

LAW ELECTIVES ON OFFER FOR 2010

This list is subject to change and dependent on the availability of academic staff and sufficient enrolment numbers in individual units. Always check with Law Admin staff before you submit a change of enrolment form.

Students **must** adhere to the structure of their Course (Regulation 3.1 of the Undergraduate and Graduate LLB, Double degrees and the Juris Doctor Course Regulations). You are **not** permitted to enrol in units outside that structure without the express prior approval of the Associate/Assistant/Dean. Students who enrol in units outside their structure without approval will not be allowed to remain in those units.

A number of elective units should be attempted by students only *after* completion of specific compulsory units. These compulsory units are mentioned in italics after the unit in the list below. Enrolment in an elective without completion of the suggested compulsory unit is not recommended; you may wish to discuss this with the Associate/Assistant Dean and the relevant unit co-ordinator.

You may **NOT** enrol in units without successful completion of the pre requisite units. Legal Process and Legal Research and Writing are pre requisites for every other law unit in the degree.

SUMMER TERM 2010

LW318/LW5318 Trial Advocacy (20) 15th - 19th Feb Inclusive
Tony Power - Barrister, Francis Burt Chambers
Evidence is a pre requisite for this unit

This is a higher level unit building on skills acquired in LW360 Moot Court. The unit is run as an intensive week- long course, to better replicate the pressures of practicing in litigation. It is designed to develop skills and learning methods required to become competent advocates.

Guest presenters will be drawn from the profession and judiciary, offering a unique practical perspective as consumers of advocacy. Participation, engagement and self-evaluation in all aspects of the unit will form a significant part of the assessment. In addition to the week itself, participants will be notified of a required one-day preliminary workshop to take place approximately 3 - 4 weeks before the commencement of the course. This workshop will provide students with essential information regarding course outline and format, case studies, and reading prerequisites.

LW325/LW5325 Occupational Safety and Health Law (50) 11th - 15th Jan Inclusive
Rob Greig - Manager Human Resources, Snowden
Torts is a pre requisite for this unit

Many graduates from law school end up dealing with issues of workplace safety and health in one form or another. This unit examines in detail the legal framework of occupational safety and health law in Western Australia, focussing on the Occupational Safety and Health Act 1984 (WA), yet with a practical focus on how the law is applied within the workplace. It explores the statutory framework and principles, the obligations of employers, the role and function of WorkSafe, statutory notices and prosecutions, workers compensation and safety and health management systems. The course is tailored to the perspective and role of the legal practitioner in this field.

LW338/LW5338 Mental Health Law (50) 4th - 8th Jan Inclusive
Gerry Cleveland - Solicitor, Consumer Credit Legal Service (WA)
Criminal Law is a pre requisite for this unit

This aim of this unit is to explore how Mental Illness impacts various areas of the law. The course considers the history of mental illness within the judicial system. Areas of focus will include criminal law, human rights legislation, international law, health law, and guardianship and administration concerns. The unit provides an introduction to a number of current issues affecting persons diagnosed with a mental illness. As a practical part of the course, students will prepare moot arguments for Criminal Courts, the State Administration Tribunal and State Review Boards on behalf of hypothetical clients diagnosed with various mental illnesses.

LW345/LW5345 Law of Corporate Finance (50) 18th - 22nd January inclusive
Adam Charles - Solicitor, Freehills
Corporations and Partnerships is a pre requisite for this unit

The unit will expand beyond the fundamental principles of corporate regulation considered in LW321 Corporations and Partnerships to examine the regulation of equity and debt capital finance in Australia under the Corporations Act 2001 (Cth) (Act) and the Australian Securities Exchange Limited Listing Rules (Listing Rules).

The course will examine the raising of equity and debt capital finance and how the Act and the Listing Rules regulate companies once securities have been issued. The course will also consider the administrative network relevant to securities offerings and regulation, the regulation of insider trading, securities litigation and the basics of mergers and acquisitions.

