UNIT CODED L – FACULTY OF LAW

LAW121 - Introduction to Law

Description: 1. To give students a "feel" for the study of the law. This includes understanding approaches to legal problems and issues, classification of various areas of the law, skills that need to be developed to study law, the scope and dynamics of legal systems, roles and responsibilities of the legal profession.
2. To develop, at an introductory level, the intellectual skills of fact-finding, analysis, reasoning, evaluation and communication necessary for further study in law and other disciplines at university level.
3. To encourage students to think logically.

Requisites: COREQ - LAW122 Legal Systems
Staff: Rick Snell, Samantha Hardy
Teaching Pattern: 2 x 50 minutes lectures plus 1 x 50 minute tutorial per week
Assessment: 1 x 500 word legal essay, 1 x 750 word legal essay, 1 x 2 hour closed book examination
Required Texts: Getting Into Law Miller, James Butterworths, Sydney, 2002
Legal Referencing, 2nd Ed. Stuhmcke, A., Butterworths, Sydney, 2001
Offered in Courses: [L3B] [L3J] [L3K] [L3L] [L3E] [L3F] [L3G] [L3D]

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LAW122 - Legal Systems

Description:
This unit provides an introductory overview of the interplay and connectedness between the various legal systems which can impact on our contemporary lives. Specifically, the legal systems to be examined include the Tasmanian, Australian Commonwealth, common law and public international legal systems.

Requisites: COREQ - LAW121
Staff: Dr. Gail Lugten, Professor Michael Tate, Dr. Peter Patmore
Teaching Pattern: 2 x 50 minute lectures plus 1 x 50 minute seminar, per week
Assessment: 1 x 1,000 word research essay plus 1 x 2 hour open book examination
Required Texts: None - all lecture transcripts are available online
Recommended Texts: Hall K. Legislation (Butterworths, 2002);

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LAW204 - Administrative Law

Special Note: internal, supplemented by WEB CT, compulsory unit

Description: Provides a critical overview of the general principles of administrative law as they operate in areas such as judicial review, merits review, Ombudsman and Freedom of Information.
Topics that may be covered, at a general level, in the course include an introduction to some of the theoretical issues underlying administrative law, the role of the State, the governmental structures that influence the administrative law system, the principles of good administration and the protection of individual rights; the nature of discretionary decision making, and theories of decision making; practical applications of the theories; the requirement of giving reasons for decisions; freedom of information legislation, both Commonwealth and State and internal and external review of decisions, including the administrative appeals mechanisms; a theoretical review of judicial review; the practice of judicial review, with special reference to the Commonwealth experience; principles expressed in judicial review, including procedural fairness; public law issues such as justiciability, standing and role making; and the public/private divide.

Staff: Mr RD Snell
Teaching Pattern: 2x50-min lectures/workshops, 50-min tutorial weekly (13 wks)
Assessment: 1 x 1500 word essay, (20%), 1 x 2000 word essay (40%) 2 x 600 word Briefing Papers (20%), Selective Reflective Journal (10%) and Seminar participation (10%).

Or
Creyke R and McMillan J, Control of Government Action: Text, Cases and Commentary, Butterworths 2005
And
Selected Essay Readings (available from the Law School)
LAW205 - Constitutional Law 1

Special Note: compulsory unit
Description: Introduces students to some of the basic features of the Federal and State Constitutions and of the Australian federal system. Topics covered include: The basis of judicial review; The powers of state parliaments; Parliamentary control of government finances; The interpretation of Commonwealth powers; The characterisation of Commonwealth laws; Inconsistency between Commonwealth and State laws; Immunity of Commonwealth and State Governments from the laws of the other; Section 96 and Commonwealth State financial relations; Commonwealth State cooperative schemes including referrals of power and request and consent legislation under s 51(37) and (38).

The unit has a strong emphasis on the study of leading High Court cases and aims to develop student abilities to analyse these cases.
Requisites: PREREQ - LAW101 MEXCL - LAW203
Staff: Mr M Stokes
Teaching Pattern: 2 x 50 minute lectures weekly, 1 x 50 minute tutorial fortnightly (13 wks)
Assessment: 1,500--2,000-word paper (40%); 2 hr exam (60%)

LAW218 - Administrative Law (Unit not offered in 2006)

Special Note: special enrolment code for TNE students only
Description:
Offered in Courses:

LAW219 - Constitutional Law 1 (Unit not offered in 2006)

Special Note: special enrolment code for TNE students only

LAW221 - Contract Law A

Special Note: compulsory unit
Description: Develops an understanding of the law of contract and the enforceability of contractual obligations in the contemporary contexts of Australian and international commercial relations. The unit deals with the common law and statutory principles of contract law including the elements of enforceable agreement; the functions of contract; the construction and interpretation of terms; terms implied in contracts; formalities for making contracts; factors affecting enforceability including, misrepresentation, duress, undue influence, unconscionability and illegality; privity; and discharge and remedies for breach of contract. Topics such as quasi-contract and the internationalisation of modern contract law are discussed. These principles are considered critically to enable students to recognise the values inherent in contemporary contract law, the possible directions for future development of contract law and the issues of fairness in modern contract law.

The unit also aims to develop study skills in library research, problem solving and case briefing which improves students' capacity to synthesise complex legal arguments. Students will also be introduced to basic legal drafting in contract. Skills of decision making and the exercise of judgment will be developed in the tutorial program. The importance of effective negotiations leading up to contracts and the nature of the existence of alternative dispute resolution mechanisms will be discussed.
Requisites: COREQ - LAW222
Staff: Prof DRC Chalmers, Prof GE Dal Pont, Dr LM Butler
Teaching Pattern: 2x50-min lectures weekly, 50-min tutorial fortnightly
Assessment: tba

LAW222 - Contract Law B

Special Note: compulsory unit
Description: Develops an understanding of the law of contract and the enforceability of contractual obligations in the contemporary contexts of Australian and international commercial relations. The unit deals with the common law and statutory principles of contract law including
the elements of enforceable agreement; the functions of contract; the construction and interpretation of terms; terms implied in contracts; formalities for making contracts; factors affecting enforceability including, misrepresentation, duress, undue influence, unconscionability and illegality; privity; and discharge and remedies for breach of contract. Topics such as quasi-contract and the internationalisation of modern contract law are discussed. These principles are considered critically to enable students to recognise the values inherent in contemporary contract law, the possible directions for future development of contract law and the issues of fairness in modern contract law.

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**Requisites:** COREQ - LAW221  
Staff: Prof DRC Chalmers, Prof GE Dal Pont, Dr LM Butler  
Teaching Pattern: 2x50-min lectures weekly, 50-min tutorial fortnightly  
Assessment: tba  
Recommended Texts: latest editions of the following --  
Carter J & Harland D, *Contract Law in Australia*, Butterworths  

**Offered in Courses:**  
| Units Coded | L3B | L3D | L3E | L3F | L3G | L3K | L3L | L3J |

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**LAW223 - Torts A**

**Special Note:** compulsory unit  
**Description:** Introduces students to the elements of tort liability and provides a comprehensive survey of the principal causes of action in the Law of Torts as well as assessing the impact of tort law reforms through the *Civil Liability Act 2002* (Tas). This unit covers the general principles of negligence as well as the more specific areas such as negligent misstatement and pure economic loss. It deals with statutory schemes of compensation in addition to the common law remedies. Beyond the tort of negligence, the unit provides detailed coverage of the intentional torts of assault, battery, false imprisonment, trespass to land and goods, conversion, detinue, and the special torts of defamation and nuisance. Particular attention is also given to the defences to the intentional torts, the tortious causes of action available in cases of medical treatment, and remedies. Practical skills incorporated into this unit include legal problem solving, legal reasoning and oral presentation.

**Requisites:** COREQ - LAW224  
**Staff:** Prof M Otlowski, Dr J Davis  
**Teaching Pattern:** 2x50-min lectures weekly, 50-min tutorial fortnightly  
**Assessment:** tba  


**Offered in Courses:**  
| Units Coded | L3B | L3D | L3E | L3F | L3G | L3K | L3L | L3J |

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**Requisites:** COREQ - LAW223  
**Staff:** Prof M Otlowski, Dr J Davis  
**Teaching Pattern:** 2x50-min lectures weekly, 50-min tutorial fortnightly  
**Assessment:** tba  


Offered in Courses:  
- [ L3B ]  
- [ L3D ]  
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**LAW225 - Criminal Law A**

**Special Note:** compulsory unit for students of Law; may be taken as a BSocSc(PoliceStudies) unit

**Description:** Develops a sound understanding and knowledge of the general principles of criminal responsibility in a Code jurisdiction and of particular criminal laws together with an appreciation of the social and legal context in which the substantive criminal law operates. Strong emphasis is placed on the development of problem-solving skills. The unit begins with an introduction to criminal procedure. The interpretation of the code is dealt with followed by the study of criminal responsibility and defences. Particular offences studied in detail include assault, homicide, sexual offences, traffic offences, drug offences and property offences.

