School of Law
Website: http://www.law.adelaide.edu.au

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Law — Awards and Rules

Undergraduate awards in the School of Law

Ordinary degree of Bachelor of Laws
Ordinary degree of Bachelor of Laws with Honours
Honours degree of Bachelor of Laws

Notes on Delegated Authority
1 Council has delegated the power to approve minor changes to the General Academic Program Rules to the Convenor of Academic Board.
2 Council has delegated the power to approve minor changes to the Specific Academic Program Rules to the Executive Deans of Faculties.
3 Council has delegated the power to specify syllabuses to the Head of each department or centre concerned, such syllabuses to be subject to approval by the Faculty or by the Executive Dean on behalf of the Faculty.
The University is currently in the process of implementing a new information systems infrastructure. This includes a new Student Administration system. A consequence of this initiative is that the University has adopted a new set of nomenclature to describe its academic awards and curriculum offerings.

The changes in terminology that will be noticed in the Handbook of Academic Programs are as follows:

- **Academic Program**: is used to describe academic awards which were previously referred to as Courses.
- **Course**: is used to describe syllabus offerings which were previously referred to as Subjects.
- **Unit**: is used to describe the value the course contributes to program completion previously referred to as Points.
Bachelor of Laws

The above award has been developed within the framework of the General Academic Program Rules printed at the beginning of this volume of the Handbook. As all students must comply with both the General and Specific Academic Program rules, they are advised to refer to them to gain an understanding of their rights and responsibilities regarding program matters.

Students who commenced their studies towards the Bachelor of Laws prior to 1999 (other than those who have completed only 6019 Law and Legal Process and 3731 Contract under the provisions of the Specific Course Rules as published in 1998) must complete the courses under those provisions.

Specific Academic Program Rules

1 General
There shall be an Ordinary degree, which may be awarded with Honours, and an Honours degree of Bachelor of Laws.

2 Duration of Awards
The program for all combined degrees shall extend over 5.5 years of full-time study or the part-time equivalent, except for Engineering which shall extend over 6.5 years.
For the Bachelor of Laws study shall extend over 2.5 years for Later Year Entrants and 3.5 years for Graduate Entrants

3 Admission requirements
3.1 Admission as a candidate for the degree is subject to quotas and selection procedures currently operating in the School.

3.2 An applicant may be considered for admission as a candidate if one or more of the following conditions have been satisfied:
(a) completion of the equivalent of at least one year of full time study (the equivalent of 24 units at Adelaide University) in an approved non-law degree (see note below for admission procedures)
(b) completion of a degree of Adelaide University in a faculty/school other than Law
(c) completion in another university of a degree which, in the opinion of the School of Law, is at least equivalent, for this purpose, to a degree in another faculty/school of the University.

Note to Specific Academic Program Rule 3.2 (not forming part of the Rule).

1 The normal admission procedure recommended for students other than graduates who wish to proceed to the degree of Bachelor of Laws is as follows:
(a) Apply for entry to candidature for one of the following degrees at Adelaide University:
   Bachelor of Arts (B.A.)
   Bachelor of Commerce (B.Com.)
   Bachelor of Computer Science (B.Comp.Sc.)
   Bachelor of Design Studies (B.Des.St.)
   Bachelor of Economics (B.Ec.)
   Bachelor of Engineering (Chemical) (B.E.(Chem))
   Bachelor of Engineering (Civil) (B.E.(Civil))
   Bachelor of Engineering (Civil and Environmental) (B.E.(Civil & Env.))
   Bachelor of Engineering (Computer Systems)
   Bachelor of Engineering (Electrical and Electronic)
   Bachelor of Engineering (Information Tech. And Telecommunications)
   Bachelor of Engineering Mechanical (B.E.(Mech))
   Bachelor of Finance (B.Fin.)
   Bachelor of Health Sciences (B.Health Sc.)
   Bachelor of Science (B.Sc)*
   Bachelor of Science (Mathematical and Computer Sciences) (B.Sc.(Ma.& Comp.Sc.)).
   On successful completion of the equivalent of at least one year of full time study (24 units) in one of these degree apply for entry to the LLB.
   *It should be noted that in Science the resultant degree awarded will be the Bachelor of Science (Jurisprudence). Entrants to Science seeking to do Law should ensure their first year enrolment meets the B.Sc.(Juris.) requirements.
(b) A number of places in the LLB are also reserved for students new to higher education, on the basis of their TER or equivalent.
Applicants who are offered a reserved place will be required to successfully complete, in one year, the first year (24 units) of their non-law degree program prior to admission to the LLB.

3.3 The School of Law may accept as a candidate for the degree a person who does not satisfy one of the conditions in 3.2 above but who has completed a non-Law qualification in a tertiary institution other than a university and has satisfied the School of capacity to undertake work for the degree.

3.4 Places offered in the LLB may not be deferred.

3.5 Except with the permission of the Dean of the School or a nominee, a candidate must undertake the foundation courses 3201 Law of Torts, 9402 Legal Skills I and 5272 Law of Contract concurrently in the first year in which they enrol. Permission to vary this Rule will be granted only in exceptional circumstances.

3.6 A student may withdraw from the foundation courses 3201 Law of Torts, 9402 Legal Skills I and 5272 Law of Contract without loss of place only in exceptional circumstances and with special permission of the Dean of the School or a nominee. Such permission will be given only on the basis of re-enrolment in the following academic year.

3.7 Places in the foundation courses 3201 Law of Torts, 9402 Legal Skills I and 5272 Law of Contract are only available to students who have been accepted as a candidate for the LLB.

3.8 In determining a candidate’s eligibility for the award of the degree, the School may disallow any course completed more than 10 years previously. Where a course(s) is disallowed under this rule, a student will be required to undertake such additional or special programs of study as the School deems appropriate.

3.9 Status
(a) In lieu of any of the courses referred to in 5.4.1.1(b) below a candidate may present a law course or courses passed outside the University. Such courses must be approved and their units value determined by the School in each case.
(b) A candidate granted status shall present courses taught at the Adelaide University to the value of at least 30 units.

4 Assessment and examinations
4.1 (a) In determining a candidate’s final result in a course, the assessors may take into account the assessments of the candidate’s oral, written, practical or examination work in that course, provided that the candidate has been given notice at the beginning of the course of the circumstances in which the work may be taken into account and its relative importance in the final result
(b) A candidate may be required by the assessors in any course to do essays or other written work in a satisfactory manner as prerequisite to being assessed in that course, provided that candidates are given precise information about those requirements at the beginning of the course.

4.2 The School may grant to any student such exemption from 4.1 above, and under such conditions, as it shall decide.

4.3 There shall be four classifications of pass in any course or division of a course for the Ordinary degree as follows: Pass with High Distinction, Pass with Distinction, Pass with Credit, Pass.

5 Qualification requirements
5.1 To qualify for the Ordinary degree a candidate shall comply with the relevant provisions of the Specific Academic Program Rules.

5.2 (a) To qualify for the Ordinary degree with Honours a candidate shall comply with the relevant provisions of Specific Academic Program Rule 5.4.1.2 (a) & (b).
(b) A candidate who satisfies the requirements of 5.2 (a) above shall be awarded the Ordinary degree with Honours in the Second Class, but the School shall decide whether the degree with Honours is awarded in Division A or Division B.

