

ANU COLLEGE OF LAW  
**THE AUSTRALIAN NATIONAL UNIVERSITY**

**LLB & JD HANDBOOK**

**2011**

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 2011 Undergraduate Handbook. It can be found on the web at <http://law.anu.edu.au/Publications/11b/2011>.

Copies of the 2011 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](http://www.anu.edu.au/studyat).

ANU College of Law | February 2011

## Contents

Message from the Dean .....	5
Academic Calendars .....	6
Staff .....	8
Student Administration .....	9
Academic Staff of the ANU College of Law .....	10
Other College Administrative Staff .....	11
Visiting Fellows, Distinguished Visiting Mentor, ARC Fellows, Emeritus and Adjunct Professors and Part Time Course Convenors .....	12
General College Information .....	13
The Dean .....	13
Associate Dean, Head of School and Sub-Dean .....	13
Assistant Sub-Deans .....	13
Director, Exchange And International Programs .....	13
College Committees .....	13
College Student Administration Services .....	14
Law School Office .....	14
The Services Office .....	14
The Law Library .....	15
The Law Students' Society .....	16
Anu Students' Association (ANUSA) .....	19
Program Information .....	20
Admission .....	20
Prerequisites for Admission .....	21
Academic Skills And Learning Centre .....	22
Indigenous Australians Support Scheme .....	22
International Students .....	23
Scholarships .....	23
Austudy/Youth Allowance .....	24
Degree Requirements .....	25
Normal Duration Of Programs .....	25
Bachelor of Laws (LLB) .....	25
Bachelor of Laws (LLB) Combined Degrees .....	27
Juris Doctor (JD) .....	29
Bachelor of Laws (Graduate) [LLB(G)] .....	31
Honours .....	31
General Information Relating to all ANU Law Degrees .....	32
Admission and Career Information .....	38
Admission to Practice .....	38
Legal Practice Program .....	38
Careers .....	38
Practical Information for Students .....	41
Academic Skills and Learning Centre .....	41

Admission to Practice .....	41
Austudy/Youth Allowance .....	41
Careers .....	41
Change of Addresses and Phone Numbers .....	41
CHAT (Come and Have a Talk) Student Mentoring Scheme .....	41
Counselling .....	41
Disabilities .....	41
Emergency Evacuation Procedures .....	42
First Aid .....	42
Harassment .....	42
Hazard & Incident Reporting .....	42
First Aid .....	42
Indigenous Australians Support Scheme .....	43
International Students (Assessment Arrangements for Students from Language Backgrounds Other than English) .....	43
Locker Hire .....	43
Medical Problems .....	43
Parking .....	43
Scholarships .....	43
Student Cards .....	44
Policies and Procedures .....	45
Policy on Assessment in Undergraduate Courses in the ANU College of Law .....	46
Examinations .....	50
Honours .....	61
Jd Honours Policy .....	64
Coursework .....	64
LLM (Legal Practice) .....	65
Research .....	65
LLB and JD Courses .....	65
Compulsory Courses .....	70
Elective Courses .....	80
Postgraduate Elective Courses for JD Students .....	116
Law Courses Offered to Students in Other Disciplines .....	119

## MESSAGE FROM THE DEAN

A very warm welcome to the ANU College of Law in 2011 – to our local students, to those who have come from other parts of Australia, and to those who have come from overseas. 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 consistently rated very highly, nationally and internationally across a wide range of international surveys. In February 2011, Law at ANU received the highest rating for research excellence in the Excellence in Research for Australia (ERA) national research assessment exercise. We take much satisfaction from these high ratings, and do everything we can to ensure that you benefit directly from them in your experience with us.

Exactly how this plays out 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 Miriam Gani 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

<b>Calendar 2011</b>	
<b>First Semester</b>	
First teaching period begins	Monday 21 February
First teaching period ends	Friday 8 April
• 2-week & 1-day teaching break	Monday 11 April - Monday 25 April
Second teaching period begins	Tuesday 26 April
Second teaching period ends	Friday 3 June
• 7-week teaching break	Monday 6 June - Friday 22 July
<b>Second Semester</b>	
Third teaching period begins	Monday 25 July
Third teaching period ends	Friday 9 September
• 2-week teaching break	Monday 12 September - Friday 23 September
Fourth teaching period begins	Monday 26 September
Fourth teaching period ends	Friday 4 November
<b>2011 Public Holidays</b>	
	Canberra Day - Monday 14 March
	Good Friday - Friday 22 April
	Easter Monday - Monday 25 April
	Anzac Day - Monday 25 April
	Queen's Birthday - Monday 13 June
	Labour Day - Monday 3 October
	ACT Family and Community Day - Monday 10 October

<b>Calendar 2012</b>	
<b>First Semester</b>	
First teaching period begins	Monday 20 February
First teaching period ends	Thursday 5 April
• 2-week & 1-day teaching break	Friday 6 April - Friday 20 April
Second teaching period begins	Monday 23 April
Second teaching period ends	Friday 1 June
• 7-week teaching break	Monday 4 June - Friday 20 July
<b>Second Semester</b>	
Third teaching period begins	Monday 23 July
Third teaching period ends	Friday 7 September
• 2-week teaching break	Monday 10 September - Friday 21 September
Fourth teaching period begins	Monday 24 September
Fourth teaching period ends	Friday 2 November
<b>2012 Public Holidays</b>	
	Canberra Day – Monday 12 March
	Good Friday – Friday 6 April
	Easter Monday – Monday 9 April
	Anzac Day – Wednesday 25 April
	Queen's Birthday – Monday 11 June
	Labour Day – Monday 1 October
	ACT Family and Community Day – Monday 8 October

## STAFF

<b>Executive Office</b>	
<b>Dean of the ANU College of Law</b> Michael Coper T: 6125 4124 E: michael.coper@anu.edu.au	<b>Executive Assistant to the Dean</b> Karen Heuer T: 6125 4124 E: karen.heuer@anu.edu.au
<b>Associate Dean</b> Fiona Wheeler T: 6125 4167 E: fiona.wheeler@anu.edu.au	<b>Executive Assistant to the Associate Dean, Head of School and College General Manager</b> Vera Joveska T: 6125 0336 E: vera.joveska@anu.edu.au
<b>Head of School</b> Stephen Bottomley T: 6125 4125 E: stephen.bottomley@anu.edu.au	
<b>College General Manager</b> Alison Daun T: 6125 4635 E: alison.daun@anu.edu.au	
<b>Director, Legal Workshop</b> Gary Tamsitt T: 6125 5763 E: gary.tamsitt@anu.edu.au	<b>Executive Assistant to the Director</b> Pam Zwickert T: 6125 4640 E: pam.zwickert@anu.edu.au
<b>Associate Director, Legal Workshop</b> Tony Cibiras T: 6125 2432 E: tony.cibiras@anu.edu.au	



## STUDENT ADMINISTRATION

<p><b>ANU College of Law Reception</b>            T: 6125 3483            E: enquiries.law@anu.edu.au</p> <p><b>Sub-Dean (LLB/JD)</b>            Miriam Gani</p> <p><b>Assistant LLB/JD Program Sub-Dean</b>            Wayne Morgan</p> <p><b>JD Program Director</b>            Craig Collins</p> <p><b>Assistant JD Program Director</b>            Anne McNaughton</p> <p><b>Sub-Dean (GDLP)</b>            Margie Rowe</p> <p><b>Director, Exchange and International Programs</b>            Jean-Pierre Fonteyne</p>	<p><b>College Student Administration Services (CSAS)</b>            Sue Hancock, Student Administration Manager            T: 6125 3489            E: sue.hancock@anu.edu.au</p> <p>Dinah Irvine, Acting Deputy Student Administration Manager            E: dinah.irvine@anu.edu.au</p> <p>Undergraduate Program            T: 6125 3482            E: ugadmin.law@anu.edu.au</p> <p>Juris Doctor Program            T: 6125 3965 or 6125 3489            E: JDadmin@law.anu.edu.au</p>
<p><b>Services Office</b>            T: 6254 0456            E: servicesoffice@law.anu.edu.au</p> <p>Jayne Hardy, Manager            Michael Brown            Jason King</p>	

## ACADEMIC STAFF OF THE ANU COLLEGE OF LAW

Kent Anderson	Cameron Roles
Donald Anton	Donald Rothwell
George Barker	Kim Rubenstein
Helen Bermingham	Helen Saunders
Tim Bonyhady	Peta Spender
Kevin Boreham	Jane Stapleton
Stephen Bottomley	Aliya Steed
Ven. Alex Bruce	James Stellios
Peter Cane	Daniel Stewart
Hilary Charlesworth AM	Antony Taubman
Moeen Cheema	Margaret Thornton
Anthony Connolly	Ruth Townsend
Michael Coper	Gregor Urbas
Dominique Dalla-Pozza	Fiona Wheeler
Mick Dodson AM	Asmi Wood
Thomas Alured Faunce	Katharine Young
Daniel Fitzpatrick	Matthew Zagor
Jean-Pierre L. Fonteyne	
Miriam Gani	<b>Legal Workshop</b>
Kath Hall	Ben Battcock
Sarah Heathcote	Graeme Blank
Brad Jessup	Glenda Bloomfield
Wendy Kukulies-Smith	David Catanzariti
Karen Lee	Scott Chamberlain
Mark Lunney	Tony Cibiras
Anne Macduff	Craig Collins
Andrew Macintosh	Lynn Du Moulin
Leighton McDonald	Tony Foley
Rob McLaughlin	Judith Harrison
Anne McNaughton	Vivien Holmes
Wayne Morgan	Lauren Honcope
Rebecca Monson	Roberta McRae
Hitoshi Nasu	Moira Murray
Mark Nolan	Margie Rowe
Molly Townes O'Brien	Hugh Selby
James Prest	Gary Tamsitt
Simon Rice OAM	
Pauline Ridge	
Matthew Rimmer	
Heather Roberts	

## OTHER COLLEGE ADMINISTRATIVE STAFF

<b>Finance &amp; HR Unit</b>	<b>College Education &amp; Innovation Support Team (CEIST)</b>
Marcia Murphy, Finance Manager	Aliya Steed, Manager
Cristiana Alves, HR Manager	Alexandra Knight
Raechel Riley, Assistant Finance Manager	Angela Mula
Jeffrey Kealley	Christine Brown
Dianne Rose	Dawn Gilmore
<b>Business Development Manager</b>	<b>IT &amp; Communications Unit</b>
Anita Fitch	Alan Lew, Acting Manager
	Andrew Vella, Assistant Manager
<b>College Research Support Team (CRest)</b>	Fiona Bush
Karen Warnes, Manager	Adam Geddes
Bea Hogan	Richard Vuckovic
Katy Paterson	Gerry Wilson
<b>Executive Support</b>	
Glenda Waddell	
<b>Marketing &amp; College Outreach &amp; Administration Support Team (COAST)</b>	
Christine Debono, Manager	
Haibei Feng, Acting Marketing Manager	
Wendy Mohring, Assistant Manager	
Elaine Cooper	
Margaret Donnelly	
Kristian Draxl	
Sarah Hull	

## Visiting Fellows, Distinguished Visiting Mentor, ARC Fellows, Emeritus and Adjunct Professors and Part Time Course Convenors

William Andreen	George Williams
Peter Bailey	Leslie Zines
Andrew Bartlett	
Gerry Bates	<b>Distinguished Visiting Fellows</b>
Frank Brennan	The Hon Michael Kirby AC
Simon Bronitt	The Hon David Lloyd QC
Qiang Changwen	Sir Anthony Mason AC KBE
The Hon Richard Chisholm	
Theodore Christakis	<b>Distinguished Visiting Mentor</b>
Jim Davis	Milton Regan
Jean d'Aspremont	
Peter Ford	
Don Greig	
David Hambly	
Ayako Hara	
Bede Harris	
Heidi Hurd	
Ann Kent	
Michael Kobetsky	
Satoshi Kurokawa	
Moira McConnell	
Michael Moore	
Helen Murrell	
Stanley Paulson	
Dennis Pearce	
Jim Phillips	
Justice Richard Refshauge	
Jack Richardson	
Charles Rowland	
Nicholas Seddon	
Lyn Stephens	
John Seymour	
Akiho Shibata	
Peter Sutherland	
Martijn Wilder	
Ernst Willheim	

# 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, HEAD OF SCHOOL AND SUB-DEAN

---

The Dean is assisted with the administration of the ANU College of Law by an Associate Dean, Head of School and a Sub-Dean. In addition there are Directors, responsible for the oversight of particular law programs that the College offers (see below).

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.

**Appointments to see the Sub-Dean should be made through the receptionist (6125 3483 or [enquiries.law@anu.edu.au](mailto:enquiries.law@anu.edu.au)).**

## ASSISTANT SUB-DEANS

---

The Law School has two Sub-Deans, responsible for careers.

## DIRECTOR, EXCHANGE AND INTERNATIONAL PROGRAMS

---

The Director for Exchange and International Programs is the person to consult when a student is envisaging applying for an overseas exchange. They need to discuss their plans with the Director of Exchange and International Programs prior to application irrespective of whether they intend to study law or only non-law while on exchange.

## COLLEGE COMMITTEES

---

- **Education Committee** - The College-wide Education Committee formulates the education policy of the College and receives reports and recommendations from the various Program Committees.

The College has a number of program committees that comprise the Program Director(s), the Head of School or Director Legal Workshop as appropriate, the relevant Sub-Dean, the Director Educational Development, an Associate Director Educational Development, the Student Administration Manager, the relevant International Student Adviser, a member of the College Educational Innovation Support Team (CEIST), and other staff and student members as required.

Each program committee has responsibility for the development and delivery of the curriculum and development and review of the policies for the management of the program. Reports are made to the College Education Committee. The Committees currently in place are:

- LLB Program Committee
- JD Program Committee
- GDLP Program Committee
- LLM Program Committee
- Migration Law Program Committee
- Military Law Program Committee
- Professional Short Course Program Committee
- Higher Degree Research Program Committee

There is also a Working Group that manages clinical legal education within the College.

## COLLEGE STUDENT ADMINISTRATION SERVICES

---

### *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:

<b>Semester</b>	10.00am – 5.00pm	Monday
	9.00am – 5.00pm	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 Study Guides and Course Materials*

Course Study Guides will be made available before the commencement of Semester in hard copy (free of charge from the Services Office) or on-line from the course web page. Please only take hard copy guides for courses in which you are enrolled. Some additional handouts may be distributed in class.

Supplementary Course Materials are usually available at the Services Office from the week before classes commence. These reading materials can be paid for with your credit card online through ISIS. **Your paper 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.

Collection of assessment items/script books – see noticeboards and/or Services Office website <http://law.anu.edu.au/servicesoffice/>. **Students MUST provide their student ID card for collection of assessment – no exceptions.**

### *Office Hours*

The Services Office will be open Monday to Friday from 10.00am to 5.00pm.

## **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 data bases. 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 loose-leaf services provide commentary and analysis for the legal researcher.

