

ANU COLLEGE OF LAW

THE AUSTRALIAN NATIONAL UNIVERSITY

LLB & JD HANDBOOK

2009

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 2009 Undergraduate Handbook. It can be found on the web at <http://law.anu.edu.au/Publications/IIB/2009>.

Copies of the 2009 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 2009

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MESSAGE FROM THE DEAN

A very warm welcome to the ANU College of Law in 2009—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 what will be the second year of operation of our new 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 2009

First Semester

First teaching period begins	Monday, 23 February
First teaching period ends	Thursday, 9 April
2-week 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	Thursday, 11 June – Saturday, 27 June

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	Thursday, 5 November – Saturday, 28 November

2009 Public Holidays

Canberra Day – Monday, 9 March
Good Friday – Friday, 10 April
Easter Monday – Monday, 13 April
Anzac Day – Monday, 27 April
Queen's Birthday – Monday, 8 June
Labour Day – Monday, 5 October
ACT Family and Community Day –
Tuesday, 3 November

Calendar 2010

First Semester

First teaching period begins	Monday, 22 February
First teaching period ends	Thursday, 1 April
2-week & 2-day teaching break	Friday, 2 April – Friday, 16 April
Second teaching period begins	Monday, 19 April
Second teaching period ends	Friday, 4 June
6-week teaching break	Monday, 7 June – Friday, 16 July

Second Semester

Third teaching period begins	Monday, 19 July
Third teaching period ends	Friday, 24 September
2-week teaching break	Monday, 27 September – Friday, 8 October
Fourth teaching period begins	Monday, 11 October
Fourth teaching period ends	Friday, 29 October

2010 Public Holidays

Canberra Day – Monday, 8 March
 Good Friday – Friday, 2 April
 Easter Monday – Monday, 5 April
 Anzac Day – Monday, 26 April
 Queen's Birthday – Monday, 14 June
 Labour Day – Monday, 4 October
 ACT Family and Community Day –
 Tuesday, 2 November (TBC)

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 Pam Zwickert
Associate Director, Legal Workshop Tony Cibiras	
Law School Office Sub-Dean & Director (International Exchanges) Jean-Pierre Fonteyne	Administration Sue Hancock, Manager Dinah Rigg, Assistant Manager Judy Buchanan Merran Coulter Sue East Lauren Kish
Assistant Sub-Deans	
Mark Nolan (Careers) Pauline Ridge (Careers)	
Services Office	
Jayne Hardy, Manager Michael Brown Jason King	

Academic Staff of the ANU College of Law	
<p>Kent Anderson George Barker Juliet Behrens Tim Bonyhady Kevin Boreham Stephen Bottomley Simon Bronitt Ven. Alex Bruce Hilary Charlesworth Moeen Cheema Anthony Connolly Michael Coper Robin Creyke Dominique Dalla-Pozza Mick Dodson Thomas Faunce Jean-Pierre Fonteyne Miriam Gani Kath Hall Sarah Heathcote 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 Jonathan Powles James Prest Michael Rawling Matthew Rimmer Heather Roberts Cameron Roles Donald Rothwell Helen Saunders Amelia Simpson Peta Spender Daniel Stewart Margaret Thornton</p>	<p>Gregor Urbas 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 Vivien Holmes Lauren Honcope Tony Kidney Margie Rowe Hugh Selby Aliya Steed Gary Tamsitt Chris Trevitt</p> <p>Staff Currently on Extended Leave Don Anton Juliet Behrens (on leave in Semester 2) Peter Cane (on leave in Semester 1 & 2) Jennifer Clarke Daniel Fitzpatrick (on leave in Semester 1) Henry Mares Penelope Mathew Leighton McDonald, (on leave in Semester 2) John McMillan Simon Rice (on leave in Semester 1) Pauline Ridge (on leave in Semester 1) Donald Rothwell (on leave in Semester 2) Kim Rubenstein (on leave in Semester 1) Jane Stapleton (on leave in Semester 1 & 2) James Stellios (on leave in Semester 1 & 2) Antony Taubman Fiona Wheeler (on leave in Semester 1)</p>

Other Administrative Staff	
<p>Finance & HR Unit Marcia Murphy, Manager Stacey Breeze, Assistant Manager Christiana Alves Ruhui Cheng Jeffrey Kealley Raechel Riley</p> <p>Grants & Contracts Administration Karen Warnes</p> <p>Executive Support Jennifer Braid</p> <p>College Marketing & Alumni Team Christine Denny, Manager Elaine Cooper</p> <p>College Outreach & Administrative Support Team Christine Debono, Manager Kristian Draxl Wendy Mohring (Assistant Manager)</p>	<p>Legal Workshop Administration Bob Sayce, Manager Maggie Rozanski, Assistant Manager Annette Armstrong Katrina Armstrong Pamela Bakkum Genna Brain Rose Coppin Eric Hung Alex Knight Angela Mula Julie Platt Alicia Saiz Pam Zwickert</p> <p>IT & Communications Unit Phil Drury, Manager Alan Lew, Assistant Manager Adam Geddes Fiona Bush Andrew Vella Richard Vuckovic</p>
<p>Distinguished Visiting Fellow The Hon Michael Kirby AC Sir Anthony Mason AC KBE</p>	
Visiting Fellows, ARC Fellows, Emeritus and Adjunct Professors and Part Time Course Convenors	
<p>William Andreen Emma Armson Peter Bailey Gerry Bates The Hon Richard Chisholm Craig Collins Jim Davis Peter Ford Don Greig David Hambly Ann Kent Michael Kobetsky Geoffrey Lindell</p>	<p>Desmond Manderson Dennis Pearce Jonathan Powles Richard Refshauge Jack Richardson Charles Rowland Nicholas Seddon John Seymour Peter Sutherland Sue Tongue Martijn Wilder 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

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.

ANU College of Law

The College Education Committees' are in the process of being restructured. The current arrangements are detailed below.

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.

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 44). Membership of the committee includes 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. Membership includes two student representatives.

POSTGRADUATE STUDIES COMMITTEE

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

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.

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	10.00 am–5.00 pm	Monday
	9.00 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.

Lockers

Lockers are available for hire from the Services Office at \$20 per year. Students are required to purchase their own padlock.

Course Materials

Course outlines will be available free of charge from Orientation Week from the Services Office or on-line from the course web page. Please only take those outlines for courses which you are enrolled in. Some additional handouts may be distributed in class.

Course materials are usually available at the Services Office from Orientation Week. These reading materials can be ordered from the Cashiers (located at Manning Clarke for the 1st two weeks of semester and after, from Pauline Griffin Building) or with credit card payment on-line on ISIS or: <http://law.anu.edu.au/servicesoffice/newpaymentmethod.asp> . Your receipt must be presented to the Services Office for collection of materials.

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/> .

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 law reports, legislation, books and journals that supports academic research and the curriculum offered by the ANU College of Law. In addition to the print collection, legal resources are also available to ANU staff and students through a wide range of online legal databases. With its group study rooms, computer labs, wireless networking and printing and photocopying facilities, 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 the collection. The Law Library has a comprehensive collection of primary materials from all Australian states and territories as well as the Commonwealth, and holds legislation and major case law series from Great Britain, New Zealand, Canada and the United States. 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 collection 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 Legal Online, LexisNexis.AU, Lexis, Westlaw and HeinOnline. Through the ANU Library website (<http://anulib.anu.edu.au>), students can also access a wide range of multidisciplinary databases and internet resources. All networked resources are easily accessible within the Law Library and through the extensive Information Commons computer laboratories on campus. Most resources are also available off-campus via the internet. The Law Library conducts a range of legal research 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. Books in high demand are 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 many of these materials are also available electronically. The ANU also offers a service enabling off-campus students who meet specific 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 two-day loan. Useful reference titles, such as legal encyclopaedias and digests, are also located in the Reserve Collection. Journal articles, recommended for particular courses, are available electronically as part of the Library's Electronic Reserve collection. The Law Library holds a collection of past exam papers, many of which are also accessible through the ANU Library website.

Getting assistance

Law 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 legal research instruction through a series of library tutorials included in the Foundations of Australian Law (LAWS1201) course. 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, providing a wide range of social, educational and careers-oriented programs and events. With numerous publications, forums and events, the LSS is committed to strongly representing students' interests and keeping them updated with developments in the legal profession. There is a \$5 membership fee which entitles Society members to a range of discounts, events and services.

The Committee

The LSS consists of an elected committee with six main Portfolios: Education, Events, Careers, Social Justice, Finance and Administration. The President for 2009 is Patrick Mayoh, who can be contacted at lss@anu.edu.au or on his mobile phone: 0413 763 409.

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

Education

Apart from providing students with the highly treasured past exam answers, the Education portfolio spends much of its time working with the Australian Law Students' Association, the ANU Students' Association and the ANU College of Law to ensure students receive high-quality education. 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. Staff/ student symposium also provide opportunities for students to directly speak with decision-makers in the

college. Legal Education Forums bring students, academics and members of the profession together to hear judges, practitioners and policy-makers provide insights into contemporary legal issues. The Education portfolio also provides vital pre exam tutorials and past exam model answers which can be found on the new LSS website..

Events

The LSS hosts a huge number of social events throughout the year. These include Law Ball, Pre-Toga Party, Jazz at Dusk, Final Year Drinks, First Year Cruise, Careers Cocktails, trivia nights, Christmas in July, Women in Law Brunch and numerous BBQ's. At law ball, over 500 students converge on the Great Hall of Parliament House. 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.

Careers

The careers portfolio intends to provide students with information regarding career choices. The LSS publishes the annual Careers Guide, which includes sections on employment in the private and public sectors, as well as international, alternative, and volunteer opportunities. The Careers Fair, Women in Law Brunch and Careers Cocktails allow students to speak with members of the profession from a range of areas. The LSS also runs Graduate and Summer Clerk workshops.

In conjunction with ANU College of Law, ACT Legal Aid, Clayton Utz and the ACT Youth Coalition, the LSS 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.

Competitions

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 various competitions and develop their skills and confidence.

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 portfolio runs numerous forums throughout the year. Past forums have addressed human rights issues in Zimbabwe, depression in law and indigenous rights. Speakers have been from NGO's, governmental departments and law firms. The Social Justice VP is responsible for monitoring the LSS and the ANU College of Law to ensure that social justice obligations and equity issues are met.

Finance

The LSS undertakes an ongoing effort to obtain revenue from a variety of sponsors. It also receives generous support from the ANU College of Law. It is part of the LSS' mission to promote our sponsors throughout the college and pass on the benefits we receive. This means providing students with quality services at the lowest possible prices. The LSS Card acts as a membership card as well as providing students with discounts at a range of hot spots around Canberra..

Administration

The Administration portfolio includes issues relating to membership, IT, publications, organising meetings and working with the other portfolios. The LSS publishes the Careers Guide, the quarterly Peppercorn magazine, a First Year Guide, Clerkships guide, the Competitions Guide and a regular e brief. The new LSS website and 'ANU Law Student Society' Facebook group will be regularly updated during the year and e briefs will be sent out to keep students informed. You are able to become a member of the LSS at any time during the year, but Market Day is the first and best opportunity that you have to do this. \$5 membership includes discounted tickets to the major events hosted by the LSS, the LSS Card and an LSS Moosecard.

Chill out time

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. Students are also welcome to come into the LSS office opposite the common room.

Get involved

The LSS is always interested in having new students contribute to our activities. In 2007, the LSS introduced first year representatives to work in various portfolios in the committee. Elections for these positions will be run in Semester 1.

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) Law building ground floor, opposite Fellows Oval
- Call us on 0409 929 336 or phone/fax on 6125 0687
- Visit our new 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 2009 ANUSA Law School representatives, Sam Thorpe and Michael Jones 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 College of Engineering and Computer Science 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 Physical Sciences.

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

Refer to information on page 39.

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 eight graduates and an indigenous student group of around eleven students 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 Higher Education 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>

The Freilich Indigenous Student Scholarship in Law

The scholarship is available to a person who:

- is a member of the Indigenous community in their first year of study;
- is a successful applicant for entry to the first year of a program of study leading to the award of Bachelor of Laws (LLB) or the Juris Doctor (JD) whether undertaken as a single degree or part of a combined program; and
- is a citizen 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.

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,

ANU College of Law

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 36 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 34).

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 26.

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 Asia-Pacific Studies / Bachelor of Laws (4573)
 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 90 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)	LAWS2205 Equity and Trusts Law elective course (6 units)

	Non-law course (6 units) Non-law 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 2009 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).

Suggested 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		

Suggested course pattern for a part-time student 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

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 60 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 63. 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.

More information about Honours in Law 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 24–28. 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 26 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 115).

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 26 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.

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 2010 Summer session will be available in July 2009 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 2009 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 5-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 36.

AUSTUDY/YOUTH ALLOWANCE

Refer to information on page 21.

CAREERS

Refer to information on page 37.

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, in 2008 we introduced an important initiative within the College, which will continue in 2009. 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

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 Centre (DSC) on (02) 6125 5036 or <http://www.anu.edu.au/disabilities>.

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://students.anu.edu.au>

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. <http://www.anu.edu.au/dos>

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

HAZARD & INCIDENT REPORTING

Hazard and/or Incident reporting can be dealt with through the Services Offices – located on ground floor foyer of South Wing.

Please refer to the following websites for more information.

http://info.anu.edu.au/policies/_DHR/Procedures/Hazard_Reporting.asp

http://info.anu.edu.au/policies/Forms/Human_Resources/OHS/HR61.asp

http://info.anu.edu.au/policies/_DHR/Procedures/Incident_Reporting.asp

FIRST AID

Contact number is (02) 6125 0456.

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 park in disabled parking bays;
- do not park in loading zones;
- do not park in student residential areas;
- do not park in the multi-storey parking stations;
- do not block off other vehicles;
- motor bikes-must be parked in the areas set aside for motorbike parking; permits are not required for these areas; motorbikes 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 issue infringements for breach of parking rules.

Should you have any further queries regarding parking on Campus, you can email: parking@anu.edu.au Or phone 6125 3649. The office is open from 9.00am to 4.30pm on weekdays.

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.

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 2009 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://policies.anu.edu.au/policies/code_of_practice_for_student_academic_honesty/policy

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 (including through the use of plagiarism detection software). 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

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;
- 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.

^{**} 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 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 2008 (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 2008 (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 2008 (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 2008, 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 2008. 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.