**Requisites:** COREQ - LAW226

**Staff:** Mr JB Blackwood (Coordinator), Prof Kate Warner, Ms T Henning

**Teaching Pattern:** 2 x 50-min lectures weekly (26 wks), 50-min tutorial fortnightly (24 wks)

**Assessment:** 4 tutorial papers (30%), 3-hr closed-book exam (70%)

*Police Offences Act 1935 (Tas) Misuse of Drugs Act 2001 (Tas)*

**Offered in Courses:**  
- [ L3B ]  
- [ L3D ]  
- [ L3E ]  
- [ L3F ]  
- [ L3G ]  
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**LAW226 - Criminal Law B**

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**Description:** Develops a sound understanding and knowledge of the general principles of criminal responsibility in a Code jurisdiction and of particular criminal laws together with an appreciation of the social and legal context in which the substantive criminal law operates. Strong emphasis is placed on the development of problem-solving skills. The unit begins with an introduction to criminal procedure. The interpretation of the code is dealt with followed by the study of criminal responsibility and defences. Particular offences studied in detail include assault, homicide, sexual offences, traffic offences, drug offences and property offences.

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**LAW305 - Corporations Law 1**

**Special Note:** compulsory unit

**Description:** Outlines the various forms of business organisation: the sole trader, partnership, joint venture, association and corporation in order to gain: an understanding of the differences between each form of business organisation, their respective advantages and disadvantages, and the importance of the separate entity doctrine; an appreciation of the legislative and common law regime that governs each form of business; a broad understanding of the mechanics involved in the creation, management and dissolution of each type of entity as well as the methods of financing the corporation; and to serve as an introduction to commercial units. Specific topics analysed include business ethics; the origins of corporate law; the theoretical framework of the corporation; the separate entity doctrine; the formation, promotion and establishment of the corporate entity; corporate governance rules and policies - both domestically and internationally; the relationship between the board of directors and members, meeting procedure, directors' duties; accounting and auditing procedures, member remedies, corporate capacity, equity and debt finance and receivership, schemes of arrangement, voluntary administration and winding up. In the discussion of each type of organisation, the concept and nature of that form are analysed and the legal problems that flow from the adoption of that structure are considered.

**Requisites:** MEXCL - LAW304

**Staff:** Mr LD Griggs

**Teaching Pattern:** 3x50-min lectures weekly, 50-min tutorial fortnightly

**Assessment:** Internal Assessment (20%)
LAW306 - Constitutional Law 2

Special Note: compulsory unit

Description: Builds upon the introductory principles and basic constitutional law institutional and procedural features of Australian federalism covered in LAW205 Constitutional Law 1. Provides a detailed exposition and analysis of High Court jurisprudence and associated issues from the powers of the Legislative, Executive and Judicial branches of government and chapter structure under the Commonwealth Constitution. Students are familiarised with the Executive power and the Judicial power, including the relationships between Executive and nationhood powers and Judicial power and due process. Key Commonwealth legislative powers such as the External Affairs, Races, Defence and Corporations powers are examined in depth. The Constitution’s implied protection of political communication, movement and association is considered as an immunity on constitutional power. All topics are intended to draw upon contemporary, historical and political developments and policy background so as to expound the High Court’s role as the constitutional keystone of the Australian federation.

Requisites: PREREQ - LAW205 MEXCL - LAW644

Staff: Dr G Carne (Coordinator) and guest lecturers

Teaching Pattern: 2x50-min lectures weekly, 50-min seminar fortnightly (13 wks) with occasional additional guest lectures

Assessment: 1 x 2–3-hr open book exam (70%), 1 x 1–1.5-hr class test (30%)


Constitution of the Commonwealth of Australia (publication details available from the Law School)

Recommended Texts: Blackshield A, Coper M & Williams G, The Oxford Companion To The High Court of Australia, OUP, Melb, 2001

Offered in Courses: [ L3B ] [ L3D ] [ L3E ] [ L3F ] [ L3G ] [ L3K ] [ L3L ] [ L3J ]

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LAW307 - Trusts

Special Note: compulsory core unit for students who commenced their law degree in 2004

Description: The unit covers the law pertaining to trusts, and deals with the following topics: (1) the nature of a trust, and how it compares to other legal relationships; (2) the essentials for the creation of an express trust; (3) the incidents of trusteeship: the appointment and removal of trustees, as well as trustees’ duties, powers and rights; (4) remedies for breach of trust, both personal and proprietary; (5) the application of the law of trusts in particular commercial contexts, specifically in trading and investment, and the use of the trust as a vehicle for insolvency protection; (6) the law pertaining to charitable trusts; (7) non-express trusts, namely resulting trusts and constructive trusts.

Requisites: PREREQ - LAW200, LAW201, LAW202, LAW204, LAW205 MEXCL - LAW401

Staff: Prof Ge Dal Pont, Dr LM Butler

Teaching Pattern: 2-hr lecture weekly (13 wks), 6x1-hr tutorials

Assessment: TBA

Required Texts: Dal Pont G & Chalmers D, Equity and Trusts in Australia, 3rd edn, Lawbook Co, 2004

Dal Pont GE, , Charity Law in Australia and New Zealand, OUP, 2000

Offered in Courses: [ L3B ] [ L3D ] [ L3E ] [ L3F ] [ L3G ] [ L3K ] [ L3L ] [ L3J ]

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LAW323 - Property Law A

Special Note: Compulsory Unit

Description: Property Law A provides students with an understanding of the critical importance that the concept of property plays in Australian Society. Three themes are central to this unit - what makes something property, how is property acquired and how is it disposed. This is done through an examination of the nature of what is property, with this then applied to the concept of possessory title. Native title, intellectual property and adverse possession are considered as discrete topics with a detailed examination of the systems of land registration. The doctrine of tenure and estates will also be discussed, as will the development of legal and equitable interests. Practical legal skills incorporated in this unit include statutory interpretation. The knowledge obtained in this unit will form the basis of studies for Property Law B.

Staff: Mr. L. Griggs and Mr. K. Mackie
Teaching Pattern: 2 x 50 minute lectures per week, 1 x 50 minute tutorial per fortnight
Assessment: 15% Oral Presentation/85% Final Exam


Offered in Courses: [ L3B ] [ L3D ] [ L3E ] [ L3F ] [ L3G ] [ L3J ] [ L3K ] [ L3L ]

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**LAW324 - Property Law B**

Special Note: Compulsory Unit

Description: Property Law B follows from Property Law A, and applies the foundation principles learnt in that course to a series of discrete legal topics. These include co-ownership, leases, strata title, mortgages and securities, licences, easements and covenants. Practical legal skills incorporated in this unit include statutory interpretation.

Requisites: PREREQ - LAW323

Staff: Mr. K. Mackie and Mr. L. Griggs

Teaching Pattern: 2 x 50 minute lectures per week, 1 x 50 minute tutorial per fortnight.

Assessment: Internal assessment (20%); Final Examination (80%).


Offered in Courses: [ L3B ] [ L3D ] [ L3E ] [ L3F ] [ L3G ] [ L3J ] [ L3K ] [ L3L ]

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**LAW401 - Equity and Trusts**

Special Note: compulsory unit for students who commenced their law degree prior to 2004

Description: Examines the equity jurisdiction of the Australian courts. The unit conveys to students an appreciation of the dynamic and flexible nature of equity and its interrelationship with other subjects in the law curriculum. There is a brief survey of the historical background of the English equity jurisdiction leading to a consideration of the features and practice of modern equity. The evolving nature of equity jurisdiction is considered with emphasis on fiduciary obligations. The unit also considers the requirements for the creation of trusts and the obligations which arise from resulting and constructive trusts. It includes a discussion of charitable trusts and the modern discretionary trust in its commercial context; and deals with superannuation trusts. It concludes with a discussion of the duties and powers of trustees, breach of trust and the termination of trust.

