

ELECTIVES GUIDE

Semester 2 - 2013

LSS Education



2013

Contents

Introduction From the LSS	3
Semester 2	4
LAWS 2264 – Advanced International Law	4
LAWS2274 – Climate Law	4
LAWS2267 – Clinical Youth Law Program	5
LAWS2268 – Community Law Clinical Program	5
LAWS2214 – Criminal Justice	6
LAWS1209 – English in a Legal Context	6
LAWS2215 – Environmental Law	7
LAWS2217 – Family Law	7
LAWS2261 – Federal Criminal Law	8
LAWS3202 – Honours Thesis	8
LAWS2238 – Indigenous Australians and the Law	9
LAWS2225 – International Law of Human Rights	9
LAWS2226 – International Trade Law	10
LAWS2228 – Labour Law	10
LAWS2260 – Law and Psychology	11
LAWS2256 – Law and Sexualities	11
LAWS2230 – Law Internship	12
LAWS2251 – Legislative Drafting and Technology	12
LAWS2254 – Restitution	13
LAWS2257 – Selected Topics in Australia-US Law (ANU) Comp	13
LAWS2233 – Selected Topics in Torts	14

Introduction From the LSS

Hey There,

The Elective Guide is here to help you decide which electives to take as part of your law degree. We know that having so many electives to choose from can be very daunting and believe that the decision making process can be made easier by having the basic details on each elective offered in a single document in a consistent and easy to understand format.

This guide has the essential details you need to know about the electives offered in Semester Two including the course contact, assessment details and the basic topics the course covers. We have also endeavoured to get the opinions and recommendations of students who have already completed the elective.

The material in this guide is compiled from the information on the Study @ ANU Website, talking to students and our own research. We hope that this guide is useful and makes your decision on which electives to pick a lot easier.

If you have any suggestions for improvements for future elective guides please contact the LSS Education Team on lsseducation@anu.edu.au.

Thanks!

The LSS Education Team

Semester 2

LAWS 2264 – Advanced International Law

Course Code: 7266

Units: 6

Course Contact: Sarah Heathcote

Contact Hours: TBA

Assessment: Details will be available on Wattle by the first week of semester.

About: Covers topics including State Responsibility to the UN, targeted killings, International Humanitarian Law and International Criminal Law. This course aims to complete the exploration of courses only partially covered by the compulsory International Law course. This year the course will cover the law of treaties, territory in international law and international organisations as subjects of international law. The course works to solidify the important 'core' areas of the subject.

Prerequisites: LAWS2250 (International Law), completed or completing 5 LAWS courses at 1000 level.

Student Comment: Sascha – 'Must do subject by all students interested in this area. The course content is absolutely fascinating, particularly in the latter part of the course where you look at very current examples.'

LAWS2274 – Climate Law

Course Code: 9852

Units: 6

Course Contact: James Prest

Contact Hours:

Assessment: Mid-Semester research not on a key statute, case, document or report (15%), mid-semester short answer test (25%), research essay on topic of choice (40%), and 10 minute seminar presentation, course attendance and participation (10%).

About: Climate Law is designed to help those interested in the rapidly growing field of climate law. This course looks at domestic and international laws, drawing attention to comparative analysis of the law emerging in jurisdictions such as the EU, USA and Japan. Students have the opportunity to critically discuss the issues with current law and policy, with a special focus on Australian domestic law.

Prerequisites: Completed or completing 5 LAWS courses at 1000 level. Incompatible with LAWS2216 (Environmental Law Elective).

LAWS2267 – Clinical Youth Law Program

Course Code: 7810

Units: 6

Course Contact: Tony Foley

Contact Hours: 2 hour orientation, onsite work one afternoon a week and a 1-2 hour weekly workshop.

Assessment: evaluation of student's onsite work, seminar participation and research project, more information available on wattle when semester starts.

About: students participate in the non-profit legal service, Youth Law Centre. Students focus on extending legal assistance and social justice to the youth of the ACT. Students learn to develop and apply ethical legal practice skills.

Prerequisites: Completed 8 LAWS courses.

LAWS2268 – Community Law Clinical Program

Course Code: 7811

Units: 12

Course Contact: Elizabeth Keogh

Contact Hours: compulsory 2 day orientation, two full days of onsite work, 1.5 hour weekly tutorial and a 1 hour tutorial every second week.

Assessment: evaluation of onsite work, seminar participation and research project.

About: students provide legal information and undertake casework under solicitors whilst working two full days a week at the Welfare Rights and Legal Centre. Topics covered include: public interest law, professional responsibility, and developing legal practices skills.

Prerequisites: LAWS2201 (Administration Law), LAWS2201 (Property Law) and completed 6 LAWS courses.