Exams for all Summer Term units other than Trial Advocacy will be in the Summer Term exam period (1st - 5th February inclusive)

SEMESTER ONE, 2010

LW300/LW5300 Health Law - TBA (50) Torts; Contract Law

The aim of this unit is to expose students to a rapidly emerging area of legal practice and to examine, by way of case studies and recent court decisions within Australia and internationally, contemporary issues in medicine and medical ethics as they relate to the legal profession.

This unit considers the rights and responsibilities of patients and health professionals, and considers the causes of action which may arise, and defences.

This course will look closely at areas of law such as the legal duties of health professionals, consent to medical procedures, basic tort liability of health workers, access to medical records, privacy and confidentiality, withdrawal of treatment and euthanasia, and abortion and wrongful birth.

LW302/LW5302 Mining and Petroleum Law - Marshall McKenna (50) Contract Law; Torts; Property Law

The aim of this unit is to familiarise students with the chief features of the law regulating the use and exploitation of natural resources. The unit will consider the conceptual property basis of natural resources law and the history of Australian legal regimes relating to natural resources, before passing to a detailed consideration of the law applying to the exploitation of particular resources.

Special attention will be paid to the law regulating mining as a key industry of Western Australia. The unit will also study the legal regimes affecting the exploitation of gas and petroleum, and the use of water in relation to extraction of minerals and petroleum. Careful attention will be given to the manner in which considerations of law, and those relating to such matters as the environment and native title, inter-act in relation to the use of natural resources.

The course aims to prepare students for work in the resource sector. It aims to provide students with the ability to understand the law and the wider business and social context of resource extraction.

LW303/LW5303 Trade Practices Law - Jason MacLaurin (50)

The *Trade Practices Act 1974* has proved to be one of the most litigated and wide-reaching pieces of legislation in Australia. All who are engaged in trade and commerce must factor the provisions of the Act into their conduct and commercial behaviour. The purpose of this course is to enable students to become familiar with certain aspects of the Act.

Quite apart from the enormous amount of case law that has been generated by the operation of the Act, it is important to consider the policy issues raised by the legislation, which both motivated its introduction in 1974 and continues to shape the continuing frequent amendments to the Act. This overview, together with a study of those legal entities whose conduct is affected by the Act, forms the introduction of the course.

The second part of the course examines the substantive aspects of the Act, namely:

- the restrictive trade practices provisions, contained in Part IV, which are designed to prohibit conduct which may lessen competition among firms;
- the Part V "consumer protection" provisions which disallow misleading and deceptive conduct on the part of corporations in trade or commerce; and
- Part VA which imposes a form of strict liability on manufacturers for defective products.

Where applicable, reference will also be made to the corresponding provisions of the *Fair Trading Act* of the various states.

LW307/LW5307 Intellectual Property Law - TBA (50)

Monopolies are anathema to the common law, except where authorised by statute. This unit will explore the various monopoly and quasi-monopoly statutes as well as common law and statutory protection of reputation.

The course will centre on the protection granted under the Copyright Act and Designs Act, including principal areas such as copyright protection in literary, dramatic, musical and artistic works (for example, protection in sound recording, films, radio and television broadcasts). Protection of reputation through the Trade Marks Act, under the common law of passing off and pursuant to section 52 of the Trade Practices Act will be examined. Additionally, the protection of computer software, the Patent Act, parallel importing, international treaties and the economic ramifications of intellectual property rights in Australia and overseas will be briefly considered.

LW313/LW5313 Succession - Lisa Jarvis (50) Trusts; Property Law

This unit deals with selected topics in the law of succession such as the making of wills, vitiating factors affecting wills and beneficiaries, legacies, devises, revocation and revival of wills, equitable doctrines affecting the law of succession, intestate succession, the administration of estates and testator's family maintenance. A practical aspect of the course includes a will drafting exercise. Procedures relating to the grant of representation, administration of estates following a grant of representation and problems of testator's family maintenance are covered in the course.