In exceptional circumstances, a student who, at the time of completion of his or her studies in the ANU College of Law, will have completed only 12 eligible law courses (72 units), may be permitted by the Dean to enrol in Honours Thesis in light of his or her circumstances and the high results achieved in ANU law courses. The student must be in a position to complete the requirements for admission to the degree in a period of six months or less as a full-time student at the time that they enrol in 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 Thesis word length has increased to 11,000-13,000 words but the method of counting the words has changed. See the course outline for more details.

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

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 2009	
SUMMER SESSION (December 2008 to February 2009)	
Compulsory courses	
LAWS2207	Evidence
LAWS2201	Administrative Law
Elective courses	
LAWS2272	Comparative Law
Restricted Elective courses	
LAWS2230	Law Internship
LAWS2216	Environmental Law Elective: Copenhagen Moot
LAWS2247	Survey of United States Law
LAWS2248	Selected Topics in Australian-American Comparative Law
LAWS2258	International Organisations (Geneva)
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
LAWS2210	Commercial Law
LAWS2268	Community Law Clinical Program
LAWS2259	Consumer Protection and Product Liability Law
LAWS2213	Contemporary Issues in Constitutional Law
LAWS1209	English in a Legal Context
LAWS2215	Environmental Law
LAWS3202	Honours Thesis
LAWS2221	Income Tax

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LAWS2245	Information Technology Law
LAWS2222	Intellectual Property
LAWS2252	International Criminal Law
LAWS2225	International Law of Human Rights
LAWS2227	Japanese Law and Society
LAWS2230	Law Internship
LAWS2269	Migration Law
LAWS2236	Succession
LAWS2234	Special Law Elective 1: Animals and the Law
LAWS3104	<i>Principles of Intellectual Property</i> (Not offered to Law Students)
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
LAWS2273	Australian Legal History
LAWS2267	Clinical Youth Law Program
LAWS2274	Climate Law
LAWS2268	Community Law Clinical Program
LAWS1209	English in a Legal Context
LAWS2217	Family Law
LAWS2218	Feminist & Critical Legal Theory
LAWS2219	Health Law, Bioethics & Human Rights
LAWS3202	Honours Thesis
LAWS2220	Human Rights Law in Australia
LAWS2226	International Trade Law
LAWS2228	Labour Law
LAWS2260	Law and Psychology
LAWS2230	Law Internship
LAWS2251	Legislative Drafting and Technology

LAWS2271	Refugee Law
LAWS2255	Restrictive Trade Practices
LAWS2257	Selected Topics in Australian –United States Comparative Law (ANU)
LAWS2261	Selected Topics in Criminal Law
LAWS2237	Takeovers & Securities Law
LAWS3103	<i>Law and the Environment (Not offered to Law Students)</i>
SPRING SESSION (October 2009 to December 2009)	
LAWS2266	International Arbitration and Negotiation Moot Competition in Japan

NOTE: The availability of courses to be offered in the 2010 Summer Session (December 2009 to February 2010) will be made public in July 2009. They will not necessarily duplicate the courses listed above that were offered in Summer 2009 (December 2008 to February 2009)

Current list of postgraduate courses available to students enrolled in the ANU Juris Doctor (JD)			
Course Code	Name	Unit value	JD Prerequisite
LAWS8175	Citizenship Law in Context	6 units	LAWS1205 Australian Public Law
LAWS8144	Conflict of Law	6 units	LAWS1204 Contracts and LAWS1203 Torts
LAWS8241	Executive Power	6 units	LAWS1205 Australian Public Law, LAWS2202 Commonwealth Constitutional Law (co-requisite)
LAWS8301	Graduate Research Unit	12 units	70% in 4 relevant courses + topic approval and appointment of supervisor
LAWS8277	International Business Transactions	6 units	LAWS1204 Contracts LAWS2250 International Law
LAWS8268	International Humanitarian Law	6 units	LAWS2250 International Law
LAWS8174	Investigations, Inquiries and Inquisitorial Processes	6 units	LAWS2201 Administrative Law
LAWS8125	Law of Corporate Governance	6 units	LAWS2203 Corporations Law
LAWS8184	Law of International Institutions	6 units	LAWS2250 International Law
LAWS8253	Law of the Sea	6 units	LAWS2250 International Law

* Students must have completed or be completing 5 x 1000 level courses before enrolling in postgraduate electives. Additional prerequisites as listed.

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Additional Postgraduate Courses available to JD Students in 2009 – need approval from Sub-Dean to enrol (classes held during exam period)

LAWS8218	Advanced Contracts	6 units	LAWS1204 Contracts
LAWS8145	Environmental and Risk Assessment Law	6 units	
LAWS8243	Freedom of Information and Privacy	6 units	LAWS1205 Australian Public Law LAWS2201 Administrative Law (recommended)
LAWS8172	Media and Communications Law	6 units	

COURSES OFFERED

COMPULSORY COURSES

LAWS2201 Administrative Law
Compulsory, 6 units
Academic Contact: Daniel Stewart (Summer), Robin Creyke (Class Number 5459) and Leighton McDonald (Class Number 6213) (Semester 1)
Offered: Summer Session, Semester 1
Workload: Administrative Law is a compulsory course generally involving four hours of contact time per week over the semester. Tutorials will be offered in some classes. Students are generally expected to devote approximately 10 hours overall per week to this course. Note that the summer Administrative Law class will be taught over 4 weeks in a semi-intensive format. The total workload is the same. For more details of the timetable for the summer course see the summer semester course outline.
Prerequisites: Australian Public Law LAWS1205
Completed or completing five LAWS courses at 1000 level
Course Description: Administrative Law examines the legal framework for controlling decision-making by Commonwealth, State and local government decision-makers in Australia. It focuses on the legal restraints upon government, and the role those restraints play in maintaining government accountability. 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 is examined. 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:

- what accountability means in the context of the '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 and principles of merits and judicial review
- jurisdiction and remedies available from courts and tribunals, and the principles of standing
- other administrative law avenues including information access rights and ombudsmen
- the impact of human rights legislation on Australian administrative law..

Indicative Assessment: Assessment in Administrative Law includes a final examination in the end of semester examination period and usually an optional (and redeemable) essay. Other assessment including a short answer examination may also be required in some classes. Students should check the course outline for their particular class for further information about the means of assessment, including the relationship between the assessment and the learning outcomes of the course.

Preliminary Reading: Any preliminary reading will be set out in the course outline for each class.

Prescribed Text: Each class will have its own prescribed text and additional reading materials. Students should see the course outline for their particular class for more information.

LAWS1205 Australian Public Law
Compulsory, 6 units
Academic Contact: Matthew Zagor, Semester 1, Tony Connolly, Semester 2

Offered: Semester 1 and Semester 2, (single degree students only)

Workload: For the first seven weeks, there will be one two-hour and one one-hour lecture. Tutorials will begin in the eighth week, taking the place of the one-hour lecture for the next five weeks. It is likely that there will also be a one hour research skills tutorial. Students are generally expected to devote at least 10 hours overall per week to this course.

Prerequisites: None

Assumed Knowledge and Required Skills:

It will be useful for students to follow domestic political developments during the course, such as where there is an election or change in leadership of a major party, a high profile parliamentary inquiry or debate (eg around proposed legislation, the behaviour of members, or the scrutiny of the executive) or a controversial matter before the courts.

Course Description This course examines the structure and themes of Australian public law, providing a bridge to all other public law study in the curriculum. In essence, the course examines how public 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, constitutionalism, 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.

Indicative Assessment: Indicative Assessment:

The provisional scheme of assessment involves a compulsory examination at the end of the semester worth 60per cent or 100per cent of the final mark; and a optional, redeemable, research essay (2000 words) worth 40per cent of the final mark.

The proposed assessment aims to develop and test the full range of skills upon which the course is intended to draw. Assessment by formal examination tests the breadth of students' knowledge of the course content and develops skills in problem-solving, critical analysis, and persuasion. The optional essay provides an opportunity for students to hone research skills and engage in deeper thinking about themes and issues encountered in the course.

Preliminary Reading: The preliminary reading required for this course will be available from the course home page at least one week prior to the commencement of the course.

Prescribed Text: Information about prescribed texts will be made available in the course outline. See the 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

Academic Contact: Fiona Wheeler

Offered: Semester 2

Workload: There will generally be four hours of lectures per week. In some weeks, there will also be a one hour tutorial. Students are generally expected to devote approximately 10 hours overall per week to this course.

Prerequisites: Australian Public Law LAWS1205

Completed or completing five LAWS courses at 1000 level

Course Description 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', focusing on implications from representative government
- the nature of judicial review and the role of the High Court

Indicative 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, including the relationship between assessment and the learning outcomes for the course, will be provided on the course home page by the first week of semester.

Prescribed Text: Information about prescribed texts will be made available in the course outline. See the course homepage.

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

LAWS1204 Contracts

Compulsory, 6 units

Academic Contact: Anne McNaughton,

Semester 1, Alex Bruce, Semester 2

Offered: Semester 1 (single degree students only) and Semester 2

Workload: The Workload for this course will be 4 hours each week. There will be 2 two-hour lectures for the first 2 weeks of the semester. From week 3, 1 of the two-hour lectures will be replaced with a 1 hour lecture and a 1 hour tutorial. Students are expected to devote approximately 10 hours per week, including class time, to this subject.

Prerequisites: None

Course Description: The Contracts course is one of the foundation subjects in the law program 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. By the end of the course students should have an understanding of contract law as a building block for many other subsequent courses in the law degree.

Indicative Assessment: The assessment for this course will involve a compulsory piece of written assessment during the semester, a final exam in the examination period and continuous assessment for class participation in tutorials. Tutorial attendance is compulsory and marks will be deducted for failing to attend more than two tutorials during the semester. More information about the means of assessment and the relationship of the assessment to the learning outcomes of the course will be available on the course home page by the first week of semester.

Preliminary Reading:

The preliminary reading required for this course will be available from the course home page at least 1 week prior to the commencement of the course.

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

Academic Contact: Mark Nolan

Offered: Semester 1

Workload: There will be 3 hours of class time per week supplemented by a 1 hour tutorial in the last 10 weeks of the course. A further 6 or so hours of private study is expected per week in order to review required reading and to prepare for tutorials.

Prerequisites: None

Assumed Knowledge and Required Skills: None.

Course Description This course introduces students to the sources of law which define general principles of criminal responsibility, and a selection of criminal offences (assault, sexual assault, murder, manslaughter, and property offences), criminal defences (provocation and self-defence) and criminal procedure. Students will be exposed to both common law sources as well as legislation and criminal codes where relevant. Basic legal theories of the criminal law will also be introduced. The lecture program will be supported by problem-solving tutorials aimed at enabling students to give legal advice as to criminal liability and the resolution of procedural problems.

Indicative Assessment: A mid-semester problem-based assignment and an exam at the end of the course.

Preliminary Reading: None. Consult course outline for Week 1 reading.

Prescribed Text: S Bronitt and B McSherry, *Principles of Criminal Law* (2nd edition, LawBookCo, 2005).

LAWS2203 Corporations Law

Compulsory, 6 units

Academic Contact: Kath Hall

Offered: Semester 1

Workload: This course involves two two-hour lectures per week for the first seven weeks of the course. From week eight until week thirteen, students will also need to attend a one hour tutorial. However, during this time lectures shall reduce to one two-hour and one one-hour lecture per week.

Prerequisites: Contracts LAWS1204

Completed or completing five LAWS courses at 1000 level

Course Description: 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.

Indicative Assessment: The assessment for this course will comprise an optional mid-semester assessment (either a case note or research essay) and a compulsory end of semester exam. More information about the means of assessment, including the relationship between the assessment and the learning outcomes of the course, will be available on the course home page by the first week of semester.

Preliminary Reading: The preliminary reading required for this course will be available on the course home page at least one week prior to the commencement of the course.

Prescribed Text: Information about prescribed texts will be made available in the course outline. See the 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

Academic Contact: Pauline Ridge

Offered: Semester 2

Workload: There will be three hours of lectures each week. Weekly tutorials will commence in Week 3 of the semester. Students are generally expected to devote approximately 10 hours overall per week to this course.

Prerequisites: Property LAWS2204

Completed or completing five LAWS courses at 1000 level

Course Description: 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 consider 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 requirements for express trusts, the duties, powers, rights and liabilities of trustees and beneficiaries and how express trusts are administered; resulting trusts, constructive trusts, the liability of a third party to a breach

of trust or fiduciary duty, and the equitable proprietary and personal remedies for breach of trust and fiduciary duty, including tracing. The course then shifts its focus to equity more generally by considering the equitable rules for assignment of property and the remedies of specific performance, injunctions, and damages under Lord Cairns' Act.

Indicative Assessment: The assessment for this course will involve two compulsory examinations: one at mid-semester and one at the end of semester. In addition, there will be an optional essay.

More information about the means of assessment, including the relationship between the assessment and the learning outcomes of the course, will be available on the course home page by the first week of semester.

Prescribed Text: Information about prescribed texts will be made available in the course outline. See the 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

Academic Contact: Gregor Urbas

Offered: Summer Session, 2009 and Semester 2

Workload: The standard course in Semester 2 involves 3 hours of lectures per week plus 1 tutorial per week for 10 weeks.

The Summer Semester version delivers the same number of lectures over a

period of 3-4 weeks with 1 tutorial per week during this period.

Prerequisites: Torts LAWS1203 and Criminal Law and Procedure LAWS1206

Completed or completing five LAWS courses at 1000 level

Course Description: 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 (eg 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).

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

Indicative Assessment: The assessment for this course will involve two compulsory examinations: one at mid-semester and one at the end of semester.

More information about the means of assessment, including the relationship between the assessment and the learning outcomes of the course, will be available 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: The most recent edition of the following text will be used in the course:

S Odgers, *Uniform Evidence Law*, Thomson Reuters.

LAWS1201 Foundations of Australian Law

Compulsory, 6 units

Academic Contact: Judith Jones, Semester 1, Miriam Gani, Semester 2

Offered: Semester 1 and Semester 2

Workload: A two hour seminar each week, four one hour research skills tutorials and a mixture of lecture and other learning activities delivered live and/or in a variety of flexible formats (equivalent to a further hour per week).

Prerequisites: None

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

Course Description: 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.

