



THE UNIVERSITY OF
MELBOURNE

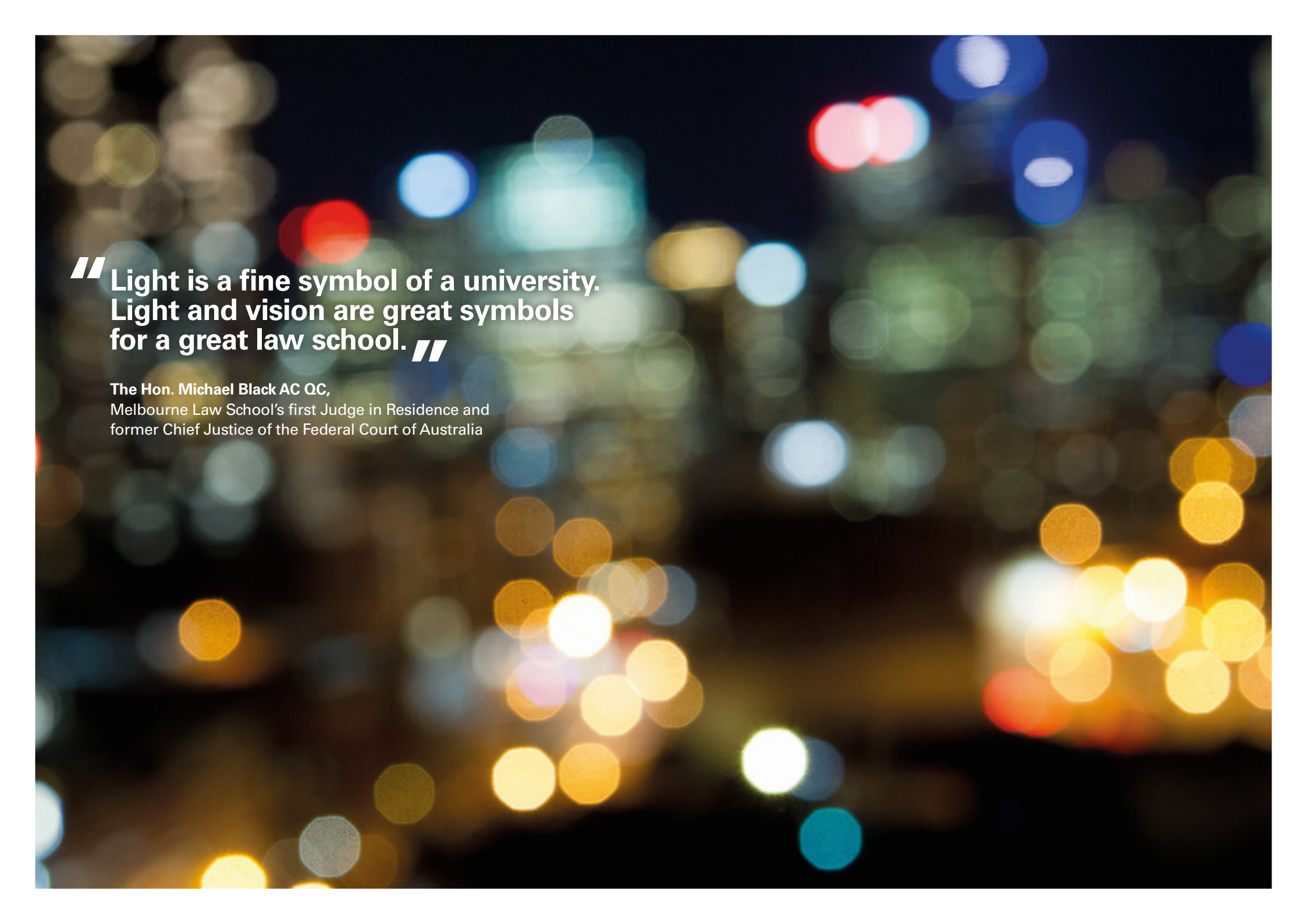
MELBOURNE
LAW SCHOOL

Australia's first,
Australia's global.

The Melbourne
Law Masters
2013

Leading experts.
Innovative programs.
Extraordinary experiences.



The background of the entire page is a dark, out-of-focus bokeh of various colored lights, including red, blue, green, yellow, and white, creating a soft, glowing effect.

**// Light is a fine symbol of a university.
Light and vision are great symbols
for a great law school. //**

The Hon. Michael Black AC QC,
Melbourne Law School's first Judge in Residence and
former Chief Justice of the Federal Court of Australia

Introduction

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The Melbourne Law Masters (MLM) is a postgraduate law program of the highest quality that is available for both law and selected non-law graduates.

A suite of general and specialist masters degrees and graduate diplomas offer students the opportunity to study at the first fully graduate law school in Australia and one of the finest law schools in the world. Distinctive features of the Melbourne Law Masters include the expertise of the teaching staff, small class sizes, a diverse student body, a rich blend of national and international perspectives, support services tailored to the needs of graduate students, excellent facilities and an extraordinary range of subjects at the cutting edge of developments in law and legal thinking.

New features of the MLM in 2013 include the introduction of specialist Masters degrees in Environmental Law and Energy and Resources Law and more than 30 subjects that are offered for the first time.

Dean's message

Welcome to the Melbourne Law Masters. The program offers a broad and exciting range of courses and subjects of the highest quality, of which my colleagues and I are proud. If you join us as a student, we are confident that you will benefit from both an outstanding program and a life-long association with our Law School.

Melbourne is Australia's leading law school, with a distinctively international focus. Through our teaching programs, we cooperate with some of the finest law schools in the world, including Oxford and New York University. Melbourne staff have research links with colleagues in every region of the world. A variety of languages is spoken in the School, including Mandarin, Vietnamese, Bahasa Indonesian, Hindi, French, German and Spanish. Melbourne students are drawn from all parts of the world and each year at least 50 international scholars teach in the Melbourne Law Masters alone.

Most importantly of all, perhaps, Melbourne programs are genuinely outward looking. While we teach Australian law at the highest level, more than half of the Masters subjects are transnational in character. We believe deeply in the value of diverse experience, which is created through bringing together students and teachers of the highest calibre from all parts of the world. This outward-looking perspective is captured by the Law School building, with its spectacular views and natural light. As our first judge in residence, former Chief Justice Michael Black has remarked, light and vision are great symbols for a great law school.

Melbourne Law School has been a leader in legal education since it initiated the teaching of law in Australia in 1857. The Melbourne Law Masters, originally revolutionary in concept, became a prototype for other law schools in Australia and elsewhere. The first Asian Law Centre was established at Melbourne and Asian law remains a strength of the School, as one of 15 specialist research centres. Following the introduction of the graduate Juris Doctor in 2008, Melbourne Law School became the first fully graduate law school in Australia, providing a setting that encourages graduate students from all programs to participate as peers in the rich intellectual life of the School.

Melbourne Law Masters students participate in the Law School's research groups. They have the advantage of support services designed solely for graduate students, including a library geared to graduate study and a Careers Office with a depth of experience. At the same time, however, the MLM is a distinct program, based on a dedicated floor in the heart of the Law School building with its own student association and with professional support from the Melbourne Law Masters Office.

This book offers a guide to the possibilities of the Melbourne Law Masters. We hope you find it helpful. If you have any queries, you are welcome to contact us directly. More information can be found on the MLM website, at www.law.unimelb.edu.au/masters

I hope to have the opportunity to meet you soon.



Professor Carolyn Evans
Dean, Melbourne Law School
Harrison Moore Professor of Law



Professor Carolyn Evans

Dean, Melbourne Law School

“Melbourne programs are genuinely outward looking. While we teach Australian law at the highest level, more than half of the Masters subjects are transnational in character. We believe deeply in the value of diverse experience, which is created through bringing together students and teachers of the highest calibre from all parts of the world.”

Melbourne Law Masters: a snapshot

A fine law school

In 2012, Melbourne Law School was ranked as the best law school in Australia and the eighth in the world by the Quacquarelli Symonds (QS) World University Rankings. It has been at the forefront of legal education for more than 150 years. A degree from Melbourne is an asset that is recognised throughout the world.

International focus

Melbourne Law School teaches Australian law at the highest level. For international students, it also offers a high-quality legal education in the common law. All students gain from the international perspective of the program. In 2013, more than half the subjects are international or transnational in character.

Rich blend of teaching expertise

Teaching in the Melbourne Law Masters brings together the School's own leading researchers with experts from the practising profession and scholars from law schools and other institutions in all regions of the world. This network of linkages benefits the School and its students in a host of other ways. In 2013, more than 150 senior fellows from outside the School will teach in the program, around 50 of whom will come from countries overseas. For further details, see page 10.

A student-centred program

The program offers subjects in different formats, for the convenience of its mixed cohort of full-time and part-time students. Many subjects are offered intensively, over a period of one week between January and December, making it practicable for students from outside Melbourne to study part-time. Intensive subjects at Melbourne are designed to enable all students to immerse themselves in the subject matter for a stimulating five days, without sacrificing the quality of teaching and learning. Other subjects are offered at intervals across a 12-week semester. One-on-one course advice is available from senior academics.

Diverse professional network

The Melbourne Law Masters attracts an extraordinarily diverse range of students, from all parts of Australia and all regions of the world. The diversity of the student body is integral to the quality of the program. It also gives Melbourne Law Masters graduates access to an international and interdisciplinary network of individuals united by their experiences at Melbourne.

Wide choice of subjects and courses

The Melbourne Law Masters offers a very wide range of more than 160 subjects structured around 22 specialist legal areas. Law graduates may enrol in either a specialist degree or diploma or an LLM. LLM students may choose any eight subjects to meet their own interests and specialist needs. Non-law graduates may enrol only for a qualification in an area in which they have relevant experience.

Each specialist area is headed by a Director of Studies with expertise in the field and most are supported by an advisory board of practitioners and scholars. For details on specialist areas, see page 23.

Active learning

All classes are limited in size to encourage discussion and interaction so as to further enhance the level and quality of the learning experience. Classrooms are organised in a seminar-style format. While teaching styles differ, all teachers invite active engagement from students.

Marvellous Melbourne

Melbourne Law School is in cosmopolitan Carlton, on the edge of the Melbourne CBD and within short walking distance of the Melbourne legal precinct. The Melbourne Law Masters is an integral part of the Law School, with access to all University services, which lie just across historic University Square. The program offers more than a degree; students have the opportunity to enjoy the cultural, sporting and gastronomic life of Melbourne, often described as one of the world's most livable cities.



Courses and subjects

In 2013, the Melbourne Law Masters offers more than 35 masters degrees or graduate diplomas grouped around the 22 specialist legal areas set out below. Law graduates who choose to enrol in an LLM may design other specialisations to suit themselves or may sample subjects from across the full range.

The program design is deliberately flexible, to assist students who wish to move from a graduate diploma to a related masters degree or vice versa.

Students may also take a single subject, which can subsequently be credited towards a degree or diploma should a student successfully seek admission to the course.

Details about individual courses, including course requirements, available subjects, objectives and the Directors of Studies are in chapter 2.

Details of individual subjects, organised alphabetically, are in chapter 3.

Courses

Masters degrees

Masters degrees require the completion of eight subjects. Specialist masters degrees require specific subject selection, as outlined in chapter 2.

Masters students who do not have a first degree in law (LLB, JD or equivalent) in a common law legal system must undertake the foundation subject Fundamentals of the Common Law (see page 85) or, in international tax, Foundations of Tax Law. Foundation subjects should be taken early, before undertaking other subjects.

One-on-one course planning advice is available.

Duration

Full-time: 12 months

Part-time: Three to four years

Graduate diplomas

Graduate diplomas require the completion of four subjects. Specialist graduate diplomas require specific subject selection, as outlined in chapter 2.

Graduate diploma students who do not have a first degree in law (LLB, JD or equivalent) in a common law legal system are strongly encouraged to undertake the preliminary not-for-credit subject Australian Legal Process and Legal Institutions (see page 52) before undertaking other subjects.

Duration

Full-time: Six months

Part-time: 18 months to two years

Specialist legal areas

General

Master of Laws by Coursework*

Master of Laws by Coursework and Minor Thesis*

Graduate Diploma in Legal Studies

Asian Law

Graduate Diploma in Asian Law

Banking and Finance Law

Master of Banking and Finance Law

Graduate Diploma in Banking and Finance Law

Commercial Law

Master of Commercial Law

Communications Law

Graduate Diploma in Communications Law

Competition and Consumer Law

Graduate Diploma in Competition Law

Construction Law

Master of Construction Law

Graduate Diploma in Construction Law

Corporations and Securities Law

Graduate Diploma in Corporations and Securities Law

Dispute Resolution

Graduate Diploma in Dispute Resolution

Employment and Labour Relations Law

Master of Employment and Labour Relations Law

Graduate Diploma in Employment and Labour Relations Law

Energy and Resources Law

Master of Energy and Resources Law

Graduate Diploma in Energy and Resources Law

Environment Law

Master of Environmental Law

Graduate Diploma in Environmental Law

Government Law

Master of Public and International Law

Graduate Diploma in Government Law

Health and Medical Law

Master of Health and Medical Law

Graduate Diploma in Health and Medical Law

Human Rights Law

Graduate Diploma in Human Rights Law

Intellectual Property Law

Master of Intellectual Property Law

Graduate Diploma in Intellectual Property Law

International Economic Law

Graduate Diploma in International Economic Law

International Law

Master of Public and International Law

Graduate Diploma in International Law

Law and Development

Master of Law and Development

Private Law

Master of Private Law

Sports Law

Graduate Diploma in Sports Law

Tax and International Tax

Master of Tax

Master of International Tax

Graduate Diploma in Tax

Graduate Diploma in International Tax

*Please note the Master of Laws and Master of Laws by Coursework and Minor Thesis are available to law graduates only

Moving between courses

Students who meet the relevant selection criteria may transfer between 'related' courses (i.e. from a graduate diploma to a related masters degree, and vice versa), depending on the subjects completed and results obtained. Individual course pages in chapter 2 list the transfer options.

Only students holding a law degree that leads to admission to legal practice (LLB, JD or equivalent) may transfer to the Master of Laws (LLM).

Single subject enrolments

All subjects in the Melbourne Law Masters are available as single subject enrolments, either with assessment or, on an audit basis, without assessment.

Undertaking a single subject is an ideal way to acquire in-depth understanding of major new developments in law or new skills in a particular legal area.

Single subject enrolments enable those who do not presently want to undertake a degree or diploma to sample the innovative and cutting-edge subjects on offer in the Melbourne Law Masters each year.

As long as assessment requirements are met, subjects can be credited towards a formal qualification should a student subsequently successfully seek admission.

Continuing Professional Development (CPD)

Single subject enrolment also is useful for legal practitioners who are required to undertake mandatory Continuing Professional Development (CPD) activity in order to maintain their practising certificate.

Practitioners who undertake a course or subject in the Melbourne Law Masters that is relevant to their professional development and practice should be eligible to earn CPD points in this way.

Practitioners should check within their own jurisdictions for further information on CPD requirements and how to claim CPD points. Links are available on <http://www.law.unimelb.edu.au/masters>

Study Abroad and exchange

Subjects in the MLM can be taken by students enrolled in postgraduate law programs in other countries under the Study Abroad or university exchange programs. Students from distinguished universities throughout the world have taken subjects in the program on this basis, contributing further to the diversity of the student body and the richness of the MLM experience. The Melbourne Law Masters Office is pleased to provide advice on subject selection. For more information about these pathways, visit www.mobility.unimelb.edu.au



Mr Matthew Bell

Director of Studies, Construction Law

“Melbourne Law School’s construction law program has been designed from the ground up to enhance your understanding of these issues, no matter what level of experience you bring to our classrooms. Our teachers are renowned expert navigators of the landscape, and our breadth and depth of subject choices is unrivalled anywhere in the world.”



Who's who in the Melbourne Law Masters

The Melbourne Law Masters gives students access to some of the best legal minds in Australia and internationally.

Each year, the teaching staff brings together leaders from all branches of the legal profession across Australia, distinguished legal scholars and practitioners from many parts of the world and the Law School's own experienced staff. Many subjects are taught in teams, combining theory and practice as well as transnational and Australian perspectives. The small class format enables students to interact with experts in their fields of interest. The following pages outline the qualifications and backgrounds of Melbourne Law Masters teachers in 2013.

The management structure of the Melbourne Law Masters is also a key attribute of the program. An Associate Dean (MLM), who is a senior scholar in the Law School, is directly accountable to the Dean for the academic quality of courses and subjects. The Associate Dean works closely with the Program Manager (MLM), who heads a Melbourne Law Masters Office, based on the Masters floor. Each of the 22 areas of specialisation is headed by a Director of Studies, who is a member of the Melbourne Law School staff and a leader in the relevant field. Directors often also lead the related research centre or institute in the Law School, facilitating the involvement of students in research group activities.

MLS lecturers 2013

In 2013, about 50 teachers from the Law School's own staff lead subjects in the Melbourne Law Masters. All are actively engaged as leaders in research, ensuring that students have access to the latest legal developments and ideas. Many also teach in other law schools around the world or have practical experience, as advisers to government, business or civil society, in Australia and other countries, or through professional or other prestigious appointments.

Australian visiting lecturers 2013

Close to 100 practitioners from different branches of the legal profession and associated activities, together with selected scholars from other parts of Australia, are lecturers in the MLM in 2013. They include serving and retired judges, partners in law firms, members of the practising Bars, and leaders in business and the not-for-profit sector. Courses and subjects are further infused with real-world experience through the advisory boards associated with most specialist areas. The combination of theory and practice that the program provides is an extraordinary strength. The Law School is extremely grateful to the many busy practitioners and scholars who offer their expertise in this way.

International visiting lecturers 2013

Around 50 scholars and practitioners from across the world teach in the Melbourne Law Masters each year. In 2013, international visitors come from universities in Europe, North America, South America, Asia and Africa, including Oxford, Cambridge, the London School of Economics, Harvard, Michigan, New York University and Hong Kong, to name only a few. They also come from leading international bodies. The opportunity to learn from such a broad range of distinguished international scholars while studying in Melbourne is one of the most exciting aspects of the Melbourne Law Masters. During their time in Melbourne, many of these visitors are also associated with the corresponding research group. They deliver seminars within the Law School or externally and work with staff on joint projects. They immeasurably enrich the intellectual life of the Law School.

Managing the Melbourne Law Masters 2013

The Melbourne Law Masters comprises a small office of nine professional staff, based on the sixth floor of the law building. The Program Manager is Kaye Nankervis; all staff are friendly and responsive. The Office is available to service all aspects of the Melbourne Law Masters, to deal with student queries and to provide advice. Office staff also can put students in touch with other resources relevant to their needs, including the Directors of Studies; the Law Library; Academic Skills Support; the Careers Office and the research groups (see page 18).

Melbourne Law Masters Office hours

Monday–Thursday	8.45 am–6 pm
Friday	8.45 am–5 pm

Post-graduate Law Students' Association (PLSA)

The PLSA represents students in the Melbourne Law Masters. The Association is run by and for its members. It represents students of the Law School and runs a range of social and scholarly events. Students are encouraged to nominate for executive positions in the PLSA.