### *Electronic resources*

The Law Library subscribes to many legal online data bases such as AGIS, LawNow, 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 multi disciplinary data bases 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. Membership is \$5, 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 2011 is Alice Crawford, who can be contacted at [lss@anu.edu.au](mailto:lss@anu.edu.au) or on 0421 495 655.

For a full committee list and contact details, please visit the new LSS website: <http://www.anulss.com>



### *Education*

The Education Portfolio performs two key roles at the LSS. Firstly, the Education Portfolio works with the Australian Law Students' Association, the ANU Students' Association and the ANU College of Law to ensure students receive high-quality education. As the peak body for ANU law students, the LSS has representatives on many College of Law and University committees, and proudly represents the interests of students in these forums.

Secondly, the Education Portfolio hosts a range of services and events, including pre-exam tutorials and the online model answer guide. It's also responsible for gathering information from students on a range of issues, and holds Staff/Student Symposiums to provide students with the opportunity to discuss educational matters with the College of Law leadership.

If you have education issues, would like to sell us past exam papers, or have questions about appeals procedures please get in touch at [lsseducation@anu.edu.au](mailto:lsseducation@anu.edu.au)

### *Events*

The LSS social events are a great way to engage with the larger law student body, and balance the vigorous demands of academia with fun mixers, parties and formal evenings. The LSS boast a packed social calendar with something for every student. The largest of these events in 2011 include, but are not limited to, our campus-wide anticipated and very popular Law Ball; O-Week Pre-Toga Party; autumn Law Cruise on the Lake Burley Griffin and soothing Cocktail Soiree. All first year students are encouraged to attend Clues and a BBQ to mingle with their cohort and enjoy the benefits of an LSS helping academic hand. Final year students are invited to valedictory evenings and JD students are afforded tailored events. Included in the Events portfolio are the LSS Competitions, which are launched with an early BBQ, and concluded with a dinner at the end of the tournament. On top of this, look out for regular BBQs and social events with academic, career oriented and social justice flavours. We strive to accommodate JD, LLB, international and domestic students alike, and are always open to suggestions. The Events portfolio includes a sub-committee who help organise and run our most popular events. We are always looking for new members; please email [lsssocialevents@anu.edu.au](mailto:lsssocialevents@anu.edu.au)

### *Careers*

The careers portfolio provides 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, Non-Government & Government Careers Evening, Paralegal Information Session and Careers Cocktails allow students to speak with members of the profession from a range of areas. The LSS also publishes the annual Clerkship Guide and runs Graduate and Summer Clerk workshops. If you have questions about careers, or the careers services the LSS provides, please get in touch at [lsscared@anu.edu.au](mailto:lsscared@anu.edu.au)

In conjunction with ANU College of Law, ACT Legal Aid, Clayton Utz and the ACT Youth Coalition, the LSS is involved with the 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 website <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 law students. The winners of each tournament are sent to the Australian Law Students' Association (ALSA) Conference in July to represent the ANU. This year the ANU will be represented at the Red Cross

International Humanitarian Law Moot in Hong Kong, after winning the ALSA rounds in 2010. The LSS runs these competitions at junior and senior levels, encouraging first time competitors to try out various competitions and develop their skills and confidence. Competitions are also a great way to socially engage with other law students, and all prospective competitors are encouraged to attend the Competitions Launch BBQ, which is held at the beginning of the year.

### *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 has held forums addressing human rights issues, world peace, and indigenous issues, with highly respected speakers in attendance. In 2011, the portfolio will be increasing its emphasis on equity, and will be delivering practical mechanisms for increasing social justice within the ANU College of Law. The portfolio will be establishing a Women's Mentoring Scheme, which aims at forging links between female law students and partners that will be run alongside the annual Women in Law Breakfast. The LSS will also be looking at helping increase access to law school for students with financial difficulty, with plans to be released for the start of 2011.

In addition to this the portfolio will be looking to expand into providing opportunities for current law students to undertake work with community legal organisations. If you would like to be involved in the portfolio, any of the opportunities within it or are after more information about any of our policies please don't hesitate to contact us at [lssjustice@anu.edu.au](mailto:lssjustice@anu.edu.au)

### *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 LS 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 oversees LSS membership, IT, publications, and is involved in the LSS's move toward incorporation. Administration is also responsible for the correspondence of the LSS, and for the meetings and co-ordination of the other executive portfolios. The LSS publishes the Careers Guide, the quarterly Peppercorn magazine, a First Year Guide, Clerkships guide, the Competitions Guide and a weekly E-Brief. The new LSS website and 'ANU Law Student Society' Facebook group and page 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.

For questions about elections, memberships, incorporation or any other admin issues, please contact [lssadministration@anu.edu.au](mailto:lssadministration@anu.edu.au)

### *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. To gain swipe card access to the space, simply give your student number to the Services Office.

Students are also welcome to come into the LSS office opposite the common room. Around exam times and for 2 hours a week during semester (to be posted on facebook in O-Week) the LSS office will be open specifically for students to come and talk about issues at law school. If you're feeling stressed or have problems with study, please visit us during these times and have a chat. Similarly, feel free to drop by outside these hours if you see one of us in there. We are very friendly, and are keen for distractions from work.

### *Get involved*

The LSS is always interested in having new students contribute to our activities. In 2007, the LSS introduced first year representatives for the careers, social justice, education and events portfolios. In 2011, elections for these positions will be held in Semester 1, alongside elections for some committee and exec positions, and we encourage all students to run.

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](mailto:LSS@anu.edu.au)
- Visit the office (GO 24) Law building ground floor, opposite Fellows Oval
- Call us on 0421 495 655 or phone/fax on 6125 0687
- Visit our new website <http://www.anulss.com>

### **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 College Education Committee, and can also liaise with the College regarding student appeals.
- The Law School representatives also have direct access to the ANUSA President who sits on the University Education Committee and University Council.
- The 2011 ANUSA Law School representatives, Nakul Lega and Mei Godfrey-Yik can be contacted by email at [law.facrep@anu.edu.au](mailto: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](http://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/](http://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 for admission where the ATAR 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 ATAR 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 should 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 with non-law degrees 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 their secondary and tertiary qualifications. The primary selection criterion is academic merit, with greater weighting being placed on previous tertiary results. 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). Other factors may also be taken into account, including wider achievements, work experience and career aspirations. For this reason, applicants are asked to submit, through UAC, a 600 word personal statement setting out any factors that they believe will enhance their application.

The College has Commonwealth Supported Places (CSP) and Fee-paying places available.

### *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 ATAR 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 41.

### **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 College of Law established an entry and support scheme to give Indigenous Australian students the opportunity to enter and the skills to succeed in a law degree. This scheme is fully supported by the Law School and works in association with the Tjabal Indigenous Higher Education Centre. The scheme is now well established with 31 graduates and an Indigenous student group of around 17 students spread through all years of the degree. Indigenous Australian legal issues are taught in various courses and the Law School offers the elective course Indigenous Australians and the Law.

In 2000, the College officially launched the Indigenous Legal Employment 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. An Academic Adviser has been specially appointed to tutor the Australian Indigenous law students in academic skills. The support scheme provides weekly tutorials for all subjects. The Adviser, in conjunction with the Tjabal Indigenous Higher Education Centre also arrange for individual tutoring assistance in other courses if students have a need. Help with administrative problems and pastoral care are also provided and a social program gives 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 none the less can demonstrate a capacity to successfully 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 Tjabal Indigenous Higher Education Centre. 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, T: 02 6125 8141, E: [WoodA@law.anu.edu.au](mailto:WoodA@law.anu.edu.au).

The Tjabal Indigenous Higher Education Centre, T: 02 6125 3520, F: 02 6125 3658.

The College offers two Legal Workshop GDLP Indigenous Scholarships each year. For further information see the College website: <http://law.anu.edu.au/Undergraduate/Scholarships.asp>

## 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 (Helen Bermingham) 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://policies.anu.edu.au/policies/assessment\\_arrangements\\_for\\_students\\_from\\_language\\_backgrounds\\_other\\_than\\_english/policy](http://policies.anu.edu.au/policies/assessment_arrangements_for_students_from_language_backgrounds_other_than_english/policy)

### *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

---

Details of undergraduate scholarships offered by the University can be found at <http://www.anu.edu.au/sas/scholarships/>. Information about further law specific scholarships follows.

### *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.

### *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 undertaken (at least) the final two years of their secondary schooling 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;
- the successful applicant must not have been previously enrolled in any tertiary degree or diploma program at a university or other institution of tertiary education whether in or outside 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.

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

#### **AUSTUDY/YOUTH ALLOWANCE**

---

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



## DEGREE REQUIREMENTS

The curriculum of the ANU law degrees consists of compulsory and elective courses of one semester's length. Each is worth 6 units (with the exception of LAWS3202 Honours Thesis and LAWS2268 Community Law Clinical Program each worth 12 units), with 48 units per year being the standard full-time load adopted by the University. The normal full-time load in each semester is therefore 24 units. The compulsory courses are designed to ensure that every student gains a sufficient grounding in the fundamental branches of the law, as well as satisfying applicable requirements for admission to practice (see below page 38 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.

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.

### NORMAL DURATION OF PROGRAMS

	Full Time	Part Time	Max Time
JD	3	6	10
LLB	4	8	10
Combined	5		11

### 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 24 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

\* For students who commenced their current law program prior to 2008 these courses are not compulsory, but they are required for admission to practice 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 29.

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

	First semester	Second semester
<b>Year 1</b> (48 units)	<ul style="list-style-type: none"> <li>• LAWS1201 Foundations of Australian Law</li> <li>• LAWS1203 Torts</li> <li>• 2 non-Law first-year electives</li> </ul>	<ul style="list-style-type: none"> <li>• LAWS1202 Lawyers, Justice and Ethics</li> <li>• LAWS1204 Contracts</li> <li>• 2 non-Law first-year electives</li> </ul>
<b>Year 2</b> (48 units)	<ul style="list-style-type: none"> <li>• LAWS1205 Australian Public Law</li> <li>• LAWS1206 Criminal Law and Procedure</li> <li>• LAWS2203 Corporations Law</li> <li>• 1 non-Law later-year elective</li> </ul>	<ul style="list-style-type: none"> <li>• LAWS2250 International Law</li> <li>• LAWS2249 Legal Theory</li> <li>• LAWS2202 Commonwealth Constitutional Law</li> <li>• 1 non-Law later-year elective</li> </ul>
<b>Year 3</b> (48 units)	<ul style="list-style-type: none"> <li>• LAWS2201 Administrative Law</li> <li>• LAWS2204 Property</li> <li>• 1 Law elective</li> <li>• 1 non-Law later-year elective</li> </ul>	<ul style="list-style-type: none"> <li>• LAWS2205 Equity and Trusts</li> <li>• 2 Law electives</li> <li>• 1 non-Law later-year elective</li> </ul>
<b>Year 4</b> (48 units)	<ul style="list-style-type: none"> <li>• LAWS2244 Litigation and Dispute Management</li> <li>• 3 Law electives</li> </ul>	<ul style="list-style-type: none"> <li>• LAWS2207 Evidence</li> <li>• 3 Law electives</li> </ul>
<b>Program Total</b> 192 units		

*Bachelor of Laws (4300) (part-time) – Suggested Degree Pattern*

	First semester	Second semester
<b>Year 1</b> (24 units)	<ul style="list-style-type: none"> <li>• LAWS1201 Foundations of Australian Law</li> <li>• LAWS1203 Torts</li> </ul>	<ul style="list-style-type: none"> <li>• LAWS1202 Lawyers, Justice and Ethics</li> <li>• LAWS1204 Contracts</li> </ul>
<b>Year 2</b> (24 units)	<ul style="list-style-type: none"> <li>• LAWS1205 Australian Public Law</li> <li>• 1 non-Law first-year elective</li> </ul>	<ul style="list-style-type: none"> <li>• LAWS2250 International Law</li> <li>• 1 non-Law first-year elective</li> </ul>
<b>Year 3</b> (24 units)	<ul style="list-style-type: none"> <li>• LAWS1206 Criminal Law and Procedure</li> <li>• 1 non-Law elective</li> </ul>	<ul style="list-style-type: none"> <li>• LAWS2249 Legal Theory</li> <li>• 1 non-Law elective</li> </ul>

<b>Year 4</b> (24 units)	<ul style="list-style-type: none"> <li>• LAWS2201 Administrative Law</li> <li>• 1 non-Law later-year elective</li> </ul>	<ul style="list-style-type: none"> <li>• LAWS2201 Commonwealth Constitutional Law</li> <li>• 1 non-Law later-year elective</li> </ul>
<b>Year 5</b> (24 units)	<ul style="list-style-type: none"> <li>• LAWS2203 Corporations Law</li> <li>• 1 non-Law later-year elective</li> </ul>	<ul style="list-style-type: none"> <li>• 1 law elective course</li> <li>• 1 non-Law later-year elective</li> </ul>
<b>Year 6</b> (24 units)	<ul style="list-style-type: none"> <li>• LAWS2204 Property</li> <li>• 1 Law elective</li> </ul>	<ul style="list-style-type: none"> <li>• LAWS2205 Equity and Trusts</li> <li>• 1 Law elective</li> </ul>
<b>Year 7</b> (24 units)	<ul style="list-style-type: none"> <li>• LAWS2244 Litigation and Dispute Management</li> <li>• 1 Law elective</li> </ul>	<ul style="list-style-type: none"> <li>• LAWS2207 Evidence</li> <li>• 1 Law elective</li> </ul>
<b>Year 8</b> (24 units)	<ul style="list-style-type: none"> <li>• 2 Law electives</li> </ul>	<ul style="list-style-type: none"> <li>• 2 Law electives</li> </ul>
<b>Program Total</b> 192 units		

*Bachelor of Laws (4300) (full-time) - Suggested Degree Pattern for a second semester commencement*

	First semester	Second semester
<b>Year 1</b> (24 units)		<ul style="list-style-type: none"> <li>• LAWS1201 Foundations of Australian Law</li> <li>• LAWS1204 Contracts</li> <li>• 2 non-Law first-year electives</li> </ul>
<b>Year 1/2</b> (48 units)	<ul style="list-style-type: none"> <li>• LAWS1203 Torts</li> <li>• LAWS1205 Australian Public Law</li> <li>• 2 non-Law first-year electives</li> </ul>	<ul style="list-style-type: none"> <li>• LAWS1202 Lawyers, Justice and Ethics</li> <li>• LAWS2250 International Law</li> <li>• LAWS2249 Legal Theory</li> <li>• 1 non-Law later-year elective</li> </ul>
<b>Year 2/3</b> (48 units)	<ul style="list-style-type: none"> <li>• LAWS1206 Criminal Law and Procedure</li> <li>• LAWS2201 Administrative Law</li> <li>• 1 non-Law later-year elective</li> <li>• 1 law elective</li> </ul>	<ul style="list-style-type: none"> <li>• LAWS2202 Commonwealth Constitutional Law</li> <li>• 2 law electives</li> <li>• 1 non-Law later-year elective</li> </ul>
<b>Year 3/4</b> (48 units)	<ul style="list-style-type: none"> <li>• LAWS2203 Corporations Law</li> <li>• LAWS2204 Property</li> <li>• 1 non-Law later-year elective</li> <li>• 1 Law elective</li> </ul>	<ul style="list-style-type: none"> <li>• LAWS2205 Equity and Trusts</li> <li>• LAWS2207 Evidence</li> <li>• 2 Law electives</li> </ul>
<b>Year 4</b> (24 units)	<ul style="list-style-type: none"> <li>• LAWS2244 Litigation and Dispute Management</li> <li>• 3 Law electives</li> </ul>	
<b>Program Total</b> 192 units		

## 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 Business Administration / Bachelor of Laws (4213)
- 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 or equivalent of three years full time study, distributed as follows:

- 15 compulsory courses (named above), worth 90 units;
- 9 law elective courses, worth 54 units;

The combined program with law is intended to be completed in five years full-time or up to a maximum of eleven years including periods of leave or suspension.