Staff: Prof GE Dal Pont, Dr LM Butler

Teaching Pattern: 2-hr lecture weekly (13 wks), 6x1-hr tutorials

Assessment: 2 exams (1 mid-semester one hour exam worth 30%, and 1 end of semester exam worth 70%)


Offered in Courses: [ L3B ] [ L3D ] [ L3E ] [ L3F ] [ L3G ] [ L3J ] [ L3L ] [ L3K ] [ L3J ]

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**LAW407 - Mooting**

Special Note: compulsory unit

Description: Students are required to participate in at least one moot normally in 4th and 5th year. Moots are held in both first and second semesters and require attendance at the Supreme Court of Tasmania, at least two lectures and meetings with the moot coordinator. One staff member and a sitting practitioner normally adjudicate each moot. The moots are adjudicated under the following headings: organisation presentation (15%); development of argument (30%); questions from the bench (30%); speaking ability and delivery (25%).

Requisites: PREREQ - year 2 and 3 of Law course

Staff: Mr J Blackwood (Coordinator)

Teaching Pattern: at least 2 lectures, attendance at Supreme Court Moots, and meetings with the moot coordinator

Assessment: adjudicated by appointed staff member and practitioner

Offered in Courses: [ L3B ] [ L3D ] [ L3E ] [ L3F ] [ L3G ] [ L3K ] [ L3L ] [ L3J ]

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**LAW422 - Evidence**

Special Note: Replaces full year unit LAW402 Litigation, see also LAW423

Description: This course imparts a basic understanding of the principles and rules relating to the law of evidence in both criminal and civil
proceedings. It aims to develop an appreciation of the determinative role that the rules of evidence can have on the course and outcomes of trials and it encourages students' critical appraisal of the evidential rules governing formal proceedings. Studies cover: the nature of evidence, basic evidential concepts, classifications of evidence, obtaining evidence, mechanisms for dealing with unreliable evidence and the major exclusionary rules including the hearsay rule, the opinion evidence rule, the credibility rule and rules relating to tendency and coincidence evidence.

**Requisites:** PREREQ - LAW200 Contract, LAW201 Torts, LAW202 Criminal Law, LAW303 Property Law  
**Staff:** Ms Terese Henning and Prof Kate Warner  
**Teaching Pattern:** Two two-hour seminars per week.  
**Assessment:** Court report - 20%, Mid-term test - 20%, Final Examination - 60%  
**Required Texts:**  
- Evidence Act 2001 (Tas); Evidence Act 1995 (Cth); Evidence (Children's and Special Witnesses) Act 2001, (Tas), Criminal Law (Detention and Interrogation) Act 1995 (Tas), Judicial Procedure Act 1903 (Cth)  

**Offered in Courses:**  
- L3B  
- L3D  
- L3E  
- L3F  
- L3G  
- L3K  
- L3L  
- L3J

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**LAW423 - Criminal and Civil Procedure**

**Special Note:** Replaces full year unit LAW402 Litigation, see also LAW422  
**Description:** The aims of the course are: To establish a basic knowledge of the principles and rules relating to pre-trial criminal and civil procedure; To develop an appreciation of the determinative role that pre-trial activities can have on the course of both civil and criminal trials and on their outcome; To encourage student's critical appraisal of the rules governing pre-trial processes. To develop an understanding of the rules and principles relating to the Supreme Court mediation process and mediation principles generally. Essentially the course will cover: Commencement of criminal proceedings in the Magistrates' and Supreme Courts; Police powers of detention and interrogation; Police powers of search; Bail; Pre-trial civil procedure in the Supreme Court including commencement of proceedings; pleadings; joinder of parties; discovery; the various privileges from disclosure of information; summary judgement; interlocutory applications; case management including mediation.

**Requisites:** PREREQ - LAW200 Contract, LAW201 Torts, LAW202 Criminal Law, LAW303 Property Law  
**Staff:** Ms Terese Henning and Mr John Blackwood  
**Teaching Pattern:** Two 50 minute lectures per week, One seminar/tutorial per fortnight, 50 minute workshops and guest lecturers as notified  
**Assessment:** Case Report/Mediation exercise 20%, Final Exam 80%  
**Required Texts:**  
- Justices Act 1959 (Tas); Criminal Law (Detention and Interrogation) Act 1995 (Tas); Bail Act 1994 (Tas); Misuse of Drugs Act 2001 (Tas); Police Offences Act 1935 (Tas); Forensic Procedures Act 2000 (Tas); Criminal Code 1924 (Tas); The Tasmanian Supreme Court Rules 2000; Limitation Act 1974 (Tas); Alternative Dispute Resolution Act 2001  
**Recommended Texts:** Supreme Court Civil Procedure Act 1932 (Tas)  
- Colbran et al., Civil Procedure: Commentary and Materials, Butterworths, 2002, 2nd ed  
- Cairns, Australian Civil Procedure, 3rd ed.

**Offered in Courses:**  
- L3D  
- L3E  
- L3F  
- L3G  
- L3K  
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**LAW450 - Equity (Unit not offered in 2006)**

**Special Note:** compulsory core unit  
**Description:** Provides students with an integrated understanding of the role of equity in the law, though exposure to various equitable doctrines and remedies. The first half of the unit deals with various equitable doctrines, including fiduciaries (including government and the public trust), confidential information, undue influence, the doctrine of unconscionability, relief from forfeiture, and equitable assignments. The second half of the unit deals with equitable remedies, both personal (injunction, specific performance, equitable compensation, equitable damages, account of profits, declarations, etc) and proprietary (constructive trusts and equitable charges).  
**Requisites:** PREREQ - LAW200, LAW201, LAW202, LAW204, LAW205, LAW306, LAW303, LAW305 and LAW307  
**Staff:** Assoc Prof G Dal Pont, Dr L Butler  
**Teaching Pattern:** 2-hr lecture weekly (13 wks), 6x1-hr tutorials  
**Assessment:** TBA  
**Required Texts:**  
- Dal Pont GE & Chalmers DRC, Equity and Trusts in Australia and New Zealand, 2nd edn, LBC Info Services, 2000  
**Recommended Texts:**  
- Meagher RP, Gummow WMC & Lehane JRL, Equity: Doctrines and Remedies, 3rd edn, Butterworths, 1992  
- Parkinson P (ed), Principles of Equity, LBC Info Services, 1996  

**Offered in Courses:**  
- L3B  
- L3D  
- L3E  
- L3F  
- L3G  
- L3K  
- L3L  
- L3J
LAW602 - Foundations of Media and Information Technology Law

Description: Provides students studying journalism and information systems with an introduction to basic legal concepts and an overview of the major legal issues in their respective disciplines. Topics include: the Australian legal system and the Australian Constitution; basic common law principles; the balance between freedom of speech, defamation, censorship and privacy; intellectual property law; regulation of electronic commerce; and media regulation.

Staff: Dr D Nicol (Coordinator), Ms S Hardy

Teaching Pattern: 2x50-min lectures, 1x50-min tutorials weekly (13 wks)

Assessment: 2-hr open book examination (50%), coursework (50%)

Brien C and Brien J, NetLaw LexisNexis Butterworths 2004

Offered in Courses: [ C3S ] [ R3A ] [ L3D ] [ L3K ]

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LAW603 - Labour Law

Description: Introduces students to the law regulating relationships at the workplace. The unit outlines the foundational principles of Australian labour law and the legal framework for regulation of work relationships. This encompasses both 'employment law' dealing with the individual contract between employer and employee as well as the collective aspects of labour law including award making, enterprise bargaining and controls on industrial action. The interaction and overlap between the individual and collective aspects of labour law will also be explored. The unit examines the nature and attributes of different types of work relationships and the various sources of rights and obligations in the workplace. It seeks to instill in students awareness of the political and ideological dimensions of labour law and to expose contemporary trends and policy directions.

Topics cover all key areas of Australian labour law including: the constitutional framework and its impact on the federal industrial relations system; the development of distinctly Australian labour law tracing the emergence of conciliation and arbitration, the development of the award system and the modern day shift away from this model towards decentralised and individualised bargaining; the nature of the employment relationship at common law and how it differs from other work relationships, with particular reference to the distinction between contracts of employment and independent contracting; the content of the employment relationship with particular focus on the common law rights and duties of employers and employees; the respective rights and duties of employers and employees in relation to the termination of employment at common law and under unfair dismissal legislation; the regulation of industrial conflict.