For further information on the PLSA, visit <http://plsa.law.unimelb.edu.au/>

Melbourne Law School lecturers 2013

Paul Ali, Associate Professor, LLB *Auck.* MJur SJD *Syd.* PhD *Syd.*

Graeme Austin, Professor, LLB *Auck.* LLM JSD *Col.*

Elise Bant, Associate Professor, Associate Dean, the Melbourne JD, Co-Director, Obligations Group, BA LLB *UWA* BCL *Oxf.*

Caron Beaton-Wells, Professor, BA LLB LLM PhD *Melb.*

Matthew Bell, Senior Lecturer, Co-Director of Studies, Construction Law, BA LLB MConstrLaw *Melb.*

Sarah Biddulph, Associate Professor, BA LLB *Syd.* PhD *Melb.*

David Brennan, Associate Professor, BCom LLB PhD *Melb.*

Jason Bosland, Senior Lecturer, Director of Studies, Communications Law, BA LLB LLM *Melb.* LLM *LSE*

Michael Bryan, Professor Emeritus, BCL *Oxf.* MA PhD *Lond.*

Mark Burton, Associate Professor, LLB *Tas.* PhD *ANU*

Anna Chapman, Senior Lecturer, Co-Director of Studies, Employment and Labour Relations Law, BCom LLB LLM *Melb.* PhD *Adel.*

Andrew Christie, Professor, Davies Collison Cave Chair of Intellectual Property, Co-Director of Studies, Intellectual Property Law, BSc LLB *Melb.* LLM *Lond.* PhD *Cantab.* Lawyer Australia, Lawyer England and Wales, Registered Trade Mark Attorney Australia

Sean Cooney, Professor, BA LLB LLM *Melb.* LLM *Col.*

Michael Crommelin AO, Zelman Cowen Professor of Law, Director of Studies, Energy and Resources Law, BA LLB *Qld.* LLM PhD *UBC*

Arlen Duke, Senior Lecturer, BCom LLB *Melb.*

Jeremy Gans, Associate Professor, BSc LLB *ANU* MA *Tor.* PhD *NSW*

Richard Gamett, Professor, BA LLB NSWLLM *Harv.* Barrister and Solicitor Victoria, Solicitor England and Wales

Beth Gaze, Associate Professor, Co-Director of Studies Employment and Labour Relations Law, BSc LLB *Monash* LLM *U.Cal (Berkeley)* PhD *Monash*

Lee Godden, Professor, Director of Studies, Environment Law, Director, Centre for Resources, Energy and Environmental Law, BLegs *Macq.* BA MA *Melb.* PhD *Griff.* GDipEd *Melb.*

Andrew Godwin, Senior Lecturer, Director of Studies, Banking and Finance Law, BA (Hons) LLB (Hons) LLM *Melb.* Solicitor England and Wales

Kirsty Gover, Senior Lecturer, BA LLB *Cant.* LLM *Col.* JSD *NYU*

Pamela Hanrahan, Associate Professor, BA LLB *Melb.* LLM CWRU SJD *Melb.*

Cally Jordan, Associate Professor, BA *Carleton* MA *Tor.* LLB BCL *McGill* DEA *Université Paris*

Michael Kobetsky, Associate Professor, LLB *Tas.* LLM *Lond.* PhD *Deakin*

Jürgen Kurtz, Associate Professor, Director of Studies, International Economic Law, BA LLB *Melb.*

Tim Lindsey, Professor, Malcolm Smith Chair of Asian Law, Director of Studies, Asian Law, Director, Asian Law Centre, Founding Co-Director, Centre for Islamic Law and Society, ARBA BLitt LLB PhD *Melb.* Barrister and Solicitor Victoria

Janice Luck, Senior Lecturer, LLB *Tas.* LLM *Lond.* Barrister and Solicitor Victoria

Tim McCormack, Professor, LLB *Tas.* PhD *Monash*

Mark McMillan, Senior Lecturer, LLB *ANU* LLM SJD *Arizona*

Pip Nicholson, Professor, BA LLB PhD *Melb.* M.PubPol *ANU*

Hayden Opie, Senior Lecturer, Director of Studies, Sports Law, BCom LLB *Melb.* LLM *Tor.* Barrister and Solicitor Victoria

Bruce Oswald CSC, Associate Professor, BBus *RMIT* MA *Kent* LLB *ANU* LLM *Lond.* PhD *Melb.*

Dianne Otto, Professor, Director of Studies, Human Rights Law, Director, Institute for International Law and the Humanities, BA *Adel.* LLB LLM *Melb.* LLM JSD *Col.*

Sundhya Pahuja, Professor, Director of Studies, Law and Development, BA LLB *Melb.* LLM *Brit Col.* PhD *Lond.*

Andrew Palmer, Associate Professor, BA *Well.* LLB *Monash* BCL *Oxf.* Barrister and Solicitor Victoria

Jeannie Paterson, Senior Lecturer, BA LLB *ANU* PhD *Monash*

Megan Richardson, Professor, BA LLB *Well.* LLM *Yale* LLM *Brussels*

Sam Ricketson, Professor, Co-Director of Studies, Intellectual Property Law, BA LLB *Melb.* LLM LLD *Lond.* FAASS

Andrew Robertson, Professor, Director of Studies, Private Law, Co-Director Obligations Group, LLM *QUT* PhD *ANU*

Peter Rush, Associate Professor, BA LLB *UNSW* MPhil *Cantab.* PhD *Edin.*

Cheryl Saunders AO, Laureate Professor, Director of Studies, Government Law, BA LLB PhD *Melb.*

Gerry Simpson, Professor, Director of Studies, International Law, Director Asia Pacific Centre for Military Law, LLB DLP MA *Aberdeen* LLM *UBC* LLM SJD *Mich.*

Loane Skene, Professor, Director of Studies, Health and Medical Law, LLB *Melb.* LLM *Monash* LLD *Melb.*

Miranda Stewart, Professor, Director of Studies, Tax, Associate Dean (Engagement), BSc LLB *Syd.* GDip *ANU* LLM *NYU* Barrister and Solicitor Victoria

Adrienne Stone, Professor, Director, Centre for Comparative Constitutional Studies, BA (Phil) LLB *UNSW* LLM *Col.* SJD *Col.*

Joo-Cheong Tham, Associate Professor, LLB LLM *Lond.* PhD *Melb.*

John Tobin, Associate Professor, BA BCom LLB *Melb.* LLM *Lond.* PhD *Melb.*

Lael Weis, Research Fellow, JD PhD *Stan.*

Amanda Whiting, Lecturer, BA LLB PhD *Melb.* DipEd GDip

Margaret Young, Associate Professor, BA LLB (Hons) *Melb.* LLM (Hons) PhD *Cantab.*

Australian visiting lecturers 2013

Mr Greg Ahern, Victorian Bar

Mr Leon Allen, Davies Collison Cave

Ms Carol Andrades, Ryan Carlisle Thomas

Mr John Baartz, Queensland Bar

Professor Ian Bailey SC, Professorial Fellow, NSW Bar

Mr Simon Barrile, Racing Victoria

Mr David Bennett QC, formerly Victorian Bar

Dr Marie Bismark, The University of Melbourne

Mr Richard Bridgart, Deloitte Private

Ms Judy Bourke, Senior Fellow

Mr David Campbell-Williams, Rail Corporation of NSW

Mr Michael Charles, KPMG

Mr Braedon Clark, Orica

Ms Karin Clark, Senior Fellow

Mr Matt Connock SC, Victorian Bar

Mr Stephen Creese, Newcrest Mining Ltd

Professor Breen Creighton, RMIT University

The Hon. Justice Jennifer Davies, Supreme Court of Victoria

Mr Andrew de Wijn, Victorian Bar

Mr John de Wijn QC, Victorian Bar

Mr Aldrin De Zilva, Deloitte Lawyers

Mr John Digby QC, Victorian Bar

Dr Albert Dinelli, Victorian Bar

Dr Stephen Donaghue SC, Victorian Bar

Dr Helen Durham, Australian Red Cross

Mr Michael Earwaker, Clayton Utz

Mr Michael Evans, Taxsfu Ltd

The Hon. Justice Paul Finn, Professorial Fellow, formerly Federal Court of Australia

Adjunct Professor Brent Fisse, University of Sydney

Mr Ben Fitzpatrick, Victorian Bar

Mr Kevin Fitzpatrick, formerly Australian Taxation Office

Mr Michael Flynn, Victorian Bar

Dr Anita Foerster, Senior Fellow

Mr Peter Fox, Victorian Bar

Mr Jonathan Gill, Carrick Gill Smyth

Mr Peter Gillies, Pitcher Partners

Mr Steven Gledhill, FB Rice

The Hon. Justice Michelle Gordon, Federal Court of Australia

Mr Tim Grace, Victorian Bar

Mr Stewart Grieve, Corrs Chambers Westgarth

Ms Erica Grundell, Victorian Department of Health

The Hon. Justice Kenneth Hayne AC, High Court of Australia

Dr Ian Heath, First Thoughts

Mr Ed Heerey, Victorian Bar

Ms Michelle Herring, JGL Investments Pty Ltd

Mr Ray Hind, Davies Collison Cave

Mr Graeme Hill, Victorian Bar

Mr Paul Hockridge, Deloitte Private

Mr Nick Hopkins, Victorian Bar

Mr Tony Horan, Victorian Bar

Mr Wayne Jovic, Clayton Utz

Professor Doug Jones AO, Professorial Fellow, Clayton Utz

Mr Nasos Kaskani, Victorian Bar

Ms Claire Kaylock, University of Notre Dame

Ms Alison Lansley, Company Director

Mr Rodd Levy, Herbert Smith Freehills

Mr Damien Lockie, Bond University

Mr James Macky, KPMG

Mr Geoff Mansfield, Griffith Hack

The Hon. Keith Mason AC QC, formerly, NSW Court of Appeal

Dr Alana Maurushat, University of New South Wales

Dr Alexandra Merrett, Senior Fellow

Lt Col (Ret) Dan Mori, Shine Lawyers

Mr Peter Morrissey SC, Victorian Bar

Ms Debbie Mortimer SC, Victorian Bar

Mr Mark Moshinsky SC, Victorian Bar

The Hon. Justice Bernard Murphy, Federal Court of Australia

Mr Terry Murphy SC, Victorian Bar

Mr Tim Neilson, Greenwoods & Freehills

Dr Tania Obranovich, Davies Collison Cave

Ms Nadia Odorico, Griffith Hack

Mr Paul O'Grady, Victorian Bar

Mr Frank O'Loughlin, Victorian Bar

Professor Brian Opeskin, Macquarie University

Mr David Opperman, Herbert Smith Freehills

Mr Adrian O'Shannessy, Greenwoods & Freehills

The Hon. Justice Tony Pagone, Professorial Fellow, Supreme Court of Victoria

Ms Alice Palmer, Law Institute of Victoria

Mr Nicholas Pane, Victorian Bar

Mr James Parker, Senior Fellow

Mr Craig Richards, Bicycle Network Victoria

Professor Cameron Rider, Professorial Fellow, Greenwoods & Freehills

Mr Peter Rozen, Victorian Bar

Dr Michael Rush, Victorian Bar

Mr John Sharkey AM, Norton Rose

Ms Karen Sinclair, Watermark Patent and Trade Marks Attorneys

Ms Shannon Smit, SMART Business Solutions

Mr Greg Smith, Australian Grants Commission

Mr Ken Spence, Greenwoods & Freehills

Mr Andrew Stephenson, Clayton Utz

Justice Margaret Stone, Judge in Residence Melbourne Law School, formerly Federal Court of Australia

Associate Professor Benny Tabalujan, Melbourne Business School

Mr David Tadgell, Phillips Ormonde Fitzpatrick

Mr Trevor Thomas, Clayton Utz

Mr Michael Tuckfield, Clayton Utz

Associate Professor Kristen Walker, Victorian Bar

Mr David Webber, Davies Collison Cave

Mr Richard Wilkinson, Herbert Smith Freehills

Associate Professor Peter Williams, Faculty of Architecture, Building and Planning, University of Melbourne

Dr Philip Williams, Frontier Economics

Ms Sue Williamson, Ernst & Young

Mr Peter Wood, Minter Ellison

International visiting lecturers 2013

Professor Owen Anderson

University of Oklahoma, United States



Owen L. Anderson is the Eugene Kuntz Chair in Law in Oil, Gas & Natural Resources, the George Lynn Cross Research Professor, and Director of the John B. Turner LLM Program in Energy, Natural Resources & Indigenous Peoples Law at the University of Oklahoma.

He also teaches at the University of Texas, the University of Dundee and the University of Sydney, and has lectured at numerous other universities and venues in Angola, Australia, Brazil, Canada, China, Jordan, Korea, Mexico, Namibia, Norway, Qatar, Thailand and elsewhere. He has authored over 100 articles and is a co-author of *International Petroleum Transactions; Hemingway Oil and Gas Law and Taxation; Cases and Materials on Oil & Gas Law*. He is also an arbitrator, and an oil and gas law and policy consultant.

[International Petroleum Transactions](#)

Professor Tanya Aplin

King's College London, United Kingdom



Tanya Aplin is Professor at the Dickson Poon School of Law, King's College London. She specialises in the area of intellectual property law. She was previously a Lecturer in Law at Robinson College, Cambridge (2000–2002), and a Research Fellow at Murdoch

University (1997–1999). She is Deputy Head of School (for Education), Director of the King's Postgraduate Diploma/MA in UK, EU and US Copyright Law and Director of the LLM in Intellectual Property and Information Law. She has published extensively on intellectual property and new technologies, trade secrets and privacy, and held visiting positions at universities in the United States, Singapore and Australia.

[European Intellectual Property Law](#)

Professor Douglas Arner

University of Hong Kong, Hong Kong



Douglas Arner is Head of the Department of Law and a Professor at the Faculty of Law of the University of Hong Kong. He has served as a consultant with, among others, the World Bank, Asian Development Bank, European Bank for Reconstruction and

Development and Asia-Pacific Economic Cooperation (APEC). He has worked on financial sector reform projects in over 20 economies in Africa, Asia and Europe. In addition, he has published widely, including nine books and over 70 articles, chapters and reports on financial law, regulation and development.

[International Financial System: Law and Practice](#)

Professor Brian Arnold

Canadian Tax Foundation, Canada



Brian Arnold is Professor Emeritus of Tax Law and Senior Adviser to the Canadian Tax Foundation. He is a graduate of Harvard Law School and taught tax law at a Canadian law school for many years. He has been a consultant to various governments, the Organisation

for Economic Co-operation and Development (OECD) and the United Nations. He was a Visiting Professor at Harvard Law School from 2005 to 2011, New York University Law School in 2005 and 2012, and has taught international tax courses at the University of Sydney. From 2000 to 2007, he was a member of the Permanent Scientific Committee of the International Fiscal Association (IFA). He is the co-author of *Reforming Canada's International Tax System: Toward Coherence and Simplicity* and *Comparative Income Taxation: A Structural Analysis* (3rd ed.)

[Comparative International Tax](#)

Professor Camille Cameron

University of Windsor, Canada



Camille Cameron is Dean at the University of Windsor. Prior to this appointment, she was a Professor at Melbourne Law School. Her research interests include civil procedure, the administration of civil justice and procedural reform. She was a founding member of the

Advocacy Institute of Hong Kong and a member of its first Board of Governors and Board of Studies. She has worked as a consultant for the World Bank, the Asian Development Bank and the International Human Rights Law Group on projects related to legal and judicial training and reform.

[Class Actions](#)

Professor David Caudill

Villanova University, United States



David Caudill is the Arthur M. Goldberg Family Chair in Law at Villanova University, where he teaches a seminar on expert scientific testimony, as well as legal ethics, property law and sports law. Prior to joining Villanova in 2005, Professor Caudill taught sports

and entertainment law, contracts and legal ethics at Washington and Lee University, and practised law in California and Texas. He has published numerous articles in the field of expert evidence. He is currently the Secretary of the Evidence Section of the Association of American Law Schools (AALS).

[Entertainment Law](#)

Professor Christina Cerna

Georgetown University, United States



Christina M. Cerna is an Adjunct Professor at Georgetown University Law School (2013–2014) and a Visiting Scholar at George Washington University Law School (2012–2013). She retired on 1 December 2011 after a 33-year career with the Organization of

American States, primarily with the Inter-American Commission on Human Rights. She is Chair of the International Human Rights Law Committee of the International Law Association (ILA) and a Counsellor of the Executive Council of the American Society of International Law (ASIL). She has written and published extensively on issues of international human rights and public international law.

[Regional Human Rights Mechanisms](#)

Professor Christine Chinkin

London School of Economics, United Kingdom



Christine Chinkin, Fellow of the British Academy, is Professor of International Law at the London School of Economics. She is also William W. Cook Global Law Professor at the University of Michigan Law School and a member of Matrix Chambers. Her

teaching and research interests are primarily in public international law and international human rights law, especially the human rights of women. She is co-author of *The Boundaries of International Law: A Feminist Analysis* (with Hilary Charlesworth) and *The Making of International Law* (with Alan Boyle) and author of many articles on related subjects. Together with Hilary Charlesworth, she won the American Society of International Law, 2005 Goler T. Butcher Medal. She is currently a member of the Kosovo Human Rights Advisory Panel.

[Human Rights and Armed Conflict](#)

Professor Sujit Choudhry

New York University, United States



Sujit Choudhry is Cecelia Goetz Professor of Law and Faculty Director of the Center for Constitutional Transitions at New York University. He is an internationally recognised authority on comparative constitutional law and comparative constitutional

development, with a particular focus on Canada, South Africa, India and the United States. He provides constitutional advice to a broad range of public sector and private sector organisations, and is extensively involved in public policy development. Internationally, he is a member of the United Nations Mediation Roster and was a consultant to the United Nations Development Program and the World Bank Institute at the World Bank. He holds law degrees from Oxford, Toronto and Harvard, was a Rhodes Scholar and served as law clerk to Chief Justice Antonio Lamer of the Supreme Court of Canada.

[Bills of Rights: An International Perspective](#)

Associate Professor Wei Cui

China University of Political Science and Law, China



Wei Cui is an Associate Professor at the China University of Political Science and Law, Beijing. His research interests include international taxation, consumption tax theory and practice, fiscal federalism, and the rule of law and development. He has advised

the Budgetary Affairs Commission of China's National People's Congress, the Ministry of Finance and other Chinese government agencies on a variety of tax policy matters. He holds a BA from Harvard College, a JD from Yale Law School and an LLM (Tax) from New York University Law School.

[Chinese Tax and Investment Law](#)

Professor James Crawford SC, FBA

University of Cambridge, United Kingdom



James Crawford SC, FBA is Whewell Professor of International Law, University of Cambridge, and concurrently Research Professor of Law, Latrobe University. He was the first Australian member of the United Nations International Law Commission and in that capacity

was responsible for the ILC's work on the International Criminal Court (1994) and for the second reading of the ILC Articles on State Responsibility (2001). He has appeared in more than 40 cases before the International Court of Justice and other international tribunals, and is engaged as expert, counsel and arbitrator in international arbitration. In 2012, he was awarded the Hudson Medal by the American Society of International Law. Recent work includes *The Creation of States in International Law* (2nd ed., OUP, 2006), *The International Law of Responsibility* (co-edited, OUP, 2010), *The Cambridge Companion to International Law* (co-edited, CUP, 2012) and *Brownlie's Principles of Public International Law* (editor, OUP, 2012).

[Litigating before International Courts and Tribunals](#)

Professor Martin Davies

Tulane University, United States



Martin Davies is the Admiralty Law Institute Professor of Maritime Law and Director of the Maritime Law Center at Tulane University Law School, New Orleans. He is the author (or co-author) of seven books on international trade law, shipping law (Australian and American), torts

and conflict of laws. He has worked as a consultant to Australian law firms for over 20 years, and is presently a consultant to Norton Rose Australia.

[International Sales of Goods](#)

[International Trade Law](#)

Professor Terence Daintith

University of London, United Kingdom



Terence Daintith is a Professorial Fellow at the Institute of Advanced Legal Studies, University of London, where he was Director from 1988 to 1995. Before that he taught at the Universities of California (Berkeley), Edinburgh and Dundee, and was a research professor at the European

University Institute in Florence, Italy. His main research interests are in the fields of oil and gas law, regulation, and constitutional law. His most recent book is *Finders Keepers? How the Law of Capture Shaped the World Oil Industry*. He also is co-editor of Daintith, Willoughby and Hill's multi-volume *United Kingdom Oil and Gas Law* and founding editor of the *Journal of Energy and Natural Resources Law*.

[Energy Regulation and the Law](#)

Justice Dennis Davis

High Court of South Africa, South Africa



Dennis Davis is a Judge of the High Court of South Africa and Judge President of the Competition Appeal Court of South Africa. He has held professorial appointments at both the University of Cape Town and the University of the Witwatersrand and visiting

appointments at Harvard and New York law schools.

[What is it that Judges Do?](#)

Professor Neil Duxbury

London School of Economics, United Kingdom

Neil Duxbury is Professor of Law at the London School of Economics. He is the author of *Random Justice* (OUP, 1999), *Patterns of American Jurisprudence* (OUP, 1995), *Frederick Pollock and the English Juristic Tradition* (OUP, 2004), *The Nature and Authority of Precedent* (CUP, 2008) and *Elements of Legislation* (CUP, forthcoming 2012).

[Elements of Legislation](#)

Mr Jan Job de Vries Robbé

Dutch Development Bank FMO, Netherlands



Jan Job (JJ) de Vries Robbé is manager of legal affairs at the Dutch Development Bank FMO. He has extensive experience in international finance, obtained by working in top law firms in both Australia and The Netherlands. He also spent considerable time at an investment

bank which pioneered credit derivatives. In his current role he covers a broad range of financial products, ranging from derivatives to capital markets and project finance. JJ has a keen interest in financial litigation and regulatory reform as well as microfinance. He has published extensively on financial law (his most recent book is *Structured Finance: The Road to Recovery*), and is preparing a book on financial law in emerging markets. JJ is a lecturer at the universities of Melbourne and Sydney.

[Derivatives Law and Practice](#)

Professor Keith Ewing

King's College London, United Kingdom



Keith Ewing is Professor of Public Law at King's College, London. Before then he worked at the universities of Edinburgh (1978–83) and Cambridge (1983–89) and has also held visiting positions at various institutions overseas, including the universities of Sydney and

Queensland. He is the President of the Institute of Employment Rights (a trade union funded think tank), and Vice President of the International Centre of Trade Union Rights.

[Human Rights at Work](#)

[Law of Political Money](#)

International visiting lecturers 2013

Professor Lawrence Gostin

Georgetown University, United States



Lawrence Gostin is University Professor and the Linda and Timothy O'Neill Professor of Global Health Law at Georgetown University, where he directs the O'Neill Institute for National and Global Health Law. He is also Professor of Public Health at the Johns Hopkins

University and Director of the Center for Law and the Public's Health, a collaborating centre of the World Health Organization (WHO) and the Centers for Disease Control and Prevention (CDC). He is Visiting Professor of Public Health at Oxford University and a Fellow of the Royal Institute of Public Health.

[International Health Law](#)

Dr Peter Harris

University of Cambridge, United Kingdom



Peter Harris is a Reader of Tax Law at the University of Cambridge, where he is also Director of the Centre for Tax Law. He is a lawyer whose primary academic interest is in international, corporate and comparative tax law, its history and development. He is Director of the

Centre for Tax Law and the Director of Studies at Churchill College. He is the author of five international tax books, the most recent being *Corporate Tax Law* (forthcoming 2013, CUP). He is the Academic Editor of the Cambridge Tax Law Series (CUP) and Assistant Editor (International) for the *British Tax Review* and a Technical Assistance Advisor for the International Monetary Fund (IMF).

[Comparative Corporate Tax](#)

Professor James Hathaway

University of Michigan, United States



James C. Hathaway is the James E. and Sarah A. Degan Professor of Law and Director of the Program in Refugee and Asylum Law at the University of Michigan. He is a leading authority on international refugee law, whose work is regularly cited by the most senior courts of

the common law world. He is a Professorial Fellow of the University of Melbourne, Distinguished Visiting Professor of International Refugee Law at the University of Amsterdam and Senior Visiting Research Associate at Oxford University's Refugee Studies Programme. He served as Dean of Law and the William Hearn Professor of Law at the University of Melbourne from 2008 to 2010. Professor Hathaway is author of *The Rights of Refugees under International Law* (2005), *Reconceiving International Refugee Law* (1997) and *The Law of Refugee Status* (1991), as well as more than 70 journal articles on refugee law and international human rights law.