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 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
<b>Year 1</b> (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)
<b>Year 2</b> (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)
<b>Year 3</b> (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)
<b>Year 4</b> (48 units)	LAWS2204 Property Law elective course (6 units) Non-law course (6 units) Non-law course (6 units)	LAWS2205 Equity and Trusts Law elective course (6 units) Non-law course (6 units) Non-law course (6 units)

<b>Year 5</b> (48 units)	LAWS2244 Litigation and Dispute Management Law elective courses (18 units)	LAWS2207 Evidence Law elective courses (18 units)
<b>Program total</b> 240 units		

*Suggested pattern for BMusic/BLaws (4003)*

	<b>First semester</b>	<b>Second semester</b>
<b>Year 1</b> (48 units)	LAWS1203 Torts LAWS1201 Foundations of Australian Law Music Major (A) 1 Ensemble and Aural (B) 1	LAWS1202 Lawyers, Justice and Ethics Music Major (A) 2 Ensemble and Aural (B) 2 Music: Critical and Theoretical Studies (C) 1
<b>Year 2</b> (48 units)	LAWS1205 Australian Public Law Music Major (A) 3 Ensemble and Aural (B) 3 Music: Critical and Theoretical Studies (C) 2	LAWS1204 Contracts Music Major (A) 4 Music: Critical and Theoretical Studies (C) 3 Ensemble and Aural (B) 4
<b>Year 3</b> (48 units)	LAWS1206 Criminal Law and Procedure Music Major (A) 5 Ensemble and Aural (B) 5 Music: Critical and Theoretical Studies (C) 4	LAWS2250 International Law LAWS2249 Legal Theory Music Major (A) 6 Music: Critical and Theoretical Studies (C) 5
<b>Year 4</b> (48 units)	LAWS2201 Administrative Law LAWS2203 Corporations Law 2 Law elective courses	LAWS2207 Evidence LAWS2202 Commonwealth Constitutional Law 2 Law elective courses
<b>Year 5</b> (48 units)	LAWS2204 Property LAWS2244 Litigation and Dispute Management 2 Law elective courses	LAWS2205 Equity and Trusts 3 Law elective courses
<b>Program total</b> 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 2011 approved applicants may be offered a Commonwealth Supported place. Fee-paying places are also available.

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).

The Juris Doctor 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).

*Suggested course pattern for a full-time JD student*

The structure of a full-time JD involves undertaking three courses in the student's first semester of study. There is sufficient flexibility in the JD program to still allow students to complete their degree in three years as the majority of research intensive postgraduate courses are taught intensively and/or outside of normal semester teaching periods. Some undergraduate courses may also be available over the summer. The Sub-Dean is available to discuss this option and its implications with JD students.

	First semester	Second semester
Year 1 (48 units)	LAWS1201 Foundations of Australian Law LAWS1203 Torts LAWS1204 Contracts	LAWS1202 Lawyers, Justice and Ethics LAWS1205 Australian Public Law LAWS2250 International Law LAWS2249 Legal Theory
Year 2 (48 units)	LAWS1206 Criminal Law and Procedure LAWS2201 Administrative Law LAWS2203 Corporations Law 1 Law elective course	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

	1 Law elective to be taken in a non-standard session in year 2 or 3
<b>Program total 144 units</b>	

*Suggested course pattern for a full-time JD student commencing in Semester two*

	First semester	Second semester
<b>Year 1</b> (24 units)		LAWS1201 Foundations of Australian Law LAWS1202 Lawyers, Justice and Ethics LAWS1204 Contracts
<b>Year 1/2</b> (48 units)	LAWS1203 Torts LAWS1205 Australian Public Law LAWS1206 Criminal Law and Procedure LAWS2203 Corporations Law	LAWS2250 International Law LAWS2249 Legal Theory 2 Law elective courses
<b>Year 2/3</b> (48 units)	LAWS2201 Administrative Law LAWS2204 Property 2 Law elective courses	LAWS2202 Commonwealth Constitutional Law LAWS2205 Equity and Trusts LAWS2207 Evidence 1 Law elective course
<b>Year 4</b> (24 units)	LAWS2244 Litigation and Dispute Management 3 Law elective courses	
	1 Law elective to be taken in a non-standard session in year 2 or 3	
<b>Program total 144 units</b>		

*Suggested course pattern for a part-time student for the first two years*

	First semester	Second semester
<b>Year 1</b> (24 units)	LAWS1201 Foundations of Australian Law LAWS1203 Torts	LAWS1202 Lawyers, Justice and Ethics LAWS1205 Australian Public Law
<b>Year 2</b> (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
<b>Year 1</b> (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
<b>Year 2</b> (48 units)	LAWS2201 Administrative Law <i>LAWS2203 Corporations Law</i> 2 Law elective courses	LAWS2202 Commonwealth Constitutional Law 3 Law elective courses
<b>Year 3</b> (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
<b>Program total</b> 144 units		

## 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 61 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 64. 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 normally be completed at the ANU.

More information about Honours in Law is available at the honours website <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 pages 26–31. 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 students 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 prerequisite and corequisite 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 29 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 and JD 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 an enrolment variation form available at [www.anu.edu.au/sas/forms/enrolment\\_variation.pdf](http://www.anu.edu.au/sas/forms/enrolment_variation.pdf) or 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, before submitting to Law School Office.

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-unit Graduate Research Unit (GRU) must satisfy the specific performance requirements applying to that course (see information at page 118).

### *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 24 units (4 courses) at first-year level. JD students are referred to the specific status details set out at page 29 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.

Where students have been granted status or exemption the time allowed for completion of the program is reduced.

### *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 college.

### *Overloading*

An LLB 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 needs to be considered an unusual event and is generally discouraged, although it is recognised that in some special circumstances it may be necessary. Overloading by more than 6 units in any session will not be approved.

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 on the issues involved and make approval decisions after meeting with the students. Ahead of this meeting, students are required to complete an application for permission to overload form (available at reception) and to receive permission to overload from any other college in which they are enrolled. In the ANU College of Law, approval to overload is dependant upon the student having successfully completed a year of full-time study (48 units) and having

achieved a credit average in law courses. Overloading is undertaken on the basis that students do so at their own risk and it will not be considered a valid reason for seeking special consideration and/or special exams.

The same considerations, limits and processes apply to JD students who are seeking to overload. However, the particular characteristics and pattern of the JD program (including the fact that JD students will sometimes need to study intensive postgraduate courses alongside their semester long courses) are additional factors taken into account by the Sub-Dean in considering applications to overload from JD students.

### *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 degree programs like the BA/LLB. Occasionally, however, students want to undertake a concurrent enrolment in more than one program (for example in the LLB and in the Graduate Diploma in Legal Practice). Students must have the permission of the Sub-Dean to do this and must seek that permission well in advance of the commencement of the program or course in question. If permission is given, it will be on the basis of strict conditions and will require students to make a number of important undertakings (see below).

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 an enrolment variation form available at [www.anu.edu.au/sas/forms/enrolment\\_variation.pdf](http://www.anu.edu.au/sas/forms/enrolment_variation.pdf) or from the reception desk and must be manually entered by Administrative Staff. 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 concurrent enrolment must apply for permission to do so to all colleges and/or programs in which they are enrolled. Law students seeking to enrol concurrently in GDLP, will need to use the concurrent enrolment application form on the GDLP website and to make an appointment to see the Sub-Dean to discuss their application and the issues involved. This process must be commenced at least two weeks before the commencement of the specific course/program for which concurrent enrolment is sought. The Sub-Dean will look at the student's academic record and reasons for wanting to enrol concurrently as well as the timing of the courses to be undertaken in the proposed program and the workload involved. If approval is given, it will be for specified courses on specified dates only. Any further concurrent study will need to be approved afresh. Approval will also be on the basis that the student has been advised that: their study priority must be their LLB or JD program; they are advised against concurrent enrolment; they undertake it at their own risk; and it will not be grounds for a student to seek special consideration or special examinations. 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 year of 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 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 2012 Summer session will be available in July 2011 to help students plan for their 2012 enrolment. 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 studies*

The permission of the Sub-Dean is required before an ANU student can study at another institution on a cross-institutional basis. Permission to undertake study during semester 1 or 2 will only be granted in special circumstances, and will not normally be given either for compulsory law courses (see below) or for distance education programs. A more flexible approach is taken in relation to study of elective courses at an Australian summer or winter school other than ANU (where that study does not overlap with either semester 1 or 2 at the ANU). The maximum number of units that a student can undertake cross-institutionally in summer or winter sessions during the student's entire ANU law program is 12 units (usually 2 courses).

To seek permission for cross-institutional or non-award study, you must submit to the Sub-Dean both a completed 'Application to Study Elsewhere on a Cross-Institutional Basis' form (available on the ANU's 'enrolments' website) and a detailed study proposal. In deciding whether to approve a student's application, the Sub-Dean pays particular attention to whether the proposed study overlaps with courses studied at the ANU, and whether it is roughly equivalent in study load, contact hours, rigour and assessment demands to law courses taught at the ANU. Issues of equivalency of content, delivery and assessment are particularly important in relation to compulsory law courses and students will only receive approval for cross-institutional study of compulsory courses in extraordinary circumstances. 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 study is the equivalent of one full-time year of study at ANU (48 units). Strict guidelines apply to study undertaken overseas (see below).

Students considering undertaking Honours should take careful note of the Honours Policy set out in this Handbook. Under this policy, only law courses completed at the ANU are 'eligible law courses' for the purposes of meeting the requirements for the honours degree. Cross-institutional courses are specifically excluded from this category.

#### *Cross-institutional study for JD students*

JD students may apply for cross-institutional study of undergraduate courses in the same way as is described above. The considerations detailed above apply equally to applications for cross-institutional study received from JD students. JD students will not receive approval for cross-institutional study of postgraduate courses as the ANU JD program requires JD students to undertake all their postgraduate courses here at the ANU.

#### *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*

Most lectures in the Law School are digitally recorded. These lectures are available for students to listen to 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 2011 gives an indication of the range of prizes available for law courses. Many of these prizes are available to LLB and JD students. Prizes and certificates are given at an annual prize ceremony held at ANU College of Law each year in recognition of the academic achievements of students.

# 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 (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 include 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). 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.

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 ANU Legal Workshop offers the Graduate Diploma in Legal Practice (GDLP) which satisfies the practical training requirement for law graduates to be admitted as practising lawyers around Australia. The ANU's GDLP is the largest university-based legal practice program in Australia.

Students attend a 5-day intensive introductory course, *Becoming a Practitioner*, which is conducted in different cities several times a year, and then do a series of online courses. Students must do a minimum of 20 days placement in a legal office. Students can do longer placements with reduced coursework. Graduates of the program can receive up to 50% credit towards a Masters Degree.

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 with law degree studies is possible in approved circumstances.

Details of the program are in a brochure obtainable from the ANU Legal Workshop, from the website <http://law.anu.edu.au/legalworkshop> or contact [lwsa@law.anu.edu.au](mailto:lwsa@law.anu.edu.au)

## 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;
- Law Careers Fair - Thursday 10 March 2011;
- Tertiary to Work Careers Fair - Friday 25 March 2011;
- 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](http://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 printer for job search and résumé 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.
- 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).

T: (02) 6125 3593

E: [careers@anu.edu.au](mailto:careers@anu.edu.au)

W: [www.anu.edu.au/careers](http://www.anu.edu.au/careers)



# PRACTICAL INFORMATION FOR STUDENTS

## ACADEMIC SKILLS AND LEARNING CENTRE

---

Refer to information on page 22.

## ADMISSION TO PRACTICE

---

Refer to information on page 38.

## AUSTUDY/YOUTH ALLOWANCE

---

Refer to information on page 24.

## CAREERS

---

Refer to information on page 38.

## 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) 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 student. Critical to this is forming relationships with staff and other students. To assist this process, in 2008 we introduced our CHAT program into the College. CHAT is a mentoring scheme that teams you up in groups with other first year students, 2 later year student mentors and 1 staff member.

All first year law students will have the opportunity at the start of the academic year to enrol online in a CHAT group. Student mentors will then contact students to discuss a social get-together and also to answer any questions and issues that arise from starting your time as a law student. Staff mentors will be available to refer students to appropriate sources of support, to give advice and to assist with any academic or study related matters. There will also be CHAT social gatherings, coffee sessions and discussion sessions.

We hope that CHAT will enrich your experience at law school. For further information on being involved please contact Kath Hall at [Kath.Hall@anu.edu.au](mailto:Kath.Hall@anu.edu.au) or on (02) 6125 4608.

CHAT: Student Mentoring Scheme Guidelines can be found at [http://law.anu.edu.au/Undergraduate/CHAT/CHAT\\_guidelines.pdf](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 in relation to these changes.

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

[http://policies.anu.edu.au/procedures/prevention\\_of\\_discrimination\\_\\_harassment\\_and\\_bullying\\_procedure/procedure](http://policies.anu.edu.au/procedures/prevention_of_discrimination__harassment_and_bullying_procedure/procedure)

[http://policies.anu.edu.au/policies/student\\_complaint\\_resolution/policy](http://policies.anu.edu.au/policies/student_complaint_resolution/policy)

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/_DHR/Procedures/Hazard_Reporting.asp)

[http://policies.anu.edu.au/forms/hazard\\_report/form](http://policies.anu.edu.au/forms/hazard_report/form)

[http://info.anu.edu.au/policies/\\_DHR/Procedures/Incident\\_Reporting.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 22.

## **INTERNATIONAL STUDENTS (ASSESSMENT ARRANGEMENTS FOR STUDENTS FROM LANGUAGE BACKGROUNDS OTHER THAN ENGLISH)**

---

Refer to information on page 23.

## **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 (per semester) may be eligible for a parking permit. Voucher parking/Pay and Display parking is also available (the maximum time on voucher able to be purchased at one time is 3 hours); 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](mailto: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 23.