LAWS2214 – Criminal Justice

Course Code: 9853

Units: 6

Course Contact: Gregor Urbas

Contact Hours: 3 hours per week.

Assessment: Details will be available on Wattle by the first week of semester.

About: Students learn about the central concepts of crime and punishment and about the social and historical context of the criminal justice system. The course deals with issues such as the regulation and exercise of police powers, corporate criminal responsibility, and the effects of crime and the criminal justice system on vulnerable persons and communities. Students will look at the treatment and interests of offenders, victims and the community.

Prerequisites: LAWS1206 (Criminal Law and Procedure), completed or completing 5 LAWS courses at 1000 level.

Student Comment: Claire – ‘It is a good way to develop practical skills (such as drafting bail applications) while learning more about the broader theoretical aspects underpinning our justice system. Consider taking Criminal Justice as an elective if you enjoyed Criminal Law and Litigation.’

Amanda – ‘It gave me a valuable insight into many of the policy and practical concerns behind the criminal law and its application.’

LAWS1209 – English in a Legal Context

Course Code: 7255

Units: 0

Course Contact: Prue Bindon

Contact Hours: negotiated between the Course Contact and students.

Assessment: this subject is not assessed.

About: this course is designed to address the immediate concerns of students in first year law who have English as a second language. This enables students to enhance their skills in reading cases, writing notes, simplifying legal writing and preparing tutorial problems.

Prerequisites: None

LAWS2215 – Environmental Law

Course Code: 9854

Units: 6

Course Contact: Judith Jones

Contact Hours: 3 hours per week.

Assessment: Research essay, take home exam, seminar presentations.

About: This course looks at a variety of topics within domestic Australian environmental protection law. Environmental Law consists of the interactions and differences of treaties, statutes, case law, conventions and regulations concerning human interaction with the environment. The course looks at the practice of environmental and planning law through examining the law at both theoretical and practical perspectives. The focus of the course is on the Commonwealth, NSW and ACT law. Topics include: defining 'ecologically sustainable development', environmental impact assessment law, native vegetation law, environmental litigation and the enforcement of environmental law.

Prerequisites: Completed or completing 5 LAWS courses at 1000 level.

Student Comment: John – 'Judy Jones is an excellent lecturer and clearly presented the various concepts of Environmental Law in a variety of interesting ways. I really enjoyed the course.'

LAWS2217 – Family Law

Course Code: 7259

Units: 6

Course Contact: Anne Macduff

Contact Hours: 1 contact hour per week in most weeks, 3 contact hours in a few weeks.

Assessment: Details will be available on Wattle by the first week of semester. Will likely include a written submission to a law reform inquiry, a take home assignment and a piece of reflective writing.

About: the course gives students the relevant theoretical knowledge to take a considered position on family law issues. It covers marriage, violence and domestic abuse, decision-making about parenting after separation, economics aspects of marriage, and de-facto relationship breakdown. Students learn to apply their knowledge to locate, describe and critically evaluate key aspects of family law. The course does look into feminist legal theory, women and the law, and social welfare. Some students do say that they find it easier to do after having studied Property.

Prerequisites: Completed or completing 5 LAWS courses at 1000 level.

Student Comment: Amanda – 'Family Law was an interesting mix of policy and black-letter law – my only advice is don't forget to take your calculator in to the exam!'

LAWS2261 – Federal Criminal Law

Course Code: 9857

Units: 6

Course Contact: Miriam Gani

Contact Hours: 3 hours per week, it is likely that 2 of the hours will be lecture and the third will be in a seminar format.

Assessment: 2 pieces of assessment including a take-home exam at the end of the semester. There will also be a minimum attendance requirement.

About: This course builds on the content learnt in Criminal Law and Procedure with a particular focus on the Commonwealth Criminal Code. Students will undertake in-depth study of topics including cyber offences, drugs and prohibited commodities, terrorism and federal sentencing law. Students will also explore emerging issues in the federal criminal area as well as looking at the role and purpose criminal law has in contemporary society.

Prerequisites: LAWS1206 (Criminal Law and Procedure), completed or completing 5 LAWS courses at 1000 level.

Student Comment:

LAWS3202 – Honours Thesis

Course Code: 7267

Units: 12

Course Contact: Collins

Contact Hours: no classes, students meet regularly with their supervisors.

Assessment: a thesis of between 11 000 and 13 000 words on a topic of the student's choosing.

About: this subject makes up Part B of the final Honours Examination for those wishing to graduate with an honours degree. A systematic study of an issue in law of the student's own choosing should be presented in a written format that can be accessed by any interested legal reader.