[International Refugee Law: Refugee Status](#)

Ms Devika Hovell

London School of Economics, United Kingdom



Devika Hovell is a lecturer in international law at the London School of Economics, University of London. Her research focus is on the interface between public law and public international law, and she wrote her doctorate at the University of Oxford on procedural

fairness in Security Council decision making on sanctions. She worked formerly as a judicial clerk at the International Court of Justice, and as Director of the International Law Project at the Gilbert + Tobin Centre of Public Law at the University of New South Wales. She was an Associate to Justice Kenneth Hayne on the High Court of Australia.

[The Security Council in Global Public Law](#)

Dr Robin Huang

Chinese University of Hong Kong, Hong Kong



Robin Huang is currently Associate Professor at the Faculty of Law, Chinese University of Hong Kong, specialising in corporate law, financial regulation, and foreign investment, with a particular focus on China-related issues. He is also Conjoint Associate Professor at the

Faculty of Law, University of New South Wales, as well as Adjunct Professor at China University of Politics and Law. He has been admitted to the Chinese Bar and practised as a senior consultant for several international law firms, where he advised transnational corporations and investment banks on business associations, capital raisings, funds management, licensing and cross-border mergers and acquisitions.

[Chinese Corporate Law and Securities Regulation](#)

Professor Dan Hunter

New York Law School, United States



Dan Hunter is an expert in internet law, intellectual property, and artificial intelligence and cognitive science models of law. He regularly publishes on issues dealing with the intersection of computers and law, including papers dealing with the regulation of virtual worlds, the use

of artificial intelligence in law and high-technology aspects of intellectual property. His research has appeared in journals such as the *California Law Review* (three times), the *Texas Law Review*, the *William & Mary Law Review* and the *Journal of Legal Education*. He is the author of the *Oxford Introduction to Intellectual Property Law* (2012) and *Building Intelligent Legal Information Systems* (1994), is a judge for the resolution of domain name disputes for the World Intellectual Property Organization, and is on the editorial boards of numerous journals.

[Internet Law](#)

Rt Hon. Sir Robin Jacob

University College London, United Kingdom



Sir Robin Jacob is Sir Hugh Laddie Chair of Intellectual Property at University College London (UCL), United Kingdom. Prior to joining UCL, he was at the Court of Appeal of England and Wales. He started practice at the Intellectual Property Bar in 1967. From 1976 to 1981, he

was the Junior Counsel for the Comptroller of Patents and for all Government departments in intellectual property. He was made a Queen's Counsel in 1981. His practice took him abroad often (Hong Kong, Singapore, Europe, USA and Australia). He was appointed a High Court Judge (Chancery Division) in 1993. From 1997 to 2001 he was Supervising Chancery Judge for Birmingham, Bristol and Cardiff. He was appointed a Lord Justice of Appeal in October 2003. He continues to sit from time to time in the Court of Appeal and will sometimes act as an arbitrator or mediator. He has written extensively on all forms of intellectual property.

[European Intellectual Property Law](#)

Professor Michael Jacobs

DePaul University, United States



Michael Jacobs is a leading United States antitrust scholar and Distinguished Research Professor of Law at DePaul University. He advised on the drafting of the Chinese Anti-Monopoly Law and consults with antitrust enforcement agencies in the United States,

Europe and Asia. In 1998–99, he was a Visiting Scholar with the Australian Competition and Consumer Commission (ACCC) and in 2000 he was the Fulbright Distinguished Chair (in competition law) for Italy. For the past ten years, he has been a special consultant to law firm Ashurst Australia.

[Merger Regulation under Competition Law](#)

Mr Sam Johnston

United Nations University, Japan



Sam Johnston is Senior Research Fellow at the United Nations University Institute of Advanced Studies (UNU-IAS), Japan. Before joining the UNU-IAS, he held positions at the Secretariat of the Convention on Biological Diversity, the University of Cambridge,

Société Générale Australia Ltd and Corrs Chambers Westgarth. In his current role, his principal responsibilities are to establish the Traditional Knowledge Centre of the United Nations University (UNU), provide strategic guidance to the Director regarding the research priorities of the Institute and develop new research activities. He is a qualified lawyer and also holds a degree in chemistry.

[International Environmental Law](#)

Professor Michael Karayanni

Hebrew University of Jerusalem, Israel



Michael Karayanni holds the Bruce W. Wayne Chair in International Law at the Faculty of Law of the Hebrew University, and until recently was the Director of the Harry and Michael Sacher Institute for Legislative Research and Comparative Law. His areas of

expertise are private international law and inter-religious law, civil procedure and multiculturalism. He has held visiting positions at Yale, Stanford and the Institute for Advanced Study, Princeton, New Jersey. He is a graduate of George Washington University (LL.M), Hebrew University of Jerusalem (LL.D) and the University of Pennsylvania (S.J.D).

[Religion, State and Multiculturalism](#)

Professor Karen Knop

University of Toronto, Canada



Karen Knop is a Professor at the Faculty of Law, University of Toronto, and editor of the *University of Toronto Law Journal*. In 2011, she was a visiting professor at Georgetown University Law Center. She sits on the Board of Directors of the Canadian Council

on International Law and has served on the Executive Council of the American Society of International Law and as rapporteur for the International Law Association's Committee on Feminism and International Law. She writes on public and private international law, with a focus on issues of interpretation, identity and participation. Her book *Diversity and Self-Determination in International Law* was awarded a Certificate of Merit by the American Society of International Law.

[Nationalism, Cosmopolitanism and Identity](#)

Professor Panos Koutrakos

University of Bristol, United Kingdom



Panos Koutrakos is Professor of European Union Law and Jean Monnet Chair in EU Law at the University of Bristol. He is the joint editor of the *European Law Review*. He has written widely in EU's external relations, including *EU International Relations Law*, and

Trade, Foreign Policy and Defence in EU Constitutional Law. He has also edited *European Foreign Policy – Legal and Political Perspectives* (with M. Evans), *Beyond the Established Legal Orders – Policy Interconnections Between the EU and the Rest of the World* and (with C. Hillion) *Mixed Agreements Revisited – The EU and Its Member States in the World*. He has contributed to training programs for judges and civil servants from central and eastern Europe and has taught at universities in Europe, Australia and the United States.

[Regional Integration: The Case of the European Union](#)

Professor Brian Langille

University of Toronto, Canada



Brian Langille is a Professor at the University of Toronto. He teaches labour law, international labour law, contract law, and legal theory. He also holds cross appointments in both the Centre for International Relations and the Centre for Industrial Relations and is a Fellow

of the Centre for Ethics at the University of Toronto. He has lectured in many parts of the world on matters of globalisation and social justice and also acted as adviser on international labour law to the governments of several Canadian provinces, the Canadian Federal Government, the North American Commission on Labour Cooperation, the International Labour Organization and the World Commission on the Social Dimension of Globalisation.

[International Employment Law](#)

Professor John Lowe

Southern Methodist University (SMU), United States



John Lowe is the George W. Hutchison Professor of Energy Law at Southern Methodist University and Senior Associate Dean for Academic Affairs at SMU's Dedman Law School. He wrote *Oil and Gas Law in a Nutshell* and co-authored *Cases and Materials on Oil and Gas*

Law, Hemingway Oil and Gas Law and Taxation and International Petroleum Transactions. He has served as president of the Rocky Mountain Mineral Law Foundation and chair of the American Bar Association's Section of Environment, Energy and Resources Law section. He is an arbitrator for the American Arbitration Association, the CPR Center for Dispute Resolution and the International Chamber of Commerce, as well as an Attorney Advisor to the Commercial Law Development Program of the US Department of Commerce.

[International Petroleum Transactions](#)

Professor David McLauchlan

Victoria University of Wellington, New Zealand



David McLauchlan is Professor of Law at Victoria University of Wellington. He is also Professorial Fellow at The University of Melbourne, Honorary Professor at the University of Queensland and an associate member of Stout Street Chambers, Wellington. His

recent research has focused on remedies for breach of contract and contract interpretation. He has written two books and published well over 100 journal articles and chapters, focusing mainly on contracts and commercial law. His writings are frequently cited in the judgments of leading Commonwealth courts. He has received University awards for excellence in teaching and in research.

[Contract Interpretation](#)

Professor Bryan Mercurio

The Chinese University of Hong Kong, Hong Kong



Bryan Mercurio is a Professor and Associate Dean (Research) at the Faculty of Law at The Chinese University of Hong Kong. He is a specialist in international economic law, with particular expertise in WTO law, free trade agreements and the intersection between

international trade and intellectual property law. Prior to relocating to Hong Kong in 2007, he spent five years at the University of New South Wales, where he was the Director of the International Trade and Development Project at the Gilbert + Tobin Centre of Public Law. He is currently a Member of the Founding Committee and Executive Board of the Society of International Economic Law, founding member of the Asian International Economic Law Network and an Associate Member of the Asian WTO Research Network.

[International Business Transactions](#)

International visiting lecturers 2013

Professor Matthew Mitten

Marquette University, United States



Matthew Mitten is a Professor of Law and the Director of the National Sports Law Institute and the LL.M. in Sports Law program for foreign lawyers at Marquette University. He teaches amateur sports law, professional sports law, sports sponsorship legal and business

issues and torts. A leading sports law scholar, Matt has authored *Sports Law in the United States* and co-authored *Sports Law and Regulation: Cases, Materials, and Problems*, whose third edition is in press. He is a member of the Court of Arbitration for Sport and has previously taught US Sports Law at Melbourne Law School in 2006, 2008 and 2010. He has spoken at more than 100 sports law conferences throughout the United States, Australia, Canada, China, England, Korea and Turkey.

US Sports Law

Dr Stewart Motha

University of London, United Kingdom



Stewart Motha is Reader in Law, Birkbeck, University of London. He has published widely on questions of sovereignty, political violence, social and cultural transformation, and constitutionalism. In 2011, he was one of six candidates short listed in the United Kingdom (UK)

for the Oxford University Press National Law Teacher of the Year. He was educated in Australia, Canada, Sri Lanka and the UK and has taught at universities in Australia, South Africa and the UK.

Globalisation and the Limits of Sovereignty

Mr Donal Nolan

University of Oxford, United Kingdom



Donal Nolan is the Porjes Foundation Fellow and Tutor in Law at Worcester College, Oxford. He was educated at Brasenose College, Oxford, and was previously a Lecturer in Law at King's College London. He has taught tort, contract, international trade law, restitution and commercial

law, and has held visiting professorships in the universities of Florida and Trento. His research interests lie in tort and contract, and he has published on a range of topics within those fields, including nuisance, product liability, liability for psychiatric injury, causation, the liability of public authorities and equitable estoppel. He is the co-editor of *Rights and Private Law* (2012), and a contributor to Ken Oliphant (ed) *The Law of Tort* (2nd ed., 2007) and to Carolyn Sappideen and Prue Vines (eds) Fleming's *The Law of Torts* (10th ed., 2011).

Current Issues in Negligence

Professor Ron Paterson

University of Auckland, New Zealand



Ron Paterson is Professor of Health Law and Policy at the University of Auckland. He was New Zealand Health and Disability Commissioner 2000–2010. Ron is currently writing a book on medical regulation (*The Good Doctor*) as New Zealand Law Foundation International Research

Fellow. Ron is recognised internationally for his expertise in regulation of patients' rights and healthcare quality improvement. In 2004–05, he chaired two major health system reviews in Australia: the Review of the Assessment of Overseas-Trained Surgeons, and the Review of National Arrangements for Safety and Quality of Health Care in Australia. Ron is co-editor of the textbook *Medical Law in New Zealand* (2006).

Patients' Rights and Public Protection

Dr Thomas Poole

London School of Economics (LSE), United Kingdom



Thomas Poole teaches public law and constitutional theory at the LSE. He has written widely in the areas of constitutional politics, constitutional and administrative law, constitutional theory and comparative public law. He runs the LSE Legal & Political Theory Forum and is co-editor (with

David Dyzenhaus) of *Hobbes and the Law*. Thomas Poole studied at University College London, Oxford University and Manchester University. Before coming to LSE in 2006, he taught at the University of Nottingham. He has held visiting positions at the University of New South Wales, the European University Institute, Toronto and Princeton.

Human Rights in Administrative Law

Assistant Professor Dan Puchniak

National University of Singapore, Singapore



Dan W. Puchniak is an Assistant Professor in the Faculty of Law at the National University of Singapore, specialising in company law with an emphasis on comparative corporate law – particularly in Asia. Dan is the past recipient of numerous academic awards and is regularly

invited to present his scholarship and lecture at leading law schools around the world. Dan's recent research paper on shareholder litigation in Japan was selected for presentation at the 2010 Harvard–Stanford International Junior Faculty Forum and his forthcoming article on derivative actions in Asia was awarded the Best Paper Prize at the 2012 annual Australian Corporate Law Teachers Association Conference. He is also a recent recipient of the 2011 and 2012 National University of Singapore Annual Teaching Excellence Awards. Dan has worked as a corporate commercial litigator at Torys LLP in Toronto, Canada.

Corporate Law in a Global Financial Centre

Mr Bill Reid

Ashurst, Singapore



Bill Reid is one of Australia's leading practitioners in competition law. He has advised on competition issues in major Australian and international mergers and joint ventures and also advises on access to infrastructure issues in the rail, gas and other network industries. In litigation,

Bill has represented clients in several of Australia's major cartel investigations and prosecutions and in several very significant predatory pricing and other monopolisation cases. He is ranked as a 'leading individual' in competition law by *Chambers Global*, *Asia-Pacific Legal 500*, *PLC Which Lawyer?*, and *Global Competition Review*, among other directories. As a lead partner in the 'exceptional' Ashurst competition practice, he is 'one of the best in the field', praised for 'his level-headed, hard working ethic' (*Chambers Global* 2008).

Merger Regulation under Competition Law

Professor David Rosenbloom

New York University, United States



David Rosenbloom is an attorney specialising in international tax matters. He is a member of law firm Caplin & Drysdale, Chartered, and is the James S. Eustice Visiting Professor of Taxation and Director of the International Tax Program at New York University School of Law.

A frequent speaker and author on tax, he has taught international taxation at Stanford, Columbia, Harvard, Pennsylvania and New York universities, and at educational institutions around the world. He has also served as a Tax Policy Adviser for the United States Treasury, the Organisation for Economic Co-operation and Development (OECD), AID, and the World Bank in Eastern Europe, the Former Soviet Union, Senegal, Malawi and South Africa.

US Corporate and International Tax

Professor Stephen Ross

Penn State University, United States



Stephen Ross is Professor of Law and Director of the Institute for Sports Law, Policy, and Research at Penn State University. He co-authored *Sports and the Law* and *Fans of the World, Unite!*, co-edited *The Handbook of International Sports Law*, and has written extensively

on sports and competition law issues. He has also testified before committees of the United States Congress and the Canadian Parliament, before a United Kingdom competition tribunal, and has acted as *pro bono* counsel for American consumer groups as well as on behalf of the South Sydney Rabbitohs.

[Sports and Competition Law: An International and Comparative Analysis](#)

Professor Julian Savulescu

University of Oxford, United Kingdom



Julian Savulescu holds the Uehiro Chair in Practical Ethics and is Director of the Centre for Practical Ethics at the University of Oxford, United Kingdom. He also directs the Oxford Centre for Neuroethics and the Institute for Science and Ethics. He is editor of the *Journal*

of Medical Ethics, has written over 200 publications and is a recognised world leader in the field of practical ethics. In 2009, he received the Monash Distinguished Alumnus Award for outstanding achievement and is Sir Louis Matheson Distinguished Visiting Professor. He also won the 'Thinkers' category of *The Australian's* Top 100 Emerging Leaders awards. He has made numerous appearances on television, radio and in print media, including on Andrew Denton's *Enough Rope* and various news broadcasts. His most recent book, *Unfit for the Future: The Need for Moral Enhancement*, co-authored with Ingmar Persson, was released in July 2012.

[Medical Ethics](#)

Image by Polly Borland

Dr Andrew Scott

London School of Economics, United Kingdom



Andrew Scott is a senior lecturer in the Department of Law at the London School of Economics and Political Science. His research interests lie in the fields of media law and regulation, constitutional law and competition law. He was a contributing editor of *Carter-Ruck*

on Libel and Privacy, and is currently co-authoring *Newsgathering: Journalism, Public Interest and the Law*. He has been active in current debates on the reform of English libel and privacy laws, giving evidence to the Parliamentary Joint Committee on Defamation and being cited by the Joint Committee on Privacy and Injunctions. Andrew is an Academic Fellow of the Honourable Society of the Inner Temple.

[Newsgathering](#)

Professor Colin Scott,

University College Dublin, Ireland



Colin Scott is Dean of Law and Professor of EU Regulation & Governance at University College Dublin (UCD), Ireland. Prior to his appointment at UCD in April 2006, he lectured at the University of Warwick, the London School of Economics and the College of

Europe. He is Director of the UCD Centre for Regulation and Governance, established in 2010. He is a co-author of the *Irish State Administration Database* (2010) and a co-editor of the interdisciplinary journal *Law & Policy*.

[Fundamentals of Regulation](#)

Professor Allen Snyder

University of San Diego, United States



Allen Snyder is Professor at the University of San Diego, United States, and has been a practising mediator for 20 years and a lawyer for over 35 years. He has worked extensively on skills training for lawyers and mediators with the National Institute for Trial Advocacy

and the San Diego Mediation Center. Most of his teaching is in the areas of negotiations, interviewing and counselling, trial practice and live-client clinics. He has published on patient competency and co-authored *A Practical Guide to California Evidence and Mental Disorder in the Criminal Process*.

[Alternative Dispute Resolution](#)

Mr Timothy Spangler

Kaye Scholer, United States



Timothy Spangler is a Partner and Chair of the Investment Funds group in Kaye Scholer's Los Angeles and New York offices, where he regularly advises sponsors on the formation, structuring and negotiation of a wide variety of investment vehicles, as well as on the full

spectrum of securities and regulatory issues typically associated with such transactions. Mr Spangler has worked on a wide range of funds, including hedge funds, private equity funds, venture capital funds, funds of funds and funds investing in particular countries or sectors. Mr Spangler and his Investment Funds practice are recognised by *Chambers Global* and *The Legal 500*. He speaks and writes regularly on issues related to private investment funds and alternative asset classes. He is an Adjunct Professor at the UCLA School of Law and a Visiting Lecturer at the University College London's Faculty of Law.

[Hedge Funds and Private Equity Funds](#)

Professor Robert Stevens

University of Oxford, United Kingdom



Robert Stevens is the Herbert Smith Professor of Private law at the University of Oxford. Previously he has been the Professor of Commercial Law at University College London (2007–2012) and a lecturer in law at the University of Oxford and a Fellow and Tutor in Law

at Lady Margaret Hall (1994–2007). He read law as an undergraduate at the University of Oxford, where he also studied for the Bachelor of Civil Law. He was called to the Bar in 1992. He has taught and lectured widely both within the Commonwealth (Australia and Canada) and Continental Europe (Germany, the Netherlands, Spain). Within the law of obligations, his most significant work is his book *Torts and Rights* (OUP, 2007).

[Remedies in Commercial Law](#)

Professor Bryan Stevenson

New York University, United States



Bryan Stevenson is a Professor of Clinical Law at New York University. He has represented capital defendants since 1985, when he was a staff attorney with the Southern Center for Human Rights in Atlanta, Georgia. Since 1989, he has been Executive Director of the

Equal Justice Initiative (EJI), a private, non-profit law organisation he founded that focuses on social justice and human rights in the context of criminal justice reform in the United States. He recently argued before the United States Supreme Court and won a ban on life imprisonment without parole sentences for children convicted of most crimes. He received the Olaf Palme Prize for international human rights in 2000 and the Gruber Foundation International Prize in 2009. He has written extensively on criminal justice, capital punishment and civil rights issues.

[Criminal Law, Poverty and Justice](#)

International visiting lecturers 2013

Mr William Swadling

University of Oxford, United Kingdom



William Swadling is Reader in the Law of Property at the University of Oxford and a Fellow of Brasenose College. He chairs the faculty's teaching groups in restitution and personal property and has edited a number of books. He is particularly interested in the intersection

between trusts and restitution, and a number of his articles on this topic have been cited in the English courts. He is a founding editor of the *Restitution Law Review* and has held visiting professorships at the University of Hamburg, Seoul National University, the National University of Singapore, the University of Paris II and the University of Leuven.

Equity and Commerce

Professor John Tasioulas

University College London, United Kingdom



John Tasioulas is Quain Professor of Jurisprudence in the Faculty of Laws, University College London. Prior to his role at University College he was a reader in Moral and Legal Philosophy at the University of Oxford and Lecturer in Jurisprudence at the University of

Glasgow. He received degrees in law and philosophy from the University of Melbourne and obtained his doctorate from the University of Oxford, where he studied as a Rhodes Scholar. His recent writings have focused on philosophical issues regarding punishment, human rights and international law. He is the co-editor (with Samantha Besson) of *The Philosophy of International Law* (OUP, 2010) and is currently working on a monograph on the philosophy of human rights.

Philosophy of International Law

Professor Michael Tilbury

University of Hong Kong, Hong Kong



Michael Tilbury is Kerry Holdings Professor of Law and Chair of Private Law at the University of Hong Kong. He was previously the full-time Commissioner at the New South Wales Law Reform Commission. Before that, he was Edward Jenks Professor of Law at

The University of Melbourne and served for a time as Deputy Dean of Melbourne Law School. While at the University of Melbourne, he was the Academic Secretary of the Victorian Attorney-General's Law Reform Advisory Council. His principal interests are in private law (with a particular focus on remedies), common law theory and conflict of laws. He has led, or been involved in, over 40 law reform projects in Australia at state and national level.

Fundamentals of the Common Law

Professor Stefan Vogenauer

University of Oxford, United Kingdom



Stefan Vogenauer is Professor of Comparative Law at the University of Oxford and Director of the Oxford Institute of European and Comparative Law. Apart from comparative law, his main research interests are in transnational commercial law, European legal

history and legal method. He has taught and lectured extensively in Europe, the United States and South Africa. Recent publications include the *Commentary on the UNIDROIT Principles of International Commercial Contracts* and the *Ius Commune Casebook for the Common Law of Europe: Cases, Materials and Text on Contract Law*.