Requisites: MEXCL - LAW646, LAW647

Staff: Dr P Patmore

Teaching Pattern: 2x50-min lectures weekly, additional 50-min lecture/seminar fortnightly

Assessment: tba

Required Texts: tba

Offered in Courses: [ L3B ] [ L3D ] [ L3E ] [ L3F ] [ L3G ] [ L3K ] [ L3L ] [ L3J ]

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LAW604 - Competition Law

Description: Inquires into the theoretical and practical aspects of governmental intervention of commerce. The particular emphasis is on the regulation of anti-competitive behaviour as determined by Part IV of the Trade Practices Act 1974 (Cwlth). The lectures touch upon the philosophical, economic and legal difficulties that arise during the investigation of anti-competitive arrangements. Part IV of the Act is examined in light of recent decisions and possible legislative change.

Requisites: MEXCL - LAW666

Staff: Mr LD Griggs

Teaching Pattern: 5x50-min seminars fortnightly

Assessment: Internal Assessment (20%) Final Examination (80%)

Required Texts: Trade Practices Act 1974 (Cwlth)

Offered in Courses: [ L3B ] [ L3D ] [ L3E ] [ L3F ] [ L3G ] [ L3K ] [ L3L ] [ L3J ]

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LAW606 - Law of the Oceans and the Antarctic

Description: Considers the public international law aspects of the law of the sea and the Antarctic continent. The unit examines the Antarctic Treaty, Madrid Protocol, Convention for the Conservation of Antarctic Marine Living Resources, Australia's maritime zones of jurisdiction and international marine captive fisheries law including UN Law of the Sea Convention, UN Fish Stocks Agreement, Compliance Agreement, and relevant soft law instruments.

Requisites: PREREQ - LAW200, LAW201, LAW202, LAW203 MEXCL - LAW632

Staff: Dr G Lugten

Teaching Pattern: 3-hr/2-hr block lecture seminars, alternating each week

Assessment: 1 x mid-sem test (25%), Attendance (5%), Take-home exam (papers distributed in week 10, and submitted week 13) (70%)
LAW607 - Corporations Law 2 (Unit not offered in 2006)

Description: Areas of Law not covered in LAW305 Corporations Law 1 are analysed in this unit - with particular emphasis on those aspects related to the larger public corporation. This includes an examination of the structure and market for corporate control through takeovers and other forms of arrangements, an appreciation of the securities and futures industry focusing on its regulation, and well as managed investments. Students are expected to develop an understanding of the legislation, administrative regime and judicial decisions surrounding this area in addition to an appreciation of the policy objectives. Possible reforms and comparative regimes are also discussed.

Staff: tba

Teaching Pattern: 5 x 50 minute seminars fortnightly

Assessment: tba

Required Texts: Corporations Act 2001 (C’th)

LAW608 - Law of Nations (Unit not offered in 2006)

Special Note: unit replaces LAW635


Requisites: PREREQ - LAW200, LAW201, LAW202, LAW203 MEXCL - LAW635

Staff: Dr G Lugten

Teaching Pattern: 3-hr/2-hr block lecture seminars, alternating each week

Assessment: 1 x mid-sem test (25%), Attendance (5%), 1 x take-home exam (papers distributed in week 10, exam submitted week 13 (70%)


LAW609 - Comparative Administrative Law

Description: Explores in greater depth the principles examined in LAW204 and considers important aspects of review of administrative action not covered in that unit. Alternative extrajudicial review systems, including Ombudsmen, independent appeal tribunals and internal review systems are examined as well as the Federal and State systems of review which are studied in some detail -- especially freedom of information legislation. Topics may include subordinate legislation dealing with corruption, and administrative remedies. Various jurisdictions will be compared including Australia, New Zealand, Canada, United Kingdom and other countries depending on availability of resources and staff expertise.

Requisites: PREREQ - LAW203 MEXCL - LAW642

Staff: Mr RD Snell

Teaching Pattern: 5x50-min workshops fortnightly

Assessment: major 3,000 to 5,000-word assignment (55%), minor 1,500-word essay (15%), selective reflective journal (10%), class participation (10%), class presentation (10%).


Selected Readings in Comparative Administrative Law (Available from the Law School)

Offered in Courses: [ L3B ] [ L3D ] [ L3E ] [ L3F ] [ L3G ] [ L3K ] [ L3L ] [ L3J ]
### LAW611 - Jurisprudence A: Concepts of Justice

**Description:** Examines the nature of justice from both a theoretical and a practical point of view. Students have the opportunity to study ancient and contemporary approaches to the concepts of corrective justice, distributive justice, retributive justice and restorative justice, and engage in the current debates over the justification for state responses to wrong-doing, the problem of harm, and the tort-criminal law debate. The unit relates the academic analysis of justice to the practical problems facing the community and the courts in the areas of tort law and criminal law, using recent cases as a springboard for discussion.

**Requisites:** PREREQ - LAW200, LAW201, LAW202, LAW203

**Staff:** Dr Julia Davis

**Teaching Pattern:** 32 hours of combined lectures and seminars

**Assessment:**
- Attendance, participation and presentations 20%
- Essay of 2 000 - 2 500 words 30%
- Exam (2 hours, closed book) 50%

**Required Texts:** Solomon RC & Murphy MC (eds), *What is Justice?*, 2nd ed, (Oxford University Press, 1999)

**Recommended Texts:**

**Offered in Courses:** [L3B] [L3D] [L3E] [L3F] [L3G] [L3K] [L3L] [L3J]

### LAW612 - Jurisprudence B

**Description:** Introduces students to moral debates about what the content of the law ought to be and to some of the major theories of law, such as Natural Law, Positivism and Realism and some of the most influential modern theories, including those of Professors Hart and Dworkin with a view to encouraging students to think about the possible justifications for law and for the powers judges exercise. The unit is divided into two parts: (a) a consideration of whether the criminal law should be used to enforce popular morality; and (b) an analysis of the types of justification which could be given for judicial decisions.

**Staff:** Mr MD Stokes

**Teaching Pattern:** 5x50-min lectures/seminars/tutorials fortnightly

**Assessment:**
- 2,000-word paper (25%), 4,000-word paper (75%)

**Required Texts:**

**Recommended Texts:**
- Mill JS, *On Liberty*,

**Offered in Courses:** [L3B] [L3D] [L3E] [L3F] [L3G] [L3K] [L3L] [L3J]

### LAW615 - Criminology

**Special Note:** may be taken as a BSocSc(PoliceStudies) unit

**Description:** The unit seeks an understanding of the nature of crime, its incidence, explanations for it and society's response to it in its historical, social and political context. Studies cover: the phenomenon of crime, why some forms of conduct are criminalised; theories and explanations of crime, focusing on the extent to which these approaches deal with the crimes of women as well as of men; and selected criminological issues; eg juvenile offenders, victims and any contemporary issues.

**Staff:** Prof Kate Warner and Ms T Henning

**Teaching Pattern:** 50-min lecture, 120-min seminar weekly

**Assessment:**
- 1x 4,000-word assignment (50% ), oral presentation (15%), seminar participation (20%) 1 hour closed book examination (15%).

**Recommended Texts:**

**Offered in Courses:** [L3B] [L3D] [L3E] [L3F] [L3G] [L3K] [L3L] [L3J] [S3I] [L3J]

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University of Tasmania, Unit Guide 2006  www.utas.edu.au/units/  558
LAW617 - Comparative Law

**Description:** Gives students an overview of the principal features of the world’s major legal systems and, through concentration on the sources of law in those systems, of the methods of resolving legal problems in those systems as compared to our own. The unit covers civil systems of law, Asian legal systems, customary legal systems, law in post-communist societies and in emerging federal structures. Where appropriate, the emphasis of the unit will involve a comparative approach to problems which have a practical relevance in Australian law or which impact on Australia’s international obligations.

**Staff:** TBA

**Teaching Pattern:** lecture format for total of 30 hrs

**Assessment:** 2-hr exam (50%), 2 shorter assignments (1,500 words; 1 practical, 1 essay; 25% ea)

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LAW619 - Biotechnology Law (Unit not offered in 2006)

**Special Note:** Law students will be required to participate in a 3 to 4-hr primer on basic biotechnology concepts; Biotechnology students will be required to participate in a 3 to 4-hr primer on basic legal concepts.