5.3 (a) To qualify for the Honours degree a candidate shall comply with the relevant provisions of Specific Academic Program Rule 5.4.2.
(b) A candidate who satisfies the requirements of 5.3 (a) above shall be awarded the Honours degree of Bachelor of Laws, but the School shall decide within which of the following classes and divisions the degree shall be awarded:
<table>
<thead>
<tr>
<th>Course Code</th>
<th>Course Title</th>
<th>Units</th>
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<tr>
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<td>Civil and Criminal Procedure</td>
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<td>Law of Crime</td>
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<td>Law of Evidence</td>
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<td>Property Law</td>
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<td>2610</td>
<td>Aboriginal People and the Law</td>
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<tr>
<td>9013</td>
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<td>7570</td>
<td>Advanced Property Law</td>
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<td>2534</td>
<td>Advanced Public Law</td>
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<td>8618</td>
<td>Australian Legal History</td>
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<td>2271</td>
<td>Capital Gains Tax and the Taxation of Entities</td>
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<td>Clinical Legal Education</td>
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<td>Commercial Law and the Market</td>
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<td>4606</td>
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<td>Comparative Native Title: Australia and Canada</td>
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<td>6006</td>
<td>Conservation Law</td>
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<td>2468</td>
<td>Consumer Protection and Unfair Trading</td>
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<td>2797</td>
<td>Corporate Finance</td>
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<td>5853</td>
<td>Corporate Governance</td>
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<td>8186</td>
<td>Corporate Insolvency</td>
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<td>9180</td>
<td>Criminology</td>
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<tr>
<td>8364</td>
<td>Environmental Dispute Resolution</td>
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<tr>
<td>5873</td>
<td>Environmental Law</td>
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<tr>
<td>4424</td>
<td>Environmental Protection Law</td>
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<td>9895</td>
<td>Equality and Anti-Discrimination Law</td>
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<td>1651</td>
<td>Expert Evidence</td>
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<td>Financial Transactions</td>
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<td>9862</td>
<td>Housing Law</td>
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<td>6917</td>
<td>Human Rights: International and National Perspectives</td>
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<tr>
<td>5283</td>
<td>Intellectual and Industry Property Law</td>
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<tr>
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<td>International Environmental Law</td>
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<td>Introduction to Public International Law</td>
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<tr>
<td>6672</td>
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<tr>
<td>5516</td>
<td>Jurisprudence</td>
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<tr>
<td>4170</td>
<td>Labour and Industrial Relations Law</td>
<td>4</td>
</tr>
<tr>
<td>5872</td>
<td>Land and Water Resources Law</td>
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<td>2244</td>
<td>Medical Law and Ethics</td>
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<td>7857</td>
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<td>9466</td>
<td>Personal Insolvency Law</td>
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<tr>
<td>7379</td>
<td>Planning &amp; Heritage Law</td>
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<tr>
<td>6247</td>
<td>Property Theory</td>
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<td>5350</td>
<td>Public &amp; Private Provision of Income Maintenance</td>
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<td>5600</td>
<td>Public International Law</td>
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<td>Regulation of Competition</td>
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<td>7966</td>
<td>Securities and Investment Law</td>
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<td>Selected Issues in Law of Crime &amp; Procedure</td>
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<td>South Australian internship Program (Law)</td>
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<td>Tax and the Revenue Concept</td>
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<tr>
<td>8443</td>
<td>The Conflict of Laws</td>
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</tbody>
</table>

The School may determine that any elective course or courses referred to above be not offered in a particular year. The units value of each course shall be that appearing after the name of the course.

(c) The School may determine, on such conditions as it considers appropriate, that a pass in a course offered under previous schedules is to be deemed to be a pass in a course or courses referred to in 5.4.1.1 (b) above.

(d) without limiting the operation of the preceding sub-clause, a candidate who has completed 6019 Law and Legal Process and 3731 Law of Contract shall be deemed to have completed 9402 Legal Skills I, 5272 Law of Contract and four unspecified elective course units.

5.4.2 (a) A candidate may be awarded the Ordinary degree of Bachelor of Law with Honours who:

(i) has satisfied the requirements of 5.4.1 above

(ii) has completed the courses required under 5.4.1.1(b) (i) and (ii) above with a final Honours course average of 71 or more (calculated according to Specific Academic Program Rules 5.4.2.1(b)) and

(iii) has satisfactorily completed such substantial legal writing as determined and at a standard as approved for the purpose of this clause by the School.

(b) The Ordinary degree with Honours shall be awarded in the Second Class and the School shall decide whether it be awarded in Division A or Division B.

Further, all recipients shall be ranked on a common scale, by Honours course average, with candidates awarded the Honours degree of Bachelor of Laws.

The award abbreviation LLB (with Hons.) shall be used by candidates awarded the Ordinary degree with Honours.

5.4.2 The Honours degree

Introductory note to Specific Academic Program Rule 5.4.2 (not forming part of the Rule).

A student who wishes to obtain an Honours degree of Bachelor of Laws must complete the course 3969 Dissertation Honours Law. This course is normally undertaken in the first and second semesters of the penultimate year of the LL.B. program. It has a value of 8 units and is taken in lieu of other elective courses with an equivalent units value.

5.4.2.1 (a) Except with the permission of the School which will be granted only in special circumstances, candidates may not enrol for the Honours dissertation unless they have an honours course average of at least 70. An honours course average for this purpose is the average mark obtained in the best 65% of whatever Law courses under this Rule a candidate has completed to at least pass level, provided that a candidate who is seeking to qualify for the Honours degree pursuant to 5.4.2.4 below must have completed Law courses under 5.4.1.1(b) above with an aggregate units value of at least fifty.

(b) In calculating an Honours course average the following procedure shall be used:

(i) the aggregate units value of all courses completed to at least pass level is calculated.
(ii) courses are selected for the average in the order of marks gained, highest first, until their combined units value constitutes at least 65% of the aggregate units value of courses completed

(iii) the last course selected is given that units value which brings the total units value of courses selected to exactly 65% of the aggregate units value of courses completed

(iv) the mark in each course selected is multiplied by the course’s units value, the marks (so multiplied) are added together, and their sum divided by 65% of the aggregate units value of all courses completed

(v) to the average thus produced a bonus of .033 per course unit for a Distinction and .066 per course unit for a High Distinction will be added.

(c) When the School gives special permission under 5.4.2.1(a) above it shall at the same time settle an honours course average.

(d) When a candidate

(i) is granted status in a course pursuant to General Academic Program Rule 4.3 or

(ii) is permitted by the School to present a course for the degree pursuant to 3.9 above

the School shall determine a mark for the course which shall be used for the purposes of calculating the candidate’s honours course average.

5.4.2.2 The School of Law shall determine each year how many eligible candidates qualified under this rule its resources allow it to supervise. Only candidates accepted for supervision shall be permitted to enrol for 3969 Dissertation Honours Law.

5.4.2.3 In order to be considered for honours supervision in a particular year a candidate who has qualified for the ordinary degree and who, although eligible to do so, did not undertake the course 3969 Dissertation Honours Law in the year after qualifying for the degree, must notify the School Registrar in writing of the intention to enrol in that course. The notice must be provided to the School Registrar by December of the year prior to the course being undertaken.

5.4.2.4 A candidate shall qualify for the Honours degree of Bachelor of Laws if:

(a) the candidate has

(i) qualified for a degree in another faculty/school of the University or

(ii) obtained in another university a degree which in the opinion of the School of Law is at least equivalent, for the purpose, to a degree in another faculty/school of the University or

(iii) obtained in another tertiary institution a non-Law qualification at an academic level which has been accepted by the School for the purposes of 3.3 above;

(b) the candidate has passed

(i) the compulsory courses listed in 5.4.2.1(b)(i) above or their equivalent and

(ii) elective courses with a total units value of twenty four from those listed in 5.4.2.1(b)(ii) above or those available under previous program rules and

(c) the candidate has satisfactorily completed the course 3969 Dissertation Honours Law.

(d) Candidates awarded the Honours degree of Bachelor of Laws in the Second Class shall be ranked on a common scale, on the basis of their Honours course average, with candidates awarded the Ordinary degree of Bachelor of Laws.

The award abbreviation Hons.LLB shall be used by candidates awarded the Honours degree of Bachelor of Laws.

5.4.2.5 A candidate for the Honours Degree who does not qualify for that degree may present the course 3969 Dissertation Honours Law, considered sufficient for the purpose by the Honours Board of Examiners, as an elective course counting as two 4 unit elective courses for the purposes of 5.4.1.1(b)(ii) above

5.4.2.6 Clause 3 of Specific Academic Program Rule 5.4.1.1 (c) & (d) and Rule 3.9 also apply to the Honours degree.
**Syllabuses**

**Introductory notes**

note: Syllabuses for courses for the LLB are given below.

1. Each course for the LLB degree has a units value as shown below. A 4 unit course represents 16.67% of a standard year of full-time study.

2. The compulsory foundation courses 3201 Law of Torts (4 units), 9402 Legal Skills 1 (4 units) and 5272 Law of Contract (4 units) are presented at an academic level appropriate to second year University study.

3. The compulsory courses 4062 Law of Crime (4) and 8932 Property Law (4) are presented at an academic level appropriate to third year University study.