Prerequisites: Completed 14 or more eligible LAWS courses.

LAWS2238 – Indigenous Australians and the Law

Course Code: 9856

Units: 6

Course Contact: Asmi Wood

Contact Hours: 3 hours per week.

Assessment: Participation (10%), oral presentation and 500 word summary (30%) and policy submission (60%).

About: The course intends to assist students in understanding and gaining a critical approach to the way the law applied to Aboriginal and Torres Strait Islander peoples. The course centres around the examination and debate of the extent to which the rights and interests of Indigenous Australians are recognised in Australian Law. To do so, students look human rights, property and constitutional law relating to Indigenous peoples. In doing so, students learn to question the adequacy of the current state of the law and evaluate the need for future law reform. This course also looks at the historical dominance of the law in the lives of Indigenous Australians and the impact that has had on both Indigenous and non-Indigenous Australians. Students also learn of particular legal issues that impact Indigenous Australians and their Communities such as their relationship with the State, racial discrimination, and the rights to water and land. This course builds on concepts learnt in Australian Public Law, International Law and Property Law.

Prerequisites: LAWS2250 (International Law) and LAWS2202 (Commonwealth Constitutional Law).

LAWS2225 – International Law of Human Rights

Course Code: 9858

Units: 6

Course Contact: Kevin Boreham

Contact Hours: 3 hours per week of one lecture and two smaller seminars.

Assessment: Class presentation OR research paper (40%), class participation (10%) and end of semester take home exam (50%).

About: Students gain critical understanding of the aspects of international human rights law practice allowing them to analyse the norms of international human rights law and the mechanisms for their implementation. Topics covered include: the rights of women, rights of indigenous people, counter terrorism measures, the law of armed conflict and its relationship with the international law of human rights, human rights 'enforcement' mechanisms, application of international human rights law in Australia, and the future development of human rights (particularly international LGBT rights). Will be an interesting course considering Australia's controversial refugee policy.

Prerequisites: LAWS2250 (International Law), completed or completing 5 LAWS courses at 1000 level.

LAWS2226 – International Trade Law

Course Code: 9881

Units: 6

Course Contact: Imogen Saunders

Contact Hours: 3 hours per week of a two hour lecture and a one hour seminar.

Assessment: Details will be available on Wattle by the first week of semester.

About: Students are introduced to the fundamental principles of international trade law, becoming familiar with the main aspects of international law and their effect on domestic policy and law. This course explores the theoretical basis of free trade law and the criticisms made on that theory. Students will also learn of the development in international trade law over the past century, focusing on the key agreements that have aided this progress as well as the on-going conflicts in international trade law that exist. They will also look at the jurisdiction, processes and policies of the WTO. On a national level, the effects of trade liberalisation on developing countries will be explored. Students will also look at the need to protect international environmental and labour standards and the powers countries and organisations have to do so.

Prerequisites: LAWS2250 (International Law), completed or completing 5 LAWS courses at 1000 level.

LAWS2228 – Labour Law

Course Code: 9882

Units: 6

Course Contact: Pauline Thai

Contact Hours: 3 hours per week.

Assessment: Details will be available on Wattle by the first week of semester.

About: This course is important in looking at the legal regulation of commerce looking at the rights, responsibilities and entitlements of workers and employers in the workplace. Students look at judge-made law and statute when examining problems, including legislation such as the Fair Work Act 2009 (Cth). Topics include: the history and development of Australian Labor Law, common law contract of employment, workplace bargaining and agreements, and wrongful termination of employment.

Prerequisites: LAWS1204 (Contracts), completed or completing 5 LAWS courses at 1000 level.

Student Comment: Alice – ‘Labor Law has something for everyone: rich common law and divisive statute law, the clash of individual and collective rights and is at the centre of public debate. The course isn’t only interesting from a rights/politic perspective but is intellectually challenging, practical and has lots of blackletter law. The flexible assessment structures and delivery allows you to focus on the areas that interest you. The teaching staff in this course are also truly outstanding. Could not recommend it more.’

LAWS2260 – Law and Psychology

Course Code: 7935

Units: 6

Course Contact: Mark Nolan

Contact Hours: 3 hours per week.

Assessment: A mid-semester research case note OR empirical report comment, short answer test and a research essay.

About: This course explored the interconnectedness of criminal law and psychology, primarily in Australia. The discipline of legal psychology is studied in its historical nature and its capacity for future development. Topics include: mental illness and the law, witness memory, profiling, children in court, correctional psychology and sentencing. This course offers a critical perspective and invites students to debate their view on the different aspects of legal psychology. Psychological reports will also be researched and examined by students.

Prerequisites: Completed or completing 5 LAWS courses at 1000 level.