Indicative 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

Academic Contact: Don Rothwell, Kevin Boreham

Offered: Semester 2

Workload: In weeks 1-2 there will be one two hour lecture and one one hour lecture. In weeks 3-4 there will one two hour lecture and one one hour library tutorial. In weeks 5-13 there will be one two hour lecture and one one hour tutorial. Students will generally need to devote about 10 hours on average per week to this course.

Prerequisites:

Completed or completing five LAWS courses at 1000 level

Course Description: This course deals with the body of law known as International Law or sometimes 'Public International Law', as distinct from 'Private International Law'. The field of International Law deals with many aspects of the functioning of the international community (including the relations of States with each other and with international organisations); it also affects many activities that occur within

or across State boundaries (including the treatment by States of their citizens, environmental law, international trade and many other areas). The impact of international law on the Australian legal system and the globalised nature of many governmental, judicial and social activities means that a basic knowledge of the terminology, institutions, and substance of international law is not only worthwhile acquiring in its own right, but is also a necessary part of the knowledge and skills of any law graduate.

Indicative Assessment: The proposed means of assessment for this course will provide students with the opportunity of undertaking at least two pieces of assessment, including one piece during the semester. More information about the means of assessment, including the relationship between the assessment and the learning outcomes of the course, will be available on the course home page by the first week of semester.

Preliminary Reading: The preliminary reading required for this course will be available from the course home page at least one week prior to the commencement of the course.

Prescribed Text: Information about prescribed texts will be made available in the course outline. See the course home page. This course 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 LAWS3010.

LAWS1202 Lawyers Justice and Ethics

Compulsory, 6 units

Academic Contact: Simon Rice

Offered: Semester 2

Workload: The course is taught for three hours each week over a semester, in a mixture of lectures, seminars and tutorials. There is a minimum attendance requirement for seminars and tutorials, and marks are deducted for failure to attend.

Prerequisites: None

Recommended: Students may find it easier to comprehend the concepts discussed in this course if they have successfully completed LAWS1201 Foundations of Law. Examples and case studies in LJE will draw on material from Foundations of Law and Torts, and new material.

Incompatible: Law in Context

Course Description: This course ('LJE') is designed to build on the learning outcomes of LAWS1201 Foundations of Law in two significant ways. First, within the framework of the Australian legal system studied in LAWS1201, LJE examines

- the role of lawyers (who they are, what they do, how they do it)
- how people have access to lawyers - especially for court proceedings - and
- the ethical duties that lawyers are subject to.

Secondly, building on the skills component of LAWS1201, LJE teaches further skills necessary for effective legal study such as writing and presentation.

Indicative Assessment: The assessment for LJE will include skills-based exercises and an assignment during semester, and a final examination.

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 shortly before semester begins.

LAWS2249 Legal Theory

Compulsory, 6 units

Academic Contact: Tony Connolly

Offered: Semester 2

Workload: Every week there will be two 1 hour lectures and a 1 hour tutorial. Students are expected to devote approximately 10 hours overall per week to this course.

Prerequisites: Completed or completing five LAWS courses at 1000 level.

Assumed Knowledge and Required Skills: This course presupposes that students have some legal knowledge through the study of a central area of law, such as torts or constitutional law. It does not assume that you have knowledge or skills in philosophy, political theory, economics or other social sciences - though any such knowledge and skills may be of assistance in undertaking this course.

Course Description: 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. 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.

Indicative Assessment: Examination (closed book) 2 questions, 2 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.

Preliminary Reading: Hart, HLA (1961) - *The Concept of Law* (Chapter 1). Bix, B (2006) - *Jurisprudence: Theory and Context* (4th ed) (Chapters 1 and 2).

Prescribed Text: The course is generally based on a two volume reading brick containing relevant articles and book extracts.

LAWS2244 Litigation and Dispute Management

Compulsory, 6 units

Academic Contact: Peta Spender

Offered: Semester 1

Workload: Four hours per week

Prerequisites: Torts LAWS1203 and Contracts LAWS1204

Completed or completing five LAWS courses at 1000 level

Course Description: 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.

Indicative 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

Academic Contact: Wayne Morgan

Offered: Semester 1

Workload: For the first seven weeks of the course, there will be 4 hours of lectures per week. From weeks 8 to 13, there will be 3 hours of lectures and 1 hour of tutorials.

Students are generally expected to devote approximately 10 hours overall per week to this course

Prerequisites: Contracts LAWS1204

Completed or completing five LAWS courses at 1000 level

Course Description: 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.

Indicative Assessment: The proposed means of assessment for this course will provide students with the option of undertaking at least two pieces of assessment, including one piece during the semester. More information about the means of assessment, including the relationship between the assessment and the learning outcomes of the course, will be available on the course home page by the first week of semester.

Preliminary Reading: The preliminary reading required for this course will be available from the course home page at least one week prior to the commencement of the course.

Prescribed Text: Information about prescribed texts will be made available in the course outline. See the 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

Academic Contact: Juliet Behrens

Offered: Semester 1

Workload: In the first two weeks of the semester there will be four hours of large group classes per week. From the third week of semester there will be three hours of large group classes and one hour-long tutorial per week. In addition, students will be expected to read in advance of classes, to prepare any tasks indicated during class, and to prepare preliminary answers to tutorial questions. Students are generally expected to devote approximately 10 hours overall per week to this course, with additional hours needed in the lead-up to assessment tasks. Students often report that reading takes them longer than this at the beginning of semester, as they are just developing their skills.

Assumed Knowledge and Required Skills: Teachers in this course do NOT assume that you have done a Legal Studies course at school, and you will NOT be at a disadvantage if you have not done such a course. As with all your law courses, it will be important that you have good written communication skills in English, and students who have not done language-rich courses in English in years 11 and 12, must expect to do some extra work to bring their skills up to the required standard. The ANU's Academic Skills and Learning Centre provides courses to help you.

Corequisites: Foundations of Australian Law LAWS1201

Course Description: When a person has been harmed by the conduct of another it is the law of torts which determines who has to

bear the loss. This is an important aspect of the civil law (in contrast to criminal law). It derives largely from judicial decisions, and hence is largely what we call common law (although legislation is of increasing significance). The law of torts protects people against, and compensates them for, unreasonable interferences with a wide range of interests, including their bodily integrity, property, reputation, and financial interests. It does this through a range of different torts, including trespass, negligence, nuisance and defamation. In this basic and introductory course we will focus on the use of the torts of trespass and negligence in contexts where people suffer personal injuries. We will also look at the tort of trespass to land. We will focus on the common law and relevant ACT legislation (in particular the Civil Law (Wrongs) Act 2002 (ACT)).

As this is generally the first substantive law course that students encounter in their law program, we will also begin to teach students some of the basic skills which you will need - in particular, to read, understand and apply case law and legislation. We will also explore in a basic way the interaction between case law and legislation.

Indicative Assessment: The assessment for this course will involve two compulsory examinations: one at mid-semester and one at the end of semester. 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.

Prescribed Text: Please refer to LAWS1203 course home page. It is likely that the prescribed text for 2009 will be

different from the prescribed text in 2008. Please note that classes in Torts will not be recorded.

ELECTIVE COURSES

LAWS2264 Advanced

International Law

Elective, 6 units

Academic Contact: Sarah Heathcote

Offered: Semester 2

Workload: Three hours per week

Prerequisites: LAWS2250 International Law

Completed or completing five LAWS courses at 1000 level

Course Description: 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.

Indicative 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.

LAWS2273 Australian Legal History

Elective, 6 units

Academic Contact: Judith Jones

Offered: Semester 2

Prerequisites: Completed or completing five LAWS courses at 1000 level

Course Description: This course is a new course for 2009. The course aims to introduce students to central questions

and themes in Australian legal history. It will consider important questions relating to historical events and legal developments in Australia from 1788 to the end of the twentieth century. The course also aims to further develop students' research and essay writing skills. With a significant guided research and writing component, it is a course that is suitable preparation for students who are planning to undertake the research paper for Honours. Students will be required to write a research essay and will be encouraged to choose a topic relating to their own interests in Australian legal history. The proposed topics for class discussion include sovereignty, colonial rule, the reception of English law and the early colonial courts. This will be followed by consideration of the journey from repugnance to independence including examination of uniquely Australian colonial legislation and related laws of the nineteenth century. Consideration of the limitations of colonial law when responding to frontier violence and rebellion during this period will enable examination, from a legal perspective, of some focal events such as the Rum Rebellion, the Myall Creek massacre, the Eureka stockade and the trial of Ned Kelly. The course will also examine early Australian environmental laws and natural resource use that have shaped the landscape and the exploitation of the natural environment of the Australian continent. Moving towards the twentieth century, the course will consider pathways to Federation and influences that shaped our Constitution and legal institutions. This will be followed by examination of the Australian High Court in the twentieth century, including patterns of Australian doctrinal development, deference to the English courts, the role of the Privy Council and the influence of a selection of significant English cases on Australian law. The Australian notion of the separation of powers will be examined in an historical context.

Finally, consideration of some more recent legally and historically significant events, such as the Chamberlain case, legal independence through the Australia Acts 1986 and reflections on Mabo, will complete the course.

At the conclusion of this course it is expected that students will be able to:

- demonstrate a thorough knowledge and understanding of central themes and questions relating to Australian legal history
- formulate oral and written arguments in response to questions about aspects of Australian legal history
- analyse a selection of primary historical and legal source material (copies of source material provided as part of course materials)
- formulate a research proposal for a research essay
- utilise legal databases and other reference sources to research case law, legislation, scholarly journal articles and relevant historical materials
- devise, focus and manage a research and writing project in the field of Australian legal history
- consistently and accurately use legal citation conventions in the course of legal writing.

Indicative Assessment: In this course students will complete a research proposal and a research essay (approx 3000 words in length) worth 50% of the assessment and a final examination (essay questions) also worth 50% of the assessment for the course.

Prescribed Text: Materials will be made available in reading brick and online format.

LAWS2209 Bankruptcy and Insolvency

Elective, 6 units

Academic Contact: Craig Collins

Offered: Semester 1

Workload: Three hours per week

Prerequisites: Corporations Law LAWS2203

Completed or completing five LAWS courses at 1000 level

Course Description: 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.

Indicative 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

Academic Contact: Judy Harrison

Offered: Semester 1 and Semester 2

Workload: Students undertake a compulsory 2 day orientation at the start of the course, undertake onsite work for one afternoon a week through out the course and attend a workshop once a week. The workshop times vary between 1 and 2 hours but one workshop is for a full morning. Students also undertake a research project which they present at a presentation session.

Students are generally expected to devote approximately 8 hours per week to this course.

Prerequisites: Completion of 48 units of law courses

(This course is capped at 10 students)

Assumed Knowledge and Required Skills: This course does not assume that you have particular legal knowledge, experience or skills. However, knowledge from other law courses, any legal experience which you do have as well as interpersonal and work related skills will be useful to you in this course.

Recommended: It would be helpful but not compulsory for students to have completed Torts, Contracts, Criminal Law, Family Law and Administrative Law before commencing this course.

Course Description: The Clinical Youth Law Program is an elective course.

Students who have completed 48 units

of LAWS courses are eligible to enrol and places are allocated by date of application. This is a clinical program based in a community legal practice environment. Students participate in the Youth Law Centre, a non-profit legal service for ACT youth aged 12-25 years. While analysing the various roles that lawyers can play, students will focus on extending legal assistance, social justice and reform - particularly in relation to youth legal needs in the ACT.

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 course also explores issues such as:

- 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.

Indicative Assessment: The assessment for this course will involve evaluation of the student's onsite work at the Youth Law Centre, seminar participation and a research project which

involves preparation and presentation of a paper.

More information about the means of assessment, including the relationship between the assessment and the learning outcomes of the course, will be available on the course home page by the first week of semester.

Preliminary Reading: The preliminary reading required for this course will be available through the webCT area for the course at least one week prior to the commencement of the course.

Prescribed Text: Information about prescribed texts will be made available in the course outline. See the course home page.

LAWS2274 Climate Law

Elective, 6 units

Academic Contact: James Prest

Offered: Semester 2

Prerequisites: Completed or completing five LAWS courses at 1000 level.

Course Description: This course is a survey of the emerging field of domestic and international climate law. It will examine the current state of the law and provide an opportunity to consider the future course of climate law, both domestically and internationally.

The nature of the subject matter means that it will provide opportunities to students for cross-disciplinary analysis of the law and comparative approaches to legal analysis.

The course will cover the following areas:

- overview of choice of regulatory approaches to the problem: market mechanisms, information based regulation, voluntary approaches, legislative approaches to emissions reduction
- the international context including the UNFCCC, the Kyoto Protocol, and the likely configurations of any post

2012 regime

- 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: (a) EIA and climate law (b) tort liability
- energy efficiency laws
- laws to price carbon and other GHG emissions: theoretical frameworks for understanding the differences between carbon taxes and emissions trading. 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
- it will also consider questions of climate liability and climate adaptation. For example questions of the impact of climate change on planning regimes and approval practices of coastal local governments will be considered
- comparative approach: many of the topics above would be presented by drawing on international comparisons with the domestic law of other jurisdictions. For example, the experience with emissions trading in the United States and the EU could be drawn upon to illustrate.

Indicative 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 LAWS2274 course home page.

LAWS2210 Commercial Law

Elective, 6 units

Academic Contact: Anne McNaughton

Offered: Semester 1

Workload: The contact hours for this course will be 3 hours each week. There will be a 2 hour lecture and a 1 hour lecture for the first 2 weeks of the semester. From week 3, the 1 hour lecture will be replaced with a 1 hour tutorial. Students are expected to devote approximately 10 hours per week, including class time, to this subject.

Prerequisites: Contracts LAWS1204

Completed or completing five LAWS courses at 1000 level

Corequisites: Property LAWS2204

Course Description: 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

Indicative Assessment: The assessment for this course will involve a compulsory piece of written assessment during the semester, a final exam in the examination period and continuous assessment for class participation in tutorials. Tutorial attendance is

compulsory and marks will be deducted for failing to attend more than two tutorials during the semester. More information about the means of assessment and the relationship of the assessment to the learning outcomes of the course will be available on the course home page by the first week of semester.

Preliminary Reading: The preliminary reading required for this course will be available from the course home page at least one week prior to the commencement of the course.

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

Academic Contact: Judy Harrison

Offered: Semester 1 and Semester 2

Workload: Students undertake a compulsory 2 day orientation at the start of the course, undertake onsite work for two full days through out the course and attend a three hour workshop once a week. Students also undertake a research project which they present at a presentation session.