4. The compulsory foundation courses 3201 Law of Torts (4), 9402 Legal Skills 1 (4) and 5272 Law of Contract (4) are co/prerequisites for all other courses for the LLB degree other than including those mentioned above. The other compulsory courses for the LLB degree are:

   - 5144 Administrative Law
   - 5499 Australian Constitutional Law
   - 1593 Civil and Criminal Procedure
   - 7659 Equity
   - 6241 Corporate Law
   - 9136 Law of Evidence
   - 5432 Legal Ethics
   - 1594 Legal Skills 2
   - 9947 Legal Skills 3

   In addition to the compulsory courses, elective courses with an aggregate units value of 32. The elective courses are listed in 5.4.1.1 (b) of the Specific Academic Program Rules below.

5. In any one year the School of Law offers all compulsory LLB courses and also offers elective courses with an aggregate units value of at least 54.

6. Schemes of study

   The School of Law recommends that candidates for the LLB degree take their courses according to the one of the following schemes outlined in the Law Student Handbook. (Students undertaking Law studies as part of the B.E. (Chem.), B.E. (Civil), B.E. (Civil & Env) or B.E. (Mech) should consult the notes to that degree for the recommended scheme of study.

7. Candidates who commence the LLB having completed more than one year of a non-Law degree program should consult a Law academic adviser about an appropriate scheme of study.

**timetable**

Contact hours and teaching methods for each course are detailed below. During the enrolment period students will be given a Departmental Timetable. This will set out both the period over which each course is taught and the lecture times. Information relating to tutorials and small groups for each course will be posted in the Law School during or prior to Orientation Week.

**Courses to be offered in 2001**

Final information on courses for 2001 will be available during the Enrolment Period.

**books**

Detailed information as to reading will be provided in Orientation Week lectures, or by means of reading lists as each course progresses through the academic year.

**assessment procedures**

The School of Law has adopted procedural rules by which all assessment for all LLB courses is determined. A copy of the rules is posted in the School of Law. Further copies are available in the Law Library. It is the responsibility of each student to read and understand the Assessment Rules.

**assessment**

At the beginning of each year, a proposed assessment scheme is formulated by the members of staff involved in each course. The assessment scheme is presented to students for discussion in the Orientation Week lecture for each course (or an early lecture of the course). After discussion and, where relevant, amendment, assessment schemes are submitted to School in April/May of each year for approval and authorisation. The authoritative assessment scheme is then adopted by School at its April/May meeting. While proposed assessment schemes will be circulated at the commencement of the academic year, the authoritative statement of assessment schemes will be posted in the School of Law in April/May of each year.

It is the responsibility of each student to read and understand the statement of assessment schemes as approved by the School in each of the courses in which the student is enrolled.

**Level II**

<table>
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<tr>
<th>Course</th>
<th>Units</th>
<th>Semester</th>
</tr>
</thead>
<tbody>
<tr>
<td>5272 Law of Contract</td>
<td>4</td>
<td>2</td>
</tr>
</tbody>
</table>

**Appropriate to 2nd year**

50 hours

co/prerequisite: 3201 Law of Torts, 9402 Legal Skills 1

Acquaints students with the content and application of the common law, equitable and statutory rules relating to enforceable agreements and puts those rules in their practical and social perspective. Although the course is not concerned with the various statutory modifications made with respect to specific classes of contract (e.g. employment, land, consumer finance, etc), which are dealt with in other courses, an understanding of the basic conception of a contract is vital not just as a starting point for those statutory models but also for an understanding of everyday commercial agreements. The following topics will be covered:
Creation and content of a contract (formation, privity, agency, terms); Statutory remedies for misleading and deceptive conduct in trade and commerce, misrepresentation; unconscionable dealing, improper pressure; performance and discharge of obligations (performance, breach, frustration, variation and discharge by agreement); Remedies (enforcement, compensation, restitution).

3201 Law of Torts
4 units semester 1
Appropriate to 2nd year
50 hours
corequisite: 9402 Legal Skills 1
The tort of negligence including defences, with some consideration of damages, concurrent liability and alternative methods of providing compensation for accidental injury. A representative range of other torts and their defences which may include intentional torts to the person, torts to chattels, torts to real property, economic torts and so on.

9402 Legal Skills 1
4 units full year
Appropriate to 2nd year
50 hours
corequisite: 3201 Law of Torts, 5272 Law of Contract
To be taught in conjunction with Law of Torts and Law of Contract. An introduction to the Australian legal system and its institutions, in particular the courts. The primary focus is on the development of legal analytical skills through the reading of cases and statutes. Lectures will deal with the following topics: Legal Institutions; Civil and Criminal Proceedings; Legal Writing; Citation; and study skills. In seminars, students will work through problems on Case Analysis; Judicial Decision Making; Precedent in Australian Courts; Legislation; Interpretation of Legislation and Legal Research.

Level III

4062 Law of Crime
4 units semester 1
Appropriate to 3rd year
50 hours
corequisite: 9402 Legal Skills 1, 3201 Law of Torts
The purpose of the course is to provide an account of the nature and purposes of Law of Crime, the general principles of criminal responsibility as well as a detailed examination of selected substantive offences. The course is also designed to provide students with a basic understanding of Criminal Procedure. The substantive offences to be considered will include fatal and non-fatal offences against the person, and selected property offences. The course will also consider the criminal responsibility of corporations. The course will examine attempted offences and preparatory crime, with particular reference to impossibility and the law related to illicit drugs. It will also canvass the major defences to crime, including self-defence, provocation, intoxication, insanity and automatism. The Criminal Procedure to be examined in the course includes the investigatory powers of the police and the rights of the criminal accused, bail committal proceedings as well as the jurisdiction of courts.

8932 Property Law
4 units semester 2
Appropriate to 3rd year
50 hours
corequisite: 9402 Legal Skills 1, 5272 Law of Contract, 3201 Law of Torts
This course will discuss the important features of the Australian common law and statutory provisions relating to real and personal property, with emphasis being given to the former. The principal aim is to acquaint students with the fundamental proprietary interests and to teach students how to apply the relevant laws and concepts to practical situations where such interests are in dispute. The following topics will be considered: Ownership and Possession of real and personal property; Adverse possession and limitation of actions legislation; Limits to land (including fixtures, the ownership of airspace and subsoil, land boundaries and encroachments); Estates and Tenure; Legal rights recognised in land (including bare and contractual licences; mortgages; co-ownership); Future interests and equitable intervention; Creation and enforceability of equitable interests; The Torrens system of land
title registration; Leases; Easements; and Restrictive Covenants.

Level IV

5144 Administrative Laws
4 units semester 2
Appropriate to 4th year
50 hours
prerequisite: 9402 Legal Skills 1, 5272 Law of Contract, 3201 Law of Torts
corequisite: 1594 Legal Skills 2

The main aims of the course are to teach the basic principles which govern review of administrative action, and to provide a critical analysis of that system. A particular focus is placed upon judicial review, including its fundamental concepts or jurisdiction, vires, and natural justice. The course will also cover review by administrative tribunals and Ombudsmen, as well as Freedom of Information legislation. State and Commonwealth avenues of review, both common law and statutory, are discussed. The practical significance of the course in substantive areas such as taxation, immigration, welfare and regulation is emphasised. The organisation of the Executive arm of government; the conceptual and constitutional basis of the course; error of law, error of fact and the legality/merits distinction; the ‘new’ administrative law of review by tribunals; Ombudsmen; Freedom of Information legislation; justiciability and standing; ultra vires and abuse of discretion; procedural fairness; jurisdictional error, judicial review remedies, including privative clauses; Crown immunity.

5499 Australian Constitutional Law
4 units semester 1
Appropriate to 4th year
50 hours

co/prerequisite: 9402 Legal Skills 1; 5272 Law of Contract, 3201 Law of Torts

The Australian constitutional system. Selected topics including: introduction to Federal and State Constitutions, both written and common law; historical background and theories of constitutionalism; the doctrine of separation of powers; including the nature of legislative, executive and judicial power at both Commonwealth and State levels, the legislative power of the Commonwealth and the States: including the process of characterisation and an examination of heads of power specified in s51 and s52; relations between the Commonwealth and the States and the resolution of inconsistencies between laws; representative and responsible government; including the relation of citizens and their Parliaments, the relation of executive government to the parliaments, and the implications in the constitutions drawn from representative and responsible government; the Commonwealth and the States as a social and an economic union: including the constitutional place of indigenous peoples and the law relating to sections 117 and 118 and to sections 90 and 92.