Global Commercial Contract Law

Professor Lucie White

Harvard University, United States



Lucie White is the Louis A. Horvitz Professor of Law at Harvard Law School, United States (US). After working for two decades on critical lawyering and client voice in the context of US poverty, she turned to the issue of extreme poverty in sub-Saharan Africa. For a decade,

she has worked with Ghanaian partners on an interdisciplinary Right to Health project that challenges the ways that Ghana's health finance system contributes to economic and social inequality. She has been a Fulbright Senior Africa Scholar, a Carnegie Scholar on Teaching and Learning, and a scholar in residence at the Harvard Divinity School. In 2006, with support from the Rockefeller Foundation's Bellagio Center, she initiated 'Stones of Hope', a collaboration among African human rights activists and distinguished human rights scholars to examine African innovations in economic and social rights advocacy.

Poverty and Human Rights

Dr Ralph Wilde

University College London, United Kingdom



Ralph Wilde is a member of the Faculty of Laws at University College London. His research has focused on the administration of territory by international organisations and foreign states, the concept of trusteeship in international law and public policy,

and the extraterritorial application of human rights norms. At the International Law Association (ILA), he is Co-Rapporteur of the International Human Rights Committee, having previously served as a member of the International Executive Council, Rapporteur of the Study Group on UN Reform and Joint Honorary Secretary of the British Branch.

Human Rights Beyond Borders

Professor Mark Williams

Hong Kong Polytechnic University, Hong Kong



Mark Williams is Professor of Law in Hong Kong Polytechnic University and teaches Hong Kong company/commercial law, corporate social responsibility and People's Republic of China (PRC) economic law. He has published in various leading law journals, including the *Journal of*

Business Law, *The Competition Review*, *The Antitrust Bulletin* and *the Competition Policy International*. He has also contributed to books and studies on competition-related topics and has undertaken consultancy work in the competition law field for the Japanese and Chinese governments as well as leading law firms. He is a regular speaker at various business groups' seminars and conferences. His book *Competition Policy and Law in China, Hong Kong and Taiwan* was published in 2005 and his new co-authored book on *Secured Finance Law in China and Hong Kong* was published in 2010, both by Cambridge University Press.

East Asian Competition Policy and Law

Professor Sarah Worthington

University of Cambridge, United Kingdom



Sarah Worthington QC(hon) FBA is the Downing Professor of the Laws of England, University of Cambridge, a Fellow of Trinity College and academic member of 3/4 South Square, Gray's Inn. She was made a Fellow of the British Academy in 2009. Her main research interests

are in commercial equity and company law, especially secured financing and governance issues. She is a Bencher of Middle Temple and is a Panel Member of PRIME Finance. She has worked with law reform bodies in the United Kingdom (UK), Europe and Australia, including serving as a member of the Advisory Council for the Study Group for a European Civil Code, consultant to the UK Law Commission, and member of working groups of the Bank of England Financial Markets Law Committee and the *UK Company Law Review*.

Commercial Law: Principles and Policies

Melbourne: Law School, the University of Melbourne and the City of Melbourne

Melbourne Law School

Melbourne Law School has a proud history spanning more than 150 years. It was Australia's first law school in 1857 and has been at the forefront of developments in legal education ever since, in Australia and internationally. Melbourne alumni have distinguished themselves in law, politics, business, civil society organisations and a huge variety of other walks of life. Melbourne graduates are found throughout the world, often in influential positions. The enduring quality of a Melbourne degree is internationally recognised and Melbourne offers degree partnerships with other leading institutions – the University of Oxford, New York University and the Chinese University of Hong Kong.

In 2008, Melbourne began the transition towards becoming Australia's first fully graduate law school. It now admits only graduate students into its three flagship programs: the Melbourne JD, the Melbourne Law Masters and the Melbourne Law Doctorates. Within the Law School, MLM students enjoy a distinct program, with distinct facilities. At the same time, however, they have access to a full range of Law School services, all of which are designed for graduate students. Amongst these is the Law Library, located on three floors of the Law School immediately below the Melbourne Law Masters teaching floor, with one of the best law collections in Australia and with computing facilities for graduate learning and research.

Melbourne Law School is as renowned for research and scholarship as for teaching. The extraordinary range of staff research interests is reflected in the Law School's 15 research centres, institutes and groups, all of which mirror Melbourne Law Masters specialisations. The quality of Melbourne research and scholarship has been recognised by its top ranking, which only one other Australian law school achieved, in the report on *Excellence in Research* by the Australian Research Council.

The research activities of the School are a resource for all its students, feeding the content of courses and subjects, offering a channel through which students can work closely with staff and providing a springboard for an extraordinary range of public and in-house seminars and other events throughout the year.

The University of Melbourne

The University of Melbourne was established in 1853. Today it is a dynamic research-driven community based on a long tradition of excellence in research, innovation, teaching and learning. Melbourne is consistently ranked among leading universities in the world. In 2012, The University of Melbourne was ranked number one in Australia by the Academic Ranking of World Universities, Shanghai Jiao Tong University. Melbourne is a member of the Group of Eight, comprising Australia's leading universities; an active member of the international network of research intensive universities, Universitas 21; and a member of the Association of Pacific Rim Universities. Melbourne is serious about education and the opportunities it provides, and is global in its outlook. About 25 percent of its student body of approximately 44,000 students is made up of international students from 113 countries.

The University is located in beautifully kept grounds in Parkville, on the edge of the Melbourne CBD. It has an outstanding range of sporting and recreational facilities. It has 31 cultural collections, including the Ian Potter Museum of Art. It also offers a huge variety of services, for both international and Australian students, to enhance student learning and to assist students to adjust to, and enjoy, university life.

The City of Melbourne

Melbourne is Australia's most cosmopolitan city. While the official language is English, more than 100 languages are spoken by Melbournians. And Melbourne revels in its cultural diversity, which has become a natural part of its make-up and is critical to its self-image. One in three residents were born overseas and almost as many speak a foreign language at home. In 2012, Melbourne was again voted the world's most livable city.

Melbourne is exciting and vibrant, but also a comfortable place to live. It is famed for a staggering choice of cuisine, café-filled laneways, beautiful parks and village-like inner suburbs, each with its own special history and character. It is home to major sporting events: the Australian Open, the Australian Grand Prix,



the AFL Grand Final and the Melbourne Cup. And it is a rich, cultural capital. Australia's largest arts and entertainment precinct, located near the Yarra River, a short tram ride from the Law School, includes the National Gallery of Victoria, the Arts Centre, the Melbourne Recital Centre, the Melbourne Theatre Company, the Australian Ballet, the Australian Opera, the Australian Centre for Contemporary Art, the Melbourne Symphony Orchestra and the Malthouse Theatre. Not far away, in regional Victoria, is a host of other attractions: beaches, mountains, deserts, historic townships and the Riverina district.

Melbourne is also a thinking city, where ideas matter – and for this purpose, The University of Melbourne is the hub. The university itself is a ferment of intellectual activity. The bordering suburb, Carlton, is effectively a university town: over one-third of its residents are involved in tertiary education. And within walking

distance of the University is a range of other centres of intellectual life: the Melbourne Museum, set in the historic Carlton Gardens, adjacent to the Exhibition Building, where the Australian Parliament first met; the government quarter, with its beautiful 19th-century Parliament building; the State Library of Victoria, now also home to the Wheeler Centre, dedicated to books, writing and ideas; and the legal precinct, including the meticulously restored Supreme Court of Victoria and the proudly modernistic building that houses the Federal Courts.

The Melbourne Law Masters student experience

The Melbourne Law Masters student body comprises a wide variety of students from across Australia and around the world. All are graduates in law or in another discipline relevant to an MLM area of specialisation and most have professional experience of some kind. There are sizable cohorts of both full-time and part-time students.

Facilities

The Melbourne Law Masters is taught on the sixth floor of the Law School: a modern, purpose built law building on the edge of University Square. All classrooms are organised seminar-style. The sixth floor also has syndicate rooms, the Melbourne Law Masters Office and the PLSA office. Lockers are available for student use. All teaching spaces have sophisticated facilities for multi-media and there is wireless networking throughout the building. MLM students also have access to other facilities throughout the building, including a state-of-the-art moot court room on the fifth floor.

Intellectual life

Melbourne Law Masters students are an integral part of the wider Law School community and are encouraged to participate fully in all activities and events held by the School.

International and other students who are enrolled in the program on a full-time basis are welcome to discuss with the Associate Dean (MLM) how best to draw on all the Law School has to offer, so as to make the most of their time on campus during this most important phase of their lives.

Mentor program

The Melbourne Law Masters offers a mentor program to its full-time students. The purpose of the mentor program is to link each student to a practitioner in their field of interest outside the Law School, who can offer insight into practice in Australia and contribute to their network of contacts for the future. Mentors include leaders in the legal profession from a range of sectors including law firms, the Bar, government, the judiciary, major corporations and not-for-profit organisations.

International opportunities

The Law School offers a range of international opportunities to all its students. These include study abroad and exchange arrangements, international internship opportunities (which for Melbourne Law Masters students are provided through the International Internship subject) (see page 99), and internship with the British Institute for International and Comparative Law. Students wishing to take a subject for credit towards the program at an institution overseas should discuss possibilities with the Melbourne Law Masters Office.

Services

Students have access to the full range of services provided by the Law School, which in many cases can be tailored to their particular needs.

The **MLM Office** provides a full range of administrative services to students and is a source of support and advice.

The **MLS Law Library** has one of the best law collections in Australia and an extensive range of electronic databases that Melbourne students can access from anywhere in the world. Services offered by the Library to MLM students include:

- * Individual research consultations, in person and by email
- * Online webinar classes at intervals throughout each semester on aspects of legal research skills
- * Seminars on legal research and information technology skills
- * Library guides for MLM specialisations
- * In-class presentations and research guides for particular MLM subjects
- * Sourcing research materials through inter library loans.

MLM students from out of state may introduce themselves to the Law Library on their first visit to the Law School to discuss the specialist services that the Library provides to assist them with research and study by, for example, providing advice on the use of databases, facilitating borrowing arrangements and booking advance research consultations when they are in Melbourne.

Check the Law Library site www.law.unimelb.edu.au/lawlib for details of opening hours, timing of skills courses, access to research guides and electronic training, and arrangements for consultations.

The **Legal Academic Skills Centre** is a service to help all Melbourne law students with academic, language, research and extracurricular needs. The Centre offers individual consultation and runs workshops and seminars. Its services are particularly valuable for students for whom English is not the first language, who lack a law or a common law background or who are returning to study after a significant period. Further information is available through the MLM Office and on the Melbourne Law Masters website.

Academic Skills Workshops designed to foster the development of the writing and research skills needed to succeed in the MLM are held each semester. A schedule of workshops can be found on the MLM website.

Academic Skills Resources in the form of printed and online aids are produced by the Office for Teaching and Learning in Law. Those most helpful for the MLM program include the Legal Academic Writing Resources on writing legal research papers and writing responses to hypotheticals on exams. The information is available on the website at <http://www.lawapps.law.unimelb.edu.au/lawresources/>

Study support consultations

Consultations can be arranged with Chantal Morton (writing and academic skills) or Natalie Wieland (research) through the MLM Office.

The Law School has a dedicated **Careers Office**, which can provide students with career advice and assist with networking opportunities. The office also runs seminars and other events to promote the development of professional skills.

The Law **Alumni Office** provides support for vibrant alumni networks around the world in which we hope all our graduates will take part.

MLM year

The intensive format for the teaching of many MLM subjects enables students to begin study at any time of the year, from the latter part of January to early December. Nevertheless, the University year is structured around two semesters, which in 2013 run from 4 March to 2 June and from 29 July to 25 October. Some MLM subjects are taught across a semester and major intakes into the program occur in the approach to each semester. There is an orientation day towards the beginning of each semester for part-time students and an orientation week before each semester for full-time students. Particular specialisations may have their own orientation or welcome sessions.

Graduation ceremonies for law students are generally held in August and December. These are wonderful celebratory occasions and are accompanied by a reception for graduates and their parents and friends. They provide an opportunity for the Law School to farewell its students, while welcoming them as alumni. Dates will be released early in 2013.

Course information

Class attendance

The Melbourne Law Masters has a strict attendance requirement of at least 75 percent of classes for all subjects.

Subject selection

Applicants should nominate preferred subjects at the time of application or re-enrolment. All subjects in the Melbourne Law Masters have quotas to ensure that class size is kept small. Students taking a masters degree or diploma are enrolled in subjects in accordance with the date on which they accepted their offer or on which their re-enrolment forms were received.

Not all subjects are offered every year and many are offered on a rotating basis. Students who would like to do a particular subject during their time in the program should let the Program Manager know. The Law School will offer the subject if there is likely to be sufficient interest from others.

Withdrawal from subjects

Please plan subject choice carefully, so as to minimise the need to withdraw from subjects. Where withdrawal is necessary, there will be no notice of withdrawal on the record of students who cancel their enrolment:

- * Before the semester census date (for semester-length subjects):
 - **Semester 1:** 31 March
 - **Semester 2:** 31 August
- By 5 pm on the first day of teaching (for intensive subjects).

For information on the refund of fees, see www.futurestudents.unimelb.edu.au/fees/

Students who have collected subject materials before withdrawal from a subject must return the materials to the Law School.

Contact hours

The minimum class time required for all subjects (intensive or semester-long) is 24 to 26 hours per subject. Students are expected to undertake significant, additional individual study of at least 80 hours per subject. Extensive reading materials are provided or advised approximately four weeks prior to the commencement of classes. Assessment for intensive subjects is conducted six to 12 weeks after classes conclude. Teachers and students are likely to be in contact with each other electronically from the time subject materials are released to the assessment due date.

Assessment

Marking structure

H1	80–100	H3	65–69
H2A	75–79	Pass	50–64
H2B	70–74	Fail	0–49

Assessment procedures

All work for assessment must be submitted through the online Learning Management System. Assessment tasks must be submitted electronically by 5 pm (Melbourne time) on the due date to avoid marking penalties. An assessment cover sheet must accompany all submitted work. All work must be original. Plagiarism is strictly penalised.

Take-home examinations

Papers should be downloaded from the subject webpage from 12 pm onwards, on their specified date of release.

Research papers

Students should follow the *Australian Guide to Legal Citation* (available online) unless otherwise advised in class. Students should have paper topics approved by the teacher, by an agreed date that allows ample time to prepare the paper to the necessary standard.

Supervised examinations

These usually take place at Melbourne Law School but may be arranged elsewhere for students not in Melbourne.

Extensions

Extensions for research papers may be approved only by the Melbourne Law Masters Office. In considering extension requests, the MLM will consider equity with other students, as well as the applicant's personal circumstance. Extensions are not permitted for take-home examinations except on medical grounds.

Cross-institutional study

Melbourne Law Masters students may apply to credit one masters-level subject offered by another institution towards a degree at Melbourne Law School where:

- * The subject is not offered in the Melbourne Law Masters, or it is offered but cannot be taken by the student for personal reasons
- * The subject is of comparable standard
- * The subject complements the student's course of study.

Course Rules

All students should refer to the Course Rules at www.law.unimelb.edu.au/masters

Key dates

Semester 1

Semester-length subjects	Monday 4 March– Sunday 2 June
Intensive subjects	Monday 28 January conclude 28 June
Full-time orientation week	25–28 February
Part-time orientation day	Saturday 23 February
DEST/University census date (semester-length classes)	31 March
Mid semester break	29 March–7 April
Semester-length subject exams	Throughout June
International Student Farewell Reception	Mid June
Semester 1 results (semester-length subjects)	12 July

Semester 2

Semester-length subjects	Monday 29 July– Sunday 25 October
Intensive subjects	Monday 8 July conclude 10 December
Full-time orientation week	22–26 July
Part-time orientation day	Saturday 20 July
DEST/University census date (semester-length classes)	31 August
Mid semester break	30 September– 6 October
Semester-length subject exams	Throughout November
International Student Farewell Reception	Mid November
Semester 2 results (semester-length subjects)	6 December

Selection criteria

Most programs in the Melbourne Law Masters are available both to law and to non-law graduates with relevant qualifications and experience. Selection is based on the following criteria:

Master of Laws by Coursework

- * A degree in law leading to admission to legal practice (LLB, JD or equivalent), at honours standard or equivalent; or
- * A degree in law leading to admission to legal practice (LLB, JD or equivalent) and the equivalent of at least two years of full-time, documented, relevant professional experience.

Master of Laws by Coursework and Minor Thesis

- * Meet the selection criteria for the Master of Laws by Coursework; and
- * Have completed four subjects towards a masters degree or graduate diploma, with a minimum of 75 percent in each.

Specialist masters degrees

- * A degree in a relevant discipline and the equivalent of at least two years of full-time, documented, relevant professional experience; or
- * A degree in law leading to admission to legal practice (LLB, JD or equivalent), at honours standard or equivalent; or
- * A degree in law leading to admission to legal practice (LLB, JD or equivalent) and the equivalent of at least two years of full-time, documented, relevant professional experience; or
- * A degree in a relevant discipline, successful completion of four subjects in a cognate graduate diploma and the equivalent of at least one year of full-time, documented, relevant work experience.

Specialist graduate diplomas

- * A degree in a relevant discipline and the equivalent of at least one year of full-time, documented, relevant professional experience; or
- * A degree in law leading to admission to legal practice (LLB, JD or equivalent), at honours standard or equivalent; or
- * A degree in law leading to admission to legal practice (LLB, JD or equivalent) and the equivalent of at least one year of full-time, documented, relevant professional experience.

Graduate Diploma in Legal Studies

- * A degree and the equivalent of at least one year of full-time, documented, relevant professional experience; or
- * A degree in law leading to admission to legal practice (LLB, JD or equivalent), at honours standard or equivalent; or
- * A degree in law leading to admission to legal practice (LLB, JD or equivalent) and the equivalent of at least one year of full-time, documented, relevant professional experience.

Single subjects

- * A degree in a relevant discipline and the equivalent of at least one year of full-time, documented, relevant professional experience; or
- * A degree in law leading to admission to legal practice (LLB, JD or equivalent), at honours standard or equivalent; or
- * A degree in law leading to admission to legal practice (LLB, JD or equivalent) and the equivalent of at least one year of full-time, documented, relevant professional experience.

Notes to applicants

In considering whether to admit an applicant the selection committee will consider:

- * The quality of the degree(s) that the applicant has previously been awarded
- * The standing and reputation of the university or universities that awarded the degree(s)
- * The duration and type of work experience the applicant has obtained
- * The relevance of the applicant's work experience to the course for which they have applied.

Applicants without legal qualifications should note that subjects are offered in the discipline of law at an advanced graduate level. While every effort will be made to meet the needs of students trained in other fields, concessions will not be made in the general level of instruction or assessment. Most subjects assume the knowledge usually acquired in a degree in law (LLB, JD or equivalent).

English language requirements

English language requirements may apply to international students and Australian permanent residents.

Applicants can satisfy the English language requirements in a number of ways, such as by undertaking a TOEFL or IELTS test, or by having undertaken previous study in English.

IELTS

- * 6.5 (no band score under 6.0)

TOEFL

- * Minimum score of 577 with a TWE of 4.5 (paper based)
- * 233 with an Essay Rating Score of 4.5 (computer based)
- * 90 with a written score of 21 (internet based)
- * Documentary evidence is required.

Full details are available at www.futurestudents.unimelb.edu.au/admissions/entry-requirements/language-requirements

It is also recommended that international applicants contact their nearest Australian Embassy or High Commission to ascertain the English requirements for obtaining a student visa.

Application dates and process

Applications are processed throughout the year for both international and local students. Applications by the preferred dates set out below are advised to ensure subject availability and to meet visa processing times.

Applications for single subjects may be made at any time before the subject begins.

Australian and New Zealand applicants

Preferred application dates 2013

Semester 1: 1 December 2012

Semester 2: 1 June 2013

To submit an application

1. Complete an Application for Admission. See form at the back of the Prospectus or online at www.law.unimelb.edu.au/masters
2. Attach original or certified copies of complete academic transcripts (unless studies were completed at the University of Melbourne)
3. Attach evidence of citizenship status as outlined on the Application for Admission (Australian and New Zealand applicants only)
4. Provide the name and address of two referees (at least one of whom must relate to your employment experience, if applicable)
5. Attach current curriculum vitae (CV).

Send the application to:

Melbourne Law Masters Office
Melbourne Law School
University of Melbourne VIC 3010
Australia

International applicants

Preferred application dates 2013

Semester 1: 31 October 2012

Semester 2: 30 April 2013

To submit an application

Complete the 'Application for Admission as an International Graduate Student' form or the online application both available from the how to apply page of the MLM website, <http://www.law.unimelb.edu.au/masters/future-students/how-to-apply>

Student visas

Students on an International Student Visa must be enrolled on a full-time basis. International applicants should consult the Australian Department of Immigration and Citizenship for up-to-date information on student visas.

Health insurance

It is compulsory for international students to hold Overseas Student Health Cover (OSHC) while studying in Australia. Australia's Department of Health and Ageing will provide further details and conditions. Refer to www.health.gov.au

Fees 2013

Course fees

Master of Laws by Coursework and specialist masters degrees

Per subject: \$4,200

Total course: \$33,600

Master of Laws by Coursework and Minor Thesis

Per subject: \$4,200

Minor thesis (one semester full-time or two semesters part-time): \$16,800

Total course: \$33,600

Specialist graduate diplomas

Per subject: \$4,200

Total course: \$16,800

Single subjects

Per subject: \$4,200

Audit (not assessed): \$3,360

Please note, students may also be charged a services and amenities fee. For up-to-date information on fees, refer to www.law.unimelb.edu.au/masters/future-students/fees-and-scholarships

Subject fees are likely to increase annually.

FEE-HELP

FEE-HELP is a loan available to eligible Australian citizens for fee-paying graduate coursework programs. It is not available for single subject enrolments.

For more information, please visit www.goingtouni.gov.au

Scholarships and prizes

Prizes are available to Melbourne Law Masters students placed first overall in some subjects. The prizes are presented at the Law School awards night held annually in May.