**Description:** Designed to provide law students and biotechnology students with an overview of the major legal issues being encountered by participants in the biotechnology industry in both the public and the private sector, including scientists, lawyers, company executives, clinicians, regulators and policy makers. Topics include: research and industry ethics, with particular focus on the conduct of research with commercial implications; regulation of biotechnology, cloning and stem cell technology; legal issues in the use of animals and human tissue in research; intellectual property issues, including international perspectives; access to natural resources, with particular focus on developing countries; access to the benefits of the biotechnology revolution.

**Requisites:** PREREQ - First year law units

**Staff:** Dr D Nicol, Prof DRC Chalmers

**Teaching Pattern:** Seminar format for a total of 33 hours

**Assessment:** 3-hr test (60%), internal assessment (40%)

**Required Texts:** tba

**Recommended Texts:** tba

**Offered in Courses:** [L3B] [L3D] [L3E] [L3F] [L3G] [L3K] [L3L] [L3J]

LAW620 - Insurance and Superannuation Law (Unit not offered in 2006)

**Special Note:** offered alternate years

**Description:** The unit is divided into two parts: insurance and superannuation. Insurance law will constitute the first two thirds of the course, and superannuation law the remaining third. The insurance law component focuses on three main areas: the contract of insurance, the policy of insurance; and payment under that policy. Intertwined within this treatment is the relationship between statute governing insurance contracts, and the general law (both common law and equity) applicable in this respect. The superannuation law component of the course involves a basic introduction to the role of superannuation in society, the basic aspects of its regulation, and selected (from year to year) implications of superannuation law in the context of other areas of law (such as superannuation and tax, superannuation and family law, superannuation and succession).

**Requisites:** PREREQ - First year law units

**Staff:** Prof GE Dal Pont, Dr LM Butler

**Teaching Pattern:** 1x2-hr lecture weekly and 4-5x1-hr seminars (half the class in each) (13 wks)

**Assessment:** 2-hr exam (50%), 2 shorter assignments (1,500 words; 1 practical, 1 essay; 25% ea)

**Required Texts:** KCT Sutton, *Insurance Law in Australia*, 3rd edn, LBC Information Services, 1999

**Offered in Courses:** [L3B] [L3D] [L3E] [L3F] [L3G] [L3K] [L3L] [S3V] [OCS] [L3J]

LAW622 - Law Elective 4 (Dispute Resolution)

**Special Note:** This unit will be subject to a strict quota of a maximum of 40 students.

**Description:** This unit introduces students to the theories, principles, practices and laws relating to dispute resolution. It covers a variety of dispute resolution methods including negotiation, conciliation, arbitration and mediation. Students will examine how these methods are used in different contexts within Australian jurisdictions and internationally. Students will also engage in practical training in various dispute resolution skills.

**Staff:** Ms S Hardy

**Teaching Pattern:** This subject will be taught in two five-week blocks, with a two hour lecture and a two hour workshop each week. There will also be two compulsory full-day workshops, one at the end of each five-week block.

**Assessment:** Practical exercises: 40%


LAW623 - Law Elective 5 (Unit not offered in 2006)

**Special Note:** Topics to be advised; normally offered as summer or winter school units

**Description:** Allows students to undertake a specific study during the summer or winter semester under the supervision of a lecturer and/or guest lecturer with specific expertise in an accredited unit not normally offered by the Faculty or only offered by the Faculty periodically. The unit must be completed during one semester. Details of the units to be offered are advertised annually.

**Offered in Courses:** [L3B] [L3D] [L3E] [L3F] [L3G] [L3J] [L3K] [L3L]

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### LAW631 - International Law

**Special Note:** To be offered in semi-intensive format in 2006

**Description:** Introduces the structure of the international legal system and the legal relations between states and other entities recognised in the international legal system. The unit commences with a discussion of the nature of international law, and an assessment of the role and legal significance of the UN General Assembly, Security Council and International Court of Justice. A study is made of the relationship between international law and domestic law. The unit further considers the content and workings of international law, by reference to its sources and doctrines. A special study is included of the principles and developments in international criminal responsibility. Extensive reference is made throughout to current international issues and particular attention is given to the relevance of international law to recent Australian issues. The development of an interest in international and current affairs is encouraged in the study of this unit. The unit provides a solid foundation for the more specialised Group B International law units LAW634 Human Rights, LAW606 Law of the Oceans and the Antarctic, LAW608 Law of Nations - (formerly Advanced International Law), LAW678 Refugee Law and Jessup International Law Moot. The subject also provides useful background information to LAW663 International Trade.

**Staff:** Dr G Carne (Co-Ordinator) and Professor M Tate

**Teaching Pattern:** 5-6 hrs of lectures/seminars over 6 weeks unless otherwise advised

**Assessment:** 1 - 1 1/2 hr class test (35%), 2-3 hr open-book exam (65%)


**Offered in Courses:** [L3B] [L3D] [L3E] [L3F] [L3G] [L3J] [L3K] [L3L]

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### LAW634 - Human Rights

**Special Note:** To be offered in semi-intensive format in 2006

**Description:** Examines the theory of human rights and their development in international law and application to Australian domestic law. A consideration is made of the basic principles, instruments and issues in international human rights law. A study is conducted of United Nations and regional treaties and committee processes and structures for the protection of human rights, with a thematic reference to such topics as terrorism and human rights and the prohibitions against genocide and torture. Difficulties of enforcement of international human rights instruments are discussed. A consideration is made of some aspects of international humanitarian law, with a particular focus upon developments in international criminal responsibility and enforcement. International human rights are also considered in an Australian domestic context. An examination is made of the impact of human rights on Australian law and policy, including constitutional and federal issues, as well as Australian legislative mechanisms implementing United Nations human rights treaties.

**Staff:** Dr G Carne (Co-Ordinator) and visiting lecturers

**Teaching Pattern:** 4-5 hrs of lectures/seminars over 8 weeks unless otherwise advised

**Assessment:** 2,000 to 2,500-word guided research exercise (35%), 2-3-hr open-book exam (65%)


**Offered in Courses:** [L3B] [L3D] [L3E] [L3F] [L3G] [L3J] [L3K] [L3L] [L3J]

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### LAW636 - Law of the European Union (Unit not offered in 2006)

**Description:** Covers the following topics: (a) Origins and framework of the EU: Treaty of Rome. Merger of early Communities/EU Institutions (Court, Council, Commission, Parliament); (b) EU Law making: by treaty, regulation, directive, decision, incorporation into member states' legal systems (Doctrine of Direct Effects). Conflict of EU and national law. Enforcement by citizens and states; procedures under Article 169; (c) EU Common Market Principles: Four freedoms (movement of goods, persons, capital and services). Competition policies (Articles 85-90), dominant markets and relevant case law; and (d) The relationship between EU and Australian/International Trade law. Community power and competence in external trade agreements

**Requisites:** PREREQ - LAW631 is useful

**Staff:** tba
LAW641 - Environmental Law: Development Control (Unit not offered in 2006)

Description: Familiarises students with the land use planning system of Tasmania. Students will become familiar with the types of planning controls and their relationship to environmental controls and other controls over the use and development of land; the appeals system and the legal effects of planning. The controls studied include State government planning policies, planning schemes, special planning orders and subdivision controls.

Staff: tba

Teaching Pattern: 2x50-min lectures weekly, 50-min tutorial fortnightly
Assessment: 3-hour exam (80%), 2,000–2,500-word take home essay (30%), 2-hr open book exam (70%)

Walker S, Media Law, Commentary and Materials, Law Book Co, 2000

Offered in Courses: [ L3B ] [ L3D ] [ L3E ] [ L3F ] [ L3G ] [ L3K ] [ L3L ] [ L3J ]

LAW644 - Advanced Constitutional Law (Unit not offered in 2006)

Description: Comprises an examination and analysis of key powers in the Commonwealth Constitution and related issues. Students are familiarised with the Executive and implied nationhood powers and the Judicial power, including the relationship between Judicial power and due process. Key Commonwealth legislative powers such as the External Affairs, Races and Defence powers are examined in some detail. The Constitution’s protection of civil and political rights is studied in the form of the implied freedoms of political communication, movement and association and selected express rights. Practical aspects of the process and conduct of litigation before the High Court will also be canvassed. Opportunities for constitutional change, such as a bill of rights or a republic may also be considered. Topics are intended to have a distinct focus upon contemporary constitutional law issues and will draw upon relevant historical and policy considerations to illustrate context in which constitutional law is developed.