6241 Corporate Law
4 units semester 2
Appropriate to 4th year
50 hours

prerequisite: 9402 Legal Skills 1, 5272 Law of Contract, 3201 Law of Torts

Examination of the legal regulation of corporate activity including formation; comparison with non-corporate entities, attributes of corporate personality (property, contract, tort, member liability); the corporate contract; corporate governance (directors’ duties, shareholder primary norm, members rights and remedies); public regulation of corporate activity (ASC and ASX regulations); corporate finance (debt and equity); corporations in financial trouble (administration, receivership, winding up); and rights attendant upon dissolution.

7659 Equity
4 units semester 1
Appropriate to 4th year
50 hours

prerequisite: 9402 Legal Skills 1, 5272 Law of Contract, 8932 Property Law, 3201 Law of Torts

Historical basis of equity; equitable interests in property - the nature of beneficial interest, equitable assignments. The course will examine in details major equitable doctrines or principles: (1) unconscionable conduct; (2) fiduciary relationships; (3) trust: express, resulting and constructive. Particular emphasis will be places throughout the course upon remedies, both specific and monetary. Other equitable doctrines such as breach of confidence will be considered.
1594 Legal Skills 2
2 units  semester 1 or 2
Appropriate to 4th year
25 hours
prerequisite: 9402 Legal Skills 1, 5272 Law of Contract, 3201 Law of Torts

This course is concerned with the following legal skills: problem based legal research and analysis; legal interviewing; letter writing and drafting of non-litigious legal documents such as contracts, trust deeds and wills. The skills are not considered in isolation. Much of the teaching programme revolves around fact situations in which interviews lead to research, drafting and letter writing. Assessment is based on two written assignments (a research exercise on drafting and letter writing) and participation. In addition to attendance and contribution to classroom discussion, participation takes into account videoed interviews, group problem solving activities and work on 'Alice' exercises.

Level V
1593 Civil and Criminal Procedure
4 units  semester 1
Appropriate to 5th year
50 hours
corequisite: 9947 Legal Skills 3

Procedures applicable to the resolution of civil disputes (civil procedure) and the conduct of trials in the court system (criminal procedure). Civil procedure - the nature and extent of civil disputes and the various techniques of conciliation, mediation, arbitration, and judgement used for settling such disputes. The nature of the present civil procedure in South Australia and its conceptual underpinnings is examined, including the respective roles of parties (and their legal representatives) and courts, the responsibility for commencing, continuing and conducting proceedings and the interlocutory manoeuvrings of a civil dispute in South Australia from commencement of proceedings to trial. The course also introduces students to interlocutory injunctions, discovery, inspection, interrogatories, admissions, pre-trial conferences, mediation, conferences and judgement without trial, and includes a critique of the current system. Criminal procedure - the practice and procedure applying to criminal matters in South Australian courts, including consideration of categorisation of criminal offences, criminal pleadings, bail applications, trial procedure (trial by judge alone, jury trial, choice and role of the jury), summary procedure and the magistrates court rules, the role of witnesses, subpoenas, the application and purpose of the Dietrich principle, abuse of process principles and their applicability to criminal trials, verdicts and sentencing and the appeal process.

9136 Law of Evidence
4 units  semester 2
Appropriate to 5th year
50 hours
prerequisite: 9402 Legal Skills 1, 5272 Law of Contract, 3201 Law of Torts

The rules of evidence as applied in South Australian courts and Federal courts sitting in South Australia. These rules determine the evidence which will be received by courts in proof of facts, the form in which evidence must be presented, and the uses to which such evidence can be put. The topics will include examination of both the sources and acceptability of evidence, including rules concerning the burden and standard of proof and technical rules concerning such matters as hearsay, admissions and confessions, illegally obtained evidence and res gestae.

5432 Legal Ethics
2 units  semester 2
Appropriate to 5th year
50 hours
prerequisite: 1594 Legal Skills 2, 5144 Administrative Laws

The course considers the duties owed by lawyers to the court, clients, other lawyers and the community. The Legal Practitioners Act and the Law Society’s Professional Conduct Rules are considered and the concept of professional misconduct is examined. Specific matters addressed include confidentiality and client privilege; duties with respect to the handling of client’s money; frankness and integrity towards the court and other lawyers; and adherence to undertakings. The nature of disciplinary systems and public access thereto and wider questions of personal ethics and conflicting duties and values also are considered.
9947  Legal Skills 3
4 units    full year
Appropriate to 5th year
48 hours
prerequisite: 9402 Legal Skills 2, 5144 Administrative Laws
co/prerequisite: 1593 Civil and Criminal Procedure; 9136 Law of Evidence, 5432 Legal Ethics
To be taught over two semesters in conjunction with Civil and Criminal Procedure in first semester and The Law of Evidence and Legal Ethics in second semester. Drafting and writing skills will be developed through exercises concerned with the conduct of civil and criminal proceedings, including drafting pleadings and other pretrial documents, including discovery, admissions, and interlocutory applications. Negotiating and mediating skills will be developed through the conduct of practical exercises arising out of attempts to settle civil litigation. An introduction to advocacy skills will be given through the conduct of pre-trial conferences and applications in both civil and criminal matters, and through the conduct of both civil and criminal trials, including opening statements, the examination and cross-examination of witnesses, closing statements and jury addresses.

elective courses
(Specific Academic Program Rule 5.4.1.1 (b)(ii)
Not all elective courses will be offered in 2001. Students should consult the School notice board for details. While every effort has been made to offer accurate information on duration and contact hours of courses, staffing considerations may necessitate alterations.

Level IV/V
2610 Aboriginal People and the Law
4 units    semester 1 or 2
Appropriate to 4th or 5th year
40 hours
prerequisite: 9402 Legal Skills 1, 5272 Law of Contract, 3201 Law of Torts
History of the relationship between Aboriginal and non-Aboriginal people including governmental policies towards Aboriginal people: particular issues include Racial Discrimination; Land Rights; Mabo; Native Title Legislation; Aboriginal Customary Law; the Criminal Justice System; Reconciliation; Social Justice.

9013  Advanced Contract Law
2 units    semester 1 or 2
Appropriate to 4th or 5th year
20 hours
prerequisite: 9402 Legal Skills 1, 5272 Law of Contract, 3201 Law of Torts

7570 Advanced Property Law
4 units    semester 1 or 2
Appropriate to 4th or 5th year
40 hours
prerequisite: 8932 Property Law
This course will build on the knowledge obtained by students in the compulsory Property Law course and will provide those students who have acquired an interest in Property Law with an opportunity to develop and deepen that interest. The course will comprise a detailed treatment of one or more topics from the following list: ownership and possession; estates and tenure; gifts; landlord and tenant law; incorporeal hereditaments; mortgages; co-ownership; the Torrens system of land titles; future interests and equitable intervention.

2534 Advanced Public Law
4 units    semester 1 or 2
Appropriate to 4th or 5th year
40 hours
co/prerequisite: 5499 Australian Constitutional Law, 5144 Administrative Laws
On each occasion it is offered the course will comprise an advanced study of selected issues in public law determined on the basis of importance, complexity, current relevance and staff availability and interest. Topics may include, but will not be limited to, a more detailed examination of some of the issues examined in the core public law courses in the LLB curriculum (for example Australian Constitutional Law, Administrative Law, Law of Crime, Corporate Law) so as to develop a more advanced conceptual understanding of the underpinnings of the principles of public law.
including, for example, such matters as theories of constitutionalism; republicanism; the relationship between law and community; the principle of proportionality; the public/private distinction; the distinction between constitution/statute/common law; the nature of the judicial function; the nature of legislation; and the nature of the intersection of national and international law.