International students may be eligible for two categories of Australian scholarships:

- * Australian Development Scholarships (ADS);
- * Endeavour Awards.

Scholarships are sometimes provided to undertake a masters degree in law in Australia by institutions in a student's own country. The Law School is pleased to assist students in applying for these scholarships in any way it can.

For further information, visit the scholarships page of the MLM website, <http://www.law.unimelb.edu.au/masters/future-students/fees-and-scholarships>



Courses

The Melbourne Law Masters offers masters degrees and graduate diplomas across 22 specialist legal areas to deepen knowledge and understanding in a general or specialised area of law. Comprising almost 35 courses, the program offers exceptional quality and a wide subject choice that allows students to tailor courses to meet their personal and professional aspirations. All MLM subjects are focused on current and emerging legal issues. Quality is maintained by continual review and consultation with practical and academic experts in the field.

In addition to the Master of Laws by Coursework and Master of Laws by Coursework and Minor Thesis, the Melbourne Law Masters offers courses in the following specialist legal areas in 2013:

Asian Law

Banking and Finance Law

Commercial Law

Communications Law

Competition Law

Construction Law

Corporations and Securities Law

Dispute Resolution

Employment and Labour

Relations Law

Energy and Resources Law

Environment Law

Government Law

Health and Medical Law

Human Rights Law

Intellectual Property Law

International Economic Law

International Law

International Tax

Law and Development

Private Law

Public and International Law

Sports Law

Tax

Introduction

Courses

Subjects

Master of Laws (LLM)

- 502** Master of Laws by Coursework
 - 502** Master of Laws by Coursework and Minor Thesis
- Single subjects in the Melbourne Law Masters

Legal Studies

- GD-LEGSTU** Graduate Diploma in Legal Studies
- Single subjects in the Melbourne Law Masters

Melbourne Law School's Master of Laws (LLM) is a graduate degree in law of the highest quality with one of the largest subject ranges in the world. More than 160 subjects are offered in 2013.

Students enrolled in the LLM can choose from all subjects available in the Melbourne Law Masters, allowing them to tailor the degree to suit their professional aspirations and personal interests. Students may also choose to undertake the Master of Laws as a combination of coursework and a minor thesis.

These courses are available only for law graduates.

Course requirements

Master of Laws by Coursework

The course requires satisfactory completion of eight coursework subjects from all those available in the Melbourne Law Masters. Students who do not have a law degree from a common law jurisdiction are required to complete Fundamentals of the Common Law.

Master of Laws by Coursework and Minor Thesis

Students must satisfactorily complete four coursework subjects and achieve a minimum of 75 percent in each subject. Students may then prepare either a dissertation of 20,000 to 35,000 words or two major articles of 10,000–15,000 words each, suitable for publication in a learned legal journal. The two papers must be in the same subject area so that it is possible to have one supervisor supervise both papers.

The Law School must approve the combination of subjects and thesis topic. The latter will usually build on the subjects completed.

Once a thesis topic is submitted to the Law School for approval, an appropriate supervisor will be sought who may help to refine the chosen topic. Once final approval is obtained, a supervisor is appointed and supervision is carried out in accordance with the Law School's Code of Supervisory Practice.

Applicants must:

- * Meet the selection criteria for the Master of Laws by Coursework; and
- * Have successfully completed four coursework subjects with a minimum of 75 percent in each subject;
- * Have completed at least one research paper of 8,000 words or more in the Melbourne Law Masters program;
- * Submit an appropriate thesis proposal that is approved.

The Faculty will also need to appoint a supervisor for the thesis prior to approval of enrolment in the minor thesis. Candidates for admission to the Master of Laws by Coursework and Minor Thesis should note that the Faculty can give no assurance that it can provide a supervisor, and this may mean that the candidate will need to select another topic for the minor thesis or not enrol in the minor thesis.

Duration

Full-time: 12 months
Part-time: Two to four years

Like the Master of Laws, the Graduate Diploma in Legal Studies allows students to tailor a course to meet their own professional and personal goals. Many students who complete four subjects towards the Graduate Diploma in Legal Studies decide to take four more to complete a Master of Laws.

Course requirements

Students must complete four subjects from the subjects available in the Melbourne Law Masters. Students who do not have a law degree from a common law jurisdiction or any prior legal studies or experience are required to complete either Fundamentals of the Common Law (page 85) or the two-day preliminary subject Australian Legal Process and Legal Institutions (page 52).

Note to applicants

Applicants without legal qualifications should note that subjects are offered in the discipline of law at an advanced graduate level. While every effort will be made to meet the needs of students trained in other fields, concessions will not be made in the general level of instruction or assessment. Most subjects assume the knowledge usually acquired in a degree in law (LLB, JD or equivalent).

Applicants should note that admission to some subjects in the Melbourne Law Masters will be dependent upon the individual applicant's educational background and professional experience.

Duration

Full-time: Six months
Part-time: 12 months to two years

Asian Law

The graduate program in Asian law is ideal for lawyers and other professionals dealing with Asian legal systems in commercial, legal, development assistance, security or policy capacities, or for researchers and scholars interested in Asia. International students will also benefit from the diverse choice of subjects, exposure to teaching staff who speak Asian languages, and access to the Asian Law Centre – Australia’s first and largest centre devoted to developing understandings of Asian laws and legal systems. Covering a range of Asian legal systems and societies, the program offers insights into laws and institutions that will determine how the ‘Asian century’ unfolds.

Professor Tim Lindsey
Director of Studies

Tim Lindsey is Malcolm Smith Professor of Asian Law, Director of the Asian Law Centre and Director of the Centre for Islamic Law and Society at the Melbourne Law School. He holds a Bachelor of Laws, Bachelor of Arts and Bachelor of Letters from the University of Melbourne and completed his PhD thesis in Indonesian studies. He teaches and researches Indonesian law, *shari’ah* (Islamic law), comparative law and law reform in developing countries. He is the Chair of the Australia-Indonesia Institute and practises at the Victorian Bar. His publications include *Indonesia: Law and Society*; *Law Reform in Developing Countries*; *The Indonesian Constitution*; and *Corruption in Asia*. He is a founding editor of *The Asian Law Journal*.

726 Graduate Diploma in Asian Law
Single subjects in Asian law

Course requirements

Students must complete four subjects from the list below.

Students who do not have a law degree from a common law jurisdiction or any prior legal studies are also expected to complete the two-day preliminary subject Australian Legal Process and Legal Institutions (page 52).

Subjects

The following subjects are offered in 2013. A full list of subjects accredited to the course is available online.

- * Chinese Corporate Law and Securities Regulation
- * Chinese Law
- * Chinese Tax and Investment Law
- * Commercial Law in Asia
- * Corporate Law in a Global Financial Centre
- * Deals with China
- * Drugs and the Death Penalty in Asia
- * East Asian Competition Policy and Law
- * International Law and Development
- * Islamic Law and Politics in Asia
- * Rule of Law in Asia

Students may discuss other subject options with the Director of Studies.

Transfer options

- * Master of Law and Development
- * Master of Commercial Law
- * Master of Public and International Law



Professor Tim Lindsey
Director of Studies Asian Law and Director, Asian Law Centre

“The ‘Asian Century’ is already changing the world. Power and wealth are shifting from the Atlantic to the Pacific. The rapidly transforming societies of our region will be key players in the coming global debates over trade, security, environment, identity, culture and religion. Understanding how law operates in these countries is essential for any global professional.”

Banking and Finance Law

The specialisation in banking and finance law is designed to provide legal and financial practitioners with a sophisticated understanding of the legal and regulatory framework for the Australian and international financial sector. Most subjects have a practical focus. Subject choice ranges over the entire field, including banking (e.g. lending, deposit taking and banking products), funds management, finance transactions, superannuation, financial services and capital markets. A new subject on Hedge Funds and Private Equity Funds is an addition to the list in 2013.

Mr Andrew Godwin
Director of Studies

Andrew Godwin has 15 years' experience in private practice, ten of which he spent in Shanghai, where he was a partner and chief representative of Linklaters. Andrew has acted for commercial and investment banks in transactions, including limited recourse financing, secured lending, syndicated loans and debt restructuring, and has advised extensively on regulatory issues. He has also acted for multinational companies and financial institutions in a range of cross-border merger and acquisition transactions. Since returning to Melbourne in 2006, Andrew has focused on legal education and professional development for lawyers. His research interests include finance and insolvency law, commercial law in Asia, property law and regulation of the legal profession.

Course requirements

Master of Banking and Finance Law

Students must complete eight subjects in total.

Students who do not have a law degree from a common law jurisdiction must complete Fundamentals of the Common Law (page 85), as well as seven subjects from the list below.

Students with a law degree from a common law jurisdiction must complete at least seven subjects from the list below and may choose an eighth subject from those available in the Melbourne Law Masters (excluding Fundamentals of the Common Law).

Graduate Diploma in Banking and Finance Law

Students must complete four subjects from the list below. Students who do not have a law degree from a common law jurisdiction or any prior legal studies are also expected to complete the two-day preliminary subject Australian Legal Process and Legal Institutions (page 52).

- 526 Master of Banking and Finance Law
 - 968 Graduate Diploma in Banking and Finance Law
- Single subjects in banking and finance law

Subjects

The following subjects are offered in 2013. A full list of subjects accredited to the course is available online.

- * Corporate Law in a Global Financial Centre
- * Derivatives Law and Practice
- * Equity and Commerce
- * Financial Services Law
- * Hedge Funds and Private Equity Funds
- * International Financial System: Law and Practice
- * International Financial Transactions: Law and Practice
- * Managed Investments Law
- * Project Finance

Students may discuss other subject options with the Director of Studies.

Advisory Board

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- Ms Stacey Steele**, Standard and Poor's

Transfer options

- * Master of Commercial Law

Melbourne Law School's extensive subject offerings in commercial law allow students to tailor a program to complement their professional expertise and career pathway. Lawyers and other professionals will deepen their understanding of many aspects of commercial law from both a domestic and international perspective. Subjects are available in areas as diverse as finance, competition law, dispute resolution, tax, intellectual property, construction, and energy and resources law. The quality of the commercial law program is enhanced by the suite of subjects dealing with the core questions of private law that lie at the heart of commercial law.

Professor Ian Ramsay
Director of Studies

Professor Ian Ramsay is the Harold Ford Professor of Commercial Law. He is also Director of the Law School's Centre for Corporate Law and Securities Regulation. Ian practised law in New York and Sydney and is a member of the Australian Securities and Investments Commission External Advisory Panel, the Corporations and Markets Advisory Committee, the Auditors and Liquidators Disciplinary Board and the Corporations Law Committee of the Law Council of Australia. Former positions he has held include Head of the Federal Government inquiry on auditor independence, member of the Takeovers Panel, member of the Audit Quality Review Board, member of the Law Committee of the Australian Institute of Company Directors and member of the International Federation of Accountants taskforce on rebuilding confidence in financial reporting. Ian has published extensively on corporate law and corporate governance issues both internationally and in Australia.

Course requirements

Students must complete eight subjects in total.

Students who do not have a law degree from a common law jurisdiction must complete Fundamentals of the Common Law (page 85), as well as seven subjects from the lists below.

Students with a law degree from a common law jurisdiction must complete at least seven subjects from the lists below and may choose an eighth subject from those available in the Melbourne Law Masters (excluding Fundamentals of the Common Law).

Subjects

More than 100 commercial law subjects are offered in 2013. The general, core, commercial law subjects are listed below. More specialist groupings of commercial law subjects are listed on the relevant course pages, as indicated below. A comprehensive list can be found online, as an indicator of subjects likely be offered in later years.

Commercial Private Law

- * Commercial Conflict of Laws
- * Commercial Law: Principles and Policies
- * Contract Interpretation
- * Current Issues in Negligence
- * Equity and Commerce
- * Province and Function of Property
- * Remedies in Commercial Law
- * Restitution
- * Standards in Commercial Dealings

504 Master of Commercial Law

Single subjects in commercial law

Corporate and Transnational Commercial Law

- * Chinese Corporate Law and Securities Regulation
- * Company Takeovers
- * Corporate and White Collar Criminal Law
- * Corporate Governance and Directors' Duties
- * Corporate Law in a Global Financial Centre
- * Global Commercial Contract Law
- * International Securities Regulation
- * Schemes of Arrangement
- * Shareholders' Rights and Remedies

See the following specialist legal areas pages for the subjects offered in these areas:

- * Asian Law (page 25)
- * Banking and Finance Law (page 26)
- * Communications Law (page 28)
- * Competition and Consumer Law (page 29)
- * Construction Law (page 30)
- * Dispute Resolution (page 32)
- * Employment and Labour Relations Law (page 33)
- * Energy and Resources Law (page 35)
- * Environment Law (page 36)
- * Intellectual Property Law (page 40)
- * International Economic Law (page 41)
- * Sports Law (page 46)
- * Tax (page 47) – excluding the subject Tax Law Research

Transfer options

- * Graduate Diploma in Asian Law
- * Graduate Diploma in Banking and Finance Law
- * Graduate Diploma in Communications Law
- * Graduate Diploma in Competition Law
- * Graduate Diploma in Construction Law
- * Graduate Diploma in Corporations and Securities Law
- * Graduate Diploma in Dispute Resolution
- * Graduate Diploma in Employment and Labour Relations Law
- * Graduate Diploma in Energy and Resources Law
- * Graduate Diploma in Environmental Law
- * Graduate Diploma in Intellectual Property Law
- * Graduate Diploma in International Economic Law
- * Graduate Diploma in International Tax
- * Graduate Diploma in Sports Law
- * Graduate Diploma in Tax

The graduate program in communications law was developed to provide students with an advanced understanding of the existing and developing law affecting the media and communication industries and its impact on the publication of information, ownership, services and technology. With the rapid and evolving development of communications technologies, the program provides a valuable insight into this vibrant area of law. Melbourne Law School has a high level of expertise in communications law, as well as a dedicated research centre, the Centre for Media and Communications Law, which is a useful resource for students.

Mr Jason Bosland
Director of Studies

Jason Bosland joined the Melbourne Law School as a Senior Lecturer in 2011. Prior to that, Jason was a Lecturer in the Faculty of Law at the University of New South Wales. Jason has law degrees from the Melbourne Law School and from the London School of Economics. Jason's primary research interests are in the areas of media law, especially defamation and privacy, open justice and the media, contempt of court and freedom of speech. He is the Deputy Director of the Centre for Media and Communications Law and is a joint editor (with Professor Andrew Kenyon and Professor Kathy Bowrey) of the *Media and Arts Law Review*.

Course requirements

Students must complete four subjects from the lists below, including at least one subject from each group. Students who do not have a law degree from a common law jurisdiction or any prior legal studies or experience are also expected to complete the two-day preliminary subject Australian Legal Process and Legal Institutions (page 52).

Subjects

The following subjects are offered in 2013. A full list of subjects accredited to the course is available online.

Group A

- * Free Speech, Contempt and the Media
- * Privacy Law

Group B

- * Copyright Law
- * Cybercrime
- * Entertainment Law
- * Fundamentals of Regulation
- * Internet Law
- * Newsgathering
- * Regulation of Communications

Advisory Board

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Ms Deanne Weir, Screen Australia and Ai-Media

Transfer options

- * Master of Commercial Law
- * Master of Public and International Law

Competition and Consumer Law

The graduate program in competition and consumer law provides students with specialised expertise and skills in this interdisciplinary area of law. In its content and teaching staff, the program recognises the economic character of the law and offers an applied focus on issues arising in practice. As well as providing students with a detailed understanding of the law regulating competition and consumer protection, current debates on law reform and international and comparative perspectives are incorporated into the program.

Professor Caron Beaton-Wells

Director of Studies

Associate Professor Caron Beaton-Wells is one of Australia's leading academics in competition law. She has published widely in the area, including the highly regarded text, *Proof of Antitrust Markets*, and an extensive critique of Australia's anti-cartel laws, *Australian Cartel Regulation: Law, Policy and Practice in an International Context* (with Brent Fisse, 2011). Dr Beaton-Wells teaches Competition Law in the JD program at Melbourne Law School and oversees the substantial graduate program in competition and consumer law. She is a regular speaker at competition law conferences and is frequently called upon to comment in the media on competition law issues. Dr Beaton-Wells has been a member of the Victorian Bar since 1997 and is a member of national and international advisory boards and associations. She is also a consultant or adviser to international organisations such as the International Competition Network. Prior to joining the Bar, she was a solicitor at Mallesons Stephen Jaques. Dr Beaton-Wells has been named as one of the top female competition law professors in the world by the *Antitrust and Competition Policy Blog*.

Course requirements

Students must complete four subjects from the list below. Students who do not have a law degree from a common law jurisdiction or any prior legal studies or experience are also expected to complete the two-day preliminary subject Australian Legal Process and Legal Institutions (page 52).

Subjects

The following subjects are offered in 2013. A full list of subjects accredited to the course is available online.

- * Australian Consumer Law
- * Cartels
- * Corporate and White Collar Criminal Law
- * East Asian Competition Policy and Law
- * Economics for Competition Lawyers
- * Fundamentals of Regulation
- * Managerial Economics†
- * Merger Regulation Under Competition Law
- * Sports and Competition Law: An International and Comparative Analysis
- * Trade Marks and Unfair Competition

†Taught by the Melbourne Business School (please see www.law.unimelb.edu.au/masters/specialist-legal-areas/competition-and-consumer-law for details)

GD-COMPLAW Graduate Diploma in Competition Law
Single subjects in competition law

Competition Law Overview

Melbourne Law School also offers a one-day seminar called Competition Law Overview, providing students with a basic grounding in the competition provisions of the *Competition and Consumer Act 2010* (Cth) (see page 52 for details).

Advisory Board

Professor Bob Baxt AO, Herbert Smith Freehills (Chair)

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Mr Simon Uthmeyer, DLA Piper

Dr Philip Williams, Frontier Economics

Transfer options

- * Master of Commercial Law

The graduate program in construction law has been tailored to give construction lawyers and professionals in building, construction, engineering and associated industries the specialised legal knowledge to take the next step in their careers. Working with teachers who are leaders in their fields, and fellow students from throughout Australia and around the world, students have an unrivalled opportunity to gain a thorough understanding of this specialised area of law and its interaction with the commerce and practice of the industry.

Professor Ian Bailey SC

Co-Director of Studies

Professor Ian Bailey SC is a Professorial Fellow and a barrister specialising in construction disputes, professional negligence of building professionals and technical and engineering claims. He practised as an architect for ten years before joining the New South Wales Bar in 1983 and was appointed Senior Counsel in 2004. He was National Vice President of the Institute of Arbitrators and Mediators Australia from 2004 to 2008 and is a Grade 1 arbitrator with the Institute. He wrote *Construction Law in Australia* (3rd ed. 2011 with Matthew Bell), Chapter 27.7: *Professional Liability, Architects and Engineers in Laws of Australia* and (also with Matthew Bell) *Understanding Australian Construction Contracts*. Ian is the inaugural Chair of the Society of Construction Law Australia.

Mr Matthew Bell

Co-Director of Studies

Mr Matthew Bell joined Melbourne Law School in 2005 following several years in practice as a solicitor, primarily as a non-contentious construction lawyer. He was able to gain a depth of experience on a wide variety of procurement methods while with Clayton Utz in Australia and then with the International Construction Group of Clifford Chance, based in London. In addition to writing a number of substantial articles on construction law topics, Matthew is (with Ian Bailey) the author of *Understanding Australian Construction Contracts* and *Construction Law in Australia*. He is also Professional Support Lawyer to the Construction Group at Clayton Utz on a part-time basis and is the inaugural Chair of the Academic Subcommittee of the Society of Construction Law Australia.

Course requirements

Master of Construction Law

Students must complete eight subjects in total.

Students without a law degree from a common law jurisdiction must complete Fundamentals of the Common Law (page 85) as well as seven subjects from the lists below. Of those seven subjects, at least five must be from the Core Construction Law list.

Students with a law degree from a common law jurisdiction must complete at least seven subjects from the lists below. Of those seven subjects, at least five must be from the Core Construction Law list. These students may choose an eighth subject from those available in the Melbourne Law Masters (excluding Fundamentals of the Common Law).

Students may not study both Principles of Construction Law and Construction Law.

Graduate Diploma in Construction Law

Students must complete four subjects from the lists below. Of those four subjects, at least three must be from the Core Construction Law list and may not include both Principles of Construction Law and Construction Law. Students who do not have a law degree from a common law jurisdiction or any prior legal studies or experience are also expected to complete the two-day preliminary subject Australian Legal Process and Legal Institutions (page 52).

195 Master of Construction Law

189 Graduate Diploma in Construction Law

Single subjects in construction law

Subjects

The following subjects are offered in 2013. A full list of subjects accredited to the course is available online.

Core Construction Law subjects

- * Advanced Construction Law
- * Avoiding and Managing Construction Disputes
- * Construction Contract Analysis and Drafting
- * Construction Dispute Resolution
- * Construction Law
- * Construction: Principles into Practice
- * Construction Risk: Allocation and Insurance
- * International Construction Law
- * Payment Matters in Construction Projects
- * Principles of Construction Law
- * Remedies in the Construction Context
- * Specialised Construction Procurement Law

Related subjects

- * Australian Consumer Law
- * Bargaining at Work
- * Contract Interpretation
- * Environmental Law
- * International Commercial Arbitration
- * Labour Standards under the Fair Work Act
- * Mineral Law
- * Petroleum Law
- * Project Finance
- * Statutes in the 21st Century
- * Workplace Health and Safety

Patron

The Hon. David Byrne QC, former Justice of the Supreme Court of Victoria

Advisory Board

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Professor David Young, Melbourne School of Engineering, The University of Melbourne

Transfer options

- * Master of Commercial Law

Corporations and Securities Law

Melbourne Law School has considerable expertise in corporate law, having established the Centre for Corporate Law and Securities Regulation in 1996. The graduate program in corporations and securities law recognises the importance of corporate law and securities regulation nationally and internationally. The program is ideal for lawyers and other professionals engaged in securities regulation and issues relating to corporate law. The broad range of subjects available in this field enables students to tailor the course to directly influence their career goals.