Students are generally expected to devote approximately 20 hours per week to this course.

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

(This course is capped at 6 students)

Assumed Knowledge and Required Skills:

Students who have completed 48 units of LAWS courses including LAWS2201

Administrative Law and LAWS2204 Property are eligible to enrol. However, knowledge

from other law courses, any legal experience which you do have as well as interpersonal and work related skills will be useful to you in this course. Places are allocated by date of application.

Recommended: The course prerequisites are noted above. It would be helpful but not compulsory for students to have completed Criminal Law and Law Reform before commencing this course.

Course Description: The Community Law Clinical Program is a 12 unit elective course.

This is a clinical program based in a community legal practice environment. During the course students work for two full days a week at the Welfare Rights and Legal Centre where they provide legal information and undertake casework under the supervision of solicitors.

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.

Course topics include:

- introduction to public interest law
- professional responsibilities
- legal practice skills - legal writing, interviewing, casework skills, advising
- substantive law in relation to tenancy, Social Security and Disability Discrimination
- law Reform.

Indicative Assessment: The assessment for this course will involve evaluation of the student's onsite work at the Welfare Rights and Legal Centre for two days per week, seminar participation and a

research project which involves preparation and presentation of a paper.

More information about the means of assessment, including the relationship between the assessment and the learning outcomes of the course, will be available on the course home page by the first week of semester.

Preliminary Reading: The preliminary reading required for this course will be available through the WebCT area for the course at least one week prior to the commencement of the course.

Prescribed Text: Information about prescribed texts will be made available in the course outline. See the course home page.

LAWS2272 Comparative Law

Elective, 6 units

Academic Contact: Anne McNaughton, Simon Bronitt

Offered: Summer Session

Workload: The contact hours for this course will be the equivalent of 3 hours each week. This course will be taught intensively in the summer school. Students are expected to devote the equivalent of approximately 10 hours per week, including class time, to this subject.

Academic Contact: Anne McNaughton, Simon Bronitt

Prerequisites: Completed or completing five LAWS courses at 1000 level.

Course Description: The aim of this course is to introduce students to the field of comparative law. The course will be divided into two parts. Part 1 will consist of an introduction to comparative law covering topics such as:

- theory and history of comparative law
- the Continental civil law and common law approaches to comparative law
- the role and significance of Roman law and civil law
- the common law families
- 19th century codification movements in

both civil law and common law systems

- the emergence of hybrid systems of law melding civil law and common law traditions, such as the EU law and Japanese law, and systems which incorporate religious law (Shariah)
- the actual and perceived differences between adversarial and inquisitorial systems of law.

Part 2 will focus on three comparative case studies from a range of fields. The topics here are indicative as the case studies offered each year would depend on the profile of the staff involved:

- Comparative Criminal Law - comparative counterterrorism law; use of force; scope of self defence and necessity; codification projects
- Comparative Contract Law - division between contract, tort and equity; the role of good faith and unfairness doctrines; comparison of causa and consideration in French and German law codified systems
- Comparative Public and Constitutional Law - different traditions of public law; bills of rights; judicial review
- Comparative Environmental Law - the evolution of environmental law in different legal traditions, role of standing and class actions; the German contribution to the precautionary principle.

Indicative Assessment: The assessment for this course will involve two research essays, one relating to Part 1 and one relating to Part 2 of the course. More information about the means of assessment and the relationship of the assessment to the learning outcomes of the course will be available on the course home page the week before the beginning of the course.

Preliminary Reading: The preliminary reading required for this course will be available from the course home page at least 1 week prior to the commencement of the course.

Prescribed Text: Please refer to the course outline on the LAWS2272 course home page.

LAWS2212 Conflict of Laws

Elective, 6 units

Not offered in 2009

Later Year Course

Prerequisites: None

Completed or completing five LAWS courses at 1000 level

LAWS2259 Consumer Protection and Product Liability Law

Elective, 6 units

Academic Contact: Alex Bruce

Offered: Semester 1

Workload: Three hours per week.

Prerequisites:

Completed or completing five LAWS courses at 1000 level

Course Description: The Trade Practices Act 1974 (Cth) ('the TPA') is the principal source of consumer protection and product liability laws at Federal level. Increasingly, the TPA is being employed at Federal level as the principal method of providing for consumer protection through the elimination of unfair trading practices and the regulation of product safety. The Consumer Protection and Product Liability provisions of the TPA contribute significantly to Australia's dynamic National Competition Policy.

Accordingly, the object of this elective is to introduce the Consumer Protection and Product Liability provisions of the TPA. This will involve a consideration of the role and function of consumer protection and product liability laws as part of Australia's National Competition Policy, misleading and deceptive conduct and its most common forms including silence, comparative advertising, passing off, sale of businesses, breach of contract and franchising industry issues,

various forms of false conduct, 'special' areas of consumer concern such as pyramid selling and false claims for payments, conditions and warranties implied into consumer contracts by the TPA including the status of 'No Refund' policies, unconscionable conduct, Industry Codes of Conduct with an examination of the franchising industry, product liability, remedies under the TPA including damages, injunctions and other orders and enforcement of the Consumer Protection and Product Liability provisions of the TPA by the Australian Competition and Consumer Commission. Indicative 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 course outline on the LAWS2259 course home page.

LAWS2213 Contemporary Issues in Constitutional Law

Elective, 6 units

Academic Contact: Jonathan Burton-MacLeod

Offered: Semester 1

Prerequisites: Commonwealth Constitutional Law LAWS2202

Completed or completing five LAWS courses at 1000 level

Course Description: This course builds upon the concepts and ideas introduced in Australian Public Law, Commonwealth Constitutional Law and Legal Theory. Course content will be built around an examination of rights in constitutional law. The course will have a heavy theoretical lens - the role of the judiciary

in interpreting constitutional law, socio-legal theory-as well as a comparative law focus, particularly viz-a-viz the US Constitution. Topical areas of emphasis will include equality rights, freedom of expression, and terrorism and the constitution.

Indicative Assessment: The proposed means of assessment for this course will be available on the course website from the commencement of the semester.

Prescribed Text: Please refer to LAWS2213 course home page.

LAWS2214 Criminal Justice

Elective, 6 units

Not offered in 2009

Prerequisites: LAWS1206 Criminal Law and Procedure

Completed or completing five LAWS courses at 1000 level

LAWS2262 Current Issues in Administrative Law

Elective, 6 units

Not offered in 2009

Prerequisites: LAWS2201 Administrative Law

Completed or completing five LAWS courses at 1000 level

LAWS1209 English in a Legal Context

Elective, 0 units

Academic Contact: Miriam Gani

Offered: Semester 1 and Semester 2

Workload:: Week by week content is negotiated between the convenor and the students and is designed to address the immediate concerns of students in relation to their other first year law subjects. Typical preparation for students would involve preparing a brief case note or an answer to a tutorial problem.

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

Course Description: The aim of this course 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.
- Indicative 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

Academic Contact: James Prest

Offered: Semester 1

Workload: Three hours per week

Prerequisites:

Completed or completing five LAWS courses at 1000 level

Course Description: 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.

Indicative 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: Please refer to LAWS2215 course home page.

LAWS2216 Environmental Law
Elective

Elective, 6 units

Academic Contact: Don Rothwell

Offered: Summer Session

Prerequisites: Completed or completing

five LAWS courses at 1000 level

Course Description: The Topic for 2009 will be **Copenhagen Competition**

Four students will be selected by the Coordinator for the course, on the basis of academic record, previous experience in Environmental Law, International Environmental Law, or Climate Law. The students will represent ANU in the **Copenhagen Competition** and will be eligible to enrol in the course. Familiarity with International Law and/or negotiating, mooting, and research experience is desirable, as well as a willingness to devote a significant amount of time from 1 September 2008 - 12 March 2009 to the undertaking.

The **Copenhagen Competition** is presented by the University of Copenhagen as a student activity in the run-up to the UN Conference on Climate Change, COP15, in Copenhagen, Denmark, November 2009, where the replacement protocol for Kyoto will be negotiated. The Faculty of Law, University of Copenhagen, is hosting the competition that gives law students, from various places of the world, a chance to negotiate the Copenhagen Protocol before the 'real' COP15 takes place. The vision of the competition is to let the students illuminate their innovative ideas. The final result of the competition - the draft text - will hopefully inspire governments all over the world in their negotiations at the COP15. The visions, however, goes beyond its perceived societal impact; it is also an opportunity for these top law students to advance their individual and collective scholarship in areas of critical legal analysis of the treaties they draft, negotiation abilities, team work, etc. The competition is by invitation only, and the ANU College of Law is one of the Universities invited to

participate. The course which is designed around the **Copenhagen Competition** is in two phases: 1) written submissions on a successor international instrument to the Kyoto Protocol; 2) if the ANU College of Law team is then invited to the final phase, negotiation of a successor international instrument to the Kyoto Protocol.

The course involves participation in the **Copenhagen Competition** on climate change, consisting of preparation of written submissions and, if selected to compete in Copenhagen, participation in the oral rounds. The written submissions are expected to consist of:

- A draft treaty consisting of draft articles on a specific range of Climate Change topics selected by the Competition organisers.
- Treaty text commentaries in support of the understanding of the proposed draft articles.
- A 'vision statement' outlining the vision behind the approach of the draft articles and a concise explanation of their objectives and methods by which the objective will be obtained.

Indicative Assessment: Members of the Copenhagen team are expected to prepare the written submissions and participate in the internal ANU practice negotiating sessions. Assessment reflects the performance of the team through the entire Competition period. The mark awarded to each team member may also take account of their individual performance.

LAWS5920 Exchange Program for Law Students

6 units to 24 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, Assistant Sub-Dean (International Exchanges, Law): 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: http://www.anu.edu.au/ieo/admissions/admission_howtoapply.html/. Further information may be obtained by contacting the IEO directly.

LAWS2217 Family Law

Elective, 6 units

Academic Contact: Anne Macduff

Offered: Semester 2

Workload: Three hours per week

Prerequisites:

Completed or completing five LAWS courses at 1000 level

Course Description: 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?).

Indicative 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 also refer to LAWS2217 course home page Please note that classes in Family Law will not be recorded in 2009. 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

Academic Contact: Wayne Morgan

Offered: Semester 2

Workload: Throughout the course there will be three hours of teaching per week.

This will generally involve a one hour lecture and a two hour seminar. Students are generally expected to devote approximately 10 hours overall per week to this course.

Prerequisites:

Completed or completing five LAWS courses at 1000 level

Assumed Knowledge and Required Skills:

A knowledge of feminist and critical theory is NOT required before studying this course.

Course Description: The aim of this course is to engender critical thought about law. In particular, the course introduces students to feminist theories about law. A range of topics will be discussed using a diverse range of feminist and critical materials. Topics will include feminism within the academy, the concept of equality and violence against women as well as other topics.

Indicative Assessment: The proposed means of assessment for this course will

provide students with the option of undertaking at least two pieces of assessment, including one piece during the semester. More information about the means of assessment, including the relationship between the assessment and the learning outcomes of the course will be available on the course home page by the first week of semester.

Preliminary Reading: The preliminary reading required for this course will be available from the course home page at least one week prior to the commencement of the course.

Prescribed Text: Information about prescribed texts will be made available in the course outline. See the course home page. This course aims to provide students with critical skills which they can bring to bear in any area of law, complementing and building on skills attained in Lawyers, Justice and Ethics and Legal Theory.

LAWS2219 Health Law, Bioethics and Human Rights

Elective, 6 units

Academic Contact: Tom Faunce

Offered: Semester 2

Workload: Three hours per week (lectures taped). One hour pre-reading per lecture.

Prerequisites:

Completed or completing five LAWS courses at 1000 level

Course Description: 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. Indicative 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 - 45 per cent and end of course examination (45 per cent). 10per cent class participation based on demonstration of above learning outcomes in face-to-face situation. 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* (Federation Press 2006). Prescribed Text: TA Faunce *Who Owns Our Health? : medical professionalism, law and leadership in the age of the market state* (UNSW Press 2007). Two small books of materials of key case excerpts, legislation and key articles. 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

Academic Contact: Molly Townes O'Brien

Offered: Semester 1 and Semester 2

Workload: There are no classes scheduled in this course. Instead, students are expected to meet regularly with their supervisors during the semester and to devote at least 20 hours per week to the thesis.

Assumed Knowledge and Required Skills:

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 Tuesday 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
- Guidelines for the detailed research proposal are available in the course outline for Honours Thesis (which can be accessed via the Law web page) or by request from the course convenor.

Course Description: The Honours Thesis makes up Part B of the final Honours Examination for students wishing to graduate with an honours degree. For this course a student must complete an honours thesis on a topic of their choice, under the supervision of a member of the academic staff or a person approved by the Course Convenor.

Indicative Assessment: Students are required to complete a thesis of between 11,000 and 13,000 words on a topic of their choice, under the supervision of a member of the academic staff or a person approved by the Course Convenor.

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 2009 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. For more information, see the brochure about Honours in Law available on the noticeboard at the student's login page, the honours information page on the ANU College of Law website and the course outline.

LAWS2220 Human Rights Law in Australia

Elective, 6 units

Academic Contact: Peter Bailey

Offered: Semester 2

Workload: There will be three hours of lectures each week. The first session will be two hours and will be composed of lecture material, delivered in semi-seminar mode as class size allows. The subsequent single hour will allow presentations in the first part of the course, and a more discursive format. In

general, the course is likely to involve overall some ten hours a week.

Prerequisites: Completed or completing five LAWS courses at 1000 level

Corequisites: Commonwealth Constitutional Law LAWS2202

Assumed Knowledge and Required Skills: The course will be varied in its demands on prior knowledge. It will assume a desire to probe the human rights enterprise, although not necessarily in supportive mode. The object is to promote interest in human rights and their realisation, and to discuss in a receptive environment what are often very different views both about values and how they should be implemented. So interest, a willingness to be involved, and a receptiveness to the views of others are preferred rather than simple absorption of 'the law'.

Course Description: The course is concerned with how the international standards defining human rights can be recognised and established in Australian law. To do this it starts with what human rights are, and compares them with other forms of rights. There is discussion of how bills of rights fit with human rights. The Australian Human Rights Acts (ACT and Victoria) are examined as examples.

The next major topic discussed is the implementation in law of the human rights to equality and non-discrimination.