9138 Alternative Dispute Resolution
2 units
Appropriate to 4th or 5th year
co/prerequisite: 5272 Law of Contract, 5144 Administrative Laws, 9402 Legal Skills 1, 1594 Legal skills 2, 3201 Law of Torts
20 hours
The course will include a detailed examination of the philosophy and practice of ADR methods in the context of an adversarial legal system. It will assume basic knowledge of the range of ADR options available, and will develop understanding of the operation and implications of various ADR theories and practices in our legal system. It will evaluate the experience in Australia and other common law countries of the development and incorporation of ADR options in dispute resolution, the civil, administrative, family and criminal contexts. By examining both philosophy and practice, the course aims to develop ability to critically assess the legal, social and other issues intrinsically linked to the values imputed to ADR, and to understand the implications of the operation of those theories in an adversarial legal context. The course will include the following: (i) the nature of disputes, and the psychological, political, cultural, economic and social issues that affect dispute resolution; (ii) The relevance and social acceptance of ADR as a credible alternative to litigation; (iii) theory, features and values of various forms of ADR; (iv) Justice reform-the role of the courts in justice delivery-provision of court annexed ADR, the "multi-doored" court and the value of judicial decision making; (v) power and control issue in dispute resolution; (vi) the role of mediators-ethical standards; (vii) legal rights and responsibilities flowing from ADR outcomes.

2271 Capital Gains Tax and the Taxation of Entities
2 units
Appropriate to 4th or 5th year
20 hours
prerequisite: 1645 Tax and the Revenue Concept

This course will cover the provisions of part IIA of the Income Tax Assessment Act 1936, which relates to Capital Gains Tax. In addition, this course will deal with tax accounting, income assignments and the taxation of entities (in particular partnerships, companies and trusts) and tax avoidance.

6535 Clinical Legal Education
4 units
Appropriate to 4th or 5th year
(occasional summer semester)
18 internal and approx. 80 external (placement) hours
prerequisite: 9402 Legal Skills 1, 5272 Law of Contract, 3201 Law of Torts, completion of 54 units of LLB
The course is designed to demonstrate the operation of theoretical and doctrinal law in a legal environment. Students are placed for one day per week in a legal office environment, supervised by a legal practitioner, and participate actively in all aspects of the work at the office, including case work. The concurrent seminar program builds on students’ experiences on placement, examining issues such as lawyer/client relationships, legal ethics, professionals and professions, justice access, and the role of our legal system in society.

8311 Commercial Equity
2 units
Appropriate to 4th or 5th year
20 hours
prerequisite: 9402 Legal Skills 1, 5272 Law of Contract, 3201 Law of Torts
The penetration of equity into modern commercial life; commercial fiduciaries; equitable security transactions, with particular regard to Romalpa clauses; subrogation and contribution; set-off; marshalling; trusts in a commercial context: trusts and superannuation; the Quistclose trust; the imposition of constructive trusts into commerce; commercial trustees; commercial equitable remedies, particularly Mareva injunctions and Anton Piller orders.

1601 Commercial Law and the Market
4 units
Appropriate to 4th or 5th year
3 hours per week
prerequisite: 9402 Legal Skills 1, 3201 Law of Torts, 5272 Law of Contract
This course will begin with an investigation of the history of commercial law. Particular attention will be paid to the competing views over the origin and content of the Law Merchant and what lessons this debate provides for a student today. The possible purposes of commercial law will also be considered and the lessons these offer for an understanding of commercial law. The course then considers a basic issue of legal study - how much attention is paid to the law, in this case commercial law. Empirical and theoretical works encompassing a range of industries and perspectives will be examined. The relationship between the law and the market is also considered. Is commercial law, a neutral tool in the service of the market? Does it have its own impact and is this advantageous or disadvantageous for commerce?

The second half of the course will examine more broadly based theories and studies of market regulation. Particular attention will be given to the effect of market regulation, why this form of regulation often fails and how market regulation is to be characterised - is it primarily legal, economic, political or social. The relationship between market regulation and more traditional commercial law also will be investigated.

**Assessment:**
- Class assessment 20%
- 5000 word essay 80%

### 4606 Comparative Corporate Law and Theory

2 units  
Semester 1 or 2  
Appropriate to 4th or 5th year  
20 hours  
**Prerequisite:** 6241 Corporate Law

An examination and comparative analysis of corporations law in Australia, United States and Japan. The analysis will focus on key doctrinal concepts as well as statutory provisions regarding attributes of corporate personality; corporate governance; and institutional supervision of corporate behaviour.

### 2186 Comparative Native Title: Australia and Canada

2 units  
Semester 1 or 2  
Appropriate to 4th or 5th year  
20 hours  
**Prerequisite:** 5499 Australian Constitutional Law, 8932 Property Law

Native title has profound implications for real property law in Australia and Canada. The primary objective of this course is to explore this statement.

To do that, the course is divided into two parts. In the first part, students will examine the range of techniques available in Australia and Canada for the recognition and protection of native title. These techniques include judicial and legislative responses, quasi-constitutional documents such as treaties, constitutional provisions which guarantee rights, and the establishment of semi-autonomous institutions for indigenous self-government. In the second part of the course, student will identify and consider the ways in which the recognition of native title requires a reassessment of the foundations of real property law in Australia and Canada.

### 6006 Conservation Law

4 units  
Semester 1 or 2  
Appropriate to 4th or 5th year  
40 hours  
**Prerequisite:** 5873 Environmental Law

Analyses and discusses law and policy applicable to the conservation of Australia’s natural and built heritage and the conservation of fundamental natural resources. The philosophy of conservation including the role of law, economics and science; conservation of biological biodiversity at the international, national and regional levels; conservation through reserved areas including national parks and world heritage areas; the National Estate concept; conservation of natural resources (land, water, air and marine).

### 2468 Consumer Protection and Unfair Trading

2 units  
Semester 1 or 2  
Appropriate to 4th or 5th year  
20 hours  
**Prerequisite:** 9402 Legal Skills 1, 5272 Law of Contract, 3201 Law of Torts

A study of: the regulation of trading practices under national and State laws (particularly advertising); remedies for infringement of the standards for fair trading; small claims procedures; class actions; assistance for consumers; consumer credit.

### 2797 Corporate Finance

4 units  
Semester 1 or 2  
Appropriate to 4th or 5th year  
40 hours  
**Prerequisite:** 6241 Corporate Law
An examination of the legal regulation of corporate finance including: (i) globalisation and securitisation trends (ii) debt vs equity dichotomy (iii) debt factoring (iv) security over debt (charges and guarantees) (v) debt subordination (vi) promoters and prospectuses (vii) regulation of the stock exchange and (viii) legal issues arising from internationalisation of markets.

5853 Corporate Governance
2 units semester 1 or 2
Appropriate to 4th or 5th year
20 hours
prerequisite: 6241 Corporate Law
The complex of legal rules and constitutional provisions which regulate the internal affairs of public and proprietary companies; distinguishing between ownership and management; the personnel of corporate governance; the distribution of corporate powers between members and directors; proceedings of the board; membership and meetings; the duties and liabilities of directors and officers; directors’ and officers’ insurance; controlling shareholders’ duties; the role of the corporate investor; shareholder remedies for violation of corporate powers.

8186 Corporate Insolvency Law
4 units semester 1 or 2
Appropriate to 4th or 5th year
40 hours
prerequisite: 6241 Corporate Law
Policies and principles underlying corporate insolvency systems; modes of winding up; property available for distribution to creditors in a winding up; claims of creditors in winding up; the liquidator - powers, duties, liabilities; corporate rescue under the Corporations Law - the voluntary administration procedure; the nature and operation of corporate receivership.

9180 Criminology
4 units semester 1 or 2
Appropriate to 4th or 5th year
40 hours
prerequisite: 9402 Legal Skills 1, 5272 Law of Contract, 3201 Law of Torts
An introduction to the historical and contemporary perspectives on the causes of crime and criminality. An introduction into the understanding and uses of criminal statistics. An introduction into the structure of the criminal justice system and sentencing policies.

8364 Environmental Dispute Resolution
2 units semester 1 or 2
Appropriate to 4th or 5th year
20 hours
prerequisite: 5873 Environmental Law
An examination of various ways in which environmental disputes are resolved, including through litigation, Commissions of Inquiry and processes of mediation and negotiation. Considerable emphasis will be placed on practical and procedural aspects, including standing rules, requirements concerning security for costs and undertakings as to damages. Involvement of judges, practitioners and mediators will be procured as far as possible.

5873 Environmental Law
2 units semester 1 or 2
Appropriate to 4th or 5th year
20 hours
prerequisite: 9402 Legal Skills 1, 5272 Law of Contract, 3201 Law of Torts
An introduction to the concepts and principles which underpin environmental law from the international to the local level. The course will address Constitutional responsibilities and roles; sustainable development and the law; environmental dispute resolution, environmental planning through environmental impact assessment and land-use law; environmental protection principles, including the precautionary and polluter- pays principles; and protection of biological diversity.