Professor Ian Ramsay
Director of Studies

Professor Ian Ramsay is the Harold Ford Professor of Commercial Law. He is also Director of the Law School's Centre for Corporate Law and Securities Regulation. Ian practised law in New York and Sydney and is a member of the Australian Securities and Investments Commission External Advisory Panel, the Corporations and Markets Advisory Committee, the Auditors and Liquidators Disciplinary Board and the Corporations Law Committee of the Law Council of Australia. Former positions he has held include Head of the Federal Government inquiry on auditor independence, member of the Takeovers Panel, member of the Audit Quality Review Board, member of the Law Committee of the Australian Institute of Company Directors and member of the International Federation of Accountants taskforce on rebuilding confidence in financial reporting. Ian has published extensively on corporate law and corporate governance issues both internationally and in Australia.

Course requirements

Students must complete four subjects from the list below. Students who do not have a law degree from a common law jurisdiction or any prior legal studies or experience are also expected to complete the two-day preliminary subject Australian Legal Process and Legal Institutions (page 52).

Subjects

The following subjects are offered in 2013. A full list of subjects accredited to the course is available online.

- * Chinese Corporate Law and Securities Regulation
- * Commercial Law: Principles and Policies
- * Company Takeovers
- * Comparative Corporate Tax
- * Contract Interpretation
- * Corporate and White Collar Criminal Law
- * Corporate Governance and Directors' Duties
- * Corporate Law in a Global Financial Centre
- * Corporate Tax A (Shareholders, Debt and Equity)
- * Corporate Tax B (Consolidation and Losses)
- * Derivatives Law and Practice
- * Equity and Commerce
- * Financial Services Law
- * Fundamentals of Regulation
- * Hedge Funds and Private Equity Funds
- * International Financial System: Law and Practice
- * International Financial Transactions: Law and Practice
- * International Securities Regulation
- * Managed Investments Law
- * Project Finance
- * Restitution
- * Schemes of Arrangement
- * Shareholders' Rights and Remedies
- * State Taxes and Duties
- * Taxation of Business and Investment Income
- * Taxation of Small and Medium Enterprises

Advisory Board

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Mr Simon Morris, Corrs Chambers Westgarth
Mr Charles Rosedale, Clayton Utz
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Mr Shane Tregillis, Financial Service Ombudsman
Ms Catherine Walter, Company Director
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International Advisory Board

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Transfer options

- * Master of Commercial Law

Dispute Resolution

The graduate program in dispute resolution works from the principles that underpin dispute resolution and management. The subjects examine how these principles inform the theoretical and practical aspects of this rapidly changing area of law. The program is relevant to legal practitioners and will appeal to others working in the design, reform and practice of dispute resolution. Judges, legal practitioners and legal researchers teach a broad range of subjects spanning litigation and alternative dispute resolution.

Mr Gary Cazalet

Director of Studies

Gary Cazalet is a Senior Lecturer at Melbourne Law School and has been a practising barrister and mediator. Gary teaches and researches in the areas of dispute resolution and legal ethics. His specialist interests are public interest litigation and civil procedure.

Course requirements

Students must complete four subjects from the list below. Students who do not have a law degree from a common law jurisdiction or any prior legal studies or experience are also expected to complete the two-day preliminary subject Australian Legal Process and Legal Institutions (page 52).

Subjects

The following subjects are offered in 2013. A full list of subjects accredited to the course is available online.

- * Advanced Evidence
- * Alternative Dispute Resolution
- * Avoiding and Managing Construction Disputes
- * Class Actions
- * Commercial Conflict of Laws
- * Construction Dispute Resolution
- * Criminal Procedure and Human Rights: International and Australian Perspectives
- * Human Rights Litigation and Advocacy
- * International Commercial Arbitration
- * Litigating before International Courts and Tribunals
- * What is it that Judges Do?
- * Written Advocacy
- * WTO Law and Dispute Settlement

Transfer options

- * Master of Commercial Law
- * Master of Public and International Law

498 Graduate Diploma in Dispute Resolution

Single subjects in dispute resolution



Employment and Labour Relations Law

Major shifts in laws governing the workplace and labour force in Australia in recent years mean that understanding the regulatory framework pertaining to employment and labour relations practices is more important than ever. Melbourne Law School's graduate program in employment and labour relations law is ideal for legal practitioners, the public sector, corporate management and human resources/personnel services, trade unions and employer groups. The program caters for legal practitioners as well as non-lawyers with experience and interest in the legal regulation of employment and labour relations. In-depth analysis of recent developments in this complex and evolving area ensures the program remains at the forefront of legal knowledge in this field. The subject Principles of Employment Law is designed to be of particular assistance to students without previous (or recent) legal study in the area.

Dr Anna Chapman
Co-Director of Studies

Anna Chapman has been a faculty member at Melbourne Law School for more than ten years, having come to the University after legal practice with Mallesons Stephen Jaques. She is a Director of the Centre for Employment and Labour Relations Law. Anna's research focuses on law, sex, race and sexuality in the paid labour market, and her current projects include an examination of the constitution of the worker and care responsibilities in Australian employment law. This work has engaged in particular with anti-discrimination law, unfair dismissal, leave regimes and the regulation of working hours. Most recently, Anna has been awarded an ARC Discovery Grant (with Beth Gaze) for a project examining the intersections between discrimination provisions in the *Fair Work Act 2009* (Cth), and anti-discrimination law. Anna has published in a range of Australian and international law journals, and is an editor of the *Australian Journal of Labour Law*.

Associate Professor Beth Gaze
Co-Director of Studies

Associate Professor Beth Gaze is a member of the Centre for Employment and Labour Relations Law, where she teaches in the areas of anti-discrimination law, legal method, and administrative law. Beth has published extensively on anti-discrimination law and its enforcement, and on tribunals, and has conducted socio-legal research into the experience of operationalising the law in these areas. She is presently involved (with Anna Chapman) in a major research project funded by the Australian Research Council, examining the intersections between the general protections provisions in the *Fair Work Act 2009* (Cth), and anti-discrimination law. Beth has acted as an expert consultant to a Victorian Parliamentary Committee, and is a member of the Editorial Board of the *International Journal of Discrimination and the Law*.

Course requirements

For students commencing from 2011, Principles of Employment Law is compulsory for students who do not have a law degree from a common law jurisdiction, and for these students it is strongly recommended that this subject be taken before any other Employment and Labour Relations Law subjects.

Principles of Employment Law is recommended for students who have not studied an equivalent subject in their law degree, or who have not done so recently.

Master of Employment and Labour Relations Law

Students must complete eight subjects in total.

Students who do not have a law degree from a common law jurisdiction must complete Fundamentals of the Common Law (page 85), as well as at least four subjects from the list of core Employment and Labour Relations Law subjects. The remaining subjects can be taken from the core Employment and Labour Relations Law subjects and the Accredited subjects lists.

Students with a law degree from a common law jurisdiction must complete at least four subjects from the list of core Employment and Labour Relations Law subjects. The remaining subjects can be taken from the core Employment and Labour Relations Law subjects and the Accredited subjects lists.

Graduate Diploma in Employment and Labour Relations Law

Students must complete four subjects from the list of core Employment and Labour Relations Law subjects. Students who do not have a law degree from a

510 Master of Employment and Labour Relations Law

188 Graduate Diploma in Employment and Labour Relations Law
Single subjects in employment and labour relations law

common law jurisdiction or any prior legal studies or experience are also expected to complete the two-day preliminary subject Australian Legal Process and Legal Institutions (page 52).

Subjects

The following subjects are offered in 2013. A full list of subjects accredited to the course is available online.

Core Employment and Labour Relations Law subjects

- * Bargaining at Work
- * Employment Contract Law
- * Equality and Discrimination at Work
- * Human Rights at Work
- * International Employment Law
- * Labour Standards under the Fair Work Act
- * Principles of Employment Law
- * Workplace Health and Safety

Accredited subjects

- * Alternative Dispute Resolution
- * Corporate Governance and Directors' Duties
- * Fundamentals of Regulation
- * International Human Rights Law
- * International Law and Development

Advisory Board

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Mr Henry Skene, Arnold Bloch Leibler

Mr Michael Tehan, Minter Ellison

Mr Nicholas Wilson, Fair Work Ombudsman

Mr Tony Wood, Freehills

Tom Zucker Scholarship

The Tom Zucker Scholarship is open to students enrolled in the Employment and Labour Relations Law graduate coursework program who are employed by, or are officials of, an Australian trade union or peak organisation. Please visit the website or contact the Melbourne Law Masters Program Manager for details.



Energy and Resources Law

Energy and resources are dominant in the Australian economy, and have long been so. The management of these resources presents formidable legal challenges for governments and private enterprise, at global, national and local levels. Australia's record in meeting these challenges is internationally recognised, and Australian energy and resources companies operate successfully in many parts of the world.

Melbourne Law School's graduate program in energy and resources law allows lawyers and other professionals to gain expertise and skills in statutory and contractual regimes governing exploration and production, sophisticated commercial transactions relating to those activities, project finance, regulatory controls and resolution of resources conflicts, drawing upon Australian experience and applying it globally.

Professor Michael Crommelin AO
Director of Studies

Michael Crommelin was Dean of the Law School from 1989 to 2007. He holds a BA and LLB (Hons) from the University of Queensland and an LLM and PhD from the University of British Columbia. Michael has held visiting appointments at a number of universities, including the University of Oslo, the University of British Columbia, the University of Calgary and Georgetown University. He has published extensively in the fields of energy and resources law, constitutional law and comparative law. In 2009, Michael was made an officer of the Order of Australia for service to the law and to legal education, particularly as a tertiary educator and through the development of mining and petroleum law in Australia.

Course requirements

Master of Energy and Resources Law

Students must complete eight subjects in total.

Students who do not have a law degree from a common law jurisdiction must complete Fundamentals of the Common Law (page 85), as well as seven subjects from the list below.

Students with a law degree from a common law jurisdiction must complete at least seven subjects from the list below and may choose an eighth subject from those available in the Melbourne Law Masters (excluding Fundamentals of the Common Law).

Graduate Diploma in Energy and Resources Law

Students must complete four subjects from the list below. In addition, students who do not have a law degree from a common law jurisdiction or any prior legal studies or experience are also expected to complete the two-day preliminary subject Australian Legal Process and Legal Institutions (page 52).

MC-ENRSLAW

Master of Energy and Resources Law

GD-ENRSLAW

Graduate Diploma in Energy and Resources Law

Single subjects in energy and resources law

Subjects

The following subjects are offered in 2013. A full list of subjects accredited to the course is available online.

- * Energy Regulation and the Law
- * Environmental Law
- * International Environmental Law
- * International Mineral Law
- * International Petroleum Transactions
- * Mineral and Petroleum Tax
- * Mineral Law
- * Petroleum Law
- * Project Finance
- * Water Law and Natural Resources Management

The graduate program in environmental law, comprising the Master of Environmental Law and Graduate Diploma in Environmental Law, provides expertise in a dynamic and rapidly changing area of law. Students may also take single subjects of particular interest. Legal practitioners and professionals in government and working in environmental resources sectors can explore topics of national and international importance, across a range of critical legal issues. Areas of focus include national environmental law and regulation, international environmental law, climate change, water and natural resource management, environmental rights, indigenous rights, and environmental sustainability.

Professor Lee Godden
Director of Studies

Professor Lee Godden (PhD, MA, B.Leg S, BA Hons) is the Director, Centre for Resources, Energy and Environmental Law. She has researched and published in areas that include environmental law, natural resources law, water law, and indigenous people's land rights. Currently, she is undertaking several research projects in environmental law and governance. Recent publications include *Environmental Law: Scientific, Policy and Regulatory Dimensions* (with J. Peel), *Comparative Perspectives on Communal Lands and Individual Ownership: Sustainable Futures* (with M. Tehan) and *Australian Climate Law in Global Context* (forthcoming, with A. Zahar and J. Peel).

Course requirements

Master of Environmental Law

Students must complete eight subjects in total.

Students who do not have a law degree from a common law jurisdiction must complete Fundamentals of the Common Law (page 85), as well as seven subjects from the lists below.

Students with a law degree from a common law jurisdiction must complete at least seven subjects from the lists below and may choose an eighth subject from those available in the Melbourne Law Masters (excluding Fundamentals of the Common Law).

Graduate Diploma in Environmental Law

Students must complete four subjects from the lists below. Students who do not have a law degree from a common law jurisdiction or any prior legal studies or experience are also expected to complete the two-day preliminary subject Australian Legal Process and Legal Institutions (page 52).

MC-ENVLAW

Master of Environmental Law

GD-ENVLAW

Graduate Diploma in Environmental Law

Single subjects in environment law

Subjects

The following subjects are offered in 2013. A full list of subjects accredited to the course is available online.

Core environment subjects

- * Climate Change Law
- * Environmental Law
- * Environmental Rights
- * International Environmental Law
- * Water Law and Natural Resources Management

Accredited subjects

- * Construction Risk: Allocation and Insurance
- * Energy Regulation and the Law
- * International Law and Development
- * International Mineral Law
- * Mineral Law
- * Payment Matters in Construction Projects
- * Petroleum Law
- * Principles of Construction Law
- * Project Finance

Government Law

Government functions within a framework of law and practice. This framework includes constitutional law and administrative law but extends well beyond them to a host of particular legal regimes that apply to government actors.

This is a dynamic branch of law, constantly changing in response to new pressures and government responses to them. It lends itself to comparison between countries, enabling students to understand different ways of tackling similar problems and to draw lessons from them. In an age of globalisation, it has a large and growing interface with international law, necessitating a grasp of both areas.

The government law subjects in the Melbourne Law Masters reflect the changing nature and complexity of the field. They offer students expertise in matters that lie at the cutting edge of government law in Australia and elsewhere, including, in 2013, the regulation of money in politics, the interface between rights protection and administrative law, relations between levels of government, religion and the state, judicial reasoning and the nature and interpretation of legislation.

Professor Cheryl Saunders AO
Director of Studies

Cheryl Saunders is a Laureate Professor in the University of Melbourne with specialist interests in Australian and comparative public law, including comparative constitutional law and method, intergovernmental relations and constitutional design and change. She is a member of the Academy of the Social Sciences in Australia, a President Emeritus of the International Association of Constitutional Law and a member of the Advisory Board of International IDEA. She has held visiting positions in Law Schools in many parts of the world, including Cambridge, Oxford, Paris II, Peking, Georgetown, Copenhagen, Cape Town, Fribourg and Hong Kong. She is an officer of the Order of Australia and a chevalier dans l'Ordre National de la Légion d'Honneur of France. She holds an honorary doctorate from the University of Cordoba in Argentina.

Course requirements

Graduate Diploma students must complete four subjects from the list below (for the Master of Public and International Law, see page 45). Students without a law degree from a common law jurisdiction should also complete the two-day preliminary subject Australian Legal Process and Legal Institutions (page 52).

Subjects

The following subjects are offered in 2013. A full list of subjects accredited to the course is available online.

- * Australians Detained Abroad
- * Bills of Rights: An International Perspective
- * Constitutional Problems in Comparative Focus
- * Criminal Law, Poverty and Justice
- * Criminal Procedure and Human Rights: International and Australian Perspectives
- * Current Issues in Administrative Law
- * Drugs and the Death Penalty in Asia
- * Elements of Legislation
- * Energy Regulation and the Law
- * Environmental Law
- * Environmental Rights
- * Free Speech, Contempt and the Media
- * Fundamentals of Regulation
- * Globalisation and the Limits of Sovereignty
- * Human Rights and Armed Conflict
- * Human Rights and Indigenous Peoples
- * Human Rights at Work
- * Human Rights Beyond Borders

511 Master of Public and International Law

178 Graduate Diploma in Government Law
Single subjects in government law

- * Human Rights in Administrative Law
- * Human Rights Litigation and Advocacy
- * International Law and Children's Rights
- * International Migration Law
- * International Refugee Law: Refugee Status
- * Judicial Power in Australia
- * Law of Intergovernmental Relations
- * Law of Political Money
- * Nationalism, Cosmopolitanism and Identity
- * Poverty and Human Rights
- * Privacy Law
- * Racing Industry Law and Regulation
- * Regional Human Rights Mechanisms
- * Regional Integration: The Case of the European Union
- * Registration of Health Professionals
- * Religion, State and Multiculturalism
- * Rule of Law in Asia
- * The Security Council in Global Public Law
- * Statutes in the 21st Century
- * The Tax Commissioner as Administrator
- * Tax Policy
- * Water Law and Natural Resources Management
- * What is it that Judges Do?
- * Written Advocacy

Advisory Board

Mr Ian Cunliffe, formerly Department of Premier and Cabinet
Dr Stephen Donaghue, Victorian Bar
Dr Gavan Griffith AO QC, Victorian Bar
Mr Peter Hanks QC, Victorian Bar
Ms Wendy Harris SC, Victorian Bar
Justice Chris Maxwell, Victorian Court of Appeal
Mr Stephen McLeish SC, Victorian Bar
Ms Debbie Mortimer SC, Victorian Bar
Mr Mark Moshinsky SC, Victorian Bar
Prof Brian Opeskin, Macquarie University,
Mr Jason Pizer, Victorian Bar
Justice Richard R.S. Tracey, Federal Court of Australia

Transfer options

- * Master of Public and International Law

Health and Medical Law

Melbourne Law School's graduate program in health and medical law is open to lawyers in medico-legal or more general practice and to doctors and other health professionals and administrators (no prior legal qualification is required). Subjects include International Health Law (taught by Professor Lawrence Gostin, internationally acclaimed scholar, Georgetown University), Current Issues in Negligence, Hot Topics in Medical Law, Patients' Rights and Public Protection and Medical Ethics (taught by Oxford bioethicist Professor Julian Savulescu).

Professor Loane Skene

Director of Studies

Professor Loane Skene has been a Professor at Melbourne Law School and Adjunct Professor in the Faculty of Medicine, Dentistry and Health Sciences for 13 years. Earlier, she was a solicitor in Melbourne and the United Kingdom and a policy adviser in Canada and Melbourne (spending ten years with the Victorian Law Reform Commission). She wrote the widely used textbook *Law and Medical Practice: Rights, Duties, Claims and Defences* and has written numerous book chapters and articles in Australian and international legal, medical and scientific journals. Her principal research interest is regulation of genetic testing and she has served on numerous policy committees in this area.

Course requirements

Master of Health and Medical Law

Students must complete eight subjects in total.

Students who do not have a law degree from a common law jurisdiction must complete Fundamentals of the Common Law (page 85), as well as seven subjects from the list below.

Students with a law degree from a common law jurisdiction must complete at least seven subjects from the list below and may choose an eighth subject from those available in the Melbourne Law Masters (excluding Fundamentals of the Common Law).

Graduate Diploma in Health and Medical Law

Students must complete four subjects from the list below. Students who do not have a law degree from a common law jurisdiction or any prior legal studies or experience are also expected to complete the two-day preliminary subject Australian Legal Process and Legal Institutions (page 52).

507 Master of Health and Medical Law

343 Graduate Diploma in Health and Medical Law
Single subjects in health and medical law

Subjects

The following subjects are offered in 2013. A full list of subjects accredited to the course is available online.

- * Current Issues in Negligence^{†‡}
- * Hot Topics in Medical Law
- * International Health Law
- * Medical Ethics
- * Patients' Rights and Public Protection
- * Privacy Law[†]
- * Registration of Health Professionals
- * Workplace Health and Safety^{†‡}

[†]Students must write a research paper on a topic related to health and medical law, jointly approved by the subject coordinator and the Director of Studies

[‡]Not available to students in the Graduate Diploma in Health and Medical Law

Advisory Board

Mr Russell Ball, John W. Ball and Sons

Professor Stephen Cordner, Victorian Institute of Forensic Medicine

Mr David Curtain QC, Victorian Bar

Mr Ian Dunn, LaTrobe University

Mr Paul Henderson, Slater and Gordon

Mr John Rush QC, Victorian Bar

Professor Julian Savulescu, University of Oxford, United Kingdom

Professor David Studdert, Melbourne Law School

Mr John Snowdon, Southern Health

Human Rights Law

The graduate program in human rights law offers one of the widest ranges of human rights subjects in Australia. Many world-renowned experts teach in the program, offering students exciting opportunities to examine a range of human rights instruments, institutions, theories and practices in contemporary context. The program is particularly relevant to lawyers currently working, or hoping to work, in the field of human rights, as well as those with a non-law background working in development agencies and other human-rights-related organisations in Australia and around the world.

Professor Dianne Otto

Director of Studies

Professor Dianne Otto is Director of the Institute for International Law and the Humanities (IILAH) and Co-Director of its International Human Rights Law Program with Associate Professor John Tobin. Her research interests include the exclusionary effects of legal representations of marginalised groups, gender and sexuality issues in human rights and development, international human rights, non-governmental organisations, international peace and security issues, and the domestic implementation of international legal obligations. Dianne teaches in the LLM and JD programs and supervises doctoral students in related areas of public international law and human rights law.

636 Graduate Diploma in Human Rights Law
Single subjects in human rights law

Course requirements

Students must complete four subjects from the list below. Students who do not have a law degree from a common law jurisdiction or any prior legal studies or experience are also expected to complete the two-day preliminary subject Australian Legal Process and Legal Institutions (page 52).

Subjects

The following subjects are offered in 2013. A full list of subjects accredited to the course is available online.

- * Bills of Rights: An International Perspective
- * Criminal Law, Poverty and Justice
- * Criminal Procedure and Human Rights: International and Australian Perspectives
- * Equality and Discrimination at Work
- * Free Speech, Contempt and the Media
- * Human Rights and Armed Conflict
- * Human Rights and Indigenous Peoples
- * Human Rights at Work
- * Human Rights Beyond Borders
- * Human Rights in Administrative Law
- * Human Rights Litigation and Advocacy
- * International Human Rights Law
- * International Law and Children's Rights
- * International Refugee Law: Refugee Status
- * Poverty and Human Rights
- * Regional Human Rights Mechanisms
- * Women, War and Peace-Building

Transfer options

- * Master of Public and International Law



Professor Dianne Otto

Director of Studies, Human Rights Law

“International human rights law offers a toolkit for challenging inequality and promoting social justice, both domestically and internationally. Our world-renowned program offers students, whether idealists or skeptics, the opportunity to explore the possibilities, as well as the limits, of this body of law.”