Requisites: PREREQ - LAW203

Staff: Dr G Carne (Coordinator), Mr M Stokes and guest lecturers

Teaching Pattern: 3 hrs seminars/lectures weekly unless otherwise advised
Assessment: 2,000–2,500 word take home essay (30%), 2-hr open book exam (70%)


Offered in Courses: [ L3B ] [ L3D ] [ L3E ] [ L3F ] [ L3G ] [ L3K ] [ L3L ] [ S6L ] [ S7U ]

LAW652 - Media Law

Description: Investigates the common law and statutory controls over the broadcasting, print and online media in Australia. The unit examines legal and economic aspects of the regulatory regimes which apply to the media, including issues of licensing, ownership and control. Legal controls on the content of media, including those imposed by the laws of defamation, contempt, privacy and censorship are examined in the context of the democratic notion of freedom of speech.

Staff: Dr D Nicol

Teaching Pattern: 3x50-min lectures weekly; 1x50-min seminar fortnightly (10 wks)
Assessment: 2x2,500-word assignments, 1 x oral presentation


Offered in Courses: [ L3B ] [ L3D ] [ L3E ] [ L3F ] [ L3G ] [ L3K ] [ R3A ] [ L3L ] [ L3J ]

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LAW662 - Tax 1

Special Note: prereq for enrolment in LAW671 Tax 2

Description: Involves the study of the taxation of income under the Income Tax Assessment Acts. The unit provides an understanding of the assessment of income tax adequate for those not planning on specialising in income tax practice. The unit is divided into the following parts: the concepts of assessable income (including the taxation of capital gains); allowable deductions; the taxation of tax entities; tax avoidance; tax planning; and tax administration.

Requisites: PREREQ - completion of all first-year core units

Staff: Prof G Dal Pont

Teaching Pattern: 120-min lecture/seminar weekly
Assessment: TBA


Offered in Courses: [ L3B ] [ L3D ] [ L3E ] [ L3F ] [ L3G ] [ L3K ] [ L3L ] [ L3J ]
LAW662 - International Trade

Special Note: It is recommended that students have already completed an international law unit prior to commencing this unit.

Description: Two thirds of this unit will deal with international trade law developed by the World Trade Organisation (WTO), including case studies involving the trade and environment interface and trade-health issues linkage, and the dispute settlement system. Also included will be Australia's bilateral Free-trade Agreements (eg US FTA) and a negotiation exercise. The other third of the course will cover international trade and business law with an emphasis on the international sale of goods and international arbitration.

Staff: Peter Lawrence, Senior Lecturer Law School

Teaching Pattern: one two-hour lecture per week, plus one one-hour tutorial every second week.

Assessment: 10% plus participation, 5% attendance, 20% 1000 word essay, 60% exam

Required Texts: tba

Recommended Texts: tba

Offered in Courses: [ L3B ] [ L3D ] [ L3E ] [ L3F ] [ L3G ] [ L3K ] [ L3L ] [ L3J ]

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LAW664 - Intellectual Property (Unit not offered in 2006)

Description: Provides an overview of the major forms of intellectual property protection. The unit covers the statutory systems of copyright, designs, trade marks and patents as well as related areas including protection of trade secrets by the action for breach of confidence, passing off and the protection provided by the Trade Practices Act and the Fair Trading Act.

Staff: Dr D Nicol

Teaching Pattern: 5x50-min lectures and 1x50-min tutorial fortnightly (13 wks)

Assessment: Assignment (30%), 3-hr open-book exam (70%)


Offered in Courses: [ L3B ] [ L3D ] [ L3E ] [ L3F ] [ L3G ] [ L3K ] [ L3L ] [ L3J ]

LAW669 - Consumer Protection (Unit not offered in 2006)

Description: Recognises the development of consumer protection law as a discrete area of study and practice, largely as a consequence of statutory initiatives. The unit focuses on the following areas of law: (1) consumer protection provisions of the Trade Practices Act 1974 (Cwlth) (namely Pts IVA, IVB and V) as well as associated remedies, and fair trading legislation equivalents; (2) sale of goods legislation to the extent that it impacts upon consumer protection; (3) liability for dangerous and defective products, including rights and remedies at common law and statute (both State and Federal).

Requisites: MEXCL - LAW661

Staff: Mr L Griggs

Teaching Pattern: 5 x 50 minute seminars fortnightly

Assessment: tba

Recommended Texts: Trade Practices Act1974 (Cth)

Offered in Courses: [ L3B ] [ L3D ] [ L3E ] [ L3F ] [ L3G ] [ L3K ] [ L3L ] [ L3J ]

LAW670 - Information Technology Law

Description: Provides an overview of the legal issues concerned with the internet structure and governance, sources of legal material over the internet, intellectual property and copyright of electronic material, current developments in regulation and self-regulation of transmission over the internet, privacy, security and encryption standards, digital signatures, establishing contracts over the internet, current technological issues including digital cash, smart cards and electronic commerce.

Requisites: PREREQ - C3S: BSA101

Staff: Dr D Nicol

Teaching Pattern: 2x50-min lectures weekly; 1x50-min tutorial fortnightly (13 wks)

Assessment: Assignment (30%), 3-hr open-book exam (70%)


Lim YF, Cyberspace Law: Commentaries and Materials Oxford University Press 2002


Offered in Courses: [ C3C ] [ C3S ] [ L3B ] [ L3D ] [ L3E ] [ L3F ] [ L3G ] [ L3K ] [ L3L ] [ L3J ]

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LAW671 - Tax 2 (Unit not offered in 2006)

Description: Is for those seeking a specialist knowledge of the subject with a view to practising as a tax specialist. The topics covered will vary from year to year, but will generally include advanced capital gains, advanced deductions, international tax, superannuation, and an introduction to GST. It also includes a discussion of ethics and the tax practitioner.

Requisites: PREREQ - LAW662

Staff: Prof G Dal Pont

Teaching Pattern: 2x120-min seminars weekly (7 wks)

Assessment: TBA (but involves combination of 2-hr open-book examination and an assignment)


Offered in Courses: [ L3B ] [ L3D ] [ L3E ] [ L3F ] [ L3G ] [ L3K ] [ L3L ] [ L3J ]

LAW673 - Financial Institutions Law (Unit not offered in 2006)

Special Note: a summer school unit

Description: Examines the law and practice of domestic and international financial institutions. Among the topics covered are: regulatory framework of the financial industry in Australia; the securities industry; financial market instruments and other facilities such as cards and electronic funds transfers; financial institution-customer relationships; the law of negotiable instruments; cheques and payment orders; lending and security; and international financial institution arrangements such as letters of credit.

Assessment:

Required Texts: tba

Offered in Courses: [ L3B ] [ L3D ] [ L3E ] [ L3F ] [ L3G ] [ L3K ] [ L3L ]

LAW677 - Law Elective 2

Description: Allows students to undertake a specific study during the summer semester under the supervision of a lecturer and/or guest lecturer with specific expertise in an accredited unit not normally offered by the Faculty or only offered by the Faculty periodically. The unit must be completed during one semester. Details of the units to be offered are advertised annually.

Requisites: MEXCL - LAW615

Staff: TBA

Teaching Pattern: Lecture format for a total of 30 hours

Assessment: tba

Required Texts: tba

Recommended Texts: tba

Offered in Courses: [ L3B ] [ L3D ] [ L3E ] [ L3F ] [ L3G ] [ L3K ] [ L3L ] [ L3J ]

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LAW678 - Law Elective 3

Special Note: topics to be advised; normally offered as summer school units

Description: Allows students to undertake a specific study during the summer semester under the supervision of a lecturer and/or guest lecturer with specific expertise in an accredited unit not normally offered by the Faculty or only offered by the Faculty periodically. The unit must be completed during one semester. Details of the units to be offered are advertised annually.

Staff: tba

Teaching Pattern: tba

Assessment: tba

Required Texts: tba

Recommended Texts: tba

Offered in Courses: [ L3B ] [ L3D ] [ L3E ] [ L3F ] [ L3G ] [ L3K ] [ L3L ]

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LAW679 - Elective 2 (Supervised Research)

Description: Allows students to undertake a sustained piece of research under the supervision of a member of staff. There are no classes as such; teaching takes place through the interaction between the student and staff member. Students select their own research topics in consultation with, and subject to the approval of, a staff member. The research may be on any topic subject to approval. The work must be completed during one semester. Students must have a Distinction grade average in their law units to be eligible for enrolment in this unit.