4424 Environmental Protection Law
4 units semester 1 or 2
Appropriate to 4th or 5th year
40 hours
prerequisite: 5873 Environmental Law
This course examines measures for the protection of the environment from pollution, including hazardous substances. It includes a consideration of international controls, but focuses primarily on the Environment Protection Act 1993 (SA) and related measures. Both the land and marine environment will be covered. Specific topics include air and water pollution, noise control;
waste management; the regulation of hazardous substances; and land contamination.

**9895 Equality and Anti-Discrimination Law**
2 units  
semester 1 or 2  
Appropriate to 4th or 5th year  
20 hours  
prerequisite: 5499 Australian Constitutional Law  
The course will examine theories of equality and discrimination and the theoretical framework of anti-discrimination legislation. It will assess the Commonwealth and South Australian anti-discrimination legislation in terms of their conceptual underpinnings, constitutional basis, legislative structure, procedures and remedies. The focus will be on the specific grounds of sex and race. The course will evaluate law’s response to discrimination and its limits in addressing discrimination in Australia society.

**1651 Expert Evidence**
2 units  
semester 2  
2 hour research seminar per week  
prerequisite: 3201 Law of Torts, 4062 Law of Crime  
This course provides a critical overview of contemporary approaches to expert opinion evidence from a variety of common law jurisdictions, particularly Australia, the United States and England. The use and assessment of expert evidence will be undertaken from a range of legal, sociological, philosophical and historiographical perspectives. The course is designed to critically explore prevailing models of science and expertise in legal settings, encouraging students to engage a variety of non-legal critical approaches. Notwithstanding a critical theoretical orientation, the course aims to examine, and assist students contemplating, practice. Many of the theoretical approaches will provide students with innovative ways to understand the function of expert evidence and offer means of building and contesting cases incorporating such evidence. The course will cover topics such as: forensic sciences and the new investigative technologies (such as DNA typing); how to cross-examine scientists; the role of expert evidence in miscarriages of justice (such as Chamberlain and the Birmingham Six), mass torts (such as breast implants, asbestos, intra-uterine devices and Agent Orange) and medical negligence cases. It will also examine judicial representations of scientific evidence in judgements, consider social factors shaping debates and expert opinion evidence (such as concerns over ‘junk’ science) and recent procedural reforms such as adoption of inquisitorial procedures.

**1990 Family Law**
4 units  
semester 1 or 2  
Appropriate to 4th or 5th year  
40 hours  
prerequisite: 9402 Legal Skills 1, 5272 Law of Contract, 3201 Law of Torts  
The Law of Marriage and Divorce within the constitutional context and the Family Law Act. Child welfare including custody, access, support and adoption. Matrimonial property and spousal maintenance.

**4769 Feminist Legal Theory**
2 units  
semester 1 or 2  
20 hours  
co/prerequisite: 9402 Legal Skills 1, 5272 Law of Contract, 3201 Law of Torts  
The purpose of this course is to examine the role of the law in constructing and maintaining the inequality of women. It will challenge the claim that the law is impartial, gender-neutral and objective. It will examine various critiques which have been made of the epistemology of law and discuss theoretical perspectives which attempt to uncover the role which the law has played in constructing and maintaining existing gender roles.

**2964 Financial Transactions**
4 units  
semester 1 or 2  
Appropriate to 4th or 5th year  
40 hours  
prerequisite: 9402 Legal Skills 1, 5272 Law of Contract, 3201 Law of Torts  
assumed knowledge: completion/concurrent study of Corporate Law is advisable  
Commercial lending and security; finance bills; consumer credit; guarantees; lease financing; financing against receivables; financing overseas transactions; project financing; letter of credit and performance bonds; privacy obligations of the financier; the financier and environmental issues; the consequences of debtor insolvency for the financier.
9862 Housing Law
2 units semester 1 or 2
Appropriate to 4th or 5th year
20 hours
prerequisite: 9402 Legal Skills 1, 5272 Law of Contract, 3201 Law of Torts
A study of: the rights and obligations of parties to a residential tenancy agreement; the rights and obligations of boarders and lodgers and other residential occupants; rights of access to public housing and particular rights and obligations of public housing tenants; rights and obligations of retirement village residents; rights and obligations of residential occupiers of strata title units; access to social security support for housing; housing cooperatives.

6917 Human Rights: International and National Perspectives
4 units semester 1 or 2
Appropriate to 4th or 5th year
40 hours
prerequisite: 5600 Public International Law or 2555 Introduction to Public International Law
The aim of this course is to have students consider the legal, philosophical and sociological underpinnings of human rights; students will be encouraged to think critically about the views they hold and the values reflected in the Australian and international legal systems. The course will focus on the United Nations and its role in formulating, interpreting and monitoring human rights. A further component of the course will be the protection of human rights in Australia.

5283 Intellectual and Industrial Property Law
4 units semester 1 or 2
Appropriate to 4th or 5th year
40 hours
co/prerequisite: 9402 Legal Skills 1, 5272 Law of Contract, 3201 Law of Torts
This course aims, through a treatment of laws relating to patents, trademarks, confidential information, copyright and other regimes, to examine the protection provided by the law in regard to ideas, inventions, information and other forms of creative effort. The course also aims, in terms of general legal education of students, to explore how the law deals with a particular problem, and how in solving that problem the law must balance interests and protect investment while taking into account the public welfare and technological developments. The course will explore the interrelationship of the different regimes of protection, and will also consider practical issues arising in the commercialisation or exploitation of intellectual property. Students completing this course should have a basic grounding in the law of the area, its limitations, its policies, and its objectives, including the basic features of the statutory systems of protection and their overlap. Consideration of the legal protection afforded to (i) Inventions (ii) Business Reputation (iii) Confidential Information (iv) Literary and Artistic Effort (v) Moral Rights of Authors. The main statutory systems (a) Patent (b) Trade Marks (c) Copyright.

1502 International Environmental Law
4 units semester 1 or 2
Appropriate to 4th or 5th year
40 hours
prerequisite: 5873 Environmental Law
An examination of the sources and obligations of international law relating to environmental matters and its relationship with municipal law and relevant institutions. The course will consider present and proposed international conventions relating to the environment both on a global and a regional basis. The extra-territorial application of municipal Environmental Laws also will be addressed. Various international institutions including the United Nations Environment Program, the South Pacific Regional Environmental Program and the World Conservation Union will be examined. The operation of international monetary institutions such as the World Bank and the Asian Development Bank also will be considered in terms of their impact on the environment.

2555 Introduction to Public International Law
4 units semester 1 or 2
Appropriate to 4th or 5th
40 hours
co/prerequisite: 9402 Legal Skills 1, 3201 Law of Torts
assumed knowledge: basic knowledge of legal reasoning
restriction: not to be presented with 5600 Public International Law
The main aim of the course is for students to learn the place of international law in the Australian legal system. Students will study the international legal system, its sources, its system of adjudication and enforcement, to what extent its norms are part of
Australian municipal law and how this came about. The course to some extent builds on and re-enforces concepts learned in Legal Skills, and will introduce students to some of the principles they will encounter again in Australian Constitutional Law and Administrative Law.

**6672 Jessup Moot**

4 units  
semester 1 or 2  
Appropriate to 4th or 5th year  
40 hours  
prerequisite: 9402 Legal Skills 1, 5272 Law of Contract, 3201 Law of Torts  
Students will be required to participate in the preparation of briefs, memorials or other written materials, engage in practice oral arguments and participate as necessary in regional and international rounds of the International Law Moot Competition.

**5516 Jurisprudence**

4 units  
semester 1 or 2  
Appropriate to 4th or 5th year  
40 hours  
co/prerequisite: 9402 Legal Skills 1, 5272 Law of Contract, 3201 Law of Torts  
This course introduces some of the philosophical questions raised by the practical workings of law. We will examine the nature of law and legal reasoning and how law is related to other social institutions, practices or discourses (primarily morality, politics and ideology). Such issues have been long debated, though our discussions will focus on readings drawn from a variety of influential and critical contemporary perspectives. The course also raises substantive issues of justice and morality. The primary aim is not to ask what the law should say in particular areas, but to examine some broader issues concerning the relationship between law, legal institutions and justice. Issues addressed will vary from year to year (depending, in part, on student interests) but may include: the role and value of the ‘rule of law’; the communitarian critiques of ‘liberal’ rights discourse; the economic analysis of law; the philosophical foundations of constitutionalism and the problem of constitutional interpretation; the extent of any moral obligation to obey the law; and how (if at all) law and legal institutions can help achieve justice in multicultural and/or post-colonial societies. No background in philosophy is assumed, though students should have a basic understanding of common law reasoning and the Australian constitutional system.  
assessment: essays and class participation.