Student Comment: Sascha – ‘As passionate as Mark Nolan may be, there was too much science and not enough law for my liking.’

LAWS2256 – Law and Sexualities

Course Code: 9883

Units: 6

Course Contact: Wayne Morgan

Contact Hours: TBA

Assessment: Will include at least two pieces of assessment, one will be during the semester. Details will be available on Wattle by the first week of semester.

About: This course looks at the connections between law gender, identity and specialities through the exploration of the different ways in which sexuality has been defined and theorised in the 20th Century. Through this, students will be able to understand the role the law has in forming personal identities and the legal controversies that arise from issues concerning sexualities. In doing so they will look at the interaction of gender, race, class and sexuality issues. They will also consider the relationship between the “queer”, gay and lesbian, and feminist theories.

Prerequisites: Completed or completing 5 LAWS courses at 1000 level.

LAWS2230 – Law Internship

Course Code: 7261

Units: 6

Course Contact: Fergus Thomson

Contact Hours: Depends on placement, topic and nature of work undertaken

Assessment: 6 000 word research paper

About: students will be placed in a professional legal environment (barristers' chambers, law firm, NGO, etc) where they write their essay under the supervision of a lawyer/legal professional. The topic is chosen by the student in consultation with the supervisor and course convener. To complete the essay students may be required to use skills in interviewing, researching and data collection.

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

LAWS2251 – Legislative Drafting and Technology

Course Code: 7264

Units: 6

Course Contact: Wade Johanson/Fiona Guy

Contact Hours: 3 hours per week.

Assessment: Analysis pieces on legislation interpretation, construction of a legislative rule base using the technology taught in class and a final report examining how legal drafting and technology interact.

About: This course is split into the two parts of (1) Drafting and (2) Legislation and Technology. The first part looks at the styles of legislative drafting and common drafting structures. It also looks at the methodology needed to be able to draft legislation to properly and clearly convey its intention and the aspects of good drafting technique. The second part shows how more government agencies used technology to analyse, interpret and administer complex law and policy. In this part, students also create their own legislative rule base. Overall students gain an understanding of the issues involved when administering legislative rules and learn what to do to prevent these issues from arising.

Prerequisites: Completed or completing 5 LAWS courses at 1000 level.

LAWS2254 – Restitution

Course Code: 9771

Units: 6

Course Contact: Pauline Ridge

Contact Hours:

Assessment: Mid-semester exam (50%), and (TBC) final exam OR essay (50%).

About: This course looks at the law of restitution and its development in Australia, England and Canada. It looks at the connectedness between restitution, contract and equity. The law is looked at from the historical, conceptual and doctrinal perspectives. The first part of the course looks at the history and theories of restitution and the concept of unjust enrichment. The second part looks at mistake, ineffective contracts, restitution after breach of contract, compulsion, restitution for wrongs, property and restitution, and equity and restitution.

Prerequisites: LAWS1204 (Contracts) and LAWS2204 (Property), completed or completing 5 LAWS courses at 1000 level.

LAWS2257 – Selected Topics in Australia-US Law (ANU) Comp

Course Code: 7265

Units: 6

Course Contact: Daniel Stewart

Contact Hours: Taught on an intensive basis for two weeks with 9 contact hours each week.

Assessment: Participation in seminar activities and a 5 000-6 000 word comparative research essay dues after the end of the course.

About: Capped at 20 students. This course will be taught jointly by a visiting ANU academic and an academic from the University of Alabama Law School. The specific subject varies from year to year, depending on the particular field of the ANU/UA visitors. This course is a comparative study of Australian and US approaches to law, potentially including the approaches to environmental law, climate law, the fundamental terminology, etc.

Prerequisites: Completed or completing 5 LAWS courses at 1000 level.

LAWS2233 – Selected Topics in Torts

Course Code: 2233

Units: 6

Course Contact: Michael Eburn

Contact Hours: TBA

Assessment: TBA

About: This course looks at the contemporary issues in the law of torts and builds on LAWS1203. The focus of this course is on compensation for personal injuries and the evolution of Australian tort law due to the legislation reforms of the 2000's. Personal injury law will include looking at the role and value of tort law as a means to meeting the needs of injured parties. Specific topics may include the relevance of insurance, no fault injury compensation schemes, issues of 'duty of care' and vicarious liability. Students may also look at the recovery of damages under pure economic loss, statutory defences relating to recreational activities, intoxication and the law of private insurance.

Prerequisites: LAWS1203 (Torts), completed or completing 5 LAWS courses at 1000 level.

Student Comment: Eric – 'Fantastic course, Michael Eburn is passionate with torts as a whole and it really shows through his teachings.'