Commonwealth legislation, and the resultant case law, are reviewed and critiqued.

The final section of the course is devoted to examining the human rights of individuals and groups who suffer disadvantage within the legal system. There will be a selection of topics, possibly including Indigenous peoples, people with alternative forms of sexuality, asylum seekers and prisoners.

Counter-terrorism law is also available as a topic, as well as the rights to life and to freedom of expression. The particular topics will be selected in consultation with the class.

Overall a contextual approach is adopted, drawing on human rights theory, constitutional theory and the perspectives of comparative and international law.

Indicative Assessment: A two-part assessment package will be offered to give a range of choices and to enable students to have feedback on their progress. It is likely to include essays, take-home assignments, responses to a video presentation and class presentations. The various learning outcomes promoted by the options are identified in the means of assessment available on the course website.

Preliminary Reading: The first two chapters of the new textbook would be useful, or else the parallel chapters in Bailey P, *Human Rights: Australia in an International Context*, Butterworths 1990, still the current textbook; or a selection of chapters from Bailey P, *Bringing Human Rights to Life*, Federation Press 1993.

Prescribed Text: Bailey P, *The Human Rights Enterprise*, LexisNexis, 2009 (expected to be published in early 2009). Students may find it helpful to take *International Law of Human Rights (LAWS2225)* as well at some point in their degree (preferably before this course as it is a logical sequel). The two courses together provide a comprehensive introduction to human rights law.

LAWS2221 Income Tax

Elective, 6 units

Academic Contact: Michael Kobetsky

Offered: Semester 1

Workload: The course consists of three hours of lectures per week. The lectures will not be recorded. Students are generally expected to devote

approximately 10 hours overall per week to this course.

Prerequisites:

Completed or completing five LAWS courses at 1000 level

Recommended: It would be helpful but not compulsory for students to have completed *Corporations Law* prior to commencing this course.

Course Description: 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.

Indicative Assessment: The proposed means of assessment for this course will involve two pieces of assessment, with one piece during the semester. More information about the means of assessment, including the relationship between the assessment and the learning outcomes of the course, will be available on the course home page by the first week of semester.

Prescribed Text: Kobetsky, et al, *Income Tax: Text, Materials and Essential Cases* (7th ed) (2008), *Fundamental Tax Legislation* (2009).

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 2009

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

Corequisite: Property LAWS2204.

Completed or completing five LAWS courses at 1000 level

LAWS2245 Information Technology Law

Elective, 6 units

Academic Contact: Surend Dayal (Haley Limited)

Offered: Semester 1

Workload: The course consists of a weekly two hour lecture. Every second week there will also be a one hour research skills tutorial. Students are generally expected to devote approximately 10 hours overall per week to this course.

This course is capped at 80 students
Prerequisites: Completed or completing five LAWS courses at 1000 level.

Completed or completing five LAWS courses at 1000 level

Assumed Knowledge and Required Skills:

General computer literacy and a willingness to learn about new technology is helpful for this course
Recommended: A prior understanding of Intellectual Property and Contracts is helpful for some topics covered in this course.

Course Description: The course looks at the intersection of Information Technology with law. Five broad subject areas have been identified within which this intersection is explored: from the impact of digital content, through the challenges and opportunities of a vastly more interconnected, perhaps 'borderless' society.

The 5 areas of study are:

- information technology and intellectual property
- censorship
- privacy
- computer crime and evidence
- e-commerce and IT contracts

An important component of the course is the cultivation of an understanding of the technology underlying information technology.

Indicative Assessment: The proposed means of assessment for this course will provide students with the option of undertaking at least two pieces of assessment, usually an essay mid-semester and a final examination. More information about the means of assessment, including the relationship between the assessment and the learning outcomes of the course, will be available on the course home page by the first week of semester.

Prescribed Text: Information about prescribed texts will be made available in the course outline. See the course home page.

LAWS2222 Intellectual Property

Elective, 6 units

Academic Contact: Matthew Rimmer

Offered: Semester 1

Workload: This course will involve weekly two-hour lectures and one-hour seminars over the period of a semester. Students are expected to devote approximately ten hours overall per week to this course.

Prerequisites: None

Completed or completing five LAWS courses at 1000 level

Course Description: 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.

The course provides an overview of intellectual property law. It considers the main aspects of Copyright Law, Designs Law, Passing Off, Trade Mark Law, Confidential Information, Patent Law and Plant Breeders' Rights. It 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. The course also explores a number of key policy themes - including the globalisation of trade; the rise of information technology; the scientific revolutions in agriculture, medicine and biotechnology; the development of personality rights and a Creative Commons; and the protection of traditional knowledge and culture.

Indicative Assessment: The proposed scheme of assessment for this course will involve three compulsory and non-redeemable components:

- Seminar presentation - 8-11 minutes presentation plus 1000 word note (value 20 per cent)
- Research essay - 2,000-2,500 word essay (value 40 per cent)
- Examination - 1 hour examination (3 questions) (value 40 per cent).

Preliminary Reading: The preliminary reading required for this course will be available from the course home page at least one week prior to the commencement of the course.

Prescribed Text: McKeough, J., Bowrey, K. and P. Griffith, *Intellectual Property: Commentary and Materials* (4th ed). Sydney: LexisNexis Butterworths, 2007, pp. 772 or Davison, M., Monotti, A, and L. Wiseman, *Australian Intellectual Property Law*. Cambridge: Cambridge University Press, 2008, pp. 625.

It is also essential that students have access to Australian intellectual property legislation and international treaties. These Acts may be downloaded from www.comlaw.gov.au/ or www.austlii.edu.au/ or may be found in the Butterworths Intellectual Property Collection 2008 (Sydney: LexisNexis Butterworths, 2008). 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. Intellectual Property would also be of interest of those with a information technology or science background.

LAWS2265 International Advocacy and Procedure

Elective, 6 units

Not offered in 2009

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

LAWS2266 International Arbitration and Negotiation Moot Competition in Japan

Elective, 6 units

Academic Contact: Kent Anderson

Offered: Spring Session, 2009

Workload: 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 LAWS courses at 1000 level.

The course is capped at 5 students.

Course Description: 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?

Indicative 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

Academic Contact: Ashleigh Barnes

Offered: Semester 1

Prerequisites: International Law LAWS2250

Completed or completing five LAWS courses at 1000 level

Course Description: The course will explore the developments in international criminal law, including criminal responsibility of individuals under international law and the correlative development of national and international mechanisms for its enforcement. Attention will be focused essentially on the so called 'Nuremberg crimes' and on their subsequent developments, even though reference will also be made to other international/trans-national crimes such as acts of terrorism, on the basis of the time available. The analysis of the criminal prosecution of international crimes will be centred on the most recent case-law of both national courts and international criminal courts. The application and interpretation of some general principles and notions of (international) criminal law by domestic and international courts will be assessed, including an analysis of the objective and the subjective element of a crime, non-retroactivity of criminal offences, defences and grounds for excluding criminal responsibility. Reference will also be made to forms of implementation other than criminal prosecution (eg truth and reconciliation commission), as well as to the question of amnesties.

Indicative Assessment: The proposed means of assessment for this course will provide students with the option of undertaking at least two pieces of assessment, including one piece during the semester. More information about the means of assessment, including the relationship between the assessment and the learning outcomes of the course, will be available on the course home page by the first week of semester.

Prescribed Text: Please refer to LAWS2252 course home page.

LAWS2223 International Dispute Resolution

Elective, 6 units

Not offered in 2009

Prerequisites: LAWS2250 International Law

Completed or completing five LAWS courses at 1000 level

LAWS2253 International Environmental Law

Elective, 6 units

Not offered in 2009

Prerequisites: LAWS2250 International Law

Completed or completing five LAWS courses at 1000 level

LAWS2224 International Law Elective: Law of the Sea

Elective, 6 units

Not offered in 2009

Prerequisites: LAWS2250 International Law. (This course is capped at 25)

Completed or completing five LAWS courses at 1000 level

LAWS2225 International Law of Human Rights

Elective, 6 units

Academic Contact: Kevin Boreham

Offered: Semester 1

Workload: There will be three contact hours per week, made up of one large group lecture and two smaller seminars. The average workload for the course will be 10 hours per week.

Prerequisites: International Law LAWS2250

Completed or completing five LAWS courses at 1000 level

Recommended: It would be helpful but not essential for students to have completed Commonwealth

Constitutional Law prior to commencing this course.

Course Description: This course aims to provide students with a critical understanding of international human rights law and practice. Topics to be covered include:

- historical development of international human rights law
- international humanitarian law (the law of armed conflict) and its relationship with the international law of human rights
- human rights 'enforcement' mechanisms: the UN Human Rights Council, the human rights treaty bodies and human rights regional mechanisms
- the rights of women and the rights of indigenous peoples
- threats to rights, particularly in the context of the war on terror
- application of international human rights law in Australia, including refugee issues, anti-terror legislation and the argument about an Australian Bill of Rights.

Indicative Assessment: The components of the assessment will be: either a class presentation worth 40 per cent or a research paper worth 40 per cent; a class participation mark worth 10 per cent; and a take-home exam worth 50 per cent to be undertaken at the end of the semester. The relationship between the assessment and the learning outcomes for the course will be set out in the course outline. Details of the course means of assessment will be provided on the course home page and WebCT by the first week of semester.

Preliminary Reading:

Students should read Lynn Hunt's *Inventing Human Rights: A history* (2007) and Mary Ann Glendon's *A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights* (2001). There are copies of both books 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). 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

Academic Contact: Jean-Pierre Fonteyne

Offered: Summer Session, 2009

Workload: Students will attend between 50 and 60 hours of classes in the course of the 3-week program. In addition, students will have to allocate appropriate time in the course of the first half of the following semester to complete the required research essay.

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

Assumed Knowledge and Required Skills:

Enrolment in the course is limited to students with a sufficient background in

international law (see prerequisites/corequisites)

Recommended: Any international law elective in addition to International Law.

Course Description: 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 international law elective in addition to International Law. 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.

Indicative 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.

Prescribed Text: None. A reading brick will be made available at the start of the program in Geneva, and further materials may be made available by guest lecturers in the course of the program.

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

Academic Contact: Wayne Morgan

Offered: Semester 2

Workload: Throughout the course there will be three hours of teaching per week. This will generally involve a two hour lecture and a one hour seminar (sometimes the seminars will be 'skills sessions'). Students are generally expected to devote approximately 10 hours overall per week to this course.

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

Assumed Knowledge and Required Skills: It is not required that students have a background in economics, although some knowledge of economics will be helpful.

Course Description: 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.

Indicative Assessment: The proposed means of assessment for this course will provide students with the option of undertaking at least two pieces of assessment, including one piece during the semester. More information about the means of assessment, including the relationship between the assessment and the learning outcomes of the course, will be available on the course home page by the first week of semester.

Preliminary Reading: The preliminary reading required for this course will be available from the course home page at least one week prior to the commencement of the course.

Prescribed Text: Information about prescribed texts will be made available in the course outline. See the 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

Academic Contact: Kent Anderson

Offered: Semester 1

Workload: This course meets twice a week for 90 minutes. Student attendance and participation is worth 5 per cent of assessment and WebCT discussion posting is worth 5 per cent of assessment. Do not take this course if you will rely on taping. I will endeavour to tape the course, but there is no guarantee that it will work. Classroom participation is an important part of this course that cannot be replaced by listening to tapes.

Prerequisites:

Completed or completing five LAWS courses at 1000 level

Assumed Knowledge and Required Skills: 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.

Course Description: 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.

Indicative Assessment: The following assessment scheme is proposed:

- Attendance and Participation (5 per cent)
- WebCT Discussion Postings (5 per cent)
- News Assignment-Presentation (20 per cent)
- News Assignment-Impressions Paper (20 per cent)
- Final Examination OR Final Paper (50 per cent).

Prescribed Text: There is no prescribed text. All materials will be available as an eBrick on WebCT.

LAWS3010 Jessup Moot

Elective, 6 units

Academic Contact: Kevin Boreham

Offered: Summer Session, 2009

Workload: Jessup requires hard work.

Effective participation requires a full

time commitment throughout the

preparation and competition period.

Minimal part time employment (up to 10

per cent of normal working hours) is

permissible, but only up to the

Christmas–New Year period.

The preparation of the team written
memorials will start in late November.

The memorial submission date is usually
about 12 January (possibly earlier for the
Australian rounds). Then we hold 12
practice moots. The Australian rounds are
held here at the ANU in late January or
early February.

The international finals are held in the
United States in March or April. The top 2
Australian teams participate in the
international competition.

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. 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 LAWS
courses at 1000 level.

Assumed Knowledge and Required Skills:

Applicants for enrolment will be
considered in the light of these skills:
basic familiarity with international law
(though completion of an international
law unit is not essential); general
academic performance; research
experience and mooting experience
(desirable but not essential). We also seek
to find at least one team member with

these qualities plus excellent IT skills to help
in the demanding requirements of
constructing the memorials. Students must
not have graduated with an LLB by the time
the competition is held.

Recommended: Basic familiarity with
international law is necessary, but completion
of an international law unit is not required.

Course Description: Jessup Moot is a summer
session elective unit (LAWS3010). It is the
Australian round of the Philip C. Jessup
International Law Moot Court Competition.
Members of the Jessup team are all expected
to prepare the written memorials and
participate in the internal ANU practice
moots. The team then participates in the
Australian rounds of the Jessup Moot
competition and, if the team reaches the
Final of the Australian rounds, would
compete in the International Rounds in the
United States.

There is a maximum of 5 team members.

Applications for selection for the 2009 Jessup
Moot team closed on 25 August 2008.

More details of Jessup Moot can be viewed at
the Jessup website jessup@ilsa.org.

Indicative Assessment: Assessment is based on
the performance of the students on the team
through the entire Jessup period. A common
mark is awarded to each Jessup team member
based on the performance of the team as
evaluated by the convenor and team coach in
consultation with the Jessup Faculty 'Advisor'.
The convenor may vary individual marks in
exceptional circumstances.

The criteria on which assessment will be
based are:

- The team's capacity to work cooperatively
and successfully under pressure
- depth and quality of research
- ability to draft a written international law
argument and support it with appropriate
authority
- ability to present oral argument in
international law, support it with
appropriate authority and defend it under

questioning

- the level of achievement of the team in the competition, including awards to individual members.