## **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.

## 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://policies.anu.edu.au/>. 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 2011 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/index.php>.

### Student Academic Integrity (including plagiarism)

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 Integrity. The code can be found at:

[http://policies.anu.edu.au/policies/code\\_of\\_practice\\_for\\_student\\_academic\\_integrity/policy](http://policies.anu.edu.au/policies/code_of_practice_for_student_academic_integrity/policy)

It provides in section 3 that:

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

- they are familiar with the expectations for academic integrity 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 principle of academic integrity 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 integrity" in section 2 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 one type of practice covered by the Code, 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 practices covered by the Code 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 describes the process for dealing with these practices. This can lead to a finding that a student has engaged in academic misconduct which can, in turn, lead to action under the University's Discipline Rules (available on the web at <http://www.anu.edu.au/cabs/rules/DisciplineRules.pdf>).

A finding of academic misconduct may also jeopardise a student's admission to legal practice.

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

For further guidance about student academic integrity 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](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](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 or session a statement of the scheme of assessment that complies with Sections 3 and 4 of this policy. The assessment scheme will be included within the Course Study Guide.
- b. A sub-committee of the LLB Program Committee (chaired by the Sub-Dean) will examine the scheme of assessment to ascertain compliance with this policy and will report to the Chair of Examiners in

the week prior to commencement of semester on any compliance issues. The sub-committee will also coordinate assessment schemes to ensure as far as possible a reasonable distribution of student workload, particularly in the busy mid-semester period.

- c. After any necessary changes have been made, the scheme of assessment for each course will be published as part of the Course Study Guide by the Law School Office on both the course web page and the course WATTLE site. This will occur in the week before the commencement of the semester or session. A printed hard copy of the Course Study Guide will also be made available to students at this time.
- d. 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.
- e. 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 Sub-Dean. All variations must be notified on the course web and WATTLE 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;<sup>1</sup>

<sup>1</sup> University Policy – Principles for Determination of Systems of Assessment and for Consultation – at 5.1(b) and 5.2.

- 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.
- i. (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 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;<sup>2</sup>
  - 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;
- 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;

---

<sup>2</sup> Exceptions are:

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



- the Chair of Examiners may 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.

**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 an electronic copy 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 transcription 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 transcription.

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 (No.3) 2009 (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 (No. 3) 2009 (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](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 (no.3) 2009 (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; 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 or completing an examination.

The following problems are not regarded as so out of the ordinary as to warrant a special examination:

- 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. Nor will a special examination be granted where a student's performance has been adversely affected by illness or other cause in the period of studies to which the exam relates (ie during the semester or session). Such situations are instead dealt with via the special consideration procedure detailed in the previous section.

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 when it is required. 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 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](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 a non-complete 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 or session of law study even though their mark is below 45. Students who fail one course in their final semester or session 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 or session of law study may, depending on their individual enrolment pattern, be either semester one or semester two or one of the non-standardised sessions.

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 or session supplementary exam. A final semester or session 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 or session supplementary exam.

The form of a final semester or session 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 or session 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	

- a. (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:

- 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.
- 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.
- 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:

- 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.
- 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.
- 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.
- 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://policies.anu.edu.au/policies/assessment\\_review\\_and\\_appeals/policy](http://policies.anu.edu.au/policies/assessment_review_and_appeals/policy)

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, 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 No.3 2009, 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 the 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. The Head of School will inform the student and the Course Convenor 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 Associate 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 of Students and the ANU Students' Association may supply a supporting statement for the student or offer commentary on the appeal.

The Associate Dean, after consideration of the student's submission, and following consultation with the Course Convenor, will determine whether a Review Panel will be appointed.

If a Review Panel 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;
- any other relevant documents;
- 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 Panel will advise the Associate Dean whether the original result should be upheld, or a remark is warranted, or that there is to be further examination. The Associate Dean's decision whether arrived at independently or following receipt of a recommendation of a Review Panel if established is final. The decision and the reasons for it will be conveyed in writing to the student, the Head of School, the Sub-Dean, the Course Convenor, any further examiners who may have been appointed for the student for the course and the members of any Review Panel.

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 Examination Rules require that an appeal to the Associate Dean under Step 3 above be submitted within 20 working days of the formal notification of results. Although the ANU College of Law does not strictly enforce this requirement given the need for steps 1 and 2 above to first be completed, 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>.

Rule 5(1) 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.]

Accordingly, students who have failed a course twice will be required to obtain approval from the Sub-Dean to enrol in the course for a third time. Rule 5(2) lists the Sub-Dean's options in dealing with such requests including the attaching of conditions to approval of enrolment.

Rule 14(1) provides 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 and Autumn Sessions 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. The Sub-Dean may be pro-active in asking students in this position to make a formal appointment for the purpose of discussing and advising them on their academic progress.

# 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 more than one 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 19 courses (114 units) in the ANU College of Law at the Australian National University – the three courses (18 units) in which the candidate obtained the lowest mark;
- f. if the candidate has completed 18 courses (108 units) in the ANU College of Law at the Australian National University – the two courses (12 units) in which the candidate obtained the lowest mark;
- g. if the candidate has completed 17 courses (102 units) in the ANU College of Law at the Australian National University – the course (6 units) 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 14 courses (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,<sup>3</sup> 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 (ie requires 48 units or less); 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.

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.

<sup>3</sup> 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.

- b. 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.
- c. 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<sup>4</sup> shall be submitted by a candidate by a date specified by the College.

## 7 Grade of honours

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

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

<sup>4</sup> 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.

- 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 online 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
- Law, Development Governance
- 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 can apply for LLM (Legal Practice) or LLM and receive status from the GDLP. 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>.

# LLB AND JD COURSES

The following tables set out the courses currently scheduled for teaching in the LLB and JD programs in 2011 (some courses are not taught every year - a more extensive list follows this table).

Additional courses may be made available to law students from time to time, such as, for example, one or more of the new Vice Chancellor's courses such as Unravelling Complexity (UGRD3001).

Table of LLB and JD courses available in 2011	
<b>SUMMER SESSION (December 2010 to February 2011)</b>	
<b>NOTE:</b> The availability of courses to be offered in the 2012 Summer Session (December 2011 to February 2012) will be made public in July 2011. They will not necessarily duplicate the courses listed below that were offered in Summer 2011 (December 2010 to February 2011)	
<b>Compulsory courses</b>	
LAWS2207	Evidence
<b>Elective courses</b>	
LAWS2272	Comparative Law
LAWS2269	Migration Law
LAWS2212	Conflict of Laws
LAWS2239	Special Law Elective 3: Insurance Law
<b>Restricted Elective courses</b>	
LAWS2230	Law Internship
LAWS2247	Survey of United States Law

LAWS2248	Selected Topics in Australian-United States Comparative Law (Alabama)
LAWS2258	International Organisations (Geneva)
LAWS3010	Jessup Moot
<b>SEMESTER 1</b>	
<b>Compulsory courses</b>	
LAWS2201	Administrative Law
LAWS1205	Australian Public Law
LAWS1204	Contracts (JD Students Only)
LAWS2203	Corporations Law
LAWS1206	Criminal Law and Procedure
LAWS1201	Foundations of Australian Law
LAWS2244	Litigation and Dispute Management
LAWS2204	Property
LAWS1203	Torts
<b>Elective courses</b>	
LAWS2267	Clinical Youth Law Program
LAWS2210	Commercial Law
LAWS2268	Community Law Clinical Program
LAWS2259	Consumer Protection & Product Liability Law
LAWS1209	English in a Legal Context
LAWS2215	Environmental Law
LAWS2275	Federal Judicial System
LAWS3202	Honours Thesis
LAWS2221	Income Tax
LAWS2245	Information Technology Law (capped 80)
LAWS2253	International Environmental Law
LAWS2225	International Law of Human Rights
LAWS2227	Japanese Law and Society
LAWS2230	Law Internship
LAWS2270	Law Reform
LAWS2271	Refugee Law
LAWS2254	Restitution
LAWS2234	Special Law Elective 1: Animals and Law
LAWS2236	Succession
LAWS3104	<i>Principles of Intellectual Property (Not offered to Law Students)</i>
<b>SEMESTER 2</b>	
<b>Compulsory courses</b>	

LAWS1205	Australian Public Law (JD 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
<b>Elective courses</b>	
LAWS2264	Advanced International Law
LAWS2274	Climate Law
LAWS2267	Clinical Youth Law Program
LAWS2268	Community Law Clinical Program
LAWS1209	English in a Legal Context
LAWS2217	Family Law
LAWS2261	Federal Criminal Law
LAWS2219	Health Law Bioethics and Human Rights
LAWS3202	Honours Thesis
LAWS2220	Human Rights Law in Australia
LAWS2238	Indigenous Australians and the Law
LAWS2222	Intellectual Property
LAWS2265	International Mooting and Process
LAWS2226	International Trade Law
LAWS2228	Labour Law
LAWS2260	Law and Psychology
LAWS2256	Law and Sexualities
LAWS3103	Law and the Environment
LAWS2230	Law Internship
LAWS2251	Legislative Drafting and Technology
LAWS2255	Restrictive Trade Practices
LAWS2257	Selected Topics in Australian-United States Comparative Law (ANU)
LAWS2240	Special Law Elective 4: International Human Rights Clinic
LAWS2237	Takeovers and Securities Law
<b>SPRING SESSION</b> (October 2011 to December 2011)	
LAWS2266	International Arbitration and Negotiation Moot Competition in Japan

<b>Current list of postgraduate courses available to students enrolled in the ANU Juris Doctor (JD)</b>			
<b>Course Code</b>	<b>Name</b>	<b>Unit value</b>	<b>JD Prerequisite</b>
LAWS8218	Advanced Contracts	6 units	LAWS1204 - Contracts
LAWS8181	Australian Climate Law	6 units	
LAWS8012	Australian Disaster Law	6 units	
LAWS8175	Citizenship Law in Context	6 units	LAWS1205 - Australian Public Law
LAWS8008	Climate Change and Displacement	6 units	
LAWS8144	Conflict of Laws	6 units	LAWS1204 - Contracts & LAWS1203 - Torts
LAWS8271	Contemporary Issues in Administrative Law	6 units	LAWS1205 - Australian Public Law & LAWS2201 - Administrative Law
LAWS8111	Environment Business & Regulation (Melbourne)	6 units	
LAWS8146	Environmental Landuse Planning Law (Melbourne)	6 units	
LAWS8187	Environmental Litigation	6 units	
LAWS8243	Freedom of Information & Privacy	6 units	LAWS1205 - Australian Public Law
LAWS8220	Government Contracts	6 units	LAWS1204 - Contracts
LAWS8301	Graduate Research Unit	12 units	70% in a 4 relevant course + topic approval and appointment of supervisor
LAWS8237	Health Law and Bioethics in a Global Context	6 units	
LAWS8180	International Climate Law	6 units	
LAWS8566	International Criminal Law	6 units	LAWS2250 - International Law
LAWS8268	International Humanitarian Law	6 units	LAWS2250 - International Law
LAWS8234	International Human Rights Law	6 units	LAWS2250 - International Law
LAWS8178	International Law and the Use of Force	6 units	LAWS2250 - International Law & LAWS2264 - Advanced International Law
LAWS8264	International Law of the Environment	6 units	LAWS2250 - International Law
LAWS8229	International Law of World Trade	6 units	LAWS2250 - International Law
LAWS8152	International Refugee Law	6 units	LAWS2250 - International Law
LAWS8253	Law of the Sea	6 units	LAWS2250 - International Law
LAWS8129	Marine & Coastal Law	6 units	LAWS2250 - International Law

LAWS8522	Public Sector Employment Law	6 units	LAWS2202 - Commonwealth Constitutional Law & LAWS2201 - Administrative Law
LAWS8142	Tort Liability & Public Authorities	6 units	LAWS1203 - Torts & LAWS1205 - Australian Public Law

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

## COURSES OFFERED

---

### COMPULSORY COURSES

---

#### LAWS2201 ADMINISTRATIVE LAW

---

Compulsory, 6 units

**Academic Contact:** Leighton McDonald

**Offered:** 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.

**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. Students should check the course study guide 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 study guide for each class.

**Prescribed Text:** Peter Cane and Leighton McDonald, *Principles of Administrative Law: Legal Regulation of Governance* (Oxford University Press, 2008) and Peter Cane and Leighton McDonald, *Cases and Materials for Principles of Administrative Law* (Oxford University Press, 2009) (available as a 'pack' ISBN: 9780195566390).

#### LAWS1205 AUSTRALIAN PUBLIC LAW

---

Compulsory, 6 units

**Academic Contact:** James Stellios, Semester 1, Katie Young, Semester 2

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

**Workload:** For the first six weeks, there will be one two-hour and one one-hour lecture. Tutorials will begin in the seventh week, taking the place of the one-hour lecture for the next six weeks. Students are generally expected to devote at least 10 hours overall per week to this course.

**Prerequisites:** Foundations of Australian Law LAWS1201.

**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:** Please refer to the course home page for assessment information.

**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 on the course home page.

**Other Information:** This course together with Commonwealth Constitutional Law, covers the

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

Australian Public Law is taken in first semester of second year for all LLB degree students. Students undertaking the JD will study Australian Public Law in second semester of first year (or later for part-time students).

## **LAWS2202**

### **COMMONWEALTH CONSTITUTIONAL LAW**

Compulsory, 6 units

**Academic Contact:** James Stellios

**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 study guide. See the course home page.

**Other Information:** 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 (JD students only) and Semester 2

**Workload:** The Workload for this course will be 4 hours each week. The usual format is 2 two-hour lectures for the first 2 weeks of the semester. From week 3, 1 of the two-hour lectures is 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 course.

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

**Other Information:** This course is taken in the second semester of first year for all LLB degree students. Students undertaking the JD 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 lecture time per week supplemented by a 1 hour compulsory tutorial which will run in 11 of the 13 weeks of the course. A further 6 plus hours of private study is expected per week in order to review required reading and to prepare for tutorials.

**Prerequisites:** Foundations of Australian Law LAWS1201

**Assumed Knowledge and Required Skills:** None.

**Course Description:** This course introduces students both to the sources of law which define general principles of criminal responsibility, and to a selection of substantive criminal offences and criminal defences as well as to criminal procedure. The substantive offences include assault, sexual assault, murder, manslaughter, and property offences, whilst the criminal defences include provocation and self-defence. 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 the course study guide for Week 1 reading

**Prescribed Text:** S Bronitt and B McSherry, *Principles of Criminal Law* (3rd edition, LawBookCo, 2010).

## LAWS2203 CORPORATIONS LAW

---

Compulsory, 6 units

**Academic Contact:** Stephen Bottomley

**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 attend a one hour tutorial; during this part of the course lectures will 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 provides 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 analysis 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 study guide. See the course home page.