Intellectual Property Law

Melbourne Law School's graduate program in intellectual property is one of the largest and most respected specialist IP law programs in the world. Its extensive range of challenging, cutting-edge subjects cover the spectrum of IP protection regimes, and are both practically focused and theoretically rigorous. The majority of its subjects are accredited by the Professional Standards Board for Patent and Trade Marks Attorneys. The program is ideal for those seeking accreditation as a patent and/or trade marks attorney, as well as for those seeking to develop or expand their expertise in intellectual property law generally.

Professor Sam Ricketson

Co-Director of Studies

Professor Sam Ricketson is a Professor at Melbourne Law School and, until mid-2012, practised part-time as a barrister, principally in intellectual property. Prior to joining the University in 2000, Sam was the Sir Keith Aickin Professor of Commercial Law at Monash University. He has written, taught and advised widely in all areas of IP law (copyright and designs, patents, trade marks and unfair competition, and breach of confidence), conflicts of law and corporate law. He has also held various professional and governmental appointments in the IP area, including membership of the Commonwealth Copyright Tribunal. He is a panel member of the World Intellectual Property Organization's dispute resolution body in relation to domain names.

Professor Andrew Christie

Co-Director of Studies

Professor Andrew Christie was appointed as the foundation Professor of Intellectual Property in 2002. He is admitted to legal practice in Australia and the United Kingdom, and worked for many years in the intellectual property departments of law firms in Melbourne and London. He has particular expertise in the application of copyright, patent and trade mark law to the digital environment, and in patent protection for biotechnological innovations. He is a former member of the Copyright Law Review Committee appointed by the federal Attorney-General, and the Advisory Council on Intellectual Property appointed by the federal Minister for Innovation, Industry, Science and Research, and currently serves as a panel member of the World Intellectual Property Organization's dispute resolution body in relation to domain names.

Course requirements

Master of Intellectual Property Law

Students must complete eight subjects in total.

Students who do not have a law degree from a common law jurisdiction must complete Fundamentals of the Common Law (page 85), as well as seven subjects from the list below.

Students with a law degree from a common law jurisdiction must complete at least seven subjects from the list below and may choose an eighth subject from those available in the Melbourne Law Masters (excluding Fundamentals of the Common Law).

Graduate Diploma in Intellectual Property Law

Students must complete four subjects available in the graduate diploma from the list below. Students who do not have a law degree from a common law jurisdiction or any prior legal studies or experience are also expected to complete the two-day preliminary subject Australian Legal Process and Legal Institutions (page 52).

Subjects

The following subjects are offered in 2013. A full list of subjects accredited to the course is available online.

- * Copyright Law
- * Designs Law and Practice
- * Entertainment Law[†]
- * European Intellectual Property Law
- * Fundamentals of Patent Drafting
- * International Issues in Intellectual Property
- * Internet Law
- * Interpretation and Validity of Patent Specifications

277 Master of Intellectual Property Law

276 Graduate Diploma in Intellectual Property Law

Single subjects in intellectual property law

- * Patent Law
- * Patent Practice
- * Sports Marketing Law[†]
- * Trade Mark Practice
- * Trade Marks and Unfair Competition

[†]Not available to students enrolled in the Graduate Diploma in Intellectual Property Law

Professional accreditation

By satisfactorily completing appropriate subjects, a suitably qualified person may be accredited with satisfying all topic groups necessary for admission as a trade marks attorney, and all of the groups necessary for admission as a patent attorney. Applicants seeking registration as a patent attorney and/or trade marks attorney should indicate this on acceptance of your offer and seek advice from the PSB and the Law School on subject selection at the time of enrolment. For more information, please see the Professional Standards Board website at www.psb.gov.au

Overview of Intellectual Property

Overview of Intellectual Property is a one-day seminar that provides a general summary of the various regimes comprising intellectual property (IP). It is accredited by the Professional Standards Board for Patent and Trade Marks Attorneys as satisfying part of their accreditation requirements for Topic Group A. See page 52 for further information.

Advanced Workshop in Professional Conduct for Trade Marks and Patents Attorneys

For 2013, the Melbourne Law School will be offering an advanced workshop dealing with professional conduct issues. See page 52 for further information.

Advisory Board

The Hon. Peter Heerey QC (Chair)
Ms Fatima Beattie, IP Australia
Professor Andrew Christie, Melbourne Law School
Dr John Emmerson QC, Victorian Bar
Mr Owen Malone, Foster's Group Ltd
Mr Geoff Mansfield, Griffith Hack
Mr Des Ryan, Davies Collison Cave
Mr John Stonier, Licensing Consultant

Transfer options

- * Master of Commercial Law

TOPIC GROUP

Accredited subjects offered by Melbourne Law School	PSB Topic Group/s
Overview of Intellectual Property (see above) and either Australian Legal Process or Fundamentals of the Common Law	A
Advanced Workshop in Professional Conduct, Trade Marks and Unfair Competition and Trade Mark Practice	B, C, and D
Patent Law	E
Patent Practice	F
Fundamentals of Patent Drafting	G
Interpretation and Validity of Patent Specifications	H
Designs Law and Practice	I

International Economic Law

Melbourne Law School's graduate program in international economic law incorporates a diverse mix of subjects devoted to this important field of practice and study. The program focuses on interdisciplinary analysis, and is ideal for legal practitioners as well as governmental representatives, development specialists, economists and others working in the field. The program examines the laws governing economic relations between different countries, domestic government regulation, private international transactions and international regulation between countries, with a focus on international investment law and the law of the World Trade Organization.

Associate Professor Jürgen Kurtz

Director of Studies

Associate Professor Jürgen Kurtz is the Director of the International Investment Law Program of the Institute for International Law and the Humanities at Melbourne Law School. He researches and teaches in international economic law. Jürgen's research has been cited in international arbitral jurisprudence and he acts as a consultant to governmental and intergovernmental agencies, including the United Nations and the World Bank. Jürgen is a Global Faculty Member at the Academy of International Trade and Investment Law in Macau, Universidade Católica Law School in Lisbon, Universitat de Barcelona in Spain and the Centre for Transnational Legal Studies in London.

In 2010, he was appointed Fernand Braudel Senior Fellow at the European University Institute of Florence.

Course requirements

Students must complete four subjects from the list below. Students who do not have a law degree from a common law jurisdiction or any prior legal studies or experience are also expected to complete the two-day preliminary subject Australian Legal Process and Legal Institutions (page 52).

Subjects

The following subjects are offered in 2013. A full list of subjects accredited to the course is available online.

- * Developing Countries and the WTO
- * Global Commercial Contract Law
- * International Business Transactions
- * International Commercial Arbitration
- * International Economic Law
- * International Sale of Goods
- * International Trade Law
- * Principles of International Law
- * Regional Integration: The Case of the European Union
- * WTO Law and Dispute Settlement

Transfer options

- * Master of Commercial Law
- * Master of Public and International Law

891 Graduate Diploma in International Economic Law

Single subjects in international economic law



The Melbourne Law Masters offers an extensive range of subjects in international law. Students can study in fields including international humanitarian law, economics, finance, tax, law and development or international arbitration. International legal practitioners, as well as those working in international agencies or non-governmental organisations, will benefit greatly from the specialised knowledge and expertise that this program provides. The program's diversity, with specific or general subjects available in both public and private international law, allows students to specialise in a key area or gain a broader qualification in international law.

Professor Gerry Simpson
Director of Studies

Professor Gerry Simpson holds a Chair of Law at Melbourne Law School and is also a Visiting Professor of public international law at the London School of Economics. Gerry has worked for several NGOs and governments and was a member of the Australian Government Delegation at the Negotiation of the Statute for the International Criminal Court. Gerry has written extensively on international law. His publications include *Great Powers and Outlaw States* and *Law, War and Crime: War Crime Trials and the Reinvention of International Law*.

Course requirements

Students must complete four subjects from the lists below. Principles of International Law is compulsory for most students and, if possible, should be completed before other subjects. Students who do not have a law degree from a common law jurisdiction or any prior legal studies or experience are also expected to complete the two-day preliminary subject Australian Legal Process and Legal Institutions (page 52).

Subjects

The following subjects are offered in 2013. A full list of subjects accredited to the course is available online.

General Public International Law

- * Australians Detained Abroad
- * Criminal Procedure and Human Rights: International and Australian Perspectives
- * Globalisation and the Limits of Sovereignty
- * International Criminal Law
- * International Criminal Law and Transitional Justice
- * International Humanitarian Law
- * International Law and Development
- * International Migration Law
- * Litigating before International Courts and Tribunals
- * Nationalism, Cosmopolitanism and Identity
- * Philosophy of International Law
- * Principles of International Law
- * The Security Council in Global Public Law

323 Graduate Diploma in International Law

511 Master of Public and International Law (page 45)

Single subjects in international law

Human Rights Law

- * Bills of Rights: An International Perspective
- * Criminal Law, Poverty and Justice
- * Human Rights and Armed Conflict
- * Human Rights and Indigenous Peoples
- * Human Rights Beyond Borders
- * Human Rights Litigation and Advocacy
- * International Human Rights Law
- * International Law and Children's Rights
- * International Refugee Law: Refugee Status
- * Poverty and Human Rights
- * Regional Human Rights Mechanisms
- * Women, War and Peace-Building

International Economic Law

- * Developing Countries and the WTO
- * Global Commercial Contract Law
- * International Business Transactions
- * International Commercial Arbitration
- * International Economic Law
- * International Sale of Goods
- * International Trade Law
- * Regional Integration: The Case of the European Union
- * WTO Law and Dispute Settlement

Other subjects

- * International Construction Law
- * International Employment Law
- * International Environmental Law
- * International Financial System: Law and Practice
- * International Financial Transactions: Law and Practice
- * International Health Law
- * International Issues in Intellectual Property
- * International Mineral Law
- * International Petroleum Transactions
- * International Securities Regulation

International Tax

See International Tax Specialisation, page 48

Transfer options

- * Master of Law and Development
- * Master of Public and International Law

Law and Development

Effective legal frameworks and institutions are pivotal in alleviating poverty and creating a sustainable environment. Melbourne Law School's graduate program in law and development offers a choice of subjects examining the legalisation of development, the role of international and regional actors in law reform projects, and an investigation and analysis of both international law and the 'rule of law' in a developmental context. Subjects take a range of practical, historical, critical, applied and theoretical perspectives. This program is ideal for those working in international development from a government, non-government or not-for-profit background.

Professor Sundhya Pahuja

Director of Studies

Professor Sundhya Pahuja is Director of the Law and Development Research Program at Melbourne Law School's Institute for International Law and the Humanities. Her current research focuses on the interaction between the public and economic dimensions of international law as they affect North–South relations. Sundhya has worked, studied and taught in Europe, the United Kingdom, Canada and the United States. She is an organising member of the International Law Theory interest group of the European Society of International Law and is on the editorial boards of the *Australian Feminist Law Journal*, *of Law, Social Justice and Global Development* and of the *Melbourne Journal of International Law*. Sundhya speaks English, French, Italian and Hindi.

Course requirements

Students must complete eight subjects in total.

Students who do not have a law degree from a common law jurisdiction must complete Fundamentals of the Common Law (page 85), as well as at least six subjects from the list below (including the compulsory subject International Law and Development). Students may choose an eighth subject from those available in the Melbourne Law Masters.

Students with a law degree from a common law jurisdiction must complete at least six subjects from the list below (including the compulsory subject International Law and Development). Students may choose their final two subjects from those available in the Melbourne Law Masters (excluding Fundamentals of the Common Law).

Subjects

The following subjects are offered in 2013. A full list of subjects accredited to the course is available online.

- * Developing Countries and the WTO
- * Globalisation and the Limits of Sovereignty
- * Human Rights Beyond Borders
- * International Criminal Law and Transitional Justice
- * International Economic Law
- * International Employment Law
- * International Law and Children's Rights
- * International Law and Development
- * International Legal Internship
- * Islamic Law and Politics in Asia

635 Master of Law and Development Single subjects in law and development

- * Law of Political Money
- * Nationalism, Cosmopolitanism and Identity
- * Religion, State and Multiculturalism
- * Women, War and Peace-Building
- * WTO Law and Dispute Settlement

Advisory Board

Professor Philip Alston, New York University; UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions

Professor Radhika Coomaraswamy, International Centre for Ethnic Studies, Colombo

Dr Mac Darrow, UN Office of the High Commissioner for Human Rights

Professor David Kennedy, Harvard University

Professor Iulia Motoc, Bucharest University; UN Special Rapporteur on the Democratic Republic of the Congo

Dr Vasuki Nesiah, Brown University, International Center for Transitional Justice, New York

Mr Aderito de Jesus Soares, Legal Aid Institute, Jurists Association and the Sahe Institute for Liberation, East Timor

Private Law

MC-PRIVLAW Master of Private Law
Single subjects in private law

Melbourne Law School's graduate program in private law offers an opportunity to develop a deep understanding of core areas of law that are fundamentally important to commercial practice. The subjects cover current issues and developments in areas that are vitally important to lawyers involved in commercial litigation and commercial transactions, including contract law, the law of torts, equity, restitution, trusts, property and remedies.

Professor Andrew Robertson
Director of Studies

Andrew Robertson worked in commercial practice for a number of years in Australia and the United Kingdom before entering academia. He joined Melbourne Law School in 1999 and was appointed to a chair in 2006. His teaching and research interests lie in the law and theory of obligations and remedies. He has written many articles in English and Australian law journals on different aspects of private law, including issues in contract law, equitable estoppel, negligence and remedies. He is co-author of *Principles of Contract Law* (4th ed. 2012) and *Contract: Cases and Materials* (12th ed. 2012), and has co-edited three collections of essays on private law theory: *The Law of Obligations: Connections and Boundaries* (2004), *The Goals of Private Law* (2009) and *Rights and Private Law* (2011).

Course requirements

Students must complete eight subjects in total.

Students who do not have a law degree from a common law jurisdiction must complete Fundamentals of the Common Law (page 85), as well as seven subjects from the list below.

Students with a law degree from a common law jurisdiction must complete at least seven subjects from the list below and may choose an eighth subject from those available in the Melbourne Law Masters (excluding Fundamentals of the Common Law).

Subjects

The following subjects are offered in 2013. A full list of subjects accredited to the course is available online.

- * Australian Consumer Law
- * Commercial Conflict of Laws
- * Commercial Law: Principles and Policies
- * Contract Interpretation
- * Current Issues in Negligence
- * Equity and Commerce
- * Global Commercial Contract Law
- * International Sale of Goods
- * Province and Function of Property
- * Remedies in Commercial Law
- * Restitution
- * Standards in Commercial Dealings

Transfer options

- * Master of Commercial Law



Professor Andrew Robertson
Director of Studies, Private Law

“The field of private law is concerned with rights and obligations that lie at the heart of commercial litigation and commercial transactions. Melbourne Law School's private law program offers an opportunity to explore current issues and develop a deep understanding of these core subjects, which include contract law, the law of torts, equity, restitution, trusts, property and remedies.”

Public and International Law

The Master of Public and International Law brings together constitutional, administrative and public international law in recognition of the increasing interdependence of international and domestic law. An extraordinary range of subjects across the entire field of public law offers students access to the latest developments in theory and practice in Australia and elsewhere. The degree will appeal both to practitioners and to scholars with backgrounds or interests in government, international institutions, not-for-profit organisations, business/government relations and international development. Students may specialise in international law, Australian public law or comparative public law, or may choose a range of subjects from across different areas to suit their own interests and needs. The Directors of Studies are specialists in international law (Simpson) and Australian and comparative public law (Saunders) and have collaborated closely to develop a degree that explores the interface between the two.

Professor Cheryl Saunders AO

Co-Director of Studies

Cheryl Saunders is a Laureate Professor in the University of Melbourne with specialist interests in Australian and comparative public law including comparative constitutional law and method, intergovernmental relations and constitutional design and change. She is a member of the Academy of the Social Sciences in Australia, a President Emeritus of the International Association of Constitutional Law and a member of the Advisory Board of International IDEA. She has held visiting positions in Law Schools in many parts of the world, including Cambridge, Oxford, Paris II, Peking, Georgetown, Copenhagen, Cape Town, Fribourg and Hong Kong. She is an officer of the Order of Australia and a chevalier dans l'Ordre National de la Légion d'Honneur of France. She holds an honorary doctorate from the University of Cordoba in Argentina.

Professor Gerry Simpson

Co-Director of Studies

Professor Gerry Simpson holds a Chair of Law at Melbourne Law School and is also a Visiting Professor of public international law at the London School of Economics. Gerry has worked for several NGOs and governments, and was a member of the Australian Government Delegation at the Negotiation of the Statute for the International Criminal Court. Gerry has written extensively on international law. His publications include *Great Powers and Outlaw States* and *Law, War and Crime: War Crime Trials and the Reinvention of International Law*.

Course requirements

Students must complete eight subjects in total.

Students who do not have a law degree from a common law jurisdiction must complete Fundamentals of the Common Law (page 85), as well as seven subjects from the lists below.

Students with a law degree from a common law jurisdiction must complete at least seven subjects from the lists below and may choose an eighth subject from those available in the Melbourne Law Masters (excluding Fundamentals of the Common Law).

Subjects

More than 60 public and international law subjects are offered in 2013. The general, core public and international law subjects are listed here. More specialist groupings of public and international law subjects are listed on the relevant course pages, as indicated below. A comprehensive list of all subjects accredited to this program can be found online, as an indicator of subjects likely to be offered in later years.

Constitutional and Administrative Law

- * Constitutional Problems in Comparative Focus
- * Current Issues in Administrative Law
- * Elements of Legislation
- * Energy Regulation and the Law
- * Free Speech, Contempt and the Media
- * Fundamentals of Regulation
- * Human Rights in Administrative Law
- * Judicial Power in Australia
- * Law of Intergovernmental Relations
- * Law of Political Money
- * Religion, State and Multiculturalism
- * Statutes in the 21st Century
- * The Tax Commissioner as Administrator
- * Tax Policy

511 Master of Public and International Law

178 Graduate Diploma in Government Law (page 37)

323 Graduate Diploma in International Law (page 42)

Single subjects in public and international law

- * What is it that Judges Do?

General Public International Law

- * Australians Detained Abroad
- * Criminal Procedure and Human Rights: International and Australian Perspectives
- * Globalisation and the Limits of Sovereignty
- * International Criminal Law
- * International Criminal Law and Transitional Justice
- * International Humanitarian Law
- * International Law and Development
- * International Legal Internship
- * International Migration Law
- * Litigating before International Courts and Tribunals
- * Nationalism, Cosmopolitanism and Identity
- * Philosophy of International Law
- * Principles of International Law
- * The Security Council in Global Public Law

Human Rights Law

- * Bills of Rights: An International Perspective
- * Criminal Law, Poverty and Justice
- * Human Rights and Armed Conflict
- * Human Rights and Indigenous Peoples
- * Human Rights Beyond Borders
- * Human Rights Litigation and Advocacy
- * International Human Rights Law
- * International Law and Children's Rights
- * International Refugee Law: Refugee Status
- * Poverty and Human Rights
- * Regional Human Rights Mechanisms
- * Women, War and Peace-Building

International Economic Law

- * Developing Countries and the WTO
- * Global Commercial Contract Law
- * International Business Transactions
- * International Commercial Arbitration

- * International Economic Law
- * International Sale of Goods
- * International Trade Law
- * Regional Integration: The Case of the European Union
- * WTO Law and Dispute Settlement

Other subjects

- * Commercial Conflict of Laws
- * European Intellectual Property Law
- * International Construction Law
- * International Employment Law
- * International Environmental Law
- * International Financial System: Law and Practice
- * International Financial Transactions: Law and Practice
- * International Health Law
- * International Issues in Intellectual Property
- * International Mineral Law
- * International Petroleum Transactions
- * International Securities Regulation
- * Racing Industry Law and Regulation
- * Water Law and Natural Resources Management

Asian Law, page 25

Communications Law, page 28

Dispute Resolution, page 32

Environment Law, page 36

International Tax, page 48

Transfer options

- * Graduate Diploma in Asian Law
- * Graduate Diploma in Dispute Resolution
- * Graduate Diploma in Government Law
- * Graduate diploma in Environmental Law
- * Graduate Diploma in Human Rights Law
- * Graduate Diploma in International Economic Law
- * Graduate Diploma in International Law
- * Graduate Diploma in International Tax

Melbourne Law School's internationally renowned Graduate Diploma in Sports Law is at the cutting edge of sporting and legal knowledge. It was developed specifically for legal practitioners and professionals in the growing field of sports administration and management, for whom an understanding of sports law will provide a real professional advantage. With specially formulated international and national advisory boards influencing the program's focus and direction, the graduate program in sports law provides a fascinating insight into this legal area.

Mr Hayden Opie
Director of Studies

Mr Hayden Opie is a Senior Lecturer with Melbourne Law School and is largely responsible for the development of the sports law graduate program. He is internationally recognised for teaching and research in all areas of sports law, particularly anti-discrimination in sport, labour market regulation and medico-legal issues, including injury liability and anti-doping. His scholarly writings have appeared in Australian, European, New Zealand, South American and United States journals and books. Hayden initiated the founding of the Australian and New Zealand Sports Law Association and is a member of the Australian Anti-Doping Rule Violation Panel, the National Basketball League's Appeals Tribunal and the Australian Government Anti-Doping Rule Violation Panel. He is also a member of various international and national sports law associations and advisory bodies.

Course requirements

Students must complete four subjects from the list below. Students who do not have a law degree from a common law jurisdiction or any prior legal studies or experience are also expected to complete the two-day preliminary subject Australian Legal Process and Legal Institutions (page 52).