Preliminary Reading: Vaughan Lowe and Malgosia Fitzmaurice (eds) *Fifty Years of the International Court of Justice* (1996), Shabtai Rosenne, *The Law and Practice of the International Court 1920-2005* (4th ed 2006), Christopher Kee, *The Art of Argument: A Guide to Mooting* (2006) and David Pope and Dan Hill, *Mooting and Advocacy Skills* (2007).

Prescribed Text: None.

LAWS2228 Labour Law

Elective, 6 units

Academic Contact: Michael Rawling

Offered: Semester 2

Workload: Class contact hours are 3 hours per week. This will include lectures and class discussion. The amount of time dedicated to class discussion as opposed to lectures will vary depending on class size. Students are generally expected to devote approximately 10 hours per week to this course.

Prerequisites: Contracts LAWS1204

Completed or completing five LAWS courses at 1000 level

Recommended: Other courses making up a specialisation in labour law include *Work and Law - Selected Topics*. Anti-Discrimination law studied in *Human Rights Law* is also relevant.

Course Description: This course examines labour law in Australia. Labour law is an important component of studies in the legal regulation of commerce. Students are introduced to the key aspects of labour laws which determine the rights, entitlements and responsibilities of employers and workers in the workplace. Both practical and theoretical perspectives on judge-made law and statute regulating work are examined.

Given extensive recent legislative activity by the Commonwealth Parliament in the area of labour law, the Workplace Relations Act 1996 (Cth) as amended is analysed in some detail.

Topics covered include:

- The history and development of Australian labour law
- The constitutional framework of Australian labour law
- Employees contrasted with other categories of workers
- The common law contract of employment
- Minimum employment terms and conditions
- Workplace bargaining and agreements
- The regulation of industrial conflict (including strikes)
- Wrongful, unlawful and unfair termination of employment
- Transmission of business rules.

Indicative Assessment: The proposed means of assessment for this course will provide students with the option of undertaking at least two pieces of assessment, including one piece during the semester. More information about the means of assessment, including the relationship between the assessment and the learning outcomes of the course, will be available on the course home page by the first week of semester.

Preliminary Reading: The preliminary reading required for this course will be available from the course home page at least one week prior to the commencement of the course.

Prescribed Text: Information about prescribed texts will be made available in the course outline. See the course home page.

LAWS2256 Law and Sexualities

Elective, 6 units

Not offered in 2009

Prerequisites: Completed or completing five LAWS courses at 1000 level

LAWS2229 Law and Society in South East Asia

Elective, 6 units

Not offered in 2009

Prerequisites: Completed or completing five LAWS courses at 1000 level

LAWS2260 Law and Psychology

Elective, 6 units

Academic Contact: Mark Nolan

Offered: Semester 2

Workload: There will be 3 hours of class time per week. A further 7 or so hours of private study is expected per week in order to review required reading and research assessment tasks.

Prerequisites: Completed or completing five LAWS courses at 1000 level. The course is pitched at students who have never studied psychology and also aims to extend those who have studied psychology.

Assumed Knowledge and Required Skills: Researching interdisciplinary law and psychology literature databases as well as reading empirical psychological reports will be skills taught in the course.

Recommended: The course focuses mainly on the psychology of criminal justice. Those who have studied and enjoyed Criminal Law and Procedure, Criminal Justice, and/or Selected Topics in Criminal Law should enjoy this course.

Course Description: This course explores the interface of psychology and criminal law. One focus is psychology and courts, specifically the issues of eyewitnesses, psychologists as experts, witnesses, mental illness and the law, judicial decision making, children in court, persuasion and advocacy, language used in the courtroom, and jury research.

Another focus is on the psychological study of legal processes outside courts, including policing, interviewing, detecting deception, restorative justice, and therapeutic jurisprudence. Material discussed is primarily of relevance to the Australian legal system. The course offers

a critical perspective on the developing discipline of legal psychology. Students are also shown how to research the interdisciplinary literature via relevant databases.

Indicative Assessment: A mid-semester research casenote or empirical report review, a short answer test, and a research essay.

Preliminary Reading: None. Consult course outline for Week 1 reading.

Prescribed Text: A Kapardis, Psychology and the Law: A Critical Introduction (2nd Edition, Cambridge: Cambridge University Press, 2003).

LAWS2230 Law Internship

Elective, 6 units

Academic Contact: Peter Ford

Offered: Summer Session, 2009, Semester 1, and Semester 2

Workload: The amount of time spent in the workplace will depend on the placement, the topic and the nature of the research to be undertaken. An agreement is prepared between the student, the professional supervisor and the course convenor to provide for regular meetings between the student and the supervisor and to set out expectations relating to progress.

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

Recommended: It would be helpful for students to have completed academic study of the relevant topic area before undertaking an internship.

Course Description: 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.

Internships are available during each semester, and during the summer vacation. To assist in placements, applications for an internship are generally made earlier than for other subjects - by end December in the preceding year for first semester, and by end May for second semester. For summer internships, applications should 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>

Indicative Assessment: The internship involves the completion of a 6,000 word research paper under the direct supervision of a legal professional in a workplace. The paper is jointly marked by the professional supervisor and the course convenor. This is the only assessment task for the course.

Preliminary Reading: This will depend on the topic of research and may be discussed with the professional supervisor.

LAWS2270 Law Reform

Elective, 6 units

Not offered in 2009

Prerequisites: Completed or completing five LAWS courses at 1000 level

LAWS2251 Legislative Drafting and Technology

Elective, 6 units

Academic Contact: Fiona Guy (Haley Limited)

Offered: Semester 2

Workload: Each week there will be a 3 hour class consisting of both a theoretical and hands-on component. Students are generally expected to devote approximately 10 hours overall per week to this course.

Prerequisites:

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

This course is capped at 20 students

Assumed Knowledge and Required Skills: It is helpful for students to have some experience in Microsoft Word, basic computer literacy and an interest in learning new technology.

Course Description: 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. The course specifically explores how technology can be used throughout the legislative lifecycle.

Students will be introduced to a methodology and technologies which emphasise the importance of precise and structured legal expression and offer many options to analyse and represent the structure of complex legal material.

Throughout the course, students will be required to learn and apply new technology to the problems at hand.

Indicative Assessment: The assessment for this course generally consists of:

- an analysis piece (or multiple pieces)

requiring the student to interpret and analyse a piece of legislation and report on their findings

- the construction of a legislative rulebase using the technology taught in class
- a final report examining the interaction of legal drafting and technology.

Prescribed Text: None. Course materials will be made available on the course website.

This course is restricted to 20 students.

LAWS2269 Migration Law

Elective, 6 units

Academic Contact: Hitoshi Nasu

Offered: Semester 1

Workload: Depending on class size, it is expected that every week there will be a two-hour lecture and a one-hour seminar. Students are generally expected to devote approximately 10 hours overall per week to this course.

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

Administrative Law.

Completed or completing five LAWS courses at 1000 level.

Course Description: Migration law is a public law course concerned with the regulation by the government of migrants into Australia. This course examines the Migration Act, Regulations, and relevant court decisions, 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. This course is designed, not simply to follow detailed rules of visa system that are subject to constant changes, but to provide

fundamental building blocks to equip students with the skills to identify main issues involved and construct legal and policy advice in an effective manner.

Indicative Assessment: There are three compulsory items of assessment: class participation; mid-semester assignment; and the assessment at the end of semester.

More information about the means of assessment, including the relationship between the assessment and the learning outcomes of the course will be available on the course home page by the first week of semester.

Preliminary Reading: Familiarise yourself with the Department of Immigration and Citizenship website and other online material, including the course site. Read any text that excites your interest in the role of law in regulating entry into Australia. For example, Crock, Saul and Dastyari *The Future Seekers II* (Federation Press, 2006).

Prescribed Text: Information about prescribed texts will be made available in the course outline. See the course home page.

LAWS2271 Refugee Law

Elective, 6 units

Academic Contact: Matthew Zagor

Offered: Semester 2

Workload: Depending on class size, it is expected that every week there will be a two-hour lecture and a one-hour student-lead seminar based around presentations. Students are generally expected to devote approximately 10 hours overall per week to this course.

Academic Contact: Matthew Zagor

Prerequisite: LAWS2250 International Law and LAWS2201 Administrative Law.

Completed or completing five LAWS courses at 1000 level.

Recommended: It would be helpful but not compulsory for students to have completed International Law of Human Rights prior to commencing this course.

Course Description: A participant who has successfully completed this course should have a clear understanding of:

- the conventional and customary law obligations of States in respect of refugees and other asylum-seekers and of the rights of applicants
- the protection mechanisms, both national and international, that operate for the immediate and long-term protection of refugee-seekers and the policy considerations that affect contemporary State attitudes to such groups
- the legal problems affecting national interpretations and application of refugee concepts, with particular emphasis on definitional problems, status determination procedures and non-refoulement.

The course will focus mainly on the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol, supplemented by additional materials that assist in the interpretation, construction and critique of these instruments. Particular attention will be paid to national implementation of refugee protection and status determination procedures in Australia, comparing and contrasting the approach taken, where appropriate, with that of other nations.

Addressed will be the origins of the international system of protection, its limitations and deficiencies; the role and relevance of UNHCR; definitional problems; exclusion and cessation of refugee status; core concepts of protection (including complementary protection), asylum, non-refoulement, penalization and refugee rights; asylum, temporary refuge, temporary protection and burden-sharing; durable solutions; protracted refugee situations; status determination procedures; detention;

'deflection' techniques; other categories such as 'environmental' refugees and internally displaced persons; and a consideration of possible future directions for refugee law.

Indicative Assessment: The assessment for this course will involve three components: class participation,

More information about the means of assessment, including the relationship between the assessment and the learning outcomes of the course, will be available on the course home page by the first week of semester.

Preliminary Reading: The preliminary reading required for this course will be available from the course home page at least one week prior to the commencement of the course.

Prescribed Text: Information about prescribed texts will be made available in the course outline. See the course home page.

LAWS2254 Restitution

Elective, 6 units

Not offered in 2009

Prerequisites: LAWS1204 Contracts

Completed or completing five LAWS courses at 1000 level

LAWS2255 Restrictive Trade Practices

Elective, 6 units

Academic Contact: Alex Bruce

Offered: Semester 2

Workload: Three hours per week.

Prerequisites: Contracts LAWS1204

Completed or completing five LAWS courses at 1000 level

Course Description: This course will consider the role and function of the Trade Practices Act 1974 (Cth) ('the TPA') in contributing to Australia's National Competition Policy. The TPA is under continuous review. The TPA was significantly amended by the Trade Practices Legislation Amendment Act (No 1) 2006 (Cth) and most recently, the Labour government has introduced an exposure draft of the Trade Practices Legislation Amendment Bill 2008

that will substantially amend s 46 of the Act concerning misuse of market power. The TPA aims to preserve competition by prohibiting conduct that prevents or eliminates competition. The course principally involves a consideration of the various anti-competitive trading practices that are prohibited by Part IV of the TPA. The TPA is enforced by the Australian Competition and Consumer Commission ('the ACCC') and significant penalties can be imposed for contraventions of the TPA. In addition, private parties may seek a variety of remedies for loss or damage suffered as a result of a contravention of Part IV of the TPA.

Indicative 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

Academic Contact: Gregor Urbas

Offered: Summer Session, 2009

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

Prerequisites: Criminal Law and Procedure LAWS1206

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. **Course Description:** 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 2009 the course will involve a comparative study of Australian and US approaches to selected topics within Criminal Law and Procedure

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

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

Academic Contact: Gregor Urbas

Offered: Semester 2

Workload: This course is run in intensive format with approximately 9 hours of

lectures / seminars per week during Weeks 1-5 inclusive of Semester 2.
Prerequisites: LAWS1206 Criminal Law and Procedure.
Completed or completing five LAWS courses at 1000 level
This course is capped at 20.
Incompatibility: Please note that 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.
Course Description: The course will involve a comparative study of Australian and US approaches to selected topics within Criminal Law and Procedure.
Indicative Assessment: Assessment details will be specified prior to student enrolment in the course. Details of the final assessment will be provided on the course home page by the first week of semester.
Prescribed Text: A reading guide will be available on the course web 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: Animals and the Law

Elective, 6 units

Academic Contact: Alex Bruce

Offered: Semester 1

Workload: Each week students will attend a two hour lecture and a one hour interactive and participative tutorial based upon the material presented in the lecture.

Prerequisites: Completed or completing five LAWS courses at 1000 level. Students

will benefit from having completed LAWS2201 Administrative Law.

Course Description: The purpose of the course is to introduce students to the legal, ethical, regulatory, economic and social issues that are associated with human interaction with animals.

The President of the Australian Law Reform Commission Professor David Weisbrot has suggested that "animal welfare" is likely to become the next great social justice movement in Australia, observing that the treatment of animals is "increasingly becoming a social and legal issue, as well as an important economic one." Why is this? There is a growing understanding in society of the importance of respect and protection of animals as an indicator of the ethical maturity of a society.

The way in which society exploits animals for our entertainment, pleasure and consumption therefore raises profound moral, ethical and legal issues. Accordingly, "ethical animal welfare, the protection of animals for their own sake as sentient beings with a capacity for suffering, is no doubt one of the basic values of modern western states." This interaction between human activities and animal interests is a serious area of academic inquiry giving rise to significant legal, regulatory and socio-ethical issues.

Adopting an inter-disciplinary approach, this new elective subject will consider animals within established categories of law such as property (for example, s.4 of the Trade Practices Act 1974 (Cth) defines "goods" to include animals), but will also examine the legal status and regulation of the treatment of animals within broader social, philosophical and legal contexts. This includes an economic and scientific context, an environmental context, and an ethical-political context.

Students will therefore be challenged in their traditional understanding of animals as they are conceptualised in law (including

underlying philosophical assumptions) and to critically evaluate the way the legal system influences the interests of animals within society.

In this way, an examination of animals through prevailing and traditional legal doctrines is critiqued and evaluated through the insights of other academic disciplines such as philosophy, economics and science. This approach will provide students with an opportunity for critical reflection on the legal and ethical interaction between humans and animals as manifested in the law.