**4170 Labour and Industrial Relations Law**

4 units  
semester 1 or 2  
Appropriate to 4th or 5th year  
40 hours  
prerequisite: 5499 Australian Constitutional Law  
The course will focus on the legal regulation of work relationships, both individual and collective, through an examination of the common law, statute law and international conventions. Topics include: a) the formation of work relationships: including the contract of employment, the contract for services; b) industrial awards and conciliation and arbitration: including the Australian Industrial Relations Commission, the nature of arbitration and the role of test cases, awards and the safety net, and the ‘public interest’ in industrial regulation; c) enterprise bargaining and collective agreements: including an examination of certified agreements, Australian workplace agreements, parties and the role of trade unions, the negotiation processes, protections for disadvantaged groups of workers; d) equality in work relations: including the intersection of anti-discrimination law and the law regulating work, and equality and enterprise bargaining; e) the law governing the breakdown of work relationships, including statutory provisions relating to the termination of employment; and f) freedom of association: including international law and the right to freedom of association, strikes as part of the bargaining process, common law liability for strike action, and the law in relation to picketing and boycotts.

**5872 Land and Water Resources Law**

4 units  
semester 1 or 2  
Appropriate to 4th or 5th year  
40 hours  
prerequisite: 5873 Environmental Law  
An examination of how the principles of sustainable resource use may be applied through the legal system in relation to the management of land and water resources. Measures examined in relation to land management include common law doctrines and the effect of native title; soil conservation legislation; the use of tenurial systems especially in the arid zone; vegetation clearance controls and land management agreements. In relation to water resources the course examines the institutional structures for
water management in Australia, including the Murray-Darling Basin arrangements; State and Federal Law relating to the allocation of both surface water and groundwater; the regulation of water quality; the common law doctrine of riparian rights; the concept of integrated catchment management; and a brief overview of river basin management schemes in other countries.

3545 Land Transactions  
4 units  semester 1 or 2  
Appropriate to 4th or 5th year  
40 hours  
_prerequisite:_ 8932 Property Law  
An examination of various aspects of the law relating to the creation and transfer of interests in land. Primary focus will be on formal dealings, in particular the process of the sale of land. This focus will be set in the context of the possibility of informal dealings.

8205 Law of the Person  
4 units  semester 1 or 2  
Appropriate to 4th or 5th year  
40 hours  
_prerequisite:_ 9402 Legal Skills 1; 5272 Law of Contract; 3201 Law of Torts  
Law interprets our social, political and physical beings in ways which determine our most basic rights and obligations as legal courses. This course aims to develop in students an informed, coherent and critical understanding of the legal fiction of the person and the role of that fiction in Western law. It will trace the legal person through a number of core and elective courses of the curriculum in order to show a) how law variously attributes characteristics to its subject and b) how those attributed qualities of the person serve to justify and rationalise the very priorities and forms of law. The course will also have strong comparative and historical dimensions: it will foster an appreciation of changes in the idea of the legal person across States and cultures, and through time.

8618 Legal History of Australia  
4 units  semester 1 or 2  
Appropriate to 4th or 5th year  
20 hours  
_co/prerequisite:_ 9402 Legal Skills 1; 5272 Law of Contract, 3201 Law of Torts  
This course will draw from the historical influences on the evolution of the Australian legal system to federation, with special reference to the continuing effects on the present day ordering of legal activities. Students will be expected to participate in class discussions. The course will draw from the following topics: The legal and philosophical foundations of the British empire, the juridical status of Australian settlement, the status of the aboriginal people under European law, the English background to the Australian system, frontier law and other original Australian developments, the move to independent legal institutions and the juridical nature of constitution making in Australia. The course will also introduce students to the sources of legal history generally and Australian legal history in particular, as well as basic historical methodology.
considers the legal implications of the provision of medical advice, diagnosis and treatment, drawing mainly on the tort of negligence but also parts of the Law of Crime, in particular the offences against the person. Selected medico-legal issues over a human life are then examined. They may include reproductive technologies, abortion, foetal rights, research on human subjects, organ donation, the rights of the dying and the legal definition of death.

7857 Minerals and Energy Law
4 units  semester 1 or 2
Appropriate to 4th or 5th year
40 hours
prerequisite: 8932 Property Law
The course examines the law and practice relating to the extraction of minerals and the development and exploitation of energy resources. It covers the development of mining legislation in Australia with reference to exploration, extraction, and the enforcement of mining interests. The law relating to the exploitation of oil and gas resources will be covered with reference to, inter alia, off-shore and on-shore exploration and production, taxation issues, royalties, project financing, joint ventures, Aboriginal land rights and environmental controls. The course will also deal with the regulation of the electricity industry and alternative energy resources: solar energy, wind energy and geothermal energy. The examination of law and practice relating to these forms of energy will cover existing and proposed technologies, environmental constraints, legal barriers to development, the rights and potential liabilities of consumers and producers and proposals for legislative change.

2528 Moot A
2 units  semester 1
Appropriate to 4th or 5th year
9 hours
prerequisite: 9402 Legal Skills 1; 5272 Law of Contract; 3201 Law of Torts
Students prepare a moot brief in teams of five. They exchange briefs with their opponents. When the moot is held they present oral argument in refutation of their opponent’s briefs. Attached to each team will be five Legal Skills 1 students who will act as research assistants.

4731 Moot B
4 units  semester 1
Appropriate to 4th or 5th year
18 hours
prerequisite: 9402 Legal Skills 1, 5272 Law of Contract, 3201 Law of Torts
Students prepare a moot brief in teams of five. They exchange briefs with their opponents. When the moot is held they present oral argument in refutation of their opponent’s briefs. Attached to each team will be five Legal Skills 1 students who will act as research assistants.

9466 Personal Insolvency Law
4 units  semester 1 or 2
Appropriate to 4th or 5th year
40 hours
prerequisite: 9402 Legal Skills 1, 5272 Law of Contract, 3201 Law of Torts
Commencing bankruptcy proceedings; consequences of bankruptcy for the debtor’s property, the debtor personally, and creditors; property available for distribution to creditors, including property disposed of by the debtor prior to bankruptcy; determining the claims of creditors; bankruptcy offences; arrangements under the Bankruptcy Act designed to avoid bankruptcy.

7379 Planning and Heritage Law
4 units  semester 1 or 2
Appropriate to 4th or 5th year
40 hours
prerequisite: 5873 Environmental Law
Examines regulatory mechanisms designed to give effect to the goals of planning and controlling the use and development of land, with particular reference to South Australia; to provide an understanding of the role and limits of regulation and the balance between public and private decision-making in relation to land-use. The focus of this course is upon the control of land development under the South Australian planning system and State Heritage legislation. The course commences with an examination of the historical evolution of the planning system, and then considers the nature of the planning procedures under the Development Act 1993 and of controls imposed thereunder. It examines the powers and procedures of planning authorities, and, through the seminar program, it considers the methods of dealing with selected planning issues, including shopping, housing segregation and aesthetics. The
effect of heritage controls is then examined. The course also considers the role of appeal tribunals and public participation procedures; alternative modes of planning; control of government development, particularly transport; and responsibility for housing. The course concentrates upon legal analysis of planning and heritage problems.

6247 Property Theory
2 units semester 1 or 2
Appropriate to 4th or 5th year
20 hours
prerequisite: 8932 Property Law
This course considers current theories of property and their applicability to the social context, especially public spaces. The current theories of property upon which we might rely include the work of John Christman, Brendan Edgeworth, JW Harris, David Lametti, CB Macpherson, Stephen Munzer, James Penner, Margaret Jane Radin, Carol Rose, JL Schroeder, and Jeremy Waldron. Using one or more of these theories of property, we will examine the role which property—as law and as theory—plays in defining the use of public spaces by various groups, which might include, but are not limited to, residents, recreational users, the poor, the homeless, and gangs. We will develop this part of the course using a variety of cross-cultural audio-visual and literary perspectives. Having critiqued one or more of these theories, we will develop a theory of property applicable to public spaces which draws upon property and urban planning theory. Students interested in the theory of property from a legal and philosophical perspective will find this course stimulating.