**Other Information:** This course is a prerequisite for Takeovers and Securities Industry Law and Bankruptcy and Insolvency. Corporations Law is normally taken in either third or fourth 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. There will be weekly tutorials; students should check the course homepage for the commencement date of tutorials. 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.

**Assumed Knowledge and Required Skills:** Property LAWS2204 is a pre-requisite for this course.

**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 requirements for express trusts, the liability of a third party to a breach of trust or fiduciary duty, and the 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 and injunctions.

**Indicative Assessment:** The assessment for this course will include two compulsory examinations: one mid-semester and one at the end of semester. In addition, there will be an optional essay. There will also be a tutorial assessment component.

**Prescribed Text:** Information about prescribed texts will be made available in the course study guide and on Wattle.

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

## **LAWS2207 EVIDENCE**

---

Compulsory, 6 units

**Academic Contact:** Gregor Urbas, Summer Session and Molly Townes O'Brien Semester 2

**Offered:** Summer Session, 2011 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 to 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 (e.g. credibility, hearsay, opinion, tendency and coincidence,

identification and character evidence), and exceptions;

- privileges;
- judicial discretions and conduct of proceedings.

The course will be based on the Uniform 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, Victoria and Norfolk Island. The course also makes reference to law reform perspectives and other legislation.

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 probably consist of three compulsory components:

- class participation
- a mid-term assignment (either a court submission or a moot argument)
- a final examination.

The assessment regimes for the summer course and the full semester course may differ.

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.

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

## LAWS1201

### FOUNDATIONS OF AUSTRALIAN LAW

---

Compulsory, 6 units

**Academic Contact:** Miriam Gani, Summer, Wendy Kukulies-Smith, Semester 1 and Judith Jones, Semester 2

**Offered:** Summer (JD students only), 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:** This course must be taken in the commencing semester of a student's LLB or JD enrolment. Students commencing their legal studies in Semester One are expected to undertake Foundations of Australian Law with LAWS1203 Torts. Students commencing their legal studies in Semester Two are expected to undertake Foundations of Australian Law with LAWS1204 Contracts. This is because the content in the relevant companion course is utilised in various ways in Foundations of Australian Law.

Foundations of Australian Law is designed to lay the groundwork for the remainder of students' legal studies. In particular, the course aims to assist students to develop a range of legal skills that are essential for successful legal studies and for professional practice. Students learn the essential skills that enable them to engage with and utilise our principal sources of law - case law and legislation. In addition to teaching students how to analyse case law and legislation in order to formulate legal arguments the course also covers the legal principles of statutory interpretation and the role of the courts in interpreting statutes.

To set the context for these sources of Australian law, the course also seeks to familiarise students with (1) some of the fundamental features of the legal institutions that generate laws (the courts and the parliament) (2) sources of Australian law in addition to case law and legislation (including the Australian Constitution, customary law and international law), and (3) the historical and social forces that have shaped and continue to shape the law-making process and the legal system.

**Indicative Assessment:** The assessment for this course will include skills-based exercises and assignments during semester followed by a final examination. 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:** Hitoshi Nasu

**Offered:** Semester 2

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

**Prerequisites:** LAWS1205 Australian Public Law.

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, military operations, 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. An end of semester examination has been a regular means of assessment in recent years. 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 study guide. See the course home page.

**Other Information:** This course offers a significant foundational framework for the study of: Advanced 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 and seminars. There is a minimum attendance

requirement for seminars, 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.

**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, Lawyers, Justice and Ethics teaches further skills necessary for effective legal study such as personal reflection, critical analysis, writing and presentation.

**Indicative Assessment:** The assessment for LJE will include class participation, an assignment during semester, and a final short examination.

**Preliminary Reading:** Please refer to the course home page shortly before semester begins.

**Prescribed Text:** Please refer to LAWS1202 course home page shortly before semester begins.

## LAWS2249 LEGAL THEORY

Compulsory, 6 units

**Academic Contact:** Leighton McDonald

**Offered:** Semester 2

**Workload:** Workload: Every week there will be two one hour lectures and a one hour tutorial. Students are expected to devote approximately ten 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.

**Indicative Assessment:** Examination (closed book) two questions, two hours 60%.

Essay (1200 words) based on seminar presentation 20%.

Seminar presentation (5-10 minutes) and discussion of presentation – 10%.

Seminar attendance and participation – 10%.

**Preliminary Reading:** 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 focusing 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 c

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

**Prescribed Text:** Please refer to the course home page.

**Other Information:** 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:** 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 study guide. See the course home page.

**Other Information:** Property assumes a sound grasp of contract principles and remedies. Equity and Trusts is a compulsory course which follows on

from Property. Elective courses which deal further with personal property are Commercial Law and Intellectual Property. Succession, Environmental Law and Indigenous Australians and the Law build on principles established in Property.

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

## **LAWS1203 TORTS**

Compulsory, 6 units

**Academic Contact:** Mark Lunney

**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. 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:** Details of the assessment for this 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 home page.

## ELECTIVE COURSES

### LAWS2264 ADVANCED INTERNATIONAL LAW

Elective, 6 units

**Academic Contact:** Kevin Boreham (Modules A-C), Sarah Heathcote (Modules D-E)

**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.

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

- international humanitarian law;
- international criminal law;
- terrorism, counter-terrorism and international law;
- state responsibility for internationally wrongful acts;
- international organisations and their international responsibility.

**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 the course home page.

### LAWS2273 AUSTRALIAN LEGAL HISTORY

Elective, 6 units

**Not offered in 2011**

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

**Course Description:** 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.

**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

**Not offered in 2011**

**Workload:** Three hours per week

**Prerequisites:** Corporations Law LAWS2203.

Completed or completing five LAWS courses at 1000 level.

**Course Description:** This course introduces students to the law of personal bankruptcy in Australia and further develops the law of corporate insolvency - as broadly introduced in the prerequisite course, Corporations Law. While understanding legal terminology, concepts, doctrine and processes are all vital to grasping and applying bankruptcy and insolvency laws, the course also seeks to frame those aspects in a wider historical, social, economic and policy context.

The course begins with an overview of debtor-creditor relations and the pre-insolvency context. Beyond this introductory phase, the course is broadly divided into two blocks, focusing initially upon personal bankruptcy - with attention directed to the Bankruptcy Act 1966 (Cth) - and then corporate insolvency - focusing upon Part 5 of the Corporations Act 2001 (Cth).

The course will be of interest to a variety of students. The Global Financial Crisis has generated tremendous activity and many opportunities in this field of law, as well as public pressure for reforming the law. Bankruptcy and Insolvency is a key area of specialised or general legal practice in firms of all sizes and locations. Many issues within this field overlap with a range of other fields such as: contracts, torts, property, equity and trusts, succession, constitutional, criminal, litigation and dispute management, evidence, commercial law, corporate law, banking and finance, taxation,

administrative law, consumer protection, employment and family law. The course may also be of particular interest to students undertaking combined degrees or having experience or employment aspirations in business, commerce, public policy or the community law sector - and, indeed, to anyone else with an over-extended credit card.

**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 the course home page.

**Other Information:** 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.

## **LAWS2274 CLIMATE LAW**

---

Elective, 6 units

**Academic Contact:** James Prest

**Offered:** Semester 2

**Prerequisites:** Completed or completing 30 units of 1000 level LAWS courses

Incompatible with LAWS2216 Environmental Law Elective

**Recommended:** LAWS2215 Environmental Law

**Course Description:** This course provides an overview of the rapidly developing field of domestic and international climate law. It examines the current state of the law. It also offers opportunities to critically discuss the legal and policy issues linked with the future course of climate law, both domestically and internationally. Although the emphasis is on domestic Australian climate law (in order to avoid overlap with international environmental law (LAWS2253)), the course will provide opportunities for comparative analysis of the emerging law within other jurisdictions including EU and EU member states, USA, Canada, NZ and Japan.

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

- a mid-semester research note on a key statute or case, key document or report - 15%;
- mid semester short answer test - 25%;
- research essay (on a topic of the student's choice) - 40%; and
- seminar presentation (10 minutes), course attendance and participation - 10%.

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:** Bonyhady & Christoff (eds) *'Climate Law in Australia'*, Federation Press 2007. *The Garnaut Review*, Cambridge University Press 2008 United Nations Framework Convention on *Climate Change Kyoto Protocol to UNFCCC* (both available at <http://unfccc.int> Yamin and Depledge *'The International Climate Change Regime: A guide to rules, institutions and procedures'* (Cambridge Press 2004)

**Prescribed Text:** Please refer to the course home page.

## LAWS2267 CLINICAL YOUTH LAW PROGRAM

---

Elective, 6 units

**Academic Contact:** Tony Foley

**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 throughout 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 60 units of LAWS courses including Torts, Contracts, Administrative Law and Property.

This course is capped at 10 students.

### **Assumed Knowledge and Required Skills:**

Communication skills sufficient to converse clearly and confidently by phone, in person and in writing with Youth Law Centre clients. It would be helpful for students to have completed Criminal Law and Family Law before commencing this course. Places are allocated by ballot.

**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:** 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 WATTLE 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 study guide. See the 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. The usual format is a 2 hour lecture and a 1 hour lecture in the first 2 weeks of the semester. From week 3, the 1 hour lecture is replaced with a 1 hour tutorial.

**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 the course home page.

**Other Information:** This course provides essential background for advanced commercial law courses.

## LAWS2268 COMMUNITY LAW CLINICAL PROGRAM

---

Elective, 12 units

**Academic Contact:** Liz Keogh

**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 throughout 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 LAWS courses including LAWS2201 Administrative Law and LAWS2204 Property.

This course is capped at 6 students.

**Assumed Knowledge and Required Skills:** Communication skills sufficient to converse clearly and confidently by phone, in person and in writing with Welfare Rights and Legal Centre clients. Places are allocated by ballot.

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

**Preliminary Reading:** The preliminary reading required for this course will be available through the Wattle 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 study guide. See the course home page.

## LAWS2272 COMPARATIVE LAW

Elective, 6 units

**Academic Contact:** Anne McNaughton

**Offered:** Summer Session

**Workload:** This course will be taught intensively over 3 weeks in January in the Summer Session. The contact hours for this course will be the equivalent of 3 hours each week.

**Prerequisites:** LAWS2250 International Law.

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 presented using introductory topics on the theory and history of comparative law combined with a range of case studies and substantive topics of comparative law. Guest lecturers will give presentations on their use of comparative law and legal studies in their own research and work.

Introductory topics will include:

- 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;

- 19 century codification movements in both civil law and common law systems;
- the emergency 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).

Case studies and substantive topics presented will include:

- Comparative Criminal Law - comparative counterterrorism law; use of force; scope of self defence and necessity; codification projects;
- Comparative Contract Law - the use of comparative law in the development of a European Contract Law and in the development of an international sales law;
- Comparative Public and Constitutional Law - different traditions of public law; bills of rights; judicial review;
- Shariah Law;
- Comparative Law and Legal Cultures.

**Indicative Assessment:** The assessment for this course will involve two research essays. 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 one week prior to the commencement of the course.

**Prescribed Text:** Please refer to the course home page.

## LAWS2212 CONFLICT OF LAWS

Elective, 6 units

**Academic Contact:** Mary Keyes

**Offered:** Summer Session

**Workload:** 36 contact hours plus private study time.

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

**Course Description:** Conflict of Laws, also sometimes called Private International Law, is concerned with what happens in cases where not all of the facts are tied to one jurisdiction. In the federal system of Australia, this can occur both within a domestic intra-Australia context and in an international context. While this course deals with a number of specific theoretical frameworks, it is taught largely from a practical standpoint aimed at preparing lawyers for handling cases with trans-jurisdictional issues. The three core components of the course investigate:

- Jurisdiction: When domestic courts can hear cases that involve parties and property from outside the territory of the court;
- Choice of Law: Which law is applicable when a case has connections with a number of different jurisdictions. In particular, this course considers contract, family and tort disputes that involve a variety of jurisdictions;
- Enforcement of Judgements: How to enforce a court judgement or arbitral award from another jurisdiction in local courts.

**Indicative Assessment:** Please refer to the course home page

**Preliminary Reading:** Students wishing to gain an understanding of the subject may wish to read the introductory chapter in either M Davies, AS Bell and PLG Brereton, *Nygh's Conflict of Laws in Australia* (8th ed, 2010) or R Mortensen, *Private International Law in Australia* (2006).

**Prescribed Text:** Please refer to the course home page.

**Other Information:** This is an extremely useful course both for people who plan to practice litigation in a domestic and international context. People who intend to be transactional lawyers will also benefit from having a sound grounding on the issues to be able to draft predictable outcomes in light of Conflicts risks.

## LAWS2259 CONSUMER PROTECTION AND PRODUCT LIABILITY LAW

Elective, 6 units

**Academic Contact:** Alex Bruce

**Offered:** Semester 1

**Workload:** Three hours per week (Lecture - 2 hours, Tutorial - 1 hour).

**Prerequisites:** Contracts LAWS1204.

Completed or completing five LAWS courses at 1000 level.

**Course Description:** This course investigates the new *Australian Consumer Law* ('the ACL') regime that became effective on 1 January 2011. The *Trade Practices Amendment (Australian Consumer Law) No 2 Act 2010* (Cth) introduced a comprehensive national consumer protection and product liability law regime. The variety of consumer protection statutes throughout Australia such as the *Fair Trading Acts* and *Door to Door Sales Acts* were entirely replaced by the ACL.

In particular, the former *Trade Practices Act 1974* (Cth) was replaced by the *Competition and Consumer Act 2010* (Cth) ('the CCA') that contains the ACL. Accordingly, the CCA, the ACL and the various State and Territory application legislation are now the principal sources of consumer protection and product liability law throughout Australia.

The object of this elective is to introduce the *Australian Consumer Law* as it is applied as a law of the Commonwealth and as a law of the States and Territories. 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 ACL 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 CCA including damages, injunctions and other orders and enforcement of the Consumer Protection and Product Liability provisions of the

CCA 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:** Alex Bruce; *Consumer Protection & Product Liability Law in Australia* 2010, LexisNexis Butterworths, Sydney, Australia.

### **LAWS2213 CONTEMPORARY ISSUES IN CONSTITUTIONAL LAW**

---

Elective, 6 units

**Not offered in 2011**

**Prerequisites:** Commonwealth Constitutional Law LAWS2202.

Completed or completing five LAWS courses at 1000 level.

**Course Description:** This is an advanced constitutional law elective. The content of this course will vary. In recent years, the course has explored constitutional rights and the federal judicature in Chapter III of the constitution.

### **LAWS2214 CRIMINAL JUSTICE**

---

Elective, 6 units

**Not offered in 2011**

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

**Course Description:** The course seeks to locate the central concepts of crime and punishment, as well as an analysis of the institutions of criminal justice, within a social and historical context. Explanatory and normative perspectives from criminology and criminal justice studies will be considered. Building on the themes and perspectives developed in the first weeks, the course deals with challenging issues such as the regulation and exercise of police powers, enhanced investigative techniques, corporate criminal responsibility, miscarriages of justice, and the effects of crime and the criminal justice system on

vulnerable persons and communities. Throughout the course, a broad variety of perspectives and evidence will be presented, with an inclusive approach adopted that looks at the treatment and interests of offenders, victims and the community. Students will be expected to engage in their own critical assessment of criminal justice institutions and reform in the twenty-first century.