Through this course students will:

- be able to locate the growing area of animals and the law within the wider legal and regulatory framework
- critically evaluate the legal and philosophical characterisation of animal interests
- examine the principal legal and regulatory schemes involving animals and understand the guiding theory behind those schemes
- evaluate the principal animal welfare and anti-cruelty legislation and the enforcement of that legislation by interest groups
- examine the legal differentiation of animals according to their status as carers, guide dogs etc.
- examine the extent and regulation of scientific research protocols involving animals, especially biotechnological research
- examine the extent and regulation of farming of animals for food and animal by-products
- examine the international dimension of animal regulation through treaties and other agreements
- examine the case for on-going reform in animal interest regulation.

Indicative 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 LAWS2234 course home page.

LAWS2239 SLE 3:

Elective, 6 units to 12 units

Not offered in 2009

Prerequisites: None

Completed or completing five LAWS courses at 1000 level

LAWS2240 SLE 4:

Elective, 6 units to 12 units

Not offered in 2009

Prerequisites: None

Completed or completing five LAWS courses at 1000 level

LAWS2241 SLE 5:

Elective, 6 units

Not offered in 2009

Prerequisites: None

Completed or completing five LAWS courses at 1000 level

LAWS2246 SLE 6:

Elective, 6 units to 12 units

Not offered in 2009

Prerequisites: None

Completed or completing five LAWS courses at 1000 level

LAWS2261 Selected Topics in Criminal Law

Elective, 6 units

Academic Contact: Miriam Gani

Offered: Semester 2

Workload: Every week there will be three contact hours. Depending on the size of the group, it is likely that predominantly the classes will be lecture-style. However, during some weeks, it is likely that one of the contact hours will be in a seminar format and will involve working through problems or other material for group discussion. In general, students are expected to spend 10

hours a week in reading, preparation and participation in this course.

Prerequisites: Criminal Law and Procedure LAWS1206.

Completed or completing five LAWS courses at 1000 level.

Course Description: The aim of this course is to provide an opportunity for students:

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

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

Indicative Assessment: Assessment in this course is likely to involve at least two pieces of assessment including an exam at the end of the semester. More information about the means of assessment, including the relationship between the assessment and the learning outcomes of the course, will be available on the course home page by the first week of semester.

This course has Criminal Law and Procedure as a prerequisite. It

complements the other criminal law related courses offered by the Law School including Criminal Justice and International Criminal Law.

LAWS2263 Special Topics in Intellectual Property

Elective, 6 units

Not offered in 2009

Prerequisites: Intellectual Property LAWS2222
Completed or completing five LAWS courses at 1000 level

LAWS2233 Selected Topics in Torts

Elective, 6 units

Later Year Course

Not offered in 2009

Prerequisites: Torts LAWS1203

Completed or completing five LAWS courses at 1000 level

LAWS2236 Succession

Elective, 6 units

Academic Contact: Glenda Bloomfield

Offered: Semester 1

Workload: Depending on class size, it is expected that each week there will be 3 contact hours divided between lecture, seminar and tutorials. Final details will be provided on the course website during the first week of semester. Students are generally expected to devote approximately 10 hours overall per week to this course.

Prerequisites:

Completed or completing five LAWS courses at 1000 level

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

Course Description: With our ageing population succession law is a growing area of practice for legal practitioners. The course examines the law governing succession to property after the death of the owner.

Succession law touches every family, and, eventually, all of us.

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 are related to theory and to practice. While the course concentrates on the law of the ACT, students will also frequently make comparisons and consider the law in other jurisdictions. It follows that considerable attention is given to pressures and directions for reform. Indicative Assessment: The proposed means of assessment for this course will require students to undertake at least two pieces of assessment, including one piece during the course and a final exam. Details of the final assessment will be provided on the course home page and WebCT by the first week of semester. Preliminary Reading: The preliminary reading required for this course will be available from the course home page at least one week prior to the commencement of the course. It is preferable to take Succession after, or at least with, Property.

LAWS2247 Survey of United States Law

Elective, 6 units

Academic Contact: Bill Andreen (University of Alabama)

Offered: Summer Session, 2009

Workload: The course requires attendance at the University of Alabama in Tuscaloosa throughout the 5-week intensive teaching period. Details for reading will be available through the course home page.

Prerequisites: Enrolment in the summer course is restricted to the students who have been accepted in the 5-week intensive ANU/UA Joint Teaching Program. Priority will be given to later year students (12 or less semester courses left to complete). Subject to this priority, students will generally be selected on a first-come first serve basis, as enrolment will be strictly limited (10 students in 2009). Where appropriate, academic merit may be taken into account.

Completed or completing five LAWS courses at 1000 level.

Course Description: 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, eg, the Civil Rights Museum in Birmingham, the Alabama Supreme Court in Montgomery, (forming an integral part of the course's class work and included in the contact hours). It will concentrate on non-common law subjects (eg, Constitutional Law, Administrative Law, Labor Law, Limited Liability Corporations, Bankruptcy, Consumer Protection, Environmental Law, Federalism, etc.).

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

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.

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.

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

Academic Contact: Emma Armson

Offered: Semester 2

Workload: Three hours per week

Prerequisites: Corporations Law

LAWS2203

Completed or completing five LAWS courses at 1000 level

Course Description: 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; and
- controls of merger activity.

Indicative 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 2009

Prerequisites: Completed or completing five LAWS courses at 1000 level

POSTGRADUATE ELECTIVE COURSES FOR JD STUDENTS

LAWS8218 Advanced Contracts

Elective, 6 units

Academic Contact: Jim Davis

Offered: Spring Session, **(need approval from Sub-Dean to enrol)**

Workload: 26 Contact Hours (Intensive Delivery)

Course Description: The course covers a number of aspects of contract law and associated doctrines which are either the subject of recent litigation or are in the process of change. The course is consequently flexible to a degree.

Topics to be covered include:

- Extra-contractual liability which may arise in the course of negotiating for a contract;
- The ability of parties to defer agreement on particular matters;
- The doctrine of privity of contract and means of overcoming its limitations
- The various remedies for breach - equitable, common law and self-help

Learning Outcomes: A participant who has successfully completed this course should have:

- A deeper understanding of aspects of the law relating to a contractual relationship than is possible in an undergraduate degree;
- A rounded knowledge of specific areas of the law relating to a contractual relationship;
- A thorough grasp of those elements of contract law and related areas of the law that are relevant to commercial life.

Indicative Assessment: Assessment is likely to comprise an 8,000 word assignment on a topic of the student's choice (subject to the lecturer's approval).

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.

Assumed Knowledge and

Required Skills: Assumed knowledge:

Introduction to legal reasoning and Research and Fundamentals of Government and Commercial Law or an LLB. Required skills: Ability to read and understand selected cases and statutes.

Requisite Statement: LAWS8153 Introduction to Legal Reasoning and Research (non-lawyers); LAWS8568 Fundamentals of Government and Commercial Law (non-lawyers)

Indicative Reading List: A set of reading materials will be prepared and made available electronically approximately one month before classes start.

Majors/Specialisations: Government and Commercial Law and Government and Commercial Law

Programs: Graduate Diploma in Government and Commercial Law, Master of Government and Commercial Law, Master of Legal Studies, and Juris Doctor

LAWS8175 Citizenship Law in Context

Elective, 6 units

Academic Contact: Kim Rubenstein

Offered: Spring Session 2009

Workload: 26 Contact Hours (Intensive Delivery)

Course Description:

Objectives: 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

Indicative 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.

Majors/Specialisations: Government and Commercial Law, Government and Commercial Law, International Law, and International Law

LAWS8144 Conflict of Laws

Elective, 6 units

Academic Contact: Jim Davis

Offered: Autumn Session

Workload: 26 Contact Hours (Intensive Delivery)

Course Description: The course deals with the law which a court will apply to an

action which contains some "foreign" element - ie, one or more of the facts of the case occurred outside the State or Territory which is hearing the matter.

It also deals with the basis upon which a court in Australia may take jurisdiction over a defendant not resident within the jurisdiction, and the circumstances in which judgments obtained overseas, or arbitral awards given overseas, may be enforced in Australia.

Selected topics include:

- Choice of Law in Contract
- Choice of Law in Tort
- Jurisdiction in actions in contract, tort, for misleading conduct and estoppel
- Refusal to exercise jurisdiction (forum non conveniens)
- Enforcement of Foreign Judgments and arbitral awards

Learning Outcomes: A candidate who successfully completes this course should have a clear understanding of the approach of the Courts to any matter raising issues of the law of contract or the law of tort where the facts are referable to more than one State or Territory of Australia, or more than one country.

In particular, a candidate will have a clear understanding of:

- the choices open to a court as to the law to be applied to a contract or tort matter, and the means by which that choice is resolved;
- the bases on which Supreme Courts determine whether they ought to hear cases commenced in that court;
- the principles on which Australian courts recognise and give effect to judgments handed down in countries outside Australia

Indicative 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.

Required skills: Ability to read and understand selected cases and statutes.

Requisite Statement: LLB degree

Prescribed Texts: Nil

Preliminary Reading: Nygh and Davies, Conflict of Laws 7 ed, 2002, Chaps 1, 2 and 3

Indicative Reading List: A set of reading materials will be prepared and made available electronically approximately one month before classes start.

LAWS8145 Environmental and Risk Assessment Law

Elective, 6 units

Academic Contact: Judy Jones and Graduate Administration

Offered: Winter Session, **(need approval from Sub-Dean to enrol)**

Workload: 26 Contact Hours (Intensive Delivery)

Course Description: Objectives:

On completion of this course it is expected that students will be able to:

- explain, identify and critique environmental regulatory regimes dealing with science, risk, risk assessment and environmental impact assessment
- critically analyse the literature on 'regulatory science' and other forms of science provided in environmental regulatory regimes.
- understand and explain theoretical perspectives on the role and importance of science and scientific uncertainty (as compared to other factors) in decision-making within these regimes,
- understand, critique and apply the relevant law on the precautionary principle and related concepts within administrative law
- research scientific, socio-legal and legal databases to obtain literature relevant to environmental regulation

- present the findings of research as a well-reasoned paper in written (and possibly also oral) form.

Content:

Selected topics include:

- Theories of environmental decision-making including the use of expert science in decision-making
- Political, administrative and institutional contexts
- Models of environmental regulatory regimes based on scientific information and the assessment of risk (For example, environmental impact assessment, gene technology, hazardous chemicals, fisheries management regimes, forestry, endangered species).
- Sources of scientific uncertainty and standards of 'regulatory science'
- Theory, method and law of risk assessment
- Legislative standards of preventive and precautionary regulation
- Case law on standards of science
- The precautionary principle in international law and in international trade disputes
- Interpreting and implementing the precautionary principle in domestic law (threshold test and precautionary action)
- Scientific uncertainty, the precautionary principle, and the threshold test
- Legal and institutional reform.

Indicative 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.

Requisite Statement: LAWS8189

Fundamentals of Environmental Law (non-lawyers)

Incompatibility: Students who have completed LAWS8279 Environmental Impact Assessment Law will need to seek permission from the lecturer to enrol in this course.

Other Information: This course has been renamed from Science in Environmental Regulation.

LAWS8241 Executive Power

Elective, 6 units

Academic Contact: Peter Bailey

Offered: Summer Session, 2009

Workload: 26 Contact Hours (Intensive Delivery)

Course Description:

Objectives: The course is designed to review the ever-changing scope and operation of the executive power inherent in the Australian Constitution. It is set against the background of the UK development of the concept (largely by the courts). But its primary focus is on s 61 of the Constitution and relevant decisions of the High Court. It draws also on available literature.

Because of the large expansion of executive power in recent years it then moves on to explore current issues. These are associated with powers relating to migration and 'terrorism', the trend towards republicanising the legal system

Content:

The course content uses an historical, analytical and topical approach to enable the potential of the concept of executive power in Australia to be appreciated and in particular focuses on:

- the emergence of the concept of an Australian executive power and the consequential progressive reduction in reliance on prerogative power as a useful concept
- the conventions and law governing the exercise of executive power (by Governor-General, Ministers, Cabinet and administrators)
- the constitutional grounding of responsible government and its effectiveness in the 21st century
- the narrowing of the traditional

immunities and privileges the common law extends to the Crown and the impact of the practice by the executive of privatising and contracting out

- federal issues relating to executive power, including the issues that arise if there is a conflict between the exercise of Commonwealth and State executive power
- the unique position of the executive in the ACT
- challenges to the protection, through the rule of law, of individuals, using as examples counter-terrorism law and migration law.

Learning Outcomes:

- Heightened awareness of the complexity of the law relating to executive power
- An understanding of the implications of the sometimes not altogether unanimous views of the judges
- Facilitation of the exercise of executive functions according to law, with an understanding of both its scope and its limitations

Indicative 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.

Required Skills: It will be assumed that students have gained some appreciation of the nature of executive power either through earlier legal studies or through the Fundamentals of Government and Commercial Law course, and of the general working of the federal system.

Requisite Statement: LAWS8153 Introduction to Legal Reasoning and Research (non-lawyers); LAWS8568 Fundamentals of Government and Commercial Law (non-lawyers)

Prescribed Texts: There is no readily available dedicated text book. The best coverage of the topic is found in Blackshield and Williams, *Australian Constitutional Law and Theory*:

Commentary and Materials, Federation Press, 4th ed (2006). It is the prescribed text and the abridged version contains most (but not all) of the chapters that will be referred to. The unabridged version will be used in class.

Preliminary Reading: First two chapters of Blackshield and Williams would be useful, and a glance at ch 12 (Executive Power).

Indicative Reading List: Further readings will be contained in the Course Outline, and there is useful additional reference in Blackshield and Williams.

LAWS8243 Freedom of Information and Privacy

Elective, 6 units

Academic Contact: Natalie Butler

Offered: Summer Session, 2009 and Autumn Session, 2009

Workload: 26 Contact Hours (Intensive Delivery)

Course Description: We are living in the Information Age! Governments and the private sector collect and hold vast amounts of information and we each disclose information about ourselves on an almost daily basis.

Do we, as individuals, have any control over information that relates to us? In the interests of openness and accountability, do we have access to government held information? On what grounds can information be withheld from us?

The aim of this course is to explore the way in which information is regulated in Australia by the Freedom of Information Act 1983 (Cth) and the Privacy Act 1988 (Cth).

The key themes of collection, access, amendment and disclosure of information will be explored from the perspective of:

- citizens exercising their access and

amendment rights

- public and private sector organisations who have certain responsibilities in terms of the way they handle information; and
- those who make decisions and administer the FOI and Privacy Acts.