Requisites: MEXCL - LAW699 Elective 3 (Supervised Research)

Staff: students wishing to enrol in this unit must first consult the sub-dean of the Faculty of Law

Teaching Pattern: consultation between student and staff member

Assessment: tba
The unit content focuses on the four main issues that arise out of the necessity for interaction between different legal systems. They involve resolving problem cases that arise in private international law, both in Australian and international courts.

Conflicts, also known as Private International Law, looks at the unique legal problems that arise when a court must decide a case which involves an element of foreign law. The foreign element may arise either out of a connection with a different country, i.e., another sovereign state, or it may arise out of a dispute which crosses state boundaries within a federation. The main objectives of this unit are to give students an understanding of the changing nature of the law in this area with particular attention being given to areas of family law that have recently undergone reform as well as other areas where reform may be desirable.

**LAW681 - Family 1 -- the Family and the Child**

**Description:** Examines the legal relationships arising out of the family (with the exception of financial relationships which are dealt with in LAW 682). Topics covered in this unit include marriage, nullity, and dissolution of marriage; the role and operation of the Family Court; methods of dispute resolution in family law; children's rights (particularly vis-à-vis their parents); principles of child placement on the breakdown of the parent's relationship. Students will be encouraged to consider the application of family law from a broad perspective including consideration of relevant policy issues. Students will also be given an understanding of the changing nature of the law in this area with particular attention being given to areas of family law that have recently undergone reform as well as other areas where reform may be desirable.

**Staff:** Prof MFA Otlowski

**Teaching Pattern:** 2x50-min lectures weekly; additional 50-min lecture/seminar fortnightly

**Assessment:** tba

**Required Texts:** Finlay, Bailey-Harris & Otlowski, *Family Law in Australia*, 5th edn Butterworths, 1997


**Offered in Courses:** [L3B] [L3D] [L3E] [L3F] [L3G] [L3K] [L3L]

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**LAW682 - Family 2 -- Financial Aspects of Family Law (Unit not offered in 2006)**

**Description:** Gives students an understanding of the financial aspects of family law. Topics covered include the areas of maintenance, property division and financial agreements and child support. The position of both married and de facto couples will be considered and contrasted with a view to highlighting the differences in the present law regulating the financial aspects of these relationships. Students will be encouraged to examine the underlying policy issues in this area, particularly with regard to the approach of the law to parties in unformalised relationships. Students will also be required to consider the application of the law in its wider socio-economic context, particularly in relation to the unequal economic effects of family breakdown upon men and women. The changing nature of the law in this area will be emphasised with special consideration being given to proposed reforms with respect to both married and unmarried couples.

**Requisites:** PREREQ - LAW681 is desirable

**Staff:** Prof M Otlowski

**Teaching Pattern:** 2x50-min lectures weekly; additional 50-min lecture/seminar fortnightly

**Assessment:** tba


**Offered in Courses:** [L3B] [L3D] [L3E] [L3F] [L3G] [L3K] [L3L]

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**LAW683 - Succession**

**Description:** Gives a general coverage of the law relating to succession to property on death. Topics include: the law relating to intestacy; the execution, revocation, alteration and republication of wills; the legal and equitable doctrines relating to testamentary gifts; the powers, duties and liabilities of executors and administrators; the general administration of estates including different types of grants; and family provision.

**Staff:** Mr KF Mackie

**Teaching Pattern:** 5x50-min lectures fortnightly

**Assessment:** One assignment (40%) and one final examination 2 hours (60%).


**Offered in Courses:** [L3B] [L3D] [L3E] [L3F] [L3G] [L3K] [L3L]

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**LAW684 - Conflicts (Private International Law) (Unit not offered in 2006)**

**Description:** Conflicts, also known as Private International Law, looks at the unique legal problems that arise when a court must decide a case which involves an element of foreign law. The foreign element may arise either out of a connection with a different country, i.e., another sovereign state, or it may arise out of a dispute which crosses state boundaries within a federation. The main objectives of this unit are to give students an appreciation of the theory of international conflicts law and a sound practical understanding of the techniques involved in resolving problem cases that arise in private international law, both in Australian and international courts.

The unit content focuses on the four main issues that arise out of the necessity for interaction between different legal systems. They involve arguments about: the factors connecting a case to the law of another state; whether the court has jurisdiction and whether the court is an
appropriate forum to hear a case; the choice of the proper law to apply in cases of contract, tort, property and family law; and the recognition and enforcement of foreign judgements.

Staff: Mr KF Mackie, Dr J Davis

Teaching Pattern: 5x50-min lectures fortnightly

Assessment: tba

Mortensens R, Private International Law, ISBN 0409311073

Offered in Courses: [ L3B ] [ L3D ] [ L3E ] [ L3F ] [ L3G ] [ L3K ] [ L3L ] [ L3J ]

LAW688 - Sentencing (Unit not offered in 2006)

Description: Seeks: (a) an understanding of the growing statute and common law relating to the sentencing of offenders; and the range, nature and efficacy of sentencing options; and (b) to evaluate critically sentencing law, the role of the judiciary and criminal justice policy. The unit studies the law and practice in Tasmania governing the sentencing of offenders, including: the general sentencing principles enunciated by the courts; procedures at the sentencing stage of a criminal trial or hearing; mechanisms of appellate review; the sentencing options available to the courts and sentencing practice and policy in relation to some common offences. Current developments in sentencing and sentencing reform are also studied.

Requisites: PREREQ - Criminal Law

Staff: Professor Kate Warner

Teaching Pattern: 2x50-min lectures weekly (13 wks), 10x50-min seminars (10 wks)

Assessment: 3-hr open-book exam (70%), presentation (20%), class participation (10%)

Sentencing Act 1997 (Tas)

Offered in Courses: [ L3B ] [ L3D ] [ L3E ] [ L3F ] [ L3G ] [ L3K ] [ L3L ] [ L3J ]

LAW692 - Elective 1 (Jessup Moot)

Description: Is directed towards the preparation of a University team to participate in the Philip C Jessup International Law Moot Court Competition. Participation is limited to between 3 and 5 students and is by invitation only. The unit involves participating in the Australian rounds of the Jessup in Canberra, held in February each year.

Requisites: PREREQ - LAW631, LAW608 are desirable

Staff: Mr P Lawrence

Teaching Pattern: no formal classes, but students are expected to work over the summer under the supervision of staff

Assessment: moot participation (100%)

Offered in Courses: [ L3B ] [ L3D ] [ L3E ] [ L3F ] [ L3G ] [ L3K ] [ L3L ] [ L3J ]

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LAW693 - Law Elective 1

Description: Allows students to undertake a specific study during the summer semester under the supervision of a lecturer and/or guest lecturer with specific expertise in an accredited unit not normally offered by the Faculty or only offered by the Faculty periodically. The unit must be completed during one semester. Details of the units to be offered are advertised annually.

Staff: TBA

Teaching Pattern: Lecture format for a total of 30 hours

Assessment: tba

Required Texts: tba

Recommended Texts: tba

Offered in Courses: [ L3B ] [ L3D ] [ L3E ] [ L3F ] [ L3G ] [ L3K ] [ L3L ] [ L3J ]

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LAW695 - Law and Ethics of Health Care

Description: This unit examines the relationship of law and ethics to the delivery of health care. The unit concentrates on Australian law but examines international developments with particular reference to the UK, USA, Canada and the European Union. Studies cover: the major areas of law relevant to the delivery of health services; the consideration of the policy issues underlining delivery of health services (the regulation of medical practice, medical indemnity and hospital care); the consideration of the ethical issues involved in the delivery of health services; the consideration of the major areas of law relevant to the practice of medicine; case studies of some of the major issues in bioethical debates (IVF, law and genetics and medical research).

Staff: Prof DRC Chalmers

Teaching Pattern: 5x50-min lectures/seminars/tutorials fortnightly

Assessment: 2-hr open-book examination (70%), assignment (20%) and class participation (10%).

Offered in Courses: [ L3B ] [ L3D ] [ L3E ] [ L3F ] [ L3G ] [ L3K ] [ L3L ] [ L3J ]

Unit Delivery Information:
LAW696 - Professional Conduct

Description: Conveys to students the onerous responsibilities that are cast on lawyers by virtue of their position and role in society. The unit deals with the lawyer's duty to her or his clients, to the administration of justice, and to the community as a whole. It also addresses issues relating to lawyers' costs and lawyers' discipline.

