- Blasphemy
- Obscenity
- Hate Speech
- Sedition and Terrorism

Confidentiality and Privacy

- Confidential Information
- Privacy Law
- Human Rights

Proposed assessment: Students must rely on the Approved Assessment which will be posted to the course homepage on the ANU Law website, prior to the commencement of the course.

LAWS8301 Graduate Research Unit

Elective, 12 units

Offered: Summer Session, Semester 1, Semester 2

Prerequisites: A 70% average across four relevant courses, topic approval and appointment of supervisor

Syllabus: This course requires a research paper of approximately 15,000 words on an approved topic. The topic must be approved by the Sub-Dean in consultation with the appointed supervisor and student. A more detailed paper on the Supervision, Examination and Marking of Graduate Research Units is available on the web or from the Law School Office.

LAW COURSES OFFERED TO STUDENTS IN OTHER DISCIPLINES

LAWS3103 Law and the Environment

Elective, 6 units

Coordinator: TBA

Offered: Semester 2

Contact Hours: Three hours of lectures per week

Incompatible: Not available to Law students

Syllabus: This is a 6 unit Group E course offered by the ANU College of Law to students interested in environmental issues, and may be credited towards any single undergraduate program of the Faculty of Science. This course may not count towards the Bachelor of Science (Psychology), Bachelor of Science (Resource and Environmental Management) or Bachelor of Science (Forestry) component of combined programs. Science students can take this course however it will not be classed as a science course ie it will not count towards the Group C science requirement of your degree. Instead it will be classed as an out of Faculty course. It should be understood that this course is not offered to law students; it is rather a specially designed course for non-law students, especially students in environmental or environmentally-related disciplines.

The course seeks to examine Environmental Law from theoretical and practical perspectives, taking a broad national and thematic approach rather than simply annotating the law of one jurisdiction. The course will examine the sources of Environmental Law, looking at the roles of the common law, of statutes and the growing importance of International Law. It will then move to look at environmental regulation, including economic approaches

to land use control, planning and licensing systems; environmental decision-making, including environmental impact assessment processes and exceptions to the usual decision-making process; enforcement of environmental controls through criminal and civil means and alternative sanctions; and environmental litigation, in particular, rights of standing and legal aid in public interest litigation. The course will also look at philosophical and ethical bases for environmental protection, as well as a detailed examination of the role of scientific evidence in environmental decision making.

Proposed Assessment: The proposed assessment is an in-class test and final examination.

LAWS3104 Principles of Intellectual Property

Elective, 6 units

Coordinator: Daniel Stewart

Offered: Semester 1

Contact Hours: Two hours per week

Incompatible: Not available to Law students

Syllabus: Scientific research is increasingly being influenced by the demands of commercialisation. An awareness of intellectual property and other legal aspects of commercialisation has become a crucial element in the initiation, process and application of scientific research. This course will provide that awareness.

This course will cover the fundamental principles of intellectual property including confidential information, patents and trademarks with some consideration of copyright and designs.

It will also outline some of the other legal areas concerned with commercialising intellectual property, such as licensing and organisational governance.

Students will be able to:

- identify, apply and assess issues relating

to each of the relevant areas of intellectual property in various fields of scientific research

- take steps to prevent the protection of intellectual property being undermined
- understand the potential role and dangers of ownership rights and marketing protection in encouraging scientific research.

The principles of intellectual property will then be applied to the development and protection of new research. There will be a consideration of the intellectual property issues relating to a number of different areas of research including biotechnology. Depending on demand students will be given the option of focusing on their particular area of interest.

This is a six unit Group E course offered by the ANU College of Law for students with no prior law knowledge. This course will not count towards the Bachelor of Science (Psychology) or Bachelor of Science

(Forestry) component of combined programs. The course is not offered to law students; it is specially designed for non-law students. This is a compulsory course in the Bachelor of Biotechnology and other science students can take this course however it will not be classed as a science course ie it will not count towards the Group C science requirement of your degree. Instead it will be classed as an out of Faculty course.

Proposed Assessment: 50 per cent exam; 50 per cent essay and seminar presentation.

Preliminary Reading: Australian Law Reform Commission, *Genes and Ingenuity: Gene Patenting and Human Health*. Report 99. Sydney: Australian Commonwealth, June 2004, www.austlii.edu.au/au/other/alrc/publications/reports/99