## **LAWS2262 CURRENT ISSUES IN ADMINISTRATIVE LAW**

---

Elective, 6 units

**Not offered in 2011**

**Prerequisites:** LAWS2201 Administrative Law.

Completed or completing five LAWS courses at 1000 level.

**Course Description:** The course is designed to familiarise students with some of the contemporary challenges facing the Australian system of Administrative Law, and to permit them to engage in a scholarly and reflective analysis of the issues involved in cases and issues which are coming before the courts. To best suit the needs of the student body, cases and issues will be examined both from a theoretical and practical dimension.

The nature of this course means that the course study guide will generally not be fully settled before each semester, in order to leave some space for significant issues or cases which arise just prior to or during the teaching period. Nevertheless, certain topics will need to be covered to supplement the foundation course. Topics from which sessions will be selected include:

- Jurisdictional error;
- Administrative law theory;
- New trends in accountability in an administrative state;
- The role of privative clauses and other means of removing or limiting the jurisdiction of courts and tribunals;
- Commercialisation, privatisation and outsourcing of government functions;
- Damages as an administrative law remedy;

- The status of international law principles and conventions in Australian administrative law;
- Controlling administrative decision-making-alternatives to external review: internal review; codes of conduct; service charters;
- The interaction of administrative law and human rights and anti-discrimination principles;
- Investigative bodies, including Ombudsman and Parliamentary Commissioners and their place in administrative law;
- Protection of privacy in the public and private sector;
- Executive power and administrative law;
- E-Government and its impact on administrative law;
- Issues in relation to tribunals such as evidence, modes of inquiry, structure of tribunal system, tribunal independence.

## **LAWS1209 ENGLISH IN A LEGAL CONTEXT**

---

Elective, 0 units

**Academic Contact:** Helen Bermingham

**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.

**Other Information:** This course runs in both first and second semester. Students may enrol for two semesters and are encouraged to do so. Satisfactory participation in this course is a 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:** Please refer to the course home page.

**Prescribed Text:** Please refer to the course home page.

## **LAWS2216 ENVIRONMENTAL LAW ELECTIVE**

---

Elective, 6 units

**Not offered in 2011**

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

## **LAWS5920 EXCHANGE PROGRAM FOR LAW STUDENTS**

---

Elective, 6 units to 24 units

**Academic Contact:** Jean-Pierre Fonteyne

**Offered:** Semester 1 and Semester 2

**Other Information:** 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, Director, Exchange & International Programs (Law): [jp.fonteyne@anu.edu.au](mailto: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/](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:** Michelle Fernando

**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 and practical knowledge 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.

**Indicative Assessment:** The means of assessment for this course is likely to include 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:** Please refer to the course home page.

**Prescribed Text:** Please refer to the course home page.

**Other Information:** 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.

### LAWS2275 FEDERAL JUDICIAL SYSTEM

Elective, 6 units

**Academic Contact:** James Stellios

**Offered:** Semester 1

**Workload:** Three contact hours plus 6-9 hours of preparation time per week.

**Prerequisites:** Completing or completed five courses LAWS courses at 1000 level and LAWS2202 Commonwealth Constitutional Law, incompatible with LAWS2213 Contemporary Issues in Constitutional Law.

**Recommended:** Students would find the completion of LAWS2201 Administrative Law an advantage.

**Course Description:** This course will introduce students to Chapter III of the Constitution. Chapter III is at the centre of the constitutional structures of government in Australia. Its provisions create the federal judicature and define the way in which it operates. Its interpretation has had a pivotal role in the design and operation of all institutions of government at the federal, State and Territory levels. Chapter III controversies have been at the core of many of the High Court's important cases over the last 10 to 15 years. All students, particularly those considering a career in litigation, should have a strong understanding of the federal

judicial system. This course is designed to equip students with that understanding.

**Indicative Assessment:** Research essay 2400 words 40%; Take-home exam 3500 words 60%.

**Prescribed Text:** James Stellios, *The Federal Judicature: Chapter III of the Constitution - Commentary and Cases* (2010)

## **LAWS2218 FEMINIST AND CRITICAL LEGAL THEORY**

---

Elective, 6 units

**Not offered in 2011**

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

**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.

## **LAWS2219 HEALTH LAW, BIOETHICS AND HUMAN RIGHTS**

---

Elective, 6 units

**Academic Contact:** Ruth Townsend

**Offered:** Semester 2

**Workload:** Contact Hours: Three hours per week (lectures will be taped in accordance with flexible learning policies). 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% and end of course examination (45%). 10% 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:** Please refer to the course home page.

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

## **LAWS3202 HONOURS THESIS**

---

Elective, 12 units

**Academic Contact:** Pauline Ridge, Semester 1 and Mark Lunney, Semester 2

**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 study guide 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 11000 and 13000 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.

**Other Information:** 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 2011 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 notice board at the student's login page, the Honours information page on the College website and the course study guide.

## **LAWS2220** **HUMAN RIGHTS LAW IN AUSTRALIA**

---

Elective, 6 units

**Academic Contact:** Peter Bailey

**Offered:** Semester 2

**Workload:** You will have three hours of lectures each week. The first session (two hours) will be mainly lectures, though we will be give them in interactive (seminar) mode. In the single hour later in the week you will be offered the option of making a presentation in the first weeks of the course, and of a more discursive format in the second half. In general, the course will involve you overall in 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:** As a reasonably experienced student, you will be encouraged to draw on your prior knowledge during the course. We will assume you want to probe the human rights enterprise, although not necessarily in supportive mode. We want to increase your interest in human rights and their realisation, and to give you a chance, in a receptive environment, to air your views, whatever they may be, both about human rights values and how they should be implemented. So we prefer your interest,

some prior knowledge of the law, your willingness to be involved, and your receptiveness to the views of others to simple absorption of 'the law'. The course offers a human rights based critique for the values and standards the law contains.

**Recommended:** If you want to have a rounded conception of human rights law, it would be useful for you to take both this course and International Law of Human Rights (LAWS2225) at some point in your degree. While this course stands alone, ILHR is a useful preparation, or supplement, if you can fit it in.

**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, we start with what human rights are, and compare 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 and the proposals for an Australian bill of rights will be reviewed.

Another topic we discuss is how well the human rights to equality and non-discrimination are implemented in Commonwealth and State anti-discrimination legislation. The legislation, and the resultant case law, are analysed and critiqued. The inadequacies in human rights terms of the Constitution will be exposed and there will be discussion of how the inadequacies might be remedied.

The final section of the course is devoted to examining the human rights of individuals and groups who suffer disadvantage within the legal system. We will examine critically how the human rights of particular groups and individuals are curtailed. Examples are Indigenous peoples, people with alternative forms of sexuality, asylum seekers, prisoners, the rights to life and to freedom of expression and the effect on human rights relating to Counter-terrorism law. To the extent possible, the topics to be explored will be selected in consultation with the class.

**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:** You would find useful a quick skim of the first two chapters of the textbook, or a selection of chapters from *Bringing Human Rights to Life*, Bailey P, Federation Press 1993, or the first couple of chapters in *Retreat from Injustice: Human Rights Law in Australia*, O'Neill N, Rice S, Douglas R, Federation Press (2nd ed) 2004.

**Prescribed Text:** Bailey P, *The Human Rights Enterprise*, LexisNexis, 2009.

**Other Information:** 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 this one 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 in:** Semester 1

**Workload:** course consists of three hours of lectures per week. 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 services income;
- business income;
- property income;
- the deductions;
- 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; and
- 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* (2011).

**Other Information:** 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

**Academic Contact:** Asmi Wood

**Offered:** Semester 2

**Workload:** Three hours per week

**Prerequisites:** Australian Public Law LAWS2201, Criminal Law and Procedure LAWS1206, International Law LAWS2224.

Completed or completing five LAWS courses at 1000 level.

**Corequisites:** Property LAWS2204

**Course Description:** This course aims to arm students with an understanding of, and a critical approach to, the law as it applies to Aboriginal people and Torres Strait Islanders. It presents that law in its historical and cultural context, highlighting problems which stem from that context for the definition of 'Aboriginality' itself and the impact of this term on Indigenous identity, access to traditional lands and connection with kin and language groups. The Course also covers issues touching upon the relationship between indigenous Australians and the state, self determination and the place of indigenous Australians in the world community of indigenous peoples.

**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 the course home page.

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

## LAWS2245 INFORMATION TECHNOLOGY LAW

---

Elective, 6 units

**Academic Contact:** Surend Dayal

**Offered:** Semester 1

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

**Prerequisites:** 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 study guide. See the course home page.

## LAWS2222 INTELLECTUAL PROPERTY

Elective, 6 units

**Academic Contact:** Daniel Stewart

**Offered:** Semester 2

**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.

**Prerequisite:** 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 primarily provides an account of the main aspects of copyright law including:

- the history of copyright law;
- the international copyright law conventions;
- the theory of copyright law;
- economic rights;
- originality and database protection;
- copyright subject matter;
- infringement of copyright law and remedies;
- the defence of fair dealing and other exceptions to infringement;
- ownership, licensing and assignment;
- technological protection measures, and electronic rights management;
- moral rights, performers' rights, and the right of resale;
- traditional knowledge and Indigenous cultural property;
- the interacting between copyright law and other fields of intellectual property such as designs law.

The course will consider the issues posed by an array of cultural fields - including literary works and fan fiction; databases and compilations; artistic works and appropriation; musical works and mash-ups; dramatic works and performance; television broadcasts and time-shifting devices, such as TiVo and iceTV; cinematograph films; computer programs and Sony Playstation games, and Indigenous art and performance. It also explores a number of key policy themes - including the emergence of the public domain and the development of the Creative Commons; the impact

of international treaties and conventions, such as the TRIPS Agreement, The Australia-United States Free Trade Agreement, and the proposed Anti Counterfeiting Trade Agreement; and the rise of internet search engines such as Google and Yahoo! and social networking sites, such as Facebook, Twitter, YouTube and Wikipedia.

**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%)
- Research essay – 2000-2500 word essay (value 40%)
- Examination – 1 hour examination (3 questions) (value 40%).

**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 this course.

**Prescribed Text:** Kathy Bowrey, Michael Handler, and Dianne Nicol, *Australian Intellectual Property: Commentary, Law and Practice*, Oxford: Oxford University Press, 2010.

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/](http://www.comlaw.gov.au/) or [www.austlii.edu.au/](http://www.austlii.edu.au/) or may be found in the Butterworths Intellectual Property Collection 2010 Sydney: LexisNexis Butterworths, 2010.

**Other Information:** Intellectual Property is generally regarded as an important subject within a law degree which has technology law specialisation. However, because it deals with property rights 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 to those with an information technology or science background.

It is anticipated that the undergraduate course Selected Topics in Intellectual Property LAWS2263 will focus, in particular, upon registration regimes

of intellectual property – including patent law, trade mark law, and plant breeders' rights. Other recommended courses for those interested in technology law include Climate Law LAWS2274, Information Technology Law LAWS2245, Health Law, Bioethics and Human Rights LAWS2219. For Juris Doctor and Masters students, the courses International Intellectual Property: The Development Agenda LAWS8136 and Media and Communications Law LAWS8172 are also recommended.

### LAWS2265 INTERNATIONAL MOOTING, ADVOCACY AND PROCESS

Elective, 6 units

**Academic Contact:** Don Anton

**Offered:** Semester 2

**Workload:** Three hours per week.

**Prerequisites:** LAWS2250 International Law.

Completed or completing five LAWS courses at 1000 level.

This course is capped at 56 students.

**Course Description:** The course has three primary aims. It will teach students the basic procedure and practice of principal international courts, tribunals and bodies, including:

- the International Court of Justice;
- the International Tribunal for the Law of the Sea;
- the World Trade Organisation.

It will allow students to develop proficiency with all the important issues related to international advocacy, including a working knowledge of:

- governing texts;
- organisation and composition of courts and tribunals;
- institution of proceedings;
- provisional measures;
- jurisdiction (advisory, contentious and appellate) and access;
- admissibility;

- preliminary objections, third parties, intervention and amicus curiae;
- written proceedings;
- oral argument;
- experts;
- enforcement;
- interpretation and revision of judgement;
- execution;
- recognition and enforcement of award.

It will equip students with advanced skills in international legal research and writing and with basic advocacy skills.

**Indicative Assessment:** The proposed assessment in this course will consist of the preparation of written submissions and the delivery of oral submissions on a hypothetical international law problem.

**Prescribed Text:** Please refer to the course home page.

**Other Information:** This course will ordinarily serve as a prerequisite for Jessup Moot. It will also serve as a platform for students wishing to participate in the many other international law moots available, including the Jean-Pictet International Humanitarian Law Moot, the Red Cross International Humanitarian Law (IHL) Moot Competition, the Asia Cup International Law Moot Court Competition, the Oxford International Intellectual Property Mooting Competition, the Manfred Lachs Space Law Moot Court Competition, the Willem C Vis International Commercial Arbitration Moot, and the International Maritime Law Arbitration Moot Competition.

## **LAWS2266 INTERNATIONAL ARBITRATION AND NEGOTIATION MOOT COMPETITION IN JAPAN**

---

Elective, 6 units

**Academic Contact:** Kent Anderson

**Offered:** Spring Session, 2011

**Workload:** 39 hours minimum

**Prerequisites:** LAWS2250 International Law.

Completed or completing five LAWS courses at 1000 level.

The course is capped at 8 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 the course home page.



**Other Information:** Students must have a strong background in Japanese to undertake this course.

### **LAWS2252** **INTERNATIONAL CRIMINAL LAW**

---

Elective, 6 units

**Not offered in 2011**

**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 (e.g. truth and reconciliation commission), as well as to the question of amnesties.

### **LAWS2223** **INTERNATIONAL DISPUTE RESOLUTION**

---

Elective, 6 units

**Not offered in 2011**

**Prerequisites:** International Law LAWS2250.

Completed or completing five LAWS courses at 1000 level.

**Course Description:** The course examines the role of international law and, in particular, international

organisations in restoring and maintaining peace and providing mechanisms for the peaceful settlement of disputes (eg arbitration, good offices).

Topics include: the development of legal doctrines, notably state responsibility for international harm and the regulation of the use of force in international law (self-defence, humanitarian intervention, war crimes); the evolution of the United Nations system and its work in the realm of collective security (Somalia, Haiti, Yugoslavia), with particular attention to the United Nations Security Council, and the International Court of Justice.

This course is an exercise in applied international law and politics. The objective of the course is to train students to use international legal materials in analysing inter-state disputes and the role of international organisations in resolving or exacerbating them.