LW319/LW5319 Maritime Law - Nick Egan (50)

This unit will provide an understanding of the complex legal framework underpinning the shipping trade from both an international and Australian perspective. In particular, this unit will deal with the legal relationships brought about during the carriage of goods by sea, including bills of lading, waybills and the various types of charter parties, the Admiralty jurisdiction, International Maritime Conventions, Maritime Insurance and the relevance of International Conflict of Laws to Maritime disputes. Specific topics of interest that will be covered include piracy and the pursuit of illegal fishing vessels.

This unit allows students to explore, by way of a research paper, an aspect of Maritime Law of their particular interest. This will challenge students to undertake comprehensive legal research on a new, challenging and highly relevant area of the law.

WINTER TERM, 2010

LW309/LW5309 Human Rights Law (50) 21st 25th June inclusive (to be confirmed in January 2010)

Ben Clarke

Criminal Law; Administrative Law; Torts

The rise in international terrorism poses significant challenges and dilemmas. It undermines the basic rights of the individual, and on occasions, tempts States to act outside the rule of law. This unit explores the historic evolution and conceptual foundation of contemporary human rights law. The genesis of the modern international human rights movement is discussed, current international human rights norms are examined, and the effectiveness of implementation-monitoring agencies scrutinized. The balance between effective counter terrorism laws and the protection of basic human rights is explored. The relationship between international humanitarian law and international human rights law is considered. The extent to which international human rights norms are recognised and protected under Australian domestic law is critically examined.

Exams for all Winter Term units will be in the Winter Term exam period (12th - 16th July inclusive)

SEMESTER TWO, 2010

LW304/LW5304 Employee Relations - Tony Davis (50) Contract

For many individuals the most significant contract they have is the contract of employment yet most people do not seriously consider this contract until something has gone wrong. This area of law covers a wide range of jurisdictions and legal issues which are continuously changing in Australia's political and legal climate. This unit explores the legal regulation of employment within Australia and will specifically explore: the employment relationship; creating an employment contract; terms and conditions (express and implied) of employment contracts; legislation, awards, agreements and other instruments that govern employment conditions; significant issues that arise during employment; termination of the employment relationship; and occupational safety and health and equal opportunity in employment

The course will explore both Federal and State jurisdictions and common law principles. Throughout the course students will be encouraged to critically evaluate current issues arising in employment law and politics and the changing world of employee relations.

LW305/LW5305 Family Law - Lisa Jarvis (50) Property; Equity; Trusts

This unit is designed to provide an introduction to contemporary Family Law in Australia. The course starts with an introduction to Commonwealth and State legislative powers with particular emphasis on the Family Law Act 1975 (Cth). Other topics covered include a study of the law of marriage, nullity and divorce, the law relating to children, the alteration of property interests between parties to a marriage and the interaction with third parties. The course aims to be practical and relevant to students who may wish to practise in this area in the future.

LW312/LW5312 Insolvency - Richard Johnson (50) Corporations & Partnerships Law

This unit is designed to provide students with an overview of the law affecting corporate insolvency, and in particular the external administration process. It involves an in-depth study of the procedures governing voluntary administration, receivership and liquidation with an emphasis placed on the statutory requirements in the Corporations Act 2001. The unit examines the effects that the various external administration processes have on the company, its directors, employees, shareholders and creditors. Consideration is given to the administrative role and powers vested in the insolvency practitioner, particularly with respect to the collection and distribution of assets, which involves examining the order of payment to creditors. In addition the unit involves comparative analysis between the various external administration processes.

LW315/LW5315 Issues in Medical Law (formerly Bioethics) - Nanà Howard (50) Torts; Contract

The aim of this unit is to expose students to a rapidly emerging area of legal practice and to examine by way of case studies and recent court decisions within Australia and internationally, contemporary issues in medicine and ethics as they relate to the legal profession. This unit has an emphasis on death and dying and issues in reproduction, but additionally looks at genetic testing and cloning, medical research, including stem cell research, and organ and tissue donation. The course is taught from a perspective which reflects both ethical approaches and human rights arguments.