5350 Public and Private Provision of Income Maintenance
4 units semester 1 or 2
Appropriate to 4th or 5th year
40 hours
prerequisite: 9402 Legal Skills 1, 5272 Law of Contract, 3201 Law of Torts
The course will offer a theoretical framework for analysing the relationship between public, private, industrial and family based welfare and individual income maintenance schemes from each sector. Topics for the application of this framework will be chosen from the fields of provision for age, disability and incapacity or provision for broken families.
An examination of general law remedies available. Specific topics will include: (i) Common Law damages; (ii) the declaration; (iii) the injunction, including an examination of specific problem areas, for example, balance of convenience, interlocutory injunctions and damages in lieu; (iv) specific performance; (v) constructive trusts; (vi) compensation; (vii) account of profits; (viii) minor remedies.

6560 Research Project A
2 units semester 1 or 2
Appropriate to 4th or 5th year
9 hours
prerequisite: 9402 Legal Skills 1, 5272 Law of Contract, 3201 Law of Torts
Students will work in teams of five on a research project in law reform. They will produce a report and a draft of a statutory amendment. Attached to each team will be five first year students who will act as research assistants.

1626 Research Project B
4 units semester 1 or 2
Appropriate to 4th or 5th year
5 hours
prerequisite: 9402 Legal Skills 1, 5272 Law of Contract, 3201 Law of Torts, core course student chooses for research
Students will opt for a core course which they have completed or are currently undertaking. Students will be assigned in groups of 30 to a teacher in those courses and each student will choose (subject to approval) a research essay topic. The seminars will meet five times to discuss general research techniques and particular problems as they arise. Students will submit a draft of their essay which will be returned with comments prior to final submission.

1922 Restitution
2 units semester 1 or 2
Appropriate to 4th or 5th year
20 hours
prerequisite: 9402 Legal Skills 1, 5272 Law of Contract, 3201 Law of Torts
As many as possible of these topics will be covered. Historical origins of restitution. Nature and extent of restitutionary principle. Action for recovering money. Quantum meruit. Grounds for restitutionary recovery: mistake; compulsion and duress; total failure of consideration; incontrovertible benefit. Restitution and contract: (i) void and ineffective contracts; (ii) Contracts terminated by breach or frustration. Restitution and wrongs specially breach of contract; torts. Defences to restitution.

7966 Securities and Investment Law
4 units semester 1 or 2
Appropriate to 4th or 5th year
40 hours
prerequisite: 9402 Legal Skills 1, 5272 Law of Contract, 3201 Law of Torts
Provides students with an understanding of the operation of the Australian capital markets and investor protection measures in the context of dealings in securities issued by business corporations. The topics dealt with will be drawn from the following: types and functions of "securities"; the structure, role and functions of the Australian Stock Exchange; the duties and functions of securities dealers and investment advisers; the regulation of financial journalists; the regulation of securities transactions including market manipulation and insider trading; the regulation of corporate takeovers.

5285 Selected Issues in Law of Crime and Procedure
4 units semester 1 or 2
Appropriate to 4th or 5th year
40 hours
The course will deal with specific issues in Law of Crime and procedure which will differ from year to year and will be considered in the light of developments in Commonwealth Law of Crime and of other Australian and overseas jurisdictions. (See Law Handbook for more detail).

1944 Selected Issues in International Law
2 units semester 1 or 2
Appropriate to 4th or 5th year
40 hours
prerequisite: 2555 Introduction to Public International Law or 5600 Public International Law or 1502 International Environmental Law or 6917 Human Rights: International and National Perspectives
The examination of current international legal issues at an advanced level. Topics covered will be drawn from: Use of Force; Armed Conflict and International Humanitarian Law; Law of the Sea; Theories of International Law; International Institutions; International Dispute Resolution; Self Determination and Statehood; International Trade Law; International Criminal Law.

6338 South Australian Internship Program (Law)
4 units semester 1 or 2
Appropriate to 4th or 5th year
40 hours
prerequisite: 9402 Legal Skills 1, 5272 Law of Contract, 3201 Law of Torts

Students spend a short time as interns working within a law-related area of the South Australian public sector while completing an agreed research task. The first half of this course deals with a study of these institutions and their place in the broader legal and political system, whilst the second consists of the placement and a research project.

3682 South Australian Parliamentary Internship (Law)
4 units semester 1 or 2
Appropriate to 4th or 5th year
40 hours
prerequisite: 9402 Legal Skills 1, 5272 Law of Contract, 3201 Law of Torts

The Internship Scheme is designed to complement existing schemes in Australia and a number of overseas universities and legislatures. The program is jointly administered by the three South Australian Universities. At Adelaide, the course is convened by Dr Clement Macintyre of the Politics Department. The course locates students in short term "internships" with members of the Parliament of South Australia. The internships enable a small number of undergraduate students to gain a detailed academic introduction to the institution of Parliament and gain some appreciation of its working. Students then undertake a brief, intensive academic program and spend time associated with an MP while they work on a specific research project negotiated by the student and the Member of Parliament. Students are located within the Parliament. The academic semester will be divided into two sections: section 1 is to orientate students to the goals of the Internship scheme and provide initial academic study of the Parliament and related public institutions; and section 2 is used for the placements. In the final week of semester, the group will reconvene to review the project, to report on the papers and to provide some evaluation of the scheme.

5467 Succession
2 units semester 1 or 2
Appropriate to 4th or 5th year
20 hours
prerequisite: 9402 Legal Skills 1, 5272 Law of Contract, 3201 Law of Torts

Acquaints students with the basic principles of the devolution and distribution of property upon death of the owner. Death is a major occasion for the transfer of property and the principles relating to it form an important part of any legal practice. Whilst the course concentrates upon the rules and practice relating to devolution of property on death, various aspects of social policy are considered. The following topics will be covered: will making; distribution upon intestacy; family provision; probate and administration.

1645 Tax and the Revenue Concept
2 units semester 1 or 2
Appropriate to 4th or 5th year
20 hours
prerequisite: 9402 Legal Skills 1; 5272 Law of Contract; 3201 Law of Torts

This course will cover the constitutional aspects of taxation and the distinction between capital and income receipts and deductions.

1669 Technology Law
2 units semester 1
Quota may apply
one two hour research seminar per week
prerequisite: 5283 Intellectual and Industrial Property or 9420 Intellectual Property

This course will consider how the law impacts on technology - both by regulation and facilitation. The roles of statute, tort and contract will be considered, along with comparative and transnational approaches and extra-legal means of control of technology. These general issues will be considered in the setting of specific situations such as the following topics: the Internet (privacy, censorship, electronic transactions, advanced intellectual property issues); Biotechnology (Gene Technology regulation, biotechnology patents); Commercialisation of technology (practicalities, ethics, liability for technology).
8443 The Conflict of Laws
4 units semester 1 or 2
Appropriate to 4th or 5th year
40 hours

prerequisite: 9402 Legal Skills 1, 5272 Law of Contract, 3201 Law of Torts

Courts sometimes have to deal with cases which are significantly connected to another jurisdiction. This other jurisdiction may be another Australian State or Territory, or it may be a foreign country. Questions arise as to the court’s jurisdiction over the parties, the appropriate law to apply to the matter, and the recognition and enforcement of judgments of courts outside the jurisdiction. The course examines aspects of the constitution and other bases of federal, state and cross-vested jurisdiction and service of process and the principle of forum non conveniens. It then looks to the principles (including the constitutional principles) according to which choice of law decisions may be and are made in the context of specific fields of law (eg torts, contracts, property, succession, matrimonial causes, etc. involving different States of Australia or other countries. Finally the recognition and enforcement of foreign judgments (including those of other Australian courts) is considered.

Honours

3969 Honours Law Dissertation
8 units full year
Appropriate to 5th year

Candidates are required to conduct research on an approved topic and write an honours dissertation of 20,000 words. The dissertation will be assessed in accordance with the procedures set out in the Honours Guidelines as determined by the Law School.