### **LAWS2253** **INTERNATIONAL ENVIRONMENTAL LAW**

---

Elective, 6 units

**Academic Contact:** Don Anton

**Offered:** Semester 1

**Workload:** Three hours per week.

**Prerequisites:** International Law LAWS2250.

Completed or completing five LAWS courses at 1000 level.

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

The course will cover fundamentals such as the history and sources of international environmental law, and the tension between international environmental regulation and state sovereignty. It also examines specific regimes and institutions to illustrate the complex and dynamic nature of the discipline. Issues to be covered will include

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

**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 the course home page.

## **LAWS2224 INTERNATIONAL LAW ELECTIVE: LAW OF THE SEA**

---

Elective, 6 units

**Not offered in 2011**

**Prerequisites:** International Law LAWS2250

Completed or completing five LAWS courses at 1000 level

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

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

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

Addressed will be the history of Law of the Sea concepts; internal waters, territorial waters and the regime of innocent passage; the contiguous zone; transit passage through straits used for international navigation; islands, archipelagoes and the regime of archipelagic 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.

## **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 counter terrorism measures
- application of international human rights law in Australia, including refugee issues national security legislation
- the future development of rights, including religion and rights and sexual orientation and gender issues.

**Indicative Assessment:** The components of the assessment will be: either a class presentation worth 40% or a research paper worth 40%; a class participation mark worth 10%; and a take-home exam worth 50% 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 study guide. Details of the course means of assessment will be provided on Wattle by the first week of the 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](http://www.hrw.org)) to familiarise themselves with current human rights issues.

**Prescribed Text:** Please refer to the course study guide.

**Other Information:** Students may find it helpful to take the course Human Rights Law in Australia LAWS2220 as well at some point in their degree, as the two courses together provide a comprehensive introduction to the law on human rights. This course is also a useful adjunct to Indigenous Australians and the Law in presenting the international context of such issues as the indigenous right to self-determination.

## LAWS2258 INTERNATIONAL ORGANISATIONS (GENEVA)

---

Elective, 6 units

**Academic Contact:** Jean-Pierre Fonteyne

**Offered:** Summer Session, 2011

**Workload:** Students will attend between 50 and 60 hours of actual class time in the course of the 3-week intensive program of study. 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. Where appropriate, academic merit may also be taken into account. Enrolment is subject to the payment of the applicable administrative fees and accommodation costs.

**Assumed Knowledge and Required Skills:** Enrolment in the course is limited to students with a sufficient background in international law (see prerequisites).

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

**Course Description:** This course will be taught in conjunction with the equivalent postgraduate course. Due to practical considerations, enrolment will be strictly limited (20 students from all sources - a limited number of places may go to non-ANU summer school students and/or to postgraduate students).

The purpose of the course is to provide participants with a substantive overview of the activities of international organisations (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. Formal academic instruction will be 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 activities of their organisation.

The first week will be devoted to general aspects of the operation of international organisations, the second week will focus on human rights and related issues, and the third week will mainly address trade, IP 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 take place at the Graduate Institute of International Studies and Development, and in

various international organisations in Geneva. All classes and visits will be conducted in English and knowledge of French is not required.

**Indicative Assessment:** 20% for class participation in light of the high level of student participation expected in class and 80% for completion of a 4000 to 4500 word essay, to be completed in the early part of the following semester, on a topic approved by the convenor prior to the end of the Geneva program. Details of the final assessment will be provided on the course home page.

**Prescribed Text:** 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.

**Other Information:** This unit is particularly suitable for later-year students who have completed at least one international law elective in addition to the basic international law course. Students interested in international human rights in its various guises (including labour law, refugees, health, etc) might find the unit particularly interesting, as this aspect of international law will feature prominently in the course given the location in Geneva of various UN and NGO human rights organisations (HCHR, UNHCR, ICRC, IFRC, WHO, ILO, Global Fund, etc). International trade, environmental, and intellectual property law, as well as a number of other specialised areas, are also likely to be the subject of specific visits in the course of the program.

## **LAW2226 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:** 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 study guide.

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

## LAWS2227 JAPANESE LAW AND SOCIETY

---

Elective, 6 units

**Academic Contact:** Kent Anderson

**Offered:** Semester 1

**Workload:** This course meets twice a week for 90 minutes. Student attendance and participation is worth 5% of assessment and Wattle discussion posting is worth 5% 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%);
- WATTLE Discussion Postings (5%);
- News Assignment-Presentation (20%);
- News Assignment-Impressions Paper (20%);
- Final Examination **OR** Final Paper (50%).

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

## LAWS3010 JESSUP MOOT

---

Elective, 6 units

**Academic Contact:** Don Anton

**Offered:** Summer Session, 2011

**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% 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 mooted and research experience is desirable, as well as a willingness to devote most of the summer period to the undertaking.

**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 2010 -11 Jessup Moot team closed in first semester 2010.

More details of Jessup Moot can be viewed at the Jessup website <http://www.ilsa.org/jessup/>

**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).

## LAWS2228 LABOUR LAW

---

Elective, 6 units

**Academic Contact:** Cameron Roles

**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 Fair Work Act 2009 (Cth) as amended is analysed in some detail.

Topics covered include:

- the history, development and constitutional underpinnings 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.

**Indicative Assessment:** 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 study guide. See the course home page.

## 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.

**Assumed Knowledge and Required Skills:** The course is aimed at students who have never studied psychology before, though it will also extend those students who are or have studied psychology at university level.

**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 (now named Federal Criminal Law) should enjoy this course.

**Course Description:** This course explores the interface of psychology and criminal law. Legal psychology as a sub-discipline of psychology and an example of interdisciplinary study in law is described, and its historical and future development is discussed. Topics usually covered include mental illness and the law, risk assessment, witness memory, investigative interview techniques, detecting deception, profiling, children in court, jury research, correctional psychology, sentencing, therapeutic jurisprudence, and neuroscientific or biological evidence of criminal blameworthiness. Material discussed is primarily of relevance to the Australian legal system. The course offers a critical perspective on legal psychology as well as invites students to be critical about the legal treatment of psychological concepts in statute and case law. Students are also shown how to research the interdisciplinary literature via relevant databases, and are given confidence to research and work with empirical psychological reports.

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

**Preliminary Reading:** Consult course study guide for week 1 reading

**Prescribed Text:** A Kapardis, *Psychology and the Law: A Critical Introduction* (3rd Edition), Cambridge: Cambridge University Press, 2010.

## LAWS2256 LAW AND SEXUALITIES

Elective, 6 units

**Academic Contact:** Wayne Morgan

**Offered:** Semester 2

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

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

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

**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:** No essential preliminary reading. A background knowledge of the history and theories of sexuality would, however, be useful. In this respect students may wish to read in advance Annamarie Jogose *Queer Theory* (MUP 1996) and/or Gayle Rubin, "Thinking Sex: Notes for a Radical theory of the Politics of Sexuality" in Vance (ed), *Pleasure and Danger: exploring female sexuality* - The Rubin article is in the reading brick.

**Prescribed Text:** Please refer to the course home page.

## LAWS2229 LAW AND SOCIETY IN SOUTH EAST ASIA

---

Elective, 6 units

**Not offered in 2011**

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

**Course Description:** This course introduces students to the legal systems of Southeast Asia, an area of immediate importance to Australia. Legally speaking, the area is one of the most complex in the world. It comprises a range of customary, Islamic and State laws. These laws exist today in

varying combinations, occasionally in harmony and, not infrequently, in conflict.

Part 1 of the course will provide an historical outline and general overview of these systems. In Part 2, the focus will be on land law and legal pluralism, as a representative case-study of law-in-action in Southeast Asia.

## LAWS2230 LAW INTERNSHIP

---

Elective, 6 units

**Academic Contact:** Peter Ford

**Offered:** Summer Session 2011, Semester 1, and Semester 2

**Workload:** 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.

**Prerequisite:** 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 6000 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

**Academic Contact:** Jeremy Boland

**Offered:** Semester 1

**Workload:** This course will be taught in seminar format and will run on the following Saturdays:

- Feb 26
- March 5
- March 14
- March 26
- April 2
- April 9

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

### **Assumed Knowledge and Required Skills:**

In engaging in discussion about processes for changing law, this course assumes that students have a general understanding of the conventional processes of making law (eg through legislation, policy, and appellate courts), and a general awareness of contemporary politics and policy debates.

**Course Description:** In seminar discussion and case studies, the course will examine theories and processes of achieving law reform.

The topics to be covered in the course include:

- theories of law reform;
- the politics of law reform;
- law reform through institutions: parliament, the bureaucracy, commissions and courts;
- law reform through community action; and
- the role of the news media and new media.

**Indicative Assessment:** Students will be assessed for their class participation, reflective journal entries, and a practical assignment which addresses a current or proposed issue of law reform. Details of the final assessment will be provided on the course home page by the first week of semester.

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

**Prescribed Text:** Prescribed reading will be in a course brick compiled for the course and available before the first week of semester.

## **LAWS2251 LEGISLATIVE DRAFTING AND TECHNOLOGY**

---

Elective, 6 units

**Academic Contact:** Fiona Guy

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

**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:** Course materials will be made available on the course website.

**Other Information:** This course is restricted to 20 students.

---

## LAWS2269 MIGRATION LAW

Elective, 6 units

**Academic Contact:** Hitoshi Nasu

**Offered:** Summer Session, 2011

**Workload:** It is expected that the course will be taught over six days in an intensive mode, requiring students to devote approximately 20-25 hours per week over the summer.

**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 the course.

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.

**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 study guide. See the course home page.

---

## LAWS2271 REFUGEE LAW

Elective, 6 units

**Academic Contact:** Matthew Zagor

**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 student-lead seminar based around presentations. Students are generally expected to devote approximately 10 hours overall per week to this course.

**Prerequisites:** 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.

**Content:** 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, formal presentation, and research assignment. Students will be encouraged to develop a research proposal of their choice in coordination with the lecturer; it may be on the same topic upon which they presented. Attendance at 80% of classes will be compulsory, with marks deducted for failure to attend. The overall aim of these components is to provide students with an opportunity to engage at all levels with both the ongoing subject matter of the course, as well as to develop their research skills, and to allow them to direct their energies towards areas of specific interest.

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 study guide. See the course home page.

## **LAWS2254 RESTITUTION**

---

Elective, 6 units

**Academic Contact:** Pauline Ridge

**Offered:** Semester 1

**Workload:** Three contact hours per week.

**Prerequisites:** LAWS1204 Contracts.

Completed or completing five LAWS courses at 1000 level.

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

The course considers the relevant law from three perspectives: historical, conceptual and doctrinal. It provides a useful overview of the private law of obligations and property. The first section of the course considers:

- the history of restitution;
- theories of restitution and the concept of unjust enrichment.

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

- mistake (including its role as the paradigm unjust enrichment claim);
- ineffective contracts;
- restitution after breach of contract;
- compulsion;
- restitution for wrongs;
- property and restitution;
- equity and restitution;
- other topical issues.

**Indicative Assessment:** Mid-semester exam worth 50%; and, an end of semester exam worth 50%, or an essay worth 50%. In addition, there will be a mark deduction for non-attendance at several seminars and assessment of seminar participation.

**Prescribed Text:** Please refer to the course home page or WATTLE.

## **LAWS2255 RESTRICTIVE TRADE PRACTICES**

---

Elective, 6 units

**Academic Contact:** Alex Bruce

**Offered:** Semester 2

**Workload:** Three hours per week (Lecture – 2 hours, Tutorial – 1 hour).

**Prerequisites:** Contracts LAWS1204.

Completed or completing five LAWS courses at 1000 level.

**Course Description:** This course will consider the role and function of the *Competition and Consumer Act 2010* (Cth) ('the CCA') in contributing to Australia's National Competition Policy. On 1 January 2011, the former *Trade Practices Act 1974* (Cth) was replaced by the CCA as part of the most significant review of the TPA was enacted in 1974.

While the amendments introduced by the *Trade Practices Amendment (Australian Consumer Law) (No 2) Act 2010* (Cth) introduced the *Australian Consumer Law*, they did not change the anti-competitive provisions of the former TPA and these provisions continue to operate in Part IV of the CCA.

The CCA 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 CCA and cartel conduct in particular. The CCA is enforced by the Australian Competition and Consumer Commission ('the ACCC') and significant civil penalties, criminal fines and even jail terms can be imposed for contraventions of the CCA. 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 CCA.

**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:** Alex Bruce; *Restrictive Trade Practices Law in Australia*, 2010, LexisNexis Butterworths, Sydney Australia.

### **LAWS2248 SELECTED TOPICS IN AUSTRALIAN - UNITED STATES COMPARATIVE LAW (ALABAMA)**

---

Elective, 6 units

**Academic Contact:** Anne Macduff

**Offered:** Summer Session 2011

**Workload:** Taught at the University of Alabama Law School in Tuscaloosa, Alabama in January-February.

**Prerequisites:** Completed or completing five LAWS 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-served basis, as enrolment will be strictly limited (10 students in 2011). Where appropriate, academic merit may be taken into account. Applications must be submitted in early August of the preceding year.

**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 2011, the topic is Comparative Race Law and Theory.

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

- identify similarities and differences between the Australian and US law on 'race';
- distinguish different socio-historical policies and understandings about 'race', and how they are drawn upon and used by the law;
- identify, articulate and debate contemporary issues relating to 'race' by drawing upon the selected legal topics studied in the course as examples;
- hypothesise any contextual factors which might contribute to the commonalities and divergences between the Australian and US race law;
- analyse particular legal material discussed during the course to generate a written argument which compares how the two legal systems frame issues about race.

**Indicative Assessment:** This course will require participation in seminar activities at the University of Alabama throughout the intensive teaching period. The course will be primarily assessed by a 5000-6000 word comparative research essay due after the end of the course. Further details of the final assessment will be provided on the course home page by the first week of the course.

**Prescribed Text:** A reading guide will be available on the course web page.

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

### **LAWS2257 SELECTED TOPICS IN AUSTRALIAN - UNITED STATES COMPARATIVE LAW (ANU)**

---

Elective, 6 units

**Academic Contact:** Anne Macduff

**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:** 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 January-February of the same year at the University of Alabama and cannot be taken by students who have completed that course.

**Course Description:** In 2011 the topic is Comparative Race Law and Theory.

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

- identify similarities and differences between the Australian and US law on 'race';
- distinguish different socio-historical policies and understandings about 'race', and how they are drawn upon and used by the law;
- identify, articulate and debate contemporary issues relating to 'race' by drawing upon the selected legal topics studied in the course as examples;
- hypothesise any contextual factors which might contribute to the commonalities and divergences between the Australian and US race law;
- analyse particular legal material discussed during the course to generate a written argument which compares how the two legal systems frame issues about race.

**Indicative Assessment:** The course will require participation in seminar activities throughout the intensive teaching period. The course will be primarily assessed by a 5000-6000 word comparative research essay due after the end of the course. Further details of the final assessment will be provided on the course home page by the first week of the course.