Requisites: PREREQ - completion of first-year core units MEXCL - LAW302 Lawyers and Legal Institutions

Staff: Prof G Dal Pont (Coordinator), Mr J Blackwood, Ms T Henning

Teaching Pattern: 120-min seminar weekly

Assessment: TBA (but combination of 2-hr exam, and one or two assignments)

Required Texts:
- Legal Profession Act 1993 (Tas)
- Rules of Practice 1994 (Tas)

LCA101 - Supreme Court Practice & Advocacy

Description: The principal objectives of the unit are to teach: the principles that govern the practice of litigation in the Supreme Court of Tasmania; and the fundamental skills of persuasion by the art of advocacy.

The unit commences with a tour of the Supreme Court and an explanation of its jurisdiction. At the same time, there is a discussion about the scope and function of the Rules of Court as well as about the methodology underpinning the conduct of the unit.

Exercises involve the use of affidavit evidence, drafting pleadings, interrogatories, disputed discovery applications, compulsory conferences, expert opinion evidence and pre-trial conferences. Although the unit sets guide lines for the practitioners to follow, the detailed conduct of the litigation is left to the initiative of the individual practitioners, instructed to act against the trainees in each case.

Requisites: PREREQ - LLB

Staff: Mr Justice Underwood and other judges and senior practitioners

Assessment: trainees are required to achieve a 50% overall pass rating in written and oral work, and a 50% pass in end-of-unit test

Required Texts: Supreme Court Rules

LCA102 - Magistrates' Court Practice & Advocacy

Description: The principal objectives of this unit are to teach: the legislative framework and principles which govern practice in courts of summary jurisdiction; the basic skills of advocacy required for the rigours of day to day practice in those courts, particularly courts of petty sessions exercising criminal jurisdiction.

As for LCA101 at the outset there is a tour of the Magistrates Court and an introduction to the key personnel. Lectures and court presentations will be coordinated in time as the unit develops through the various subject matters. For the bulk of the matter on each subject matter, trainees are required to file written exercises at the Court. These are designed to have the trainees note relevant statutory provisions and applicable principles. The submission of the exercises is then followed by a presentation in court. The particular subject matters to be covered are: formal appearances and entry of pleas; elections between Supreme Court and summary disposition: bail applications, pleas in mitigation of sentence, restricted licence applications; restraining order applications; ex tempore 'surprise' pleas and applications.

Requisites: PREREQ - LLB

Staff: Magistrate Peter Dixon and a panel of other magistrates and senior practitioners

Assessment: trainees are required to achieve a 50% overall pass rating in written and oral work, and a 50% pass in end-of-unit test

Offered in Courses: [ L3B ] [ L3D ] [ L3E ] [ L3F ] [ L3G ] [ L3K ] [ L3L ] [ L3J ]
prescribed interests arise and what to advise clients in those circumstances. If time permits, the topic will conclude with an update on recent legislative changes.

At each meeting, the trainees are given file instructions to complete for the next meeting. Meetings generally commence with a review and discussion of the instructions given at the previous meeting, with a random selection of file instructions being collected for assessment. A short briefing follows on the next topic. The meeting concludes with the distribution of further file instructions.

**Requisites:** PREREQ - LLB

**Staff:** Mr P Kimber

**Assessment:** trainees are required to achieve a 50% overall pass rating in written and oral work, and a 50% pass in end-of-unit test

**Offered in Courses:** [L5B]

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**LCA104 - Conveyancing and Property Practice**

**Description:** The unit is concerned with the transfer of interests in real estate, and business and other assets, and will be primarily transaction based. There is a series of formal introductory lectures, which will cover the following areas: The searches, inquiries and work to be undertaken by the solicitors for the parties prior to the formation of a contract for the sale and purchase of the subject matter; the drafting and execution of the contract documentation and the various ways in which the contract is brought into existence; the searches, inquiries and work to be undertaken by the solicitors for the parties after the contract has been brought into existence and prior to its completion (settlement); the completion of the contract, and the work to be undertaken by the solicitors for the parties after the completion of the contract.

Lectures are supplemented by written materials designed to assist trainees with the transactions they are required to undertake during the unit. Throughout the unit groups and individual information sessions are conducted.

Trainees are required to complete four transactions. Two of these involve the transfer (sale and purchase) of domestic real estate, and two involve the transfer of business assets. In each transaction, trainees are paired off. One trainee will act for the vendor, the other for the purchaser. It may be that in one transaction each student will be paired with an experienced legal practitioner.

On regular occasions during the unit, the instructor attends the offices of the Trainees for the purposes of giving such assistance with the transactions as may be required. That assistance is given on an informal basis to individual trainees, or groups of trainees.

**Requisites:** PREREQ - LLB

**Staff:** Mr H Murray

**Assessment:** trainees are required to achieve a 50% overall pass rating in written and oral work, and a 50% pass in end-of-unit test

**Offered in Courses:** [L5B]

**Unit Delivery Information:**

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**LCA105 - Trust and Office Accounts**

**Description:** Provides instruction with the aim of equipping trainees with sufficient accounting skills to enable them to keep accurate records of monies received from and held on behalf of clients in accordance with the Rules of Practice 1994 Part 3, Accounting rules 17-59. Trainees are given a thorough briefing on the general principles of trust accounting and the requirements of the trust accounting rules of practice. A number of preliminary exercises are undertaken to ensure all trainees understand the concepts. Those trainees without any accounting experience, either at University or at Matriculation college are also given a grounding in basic accounting principles. Trainees are tutored in computerised trust accounting skills using the Locus software available at the Centre.

**Staff:** Mr M Harris

**Assessment:** The Instructor, fulfilling the role of the Law Society auditor will on an irregular basis visit all firms (i.e. all trainees) and conduct an audit on their trust accounting records. A pass rating is required. Accordingly all trainees are required to be up to date with their records at all times, in accordance with the requirements of the Trust Accounting Rules of Practice, as at any time an audit may be imposed. Records to be maintained for audit purpose include all other client files. There is also an end-of-unit test in which trainees must achieve a pass.

**Offered in Courses:** [L5B]

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**LCA106 - Family Law Practice**

**Description:** The principle objectives of the unit are to: ensure that trainee practitioners are proficient in the bringing of proceedings in the Family Court of Australia; and ensure that trainees are proficient in the interlocutory aspects of and the preparation for trial in matters pertaining to both property and children’s issues in the court. The unit is divided into three basic areas: Property matters; Children's matters; Restrains orders.

The relevant procedures pertaining to each of these areas are taught, including the conduct of practical exercises. Trainees are made familiar with the principles of conciliation and counselling, as applicable to this jurisdiction.

**Requisites:** PREREQ - LLB

**Staff:** Director: Glenn Hay, Barrister-at-Law

**Assessment:** oral and written assessment
LCA106 - Professional Skills, Responsibilities & Ethics

Description: Familiarises trainees with the areas in which difficulty in legal practice is most often encountered, and to examine the ways in which these issues are resolved. Focus is on issues of conflict of interest and client confidentiality, the tension between the duty to the court and the duty to the client, and issues relating to retainer and the termination of the solicitor/client relationship.

Instruction is carried out by way of written exercises and group discussion of exercises given in advance; all trainees are expected to prepare for and participate in these discussions.

Requisites: PREREQ - LLB

Staff: Director: Glenn Hay, Barrister-at-Law

Assessment: oral and written assessment

Recommended Texts: Dal Pont G, Lawyers’ Professional Responsibility

Offered in Courses: [ L5B ]

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LCA107 - Professional Skills, Responsibilities & Ethics

Description: Familiarises trainees with the areas in which difficulty in legal practice is most often encountered, and to examine the ways in which these issues are resolved. Focus is on issues of conflict of interest and client confidentiality, the tension between the duty to the court and the duty to the client, and issues relating to retainer and the termination of the solicitor/client relationship.

Instruction is carried out by way of written exercises and group discussion of exercises given in advance; all trainees are expected to prepare for and participate in these discussions.

Requisites: PREREQ - LLB

Staff: Director: Glenn Hay, Barrister-at-Law

Assessment: oral and written assessment

Recommended Texts: Dal Pont G, Lawyers’ Professional Responsibility

Offered in Courses: [ L5B ]

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