LW317/LW5317 Lender Liability - Brent Scafidas (50)

This Unit aims to introduce students to the substantive law of lender liability and to actively engage them in a practical analysis of it. The topics intended to be covered include overviews of the current regulatory and fiscal framework, the practice of lending, debt recovery and securities taken by lenders, general theories of liability pertaining to lenders and a transactional analysis of the lender's potential liabilities from the pre-contractual preliminary stage to the final enforcement stage. In addition two specific types of financing, that relating to syndicated loans and project financing, are examined to give students a better insight into this area of law. Students can also expect to be provided with opportunities to apply the law studied.

LW326/LW5326 Environmental Law - Ben Clarke (50) Torts & Constitutional Law

This unit explores the fundamental principles of environmental law. Legal responses to contemporary environmental challenges are assessed, including those related to: loss of biodiversity; ozone depletion; global warming; and harm to the marine environment from various activities (ranging from noise pollution to the dumping of waste at sea). Other themes explored include the nexus between human rights law and environmental law. Students will gain an understanding of the impact of environmental laws on both States and non-State actors (corporations and individuals). Particular attention is paid to: international treaties on environmental protection; domestic environmental law and policy; enforcement measures; remedies; regional mechanisms; the nexus between planning and environmental law; and the expanding field of climate change law. Emerging norms on reduction of carbon emissions

and other responses to global warming are examined. The pre-requisite units for law students taking this subject are Torts Law and Criminal Law.

LW333/LW5333 Construction and Building Contract Law - Brent Scafidis (30)
Contract Law is a pre requisite for this unit

The aim of this unit is to provide students with an understanding of the principles of contract law relevant to the practice of construction law. The topics to be considered are: the structure of standard construction contracts, implied terms in construction contracts, tendering and contract formation, time for completion, right to payment, variations, extras and omissions, subcontracts, issues in performance and breach, determination and remedies.

LW339/LW5339 Canon Law - TBA (50)

This course is intended to provide students with an introduction to the internal laws governing the Catholic Church – which laws are known as ‘Canon Law’. These are specified in the Code of Canon Law promulgated by Pope John Paul II in 1983. The course will cover a variety of topics such as the historical background to Canon Law; the purpose, nature and sources of Canon Law; parts of the 1983 Code of Canon Law; the Church’s tribunals (including procedure, evidence and appeals); the disciplining of clergy and laity; marriage and annulment; the administration of Church property; and complaints of sexual abuse against clergy, religious and Church employees (such as teachers).

LW395/LW5395 Commercial Law - Brent Scafidis (50) Contract

This Unit aims to expose students to the fundamental areas of commercial law. The areas intended to be covered include sale of goods, agency, bailment, insurance, guarantees, negotiable instruments and consumer credit. With the increasing intervention of legislation within the commercial arena, students can also expect to be exposed to a fairly broad range of legislation covering the areas examined. Students can also expect to be provided with opportunities to apply the law studied.

The following units are by invitation only; you must not include them on your enrolment form until you are invited to do so. You must apply to the lecturer in writing:

Semester 1

LW380/LW5380	Law Review - Ava Sidhu
LW422/LW5422	Maritime Law Moot - TBA (4) <i>Contract; Torts; Advocacy (co-requisite)</i>
LW441	Advanced Research Project (Honours) - Robyn Honey
LW5441	Advanced Research Project (JD students only) - Haydn Rigby
LW442	Directed Research Project (LLB students only) - Robyn Honey
LW5442	Directed Research Project (JD students only) - Haydn Rigby

Semester 2

LW442	Directed Research Project (LLB students only) - Robyn Honey
LW5442	Directed Research Project (JD students only) - Haydn Rigby

The following units may be credited to your law degree as an elective unit. You must check with the School of Philosophy & Theology and the School of Business to determine whether they are available in 2010 and whether you are eligible to enrol:

BS245	Taxation Law (School of Business)
PH308	Natural Reasoning (School of Philosophy and Theology)