**Prescribed Text:** A reading guide will be available on the course web page.

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

## **LAWS2261 FEDERAL 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 two of the three classes will be lecture-style. However, it is likely that the third contact hour will be in a seminar format and will involve working through problems or specific set reading in group discussion. In general, in addition to the three contact hours per week, students are expected to spend seven hours a week engaging in reading and other preparation for 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 engage with the codified criminal law of the federal jurisdiction;
- 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 federal criminal law;
- to engage with contemporary and emerging issues in the federal criminal area;
- to consider the purpose and role of the criminal law in our society.

The course will take a theoretical, doctrinal and, sometimes, comparative approach both to principles of criminal responsibility in the federal criminal jurisdiction and to offences against the

Commonwealth Criminal Code. Topics will be selected from a range of areas which may include: theories of crime and punishment underpinning federal criminal law; inchoate offences; cyber crimes; drugs and prohibited commodities; corporate and industrial crimes; terrorism and political offences; defences; and federal sentencing law.

**Indicative Assessment:** Assessment in this course is likely to involve at least two pieces of assessment including a take-home exam at the end of the semester. There will also be a minimum attendance requirement. 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 the course home page.

**Other Information:** 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.

### LAWS2233 SELECTED TOPICS IN TORTS

Elective, 6 units

**Not offered in 2011**

**Prerequisites:** Torts LAWS1203.

Completed or completing five LAWS courses at 1000 level.

**Course Description:** The course examines some contemporary issues in the law of torts, in order to evaluate the law's response to social change and to provide students with a sound preparation for legal practice.

Topics include a detailed treatment of defamation and privacy, and the torts relating to the intentional and negligent infliction of purely economic loss. Other topics deal with contemporary issues in the law of negligence (eg, actions for 'wrongful birth' and 'wrongful life') and new applications of the law of trespass, with implications for civil liberties and privacy, for regulating non-consensual

medical procedures, and for intervening in abusive domestic relationships.

### LAWS2234 SPECIAL LAW ELECTIVE 1: ANIMALS AND THE LAW

Elective, 6 units to 12 units

**Academic:** 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 may also find it beneficial to have completed LAWS2201 Administrative Law and LAWS2203 Corporations 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 former President of the Australian Law Reform Commission Professor David Weisbrot 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 course will consider animals within established categories of law such as property, (for

example, s.2 of the *Australian Consumer Law* and s 4 of the *Competition and Consumer Act 2010* (Cth) defines 'goods' to include animals), but will also examine the legal status and regulation of the treatment of 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.

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.

**Indicative Assessment:** Students will be assessed on class participation and be required to write a substantial research essay on a topic of their choice and approved by the course convenor.

Prescribed Text: Deborah Cao, *Animal Law in Australia and New Zealand*, 2010, Lawbook Co (Thomson Reuters), Sydney, Australia.

**Other Information:** Classes will not be recorded as Animals and the Law is intended to be an interactive and participative course.

## **LAWS2235 SPECIAL LAW ELECTIVE 2:**

---

Elective, 6 units to 12 units

**Not offered in 2011**

## **LAWS2239 SPECIAL LAW ELECTIVE 3: INSURANCE LAW**

---

Elective, 6 units to 12 units

**Academic Contact:** Ashley Tsacalos

**Offered:** Summer Session, 2011

**Workload:** The course will be taught intensively over Summer involving at least 36 contact hours.

**Prerequisites:** Contracts LAWS1204.

Completed or completing five LAWS courses at 1000 level.

**Course Description:** This course will provide students with an introduction to the general principles of insurance law. It will include an overview of the legislation that relates to insurance, particularly the *Insurance Contracts Act 1984* (Cth), and the legislation that regulates the insurance industry, particularly Chapter 7 of the *Corporations Act 2001* (Cth) and the *Insurance Act 1973* (Cth), as well as an examination of the common law relating to insurance law. There will also be a consideration of the fundamental principles in insurance law such as the duty of utmost good faith, the duty of disclosure, double insurance, contribution, subrogation and reinsurance. This course is taught with an emphasis on the practical application of the principles of insurance law. Therefore, the fundamental principles will be considered in a practical context. In addition, there will be a consideration of various insurance policies, standard policy conditions and exclusions as well as indemnity issues. The course will also include an examination of insurance law in a dispute resolution framework in terms of the nature of insurance disputes, dispute resolution mechanisms and insurance litigation.

Topics covered include:

- Introduction to Insurance Law and the Insurance Contracts Act;
- Regulation of the Insurance Industry;
- Formation of the Contract of Insurance;
- Insurance Agents and Brokers;
- Interim Contracts of Insurance;



- Duty of Utmost Good Faith, Duty of Disclosure and Misrepresentation;
- The Policy;
- Construction of the Contract of Insurance;
- Renewal, Variation and Cancellation of Insurance;
- Mistake;
- Waiver and Estoppel;
- The Claim;
- Double Insurance and Contribution;
- Subrogation;
- Reinsurance.

**Indicative Assessment:** The proposed assessment of this course comprises class participation (10%) and a take home exam (90%).

**Prescribed Text:** Readings will be contained in a brick of materials. Information about prescribed texts and other recommended reading will be available in the course study guide on the course home page.

#### **LAWS2240 SPECIAL LAW ELECTIVE 4: INTERNATIONAL HUMAN RIGHTS CLINIC**

Elective, 6 units

**Academic Contact:** Simon Rice

**Offered:** Semester 2

**Workload:** Students will work 3 hours a week on their project throughout the semester, and will attend 6 two hour seminars over the semester. Assessment tasks require a further time commitment.

**Prerequisites:** Completion of 60 units of LAWS courses.

Completed or completing five LAWS courses at 1000 level.

**Course Description:** This course educates law students in the implementation of human rights norms in domestic law policy in Asia. In doing so, it supports the capacity of NGOs in Australia's region to pursue their mission. Students work in teams to carry out human rights policy research for a partner NGO, Bridges Across Borders South

East Asia (BABSEA) <http://www.babsea.org>, under supervision by staff both at ANU and at BABSEA. The students' research tasks produce an output - a report, a proposal, a program of activity, a submission etc - which support BABSEA's work addressing contemporary issues of human rights in the region. Areas of likely research include prisons, juvenile justice, discrimination, and minority rights. Students will attend scheduled classes at ANU, read relevant academic material, maintain a reflective journal, and carry out prescribed assessment tasks. The supervision of staff of BABSEA is through online communications technology.

**Indicative Assessment:** Students will be assessed on:

- class participation and presentations;
- satisfactory completion of the BABSEA project;
- an analytical essay;
- a personal reflection.

**Other Information:** For further information, and details about the application process, go to: <http://law.anu.edu.au/undergraduate/ClinicalInternationalHumanRights.asp>

#### **LAWS2241 SPECIAL LAW ELECTIVE 5**

Elective, 6 units to 12 units

**Not offered in 2011**

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

#### **LAWS2246 SPECIAL LAW ELECTIVE 6**

Elective, 6 units to 12 units

**Not offered in 2011**

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

#### **LAWS2263 SPECIAL TOPICS IN INTELLECTUAL PROPERTY**

Elective, 6 units

**Not offered in 2011**

**Prerequisites:** Intellectual Property LAWS2222.

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. There will be some compulsory attendance.

**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 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 available in the course study guide on the course home page.

## **LAWS2247 SURVEY OF UNITED STATES LAW**

---

Elective, 6 units

**Academic Contact:** Anne Macduff

**Offered:** Summer Session, 2011

**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 served basis, as enrolment will be strictly limited (10 students in 2011). 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, Labour Law, Limited Liability Corporations, Bankruptcy, Consumer Protection, Environmental Law, Federalism, etc.).

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

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

## **LAWS2237 TAKEOVERS AND SECURITIES INDUSTRY LAW**

---

Elective, 6 units

**Academic Contact:** Stephen Bottomley

**Offered:** Semester 2

**Workload:** Intensive face-to-face 36 hours, plus private study and time for assessment tasks.

**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 financial markets generally. Topics to be covered include:

- issues prompting, and theories shaping, the regulation of takeovers and the securities industry generally;
- the regulation of financial markets;
- the powers of the Australian Securities and Investment Commission and the Australian Securities Exchange (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 Chapter 6 of the Corporations Act 2001 (Cth); and
- compulsory acquisition powers.

**Indicative Assessment:** The proposed means of assessment for this course will involve at least two pieces of assessment. Details of the final assessment will be provided on the course home page.

**Prescribed Text:** Please refer to LAWS2237 course home page.

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

## **LAWS2231 WORK AND LAW – SELECTED TOPICS**

---

Elective, 6 units

**Not offered in 2011**

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

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

POSTGRADUATE ELECTIVE COURSES  
FOR JD STUDENTS

For complete course descriptions, please go to:  
[http://law.anu.edu.au/Postgraduate/Juris\\_Doctor.asp](http://law.anu.edu.au/Postgraduate/Juris_Doctor.asp)

LAWS8218 ADVANCED CONTRACTS

Elective, 6 units

**Academic Contact:** Jim Davis

**Offered:** Spring Session

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

LAWS8181 AUSTRALIAN CLIMATE LAW

Elective, 6 units

**Academic Contact:** James Prest

**Offered:** Spring Session

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

LAWS8012 AUSTRALIAN DISASTER LAW

Elective, 6 units

**Academic Contact:** Michael Eburn

**Offered:** Winter Session

LAWS8175 CITIZENSHIP LAW IN  
CONTEXT

Elective, 6 units

**Academic Contact:** Kim Rubenstein

• **Offered:** Spring Semester

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

LAWS8008 CLIMATE CHANGE &  
DISPLACEMENT

Elective, 6 units

**Academic Contact:** Scott Leckie

**Offered:** Winter Session

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

LAWS8144 CONFLICT OF LAWS

Elective, 6 units

**Academic Contact:** Karen Lee

**Offered:** Semester 1

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

LAWS8271 CONTEMPORARY ISSUES IN  
ADMINISTRATIVE LAW

Elective, 6 units

**Academic Contact:** Daniel Stewart

**Offered:** Spring Session

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

LAWS8111 ENVIRONMENT BUSINESS  
& REGULATION (MELBOURNE)

Elective, 6 units

**Academic Contact:** Neil Gunningham

**Offered:** Winter Session

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

LAWS8146 ENVIRONMENTAL  
LANDUSE PLANNING LAW (MELBOURNE)

Elective, 6 units

**Academic Contact:** Brad Jessup

**Offered:** Autumn Session

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

LAWS8187 ENVIRONMENTAL LITIGATION

Elective, 6 units

**Academic Contact:** Chris McGrath

**Offered:** Winter Session

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

**LAWS8243 FREEDOM OF INFORMATION  
& PRIVACY**

---

Elective, 6 units

**Academic Contact:** Natalie Butler**Offered:** Winter Session**Prerequisites:** Completed or completing five LAWS courses at 1000 level.**LAWS8220 GOVERNMENT CONTRACTS**

---

Elective, 6 units

**Academic Contact:** Nick Seddon**Offered:** Autumn Session**Prerequisites:** Completed or completing five LAWS courses at 1000 level.**LAWS8301 GRADUATE RESEARCH UNIT**

---

Elective, 12 units

**Academic Contact:** Supervisor**Offered:** Summer Session, 2011, First Semester 2011, and Second Semester, 2011.**Course Description:** A research paper of 12,000 – 16,000 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.**LAWS8237 HEALTH LAW & BIOETHICS  
IN A GLOBAL CONTEXT**

---

Elective, 6 units

**Academic Contact:** Ruth Townsend**Offered:** Winter Session**LAWS8180 INTERNATIONAL CLIMATE  
LAW**

---

Elective, 6 units

**Academic Contact:** Martijn Wilder**Offered:** Summer Session**Prerequisites:** Completed or completing five LAWS courses at 1000 level.**LAWS8566 INTERNATIONAL CRIMINAL  
LAW**

---

Elective, 6 units

**Academic Contact:** Gerry Simpson**Offered:** Spring Session**Prerequisites:** Completed or completing five LAWS courses at 1000 level.**LAWS8268 INTERNATIONAL  
HUMANITARIAN LAW**

---

Elective, 6 units

**Academic Contact:** Don Rothwell**Offered:** Winter Session**Prerequisites:** Completed or completing five LAWS courses at 1000 level.**LAWS8234 INTERNATIONAL HUMAN  
RIGHTS LAW**

---

Elective, 6 units

**Academic Contact:** Katie Young**Offered:** Autumn Session**Prerequisites:** Completed or completing five LAWS courses at 1000 level.**LAWS8178 INTERNATIONAL LAW & THE  
USE OF FORCE**

---

Elective, 6 units

**Academic Contact:** Sarah Heathcote**Offered:** Spring Session**Prerequisites:** Completed or completing five LAWS courses at 1000 level.

**LAWS8264 INTERNATIONAL LAW OF THE ENVIRONMENT**

---

Elective, 6 units

**Academic Contact:** Don Anton

**Offered:** Autumn Session

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

**LAWS8229 INTERNATIONAL LAW OF WORLD TRADE**

---

Elective, 6 units

**Academic Contact:** Wayne Morgan

**Offered:** Autumn Session

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

**LAWS8252 INTERNATIONAL REFUGEE LAW**

---

Elective, 6 units

**Academic Contact:** Matthew Zagor

**Offered:** Autumn Session

**Prerequisites:** LAWS8182/LAWS8256 Principles of International Law

**LAWS8253 LAW OF THE SEA**

---

Elective, 6 units

**Academic Contact:** Don Rothwell

**Offered:** Autumn Session

**Prerequisites:** LAWS8182/LAWS8256 Principles of International Law

**LAWS8129 MARINE & COASTAL LAW**

---

Elective, 6 units

**Academic Contact:** Don Rothwell

**Offered:** Spring Session

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

**LAWS8522 PUBLIC SECTOR EMPLOYMENT LAW**

---

Elective, 6 units

**Academic Contact:** Cameron Roles

**Offered:** Winter Session

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

**LAWS8142 TORT LIABILITY & PUBLIC AUTHORITIES**

---

Elective, 6 units

**Academic Contact:** Jim Davis

**Offered:** Autumn Session

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

## 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 classes per week not lectures.

**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% of the

student's final mark and an exam, not a take home, worth 50% 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:** research is increasingly being influenced by the demands of commercialisation. Intellectual property and other legal aspects of commercialisation have become a crucial element in the initiation, process and application of scientific research. 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, but other areas of interest, including individual areas of specialisation, may also be able to be explored.

**Learning Outcomes:** By the end of the course Students will have been provided with the opportunity to learn how to:

- identify, apply and assess issues relating to each of the relevant areas of intellectual property in various fields of scientific research
- recognise the choices that are involved with the protection of intellectual property and understand the issues confronted in each choice
- understand the potential role of ownership rights and marketing protection in encouraging, or discouraging, scientific research.

**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 study guide and on the Course web page. There will be extensive course notes and other on-line materials provided.

**Other Information:** 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.