Learning Outcomes: At the conclusion of this course students should be able to:

- demonstrate a working knowledge of the FOI and Privacy Acts
- identify the rules applicable to the collection, use, management and disclosure of information by government and the private sector
- understand the procedure for making a FOI request and the decision making process that follows
- understand the procedure for amending personal information
- make arguments in support of granting, and refusing, access to information
- apply case law and legislation to factual scenarios
- comment critically on the future direction of FOI and privacy law in Australia

Indicative Assessment: There will be two pieces of assessment - one with a FOI theme and the other with a privacy theme.

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.

Requisite Statement: LAWS8153 Introduction to Legal Reasoning and Research (non-lawyers); LAWS8568 Fundamentals of Government and Commercial Law (non-lawyers)

Recommended Courses: It would be helpful, but not compulsory, for students to have completed an Administrative Law course prior to commencing this course.

Prescribed Texts: Information about prescribed texts will be made available in the course outline. See the course home page.

Preliminary Reading: The preliminary reading required for this course will be available from

the course home page at least one week prior to the commencement of the course.

Indicative Reading List: A reading guide will be available on the Course home page.

LAWS8277 International Business Transactions

Elective, 6 units

Academic Contact: Anne McNaughton

Offered: Summer Session

Workload: 26 Contact Hours (Intensive Delivery)

Course Description: Objectives:

This course is designed to meet the needs of practising lawyers, law graduates generally and private and public sector managers with experience in international trade. Participants in this course will gain an understanding of the law relating to international commercial transactions.

Content: The course covers international commercial transactions, exploring the various aspects of the typical transaction.

Topics include:

- the legal arrangements for the movement of goods and services internationally
- the structuring and drafting of the contract of sale
- the terms of trade
- passing of title and risk
- insurance
- contracts for transport of goods and financing of international transactions

Trade documentation will be analysed including bills of lading and letters of credit, the UNIDROIT principles for international commercial contracts and the Convention on the International Sale of Goods (Vienna Convention). Associated international conventions and treaties are examined.

The course assesses dispute resolution in international contracts, including transnational commercial arbitration and litigation and the enforcement of foreign arbitral awards and judgments.

Indicative 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.

Requisite Statement: LAWS8153 Introduction to Legal Reasoning and Research (non-lawyers); LAWS8568 Fundamentals of Government and Commercial Law (non-lawyers)

LAWS8268 International Humanitarian Law

Elective, 6 units

Academic Contact: Don Rothwell

Offered: Autumn Session

Workload: 26 Contact Hours (Intensive Delivery)

Course Description: Objectives:

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.

Indicative 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.

LAWS8174 Investigations, Inquiries and Inquisitorial Processes
Elective, 6 units

Academic Contact: Robin Creyke, Sue Tongue

Offered: Spring Session

Workload: 26 Contact Hours (Intensive Delivery)

Course Description: Objectives:

The aim of the course is to analyse the formal processes outside the court system that can be used to resolve disputes. The course combines research based and practice oriented teaching. The legal role, purpose and processes of investigations, inquiries and inquisitorial processes are considered. Skills are developed in managing and conducting investigations, inquiries and inquisitorial processes. The strengths and weaknesses

of each approach are analysed and the factors influencing the choice of an approach are studied.

Content:

It is expected that the following topics will be covered:

1. Introduction: Legal Context of Investigations, Inquiries and Inquisitorial Processes

The legal framework for conducting investigations, inquiries and inquisitorial processes. What terms of reference and powers should be used? In what circumstances? This section of the course includes an introduction to later sessions (collection of information, rights of witnesses and third parties, right to remain silent, evidence, privacy, confidentiality, reporting etc). Why do such processes exist? What are the characteristics of each process? What are the factors influencing choice of approach? There will be an introduction to the legal theory and the literature.

2. Fact finding for the purpose of investigations and inquiries

An evidence based approach to decision making is fundamental to legally sound investigations, inquiries and inquisitorial processes. What are the standards and burdens of proof? What is sufficient evidence for the purpose of administrative investigations and inquiries? What facts are needed for a decision? In what circumstances can an inference be drawn? Who is responsible for providing the evidence?

3. The steps in structuring and planning an inquiry: inquisitorial processes

When are inquisitorial or adversarial processes to be used in an administrative investigation or inquiry? What are inquisitorial processes in an Australian context? Is there a duty of inquiry? If so, in what circumstances? What are the legal and practical challenges in using inquisitorial processes and how best can these be met? What practical procedures should be followed

in conducting interviews, keeping records, writing interview reports and writing and distributing reports?

4. Natural justice inquiry processes

What are the main principles of natural justice? How do these principles impact on investigations and inquiries? How do the principles impact on the inquisitorial process? How can an inquirer ensure that fair process is provided?

5. Evidence of Witnesses

What kinds of evidence can be used for the purposes of an inquiry/investigation? What are common statutory forms of the power to interview witnesses? What if evidence is evenly balanced? How is expert evidence evaluated? How are witnesses protected? What are the techniques for interviewing witnesses? How to tell if someone is telling the truth?

6. Fraud Investigations

Are there any special processes for investigations of fraud and serious misconduct? A guest presenter will discuss their experiences including the pitfalls, challenges and learnings they have experienced.

7. Ombudsman investigations and inquiries

What powers does the Ombudsman have to conduct investigations? What are the legal consequences of the exercise of those powers? What responses are given? What is the effect of the special powers the Ombudsman possesses? What is the effect of the limitations on an investigator's/inquirer's powers of only making a recommendation at the conclusion of the inquiry?

8. Regulatory responses

Are there special features of an inquiry or investigation which apply in a regulatory context? How are regulatory inquiries, including reviews on the papers, conducted? What are the pitfalls? If

there is a review on the papers does this achieve the investigative goal?

9. Report writing

What are the key findings in a report? What outcomes are to be achieved? How should the report be structured? Who is the audience? How to write the report when there is a conflict of evidence? How to write the report if the evidence is evenly balanced? When expert evidence is evaluated how is this best presented? How are findings of fact best explained? Do all facts have to be dealt with? What have the courts said of the minimum criteria for writing a legally effective reasons statement?

10. Following the process and achieving optimal outcomes

What steps need to be followed at the conclusion of the investigation to finalise the process? How are optimal outcomes identified? How are strategies designed and implemented to achieve optimal outcomes? What particular legal principles impinge on this aspect of the process? For example, what is the application of the Archives Act 1983 (Cth)?

Learning Outcomes: At the end of the course students can expect to have:

1. Developed a deeper understanding of the legal framework and context for investigations, inquiries and inquisitorial processes.
2. An enhanced ability to assess the appropriate administrative processes that can be applied to determine facts in certain circumstances.
3. Enhanced skills in managing and conducting investigations and inquiries and using inquisitorial processes.
4. An improved ability to identify potential legal challenges in administrative processes.
5. A better understanding of the parameters for achieving optimum conditions for the effective conduct of legally sound investigations, inquiries and inquisitorial processes.

Indicative 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.

Requisite Statement: LAWS8153 Introduction to Legal Reasoning & Research (non-lawyers); LAWS8568 Fundamentals of Government & Commercial Law (non-lawyers)

LAWS8125 Law of Corporate Governance, The

Elective, 6 units

Academic Contact: Kath Hall

Offered: Winter Session

Workload: 26 Contact Hours (Intensive Delivery)

Course Description: Objectives:

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:

- Introduction to Corporate Governance
- Overview of the concept of the corporation
- Division of powers in the corporation
- Directors Duties
- Enforcement of directors' duties

- Consequences of Breach
- Indemnification and release
- Executive remuneration
- Division of powers in the corporation
- Shareholders meetings
- Role of institutional investors
- Corporate Regulation
- Shareholder participation
- Regulating corporate governance
- Corporate social responsibility
- Globalization of corporate governance

Learning Outcomes: At the end of this course students should be able to:

- demonstrate an understanding of the core principles and issues with corporate governance
- conduct detailed research into a contemporary issue in corporate governance
- make arguments about the way in which relevant corporate law issues are likely to be resolved, noting contrary arguments and their strengths
- structure an answer to a research question in an analytical and effective way
- engage in discussion on the range of issues covered in the course.

Indicative 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.

Requisite Statement: LAWS8153 Introduction to Legal Reasoning and Research (non-lawyers); LAWS8568 Fundamentals of Government and Commercial Law (non-lawyers)

LAWS8184 Law of International Institutions, The

Elective, 6 units

Academic Contact: Sarah Heathcote

Offered: Winter Session

Workload: 26 Contact Hours (Intensive Delivery)

Course Description: This course examines the international law relative to international organisations and looser institutional arrangements, such as those without a distinct legal personality and sui generis entities such as the ICRC. Traditional topics such as admission, decision-making and financing are considered, as well as various normative and operational activities. The complexification of the international institutional framework and UN attempts at reform are also studied. This course deals only incidentally with the maintenance of international peace and security.

Learning Outcomes: Topics to be considered might include:

- Emergence and *raison d'être*
- The Internal and External Law of International Organisations
- Current and Future Challenges

Indicative 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.

Requisite Statement: LAWS8182 / LAWS8256 Principles of International Law

LAWS8253 Law of The Sea

Elective, 6 units

Academic Contact: Don Rothwell

Offered: Summer Session

Workload: 26 Contact Hours (Intensive Delivery)

Course Description: Objectives: A participant who has successfully completed this course should:

- have a clear understanding of the evolution, and current status of the various jurisdictional zones and regimes that currently govern the utilisation of the world's oceans, and of the underlying policy

considerations that led to the adoption of the compromises reflected in the contemporary Law of the Sea

- be capable of applying the relevant legal norms to practical situations.

Content: The course will focus on the impact of the 1982 Convention on the Law of the Sea and more recent supplementary agreements in the light of current State practice, seeking to identify, in particular, the extent to which its provisions have become part of customary international law in that area.

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

Indicative 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.

Requisite Statement: LAWS8182 / LAWS8256 Principles of International Law

LAWS8172 Media and Communications Law

Elective, 6 units

Academic Contact: Matthew Rimmer

Offered: Spring Session

Workload: Students are expected to read the prescribed texts, prior to the teaching period. The course will be taught in intensive mode, over a period of four days. It will involve 26 hours of direct contact.

Students are expected to prepare an oral presentation to deliver during the intensive teaching period.

Students will need to devote time to the preparation and execution of the research assignment, after the intensive teaching period.

Course Description: 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

Classification and Censorship

- Blasphemy and Religious Vilification
- Obscenity
- Hate Speech
- Sedition and Terrorism

Confidentiality and Privacy

- Confidential Information
- Privacy Law
- The Do Not Call Register
- Anti-Spam Legislation

Learning Outcomes: This course considers the legal regulation of media ownership and communications content. 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.

Indicative Assessment: It is expected the course would have two pieces of assessment:

- an oral presentation with an accompanying written summary (approx 1,500 words); and
- a research assignment (4,000 - 6,000 words)

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.

Assumed Knowledge and

Required Skills: The course does not have any particular pre-requisites. It is intended to appeal to both legal professionals, as well as policy-makers and government officials, journalists, public relations practitioners, and other members of the media industry.

Requisite Statement: LAWS8153 Introduction to Legal Reasoning and Research (non-lawyers) and LAWS8568 Fundamentals of Government and Commercial Law (non-lawyers).

Prescribed Texts: Beattie, Scott and Elizabeth Beal, *Connect + Converge: Australian Media and Communications Law*, Melbourne: Oxford University Press, 2007. And Butler, Des and Sharon Rodrick, *Australian Media Law* (3rd edition). Sydney, Lawbook Co, 2007.

Preliminary Reading: The preliminary reading required for this course will be available from the course home page at least one week prior to the commencement of the course.

**LAWS8301 Graduate Research
Unit**

Elective, 12 units

Academic Contact: Supervisor

Offered: Summer Session, 2009, First
Semester, 2009, and Second Semester,
2009

Course Description: A research paper of
15,000 words in length on an approved
topic. The topic must be approved by the
Director, Postgraduate Coursework
Program or the Sub-Dean for Juris
Doctor students, and the appointed
supervisor in consultation. A more
detailed guideline is available in the law
school office.

Requisite Statement: Enrolment in a
Masters program; completion of at least
24 units at a 70% average; approval
from the Director, Postgraduate
Coursework Program or enrolment in the
Juris Doctor program with 70% average
across 24 relevant units.

LAW COURSES OFFERED TO STUDENTS IN OTHER DISCIPLINES

LAWS3103 Law and the Environment

Elective, 6 units

Academic Contact: Judith Jones

Offered: Semester 2

Workload: Three hours of lectures per week

Incompatible: Not available to Law students

Prerequisites: 96 units completed or the permission of the coordinator

Incompatibility: Not available to Law students

Course Description: This course is offered by the ANU College of Law to non-law students who are interested in environmental issues and are in the later years of their program. It is usually taken as an out of college course. In this regard, students should check their degree requirements before enrolling to ensure that the course may be counted as part of their degree.

The course seeks to examine environmental law from theoretical, contextual, and practical perspectives, taking a broad national and thematic approach rather than 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. The course will explore environmental regulation, including 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; human rights and the rise of environmental rights, and environmental participation, protest and litigation. The course will also look at philosophical and ethical bases for environmental protection and conservation, as well as an examination of the roles of scientific evidence and environmental values in environmental decision-making.

Indicative Assessment: A research paper (on a topic of the student's choice) worth 50 per cent of the student's final mark and a take-home exam worth 50 per cent of the student's final mark.

LAWS3104 Principles of Intellectual Property

Elective, 6 units

Academic Contact: Daniel Stewart

Offered: Semester 1

Workload: This class will involve 2-3 hours of class contact each week and up to 8 hours of reading and associated exercises to be completed out of class.

Assumed Knowledge and Required Skills: This is a six unit Group E course offered by the ANU College of Law for students with no prior law knowledge.

Incompatibility: Not available to Law students.

Course Description: 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. The course will also consider the possible role of intellectual

property in restricting the development of new scientific understanding and dissemination of knowledge with a particular emphasis on biotechnology. The principles of intellectual property will 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.

Indicative Assessment: The assessment of this course is likely to involve at least two components, including a compulsory exam and essay or presentation components. There is also likely to be a class participation component depending on class size. More information about the means of assessment, including the relationship between the assessment and the learning outcomes of the course, will be available on the course home page by the first week of semester.

Prescribed Text: Information about prescribed texts and other reading materials will be available in the course outline. See the course home page on the ANU College of Law website.

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 College course.