Subjects

The following subjects are offered in 2013. A full list of subjects accredited to the course is available online.

- * Racing Industry Law and Regulation
- * Sport and Taxation
- * Sport, Commerce and the Law
- * Sports and Competition Law: An International and Comparative Analysis
- * Sports Marketing Law
- * US Sports Law

National Advisory Board

Mr Michael Robinson AO, Allens; Tabcorp Holdings Ltd (Chair)

Mr John Boulton AM, Football Federation Australia

Professor Peter Fricker OAM, formerly Director, Australian Institute of Sport, Canberra

Mr David Gallop, Member, Board of Commissioners, Australian Sports Commission

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Mr David Howman, World Anti-Doping Agency, Canada

Associate Professor Rochelle le Roux, Institute of Development and Labour Law, University of Cape Town, South Africa

Professor Richard McLaren, Faculty of Law, University of Western Ontario, Canada

Professor Matthew Mitten, National Sports Law Institute, Marquette University, United States

Professor Gary Roberts, Indiana University School of Law, United States

Justice Lauri Tarasti, Supreme Administrative Court of Finland, Finland

Mr Stephen Townley, Active Rights Management Limited, United Kingdom

Professor Klaus Vieweg, University of Erlangen-Nuremberg, Germany

Transfer options

- * Master of Commercial Law

Melbourne Law School's graduate program in tax provides a valuable enhancement to the careers of lawyers, accountants and other tax professionals working as tax advisers, in business or in government. Our extensive and diverse subject selection allows students to gain an advanced understanding of tax law and policy across core and specialist tax areas. All subjects are taught by leading Australian and international tax experts, and emphasis is placed on international trends and current developments in tax practice, thus enabling students to become familiar with a global context. Practical case studies allow in-depth analysis of tax law to give students detailed knowledge, generating a real advantage in this competitive professional area in Australia.

Professor Miranda Stewart
Director of Studies

Miranda Stewart teaches and researches in the areas of taxation of business and investment entities, not-for-profits, and tax policy and reform in the context of globalisation. She is a co-author and editor of several books, including *Tax, Law and Development* (forthcoming, Edward Elgar), *Death and Taxes* (Thomson Reuters, 4th ed., 2012), Cooper Krever and Vann's *Income Taxation Commentary and Materials* (Thomson Reuters, 7th ed., 2012) and *Housing and Tax Policy* (Australian Tax Research Foundation, 2010). Miranda was a Consultant to the Henry Tax Review into Australia's Future Tax System and is an International Research Fellow with the Centre for Business Taxation at Oxford University.

Course requirements

Master of Tax

Students must complete eight subjects in total.

Students must complete at least six subjects from the lists below and may select up to two subjects from those offered in the Master of Commercial Law.

Graduate Diploma in Tax

Students must complete four subjects from the lists below.

Subjects

The following subjects are offered in 2013. A full list of subjects accredited to the course is available online.

Core Tax subjects

- * Capital Gains Tax: Problems in Practice
- * Corporate Tax A (Shareholders, Debt and Equity)
- * Foundations of Tax Law
- * Goods and Services Tax Principles
- * Taxation of Business and Investment Income
- * Taxation of Trusts

742 Master of Tax

187 Graduate Diploma in Tax

Graduate programs in International Tax (page 48)

Single subjects in tax

Specialist Tax subjects

- * Corporate Tax B (Consolidation and Losses)
- * Mineral and Petroleum Tax
- * Sport and Taxation
- * State Taxes and Duties
- * The Tax Commissioner as Administrator
- * Tax Effective Writing: Written Advocacy
- * Tax Law Research*
- * Tax Policy
- * Taxation of Small and Medium Enterprises

International and Comparative Tax subjects

- * Chinese Tax and Investment Law
- * Comparative Corporate Tax
- * Comparative International Tax
- * Comparative Tax Avoidance
- * International Tax: Principles and Structure
- * Tax Treaties
- * Transfer Pricing: Practice and Problems
- * US Corporate and International Tax

*Special conditions must be satisfied for students to be eligible to take this research paper subject. See the subject description for details.

Advisory Board

The Hon. Justice Tony Pagone, Supreme Court of Victoria (Chair)

Mr Paul Abbey, PricewaterhouseCoopers

Mr Gary Christie, Deloitte Australia

Mr Michael Clough, King and Wood Mallesons

The Hon. Justice Jennifer Davies, Supreme Court of Victoria

Mr Kevin Fitzpatrick, Australian Taxation Office

Mr James Macky, KPMG

Mr Des Maloney, Australian Taxation Office

Mr Terry Murphy SC, Victorian Bar

Mr Tim Neilson, Greenwoods and Freehills

Mr Michael Wachtel, Ernst & Young

Transfer options

- * Master of Commercial Law
- * Master of International Tax
- * Graduate Diploma in International Tax

Melbourne Law School's Graduate program in international tax enables tax professionals, academics and government officials from outside Australia to study international taxation in a global context, working side by side with colleagues from Australia and many other countries.

The international tax program is a globally recognised specialist tax qualification. It will equip graduates for the practice of taxation law in a rapidly changing economic world. The program is designed for those who plan careers in tax law, whether from Australia or internationally, in which international taxation will play a key role.

Students have a substantial selection of international and comparative tax subjects, combined with a choice from the range of subjects in the Law School's broader tax and commercial law programs. All subjects are taught by leading international or Australian tax experts with significant reputations in the field of international tax.

Planning an International Tax course

The Masters Office and Director of the Tax program will provide dedicated course planning for international students undertaking the Master of International Tax, to help you create the ideal international tax course for your needs. International tax students who wish to discuss course planning or any of the above requirements should contact the Law Masters Office or Director of Studies, Miranda Stewart.

Students should aim to commence the Master of International Tax, or Graduate Diploma in International Tax, in Semester 1, March 2013, in order to complete the Foundations subject early in their degree, and get to know their fellow international and Australian tax students.

Foundations of Tax Law

All international tax students are required to undertake this subject offered in Semester 1, 2013. This subject provides a grounding in Australian common law and statutory law of taxation, enabling a comparison with students' home country tax systems. It provides the foundation for successful study in the other tax subjects studied in the course.

192 Master of International Tax

191 Graduate Diploma in International Tax

Single subjects in international tax

Recommended international tax subjects

All international tax students are recommended to undertake the subject International Tax: Principles and Structure, in Semester 1, 2013.

Master of International Tax

* Students in the Master of International Tax must complete seven subjects in addition to Foundations of Tax Law, including at least five subjects from the specialist list below. Up to two subjects may be selected from the subjects offered in the Master of Tax or Master of Commercial Law.

Graduate Diploma in International Tax

* Students must complete four subjects from the list below, including Foundations of Tax Law and three subjects.

Subjects

The following subjects are offered in 2013. A full list of subjects accredited to the course is available online.

- * Chinese Tax and Investment Law
- * Comparative Corporate Tax
- * Comparative International Tax
- * Comparative Tax Avoidance
- * Foundations of Tax Law
- * International Tax: Principles and Structure
- * Mineral and Petroleum Tax
- * Tax Policy
- * Tax Treaties
- * Transfer Pricing: Practice and Problems
- * US Corporate and International Tax

Transfer options

- * Master of Commercial Law
- * Master of Public and International Law
- * Master of Tax
- * Graduate Diploma in Tax





Subjects

This chapter provides details about each subject offered in 2013, including an overview of the subject, syllabus, teachers, timing and assessment requirements and dates. The subject pages on the Melbourne Law Masters website provide additional details. Check the subject pages regularly as the time for the subject approaches.

Overview subjects and short courses

These subjects offer an introduction to key legal areas and are not available for credit.

Australian Legal Process and Legal Institutions

Graduate diploma students with no previous training in law and international students who do not have a degree from a common law jurisdiction are normally required to undertake Australian Legal Process and Legal Institutions. Students are advised to undertake this preliminary subject as early as possible in their course.

This preliminary subject provides an introduction to the law and the legal system in Australia. It also provides a framework for the development of basic legal skills relevant to understanding and using the primary sources of law, namely common law and statutory law, by focusing on the operation, interpretation and practical application of these sources of law in a common law system.

Syllabus

Principal topics include:

- * Key conceptual features of common law thought in the Australian legal system
- * Institutional arrangements of the common law system in Australia
- * The sources of law in the Australian legal system
- * The key techniques of interpretation and argumentation used in common law jurisprudence
- * Common law legal doctrine in problem solving.

Lecturer:

Mr James Parker

Senior Fellow

Semester 1: Class 1: 2 and 3 March
Class 2: 7 and 8 March

Semester 2: Class 1: 27 and 28 July
Class 2: 8 and 9 August

Time: 9 am–5 pm (each day)

Fee: \$700 (includes GST)

Assessment: Take-home examination
(Semester 1: 22–25 March; Semester 2: 23–26 August)

Competition Law Overview

Competition Law Overview is a one-day seminar designed to provide a general understanding of the competition law regime set out in the *Competition and Consumer Act 2010* (Cth), with particular emphasis on the provisions in Part IV of the Act.

It is ideal for those considering enrolment in the Graduate Diploma in Competition Law or those whose practice incorporates competition issues. The overview may fulfil Continuing Professional Development (CPD) or Continuing Legal Education (CLE) requirements.

Syllabus

Principal topics will include:

- * The structure and purpose of the *Competition and Consumer Act 2010* (Cth)
- * Key economic concepts – markets, competition and power
- * Mergers
- * Cartels
- * Misuse of market power
- * Access
- * Vertical restraints
- * Clearance, notification and authorisation
- * Case study
- * Enforcement.

Lecturers:

Mr Arlen Duke

Melbourne Law School

Dr Alexandra Merrett

Senior Fellow

Melbourne: 22 February
21 June

Sydney: 1 March

Time: 8.30 am–5 pm

Fee: \$600 (includes GST)

There is no assessment requirement for Competition Law Overview.

Overview of Intellectual Property

Overview of Intellectual Property gives students a general summary of the various regimes comprising intellectual property (IP).

Overview of Intellectual Property is accredited by the Professional Standards Board for Patent and Trade Marks Attorneys as satisfying part of their professional accreditation requirements for Topic Group A. See page 39 for further information on Melbourne Law School's accreditation.

Syllabus

Principal topics will include:

- * Patents
- * Trade marks
- * Designs
- * Copyright
- * Confidential information and trade secrets.

Participants will also discuss basic IP principles relating to:

- * Circuit layouts
- * Plant breeders' rights
- * International issues
- * Interface with trade practices law.

Lecturer:

Associate Professor David Brennan

Melbourne Law School

Semester 2: 27 August

Time: 9 am–5 pm

Fee: \$600 (includes GST)

Assessment: Take-home examination
(20–23 September)

Advanced Workshop in Professional Conduct for Trade Marks and Patents Attorneys

This will be a half-day workshop dealing in depth with issues of professional conduct that arise in trade mark and patent attorney practice. It will build on the Group B prescribed topics that have already been studied in the subjects of Trade Mark Practice and Patent Practice, and will also be available to those already in the profession who seek to further their understanding of these matters for the purposes of continuing education. The workshop will be conducted by a team of experienced legal practitioners and patent attorneys, and will cover the following topics:

- * Conflict of interest
- * Privilege
- * Confidentiality
- * Professional liability and negligence
- * Code of conduct
- * Maintenance of rights and monitoring systems
- * Fiduciary obligations to clients.

Lecturers:

Professor Sam Ricketson*

Melbourne Law School

Mr Ed Heerey

Victorian Bar

Mr Ray Hind

Davies Collison Cave

Semester 2: 12 July

Time: 1–5 pm

Fee: \$300 (includes GST)

Assessment: Take-home examination (26–29 July)
(compulsory only for students seeking accreditation as a Patent and Trade Mark Attorney).

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* On the following pages indicates subject co-ordinator

Advanced Construction Law

Formerly Advanced Construction Claims

Semester 1 Intensive: 8–12 May

Time: 9 am–5 pm

Location: Brisbane

Semester 2 Intensive: 11–17 September
(excluding the weekend)

Time: 9 am–5 pm

Location: Melbourne Law School

Lecturers

Professor Ian Bailey SC*

NSW Bar

Mr Michael Earwaker

Clayton Utz

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Master of Construction Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Construction Law**

Assessment

10,000 word research paper (100%)
Semester 1 (14 August)
Semester 2 (11 December) on a topic approved by the subject coordinator

Prerequisite

Successful completion of Construction Law or Principles of Construction Law

About the subject

Advanced Construction Law is designed as a capstone subject, explicitly aimed at enhancing students' ability to make a significant contribution to the ongoing development of construction law in Australia and overseas. The emphasis, therefore, is upon analysing and testing cutting-edge case law, commentary and other legal developments in the classroom and via the research essays.

In addition to the core areas of time (including delay claims methodologies), workscope/ variations, defective work and security, detailed treatment is given to extra-contractual remedies such as those under the Australian Consumer Law, those based upon unjust enrichment and negligence.

Syllabus

Principal topics will include claims in the following categories:

- * Time: Risk allocation, delay, liability for delay, extensions of time
- * Methods for assessment of delay
- * Concurrence, causation, damages and additional cost, assessment and analysis
- * Prevention and liquidated damages: Recent developments
- * Scope of work: Variations; adjustments under the contract
- * Quality: Measure of quality, identification and breach of required standard
- * Assessment of quality and damages
- * Security: For performance and for payment, access to security
- * Australian Consumer Law: Application in construction, tender documents
- * Passing on of misleading and deceptive documents, unconscionable conduct, remedies
- * Interpretation of contracts
- * Equitable remedies
- * Restitution: Unjust enrichment, statutory exclusion, quantum meruit
- * Payment: Progress payments – certification and adjudication
- * Negligence in construction.

Advanced Evidence

Semester 2 Intensive: 9–15 October
(excluding the weekend)

Time: 10 am–5 pm

Location: Melbourne Law School

Lecturer

Associate Professor Andrew Palmer

Melbourne Law School

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Master of Public and International Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Dispute Resolution**

Assessment

Class participation (5%)

Take-home examination (95%)
(22–25 November)

or

10,000 word research paper (95%)
(22 January 2014) on a topic approved by the subject coordinator

About the subject

In the preparation and conduct of litigation no area of law is more important than the law of evidence. Advanced Evidence aims to provide students with an enhanced understanding of the role played by the law of evidence in dispute resolution, and the distinctive features of the common law approach to proof. The subject focuses on the key provisions of the 'uniform evidence legislation, which now operates in all Commonwealth, Victorian, New South Wales, Tasmanian and ACT courts, and examines the law of evidence as it applies in both civil and criminal proceedings. Students can expect to refresh, deepen and develop their understanding of the factual, legal and policy issues associated with the law of evidence and to learn to analyse the admissibility of evidence at an advanced level.

Syllabus

This subject is primarily based on a detailed examination of those rules of evidence that are of most practical significance in litigation.

Principal topics will include:

- * The common law approach to proof, including a comparison with the civil law
- * Hearsay and documentary evidence
- * Privilege and immunity
- * Opinion evidence
- * The admissibility of a number of additional categories of evidence in both civil and criminal proceedings, including:
 - Missing evidence
 - Tendency and coincidence evidence
 - Illegally and improperly obtained evidence.

Alternative Dispute Resolution

Semester 2 Intensive: 4–10 December
(excluding the weekend)

Time: 9 am–5 pm
Location: Melbourne Law School

Lecturer

Professor Allen Snyder

University of San Diego, United States

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Master of Employment and Labour Relations Law**
- * **Master of Public and International Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Dispute Resolution**

Assessment

10,000 word research paper (100%)
(5 March 2014) on a topic approved by the subject coordinator

About the subject

Dispute resolution and problem solving lie at the core of modern professional life for lawyers, business people and anyone who works with more than one other person. This Alternative Dispute Resolution subject provides an overview of the range of dispute resolution techniques used internationally. We compare and contrast the most prominent dispute resolution methods, including: traditional litigation, arbitration (in its many forms, including international commercial arbitration negotiation, mediation (also in its many forms, including: partnering, mini-trials, dispute resolution coordinators, etc.). It also includes skills training in negotiations and mediation designed to increase your effectiveness in both resolving disputes and enhancing your problem-solving abilities.

Syllabus

Principal topics will include:

- * The nature and varieties of disputes, how they arise and how they are avoided
- * The options for resolving disputes: Litigation, arbitration, negotiation, mediation and conciliation
- * Factors considered by people when they choose a dispute resolution method, including social, cultural and economic factors
- * Relevant law reform initiatives, with an emphasis on Australia, other common law countries and selected Asian countries
- * Cross-cultural issues in the dispute resolution process
- * The role of judges, lawyers and the courts in the alternative dispute resolution process
- * An analysis and comparison of the dispute resolution processes in environmental and native land title disputes, with an emphasis on Australia, Canada and the United States
- * Basic skills for successful negotiation and mediation, including theory and practical exercises.

Australian Consumer Law

Semester 1: 3–7 June

Time: 9 am–4 pm
Location: Melbourne Law School

Lecturer

Dr Jeannie Paterson

Melbourne Law School

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Master of Construction Law**
- * **Master of Private Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Competition Law**
- * **Graduate Diploma in Construction Law**

Assessment

Class participation (10%)

Take-home examination (90%)
(19–22 July)

About the subject

The Commonwealth Government has recently put in place far-reaching changes to consumer protection law in the form of the cooperative Australian Consumer Law. The Law appears as a schedule to the *Competition and Consumer Act 2010* (Cth), which applies in all jurisdictions across Australia. Similar consumer protection provisions are found in the *ASIC Act 2000* (Cth) applying to financial services and products. This subject will provide participants with a detailed knowledge of the new Australian Consumer Law and of the common law principles and policy imperatives that underpin it. The lecturer is one of the Law School's team of private lawyers with specialist expertise in consumer law.

Syllabus

Principal topics will include:

- * Purposes of consumer protection law
- * The regulatory toolkit
- * Common law doctrines underlying the legislative regime
- * The Australian Consumer Law
 - Misleading and unconscionable conduct
 - Unfair practices
 - Unfair contract terms
 - Unfair practices
 - Consumer guarantees and implied terms
 - Product safety
 - Enforcement and remedies.

Australians Detained Abroad

Semester 2 Intensive: 17–23 July
(excluding the weekend)

Time: 9.30 am–5 pm
Location: Melbourne Law School

Lecturers

Professor Tim McCormack*
Melbourne Law School

Lt Col (Ret) Dan Mori
Shine Lawyers

Courses

- * **Master of Laws**
- * **Master of Public and International Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Government Law**
- * **Graduate Diploma in International Law**

Assessment

Take-home examination (100%)
(30 August–3 September)

or

10,000 word research paper (100%)
(23 October) on a topic approved by
the subject coordinator

About the subject

According to the Department of Foreign Affairs and Trade at least two Australians per day are arrested in an overseas country in relation to alleged offences. Many of those arrested are subsequently detained and their detention poses challenges for the provision of consular assistance and for effective legal representation. This course considers the international legal obligations of detaining States to allow consular access to foreign detainees and the role Australian authorities regularly play. The course will also expose some of the challenges of coordinating legal representation both in Australia and in the detaining country. This course is unique in Australia and the lecturers will draw on their extensive practical experience and their academic scholarship to ensure the material presented is relevant, topical and cutting-edge.

Syllabus

Principal topics will include:

- * Alternative bases for the exercise of national criminal jurisdiction
- * Privileges and immunities
- * Consular assistance and the law of consular relations
- * Australia's national approach to the provision of consular assistance
- * The appointment of legal counsel in the detaining State and in Australia
- * Case studies of selected Australians detained abroad.

Avoiding and Managing Construction Disputes

Semester 2 Intensive: 16–22 October
(excluding the weekend)

Time: 9 am–5 pm
Location: Melbourne Law School

Lecturer

Mr David Opperman
Herbert Smith Freehills

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Master of Construction Law**
- * **Master of Public and International Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Construction Law**
- * **Graduate Diploma in Dispute Resolution**

Assessment

Take-home examination (100%)
(29 November–2 December)

About the subject

The complexities of the commercial and technical environment in which construction projects are undertaken make disputes virtually inevitable. Participants in the industry – whether lawyers or industry professionals – therefore need to be aware of, and able to apply, a range of dispute avoidance and management techniques when putting together contractual documentation or administering projects. These options are constantly evolving, with recent examples including the increasing use of Disputes Boards and court-initiated procedures such as those being implemented by the Technology Engineering and Construction List of the Victorian Supreme Court.

The subject lecturer, David Opperman, leads the Herbert Smith Freehills Project Dispute Resolution group. He is able to bring to the classroom extensive experience in the active resolution of disputes in construction projects by mediation and other alternative dispute resolution processes, as well as through international and domestic arbitration and litigation processes. He also involves guest lecturers who have specialist, cutting-edge experience in dispute avoidance and alternative dispute resolution techniques.

Syllabus

Principal topics will include:

- * Construction contract provisions relating to disputes: Objectives, approaches and enforceability
- * Conflict: Conflict patterns and management
- * Communication and negotiation skills
- * DAPs: Dispute Review Boards (DRBs), Dispute Adjudication Boards (DABs) and dispute resolution advisers (DRAs)
- * ADR: Mediation (including mock mediation), senior executive appraisal/mini trials, non-binding and binding expert determination, domestic and international arbitration and hybrid and multi-tiered processes
- * Selecting the most appropriate form of DAP and/or ADR processes
- * Process dynamics, options and strategic issues, including paths to ADR.

Bargaining at Work

Formerly Bargaining at Work and Industrial Action

Semester 2 Intensive: 28 August–3 September (excluding the weekend)

Time: 10 am–5 pm

Location: Melbourne Law School

Lecturer

Professor Breen Creighton
RMIT University

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Master of Construction Law**
- * **Master of Employment and Labour Relations Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Construction Law**
- * **Graduate Diploma in Employment and Labour Relations Law**

Assessment

4,000 word research paper (50%) (14 October) on a topic approved by the subject coordinator

4,000 word answer to a take-home examination comprising a hypothetical problem (50%) (10–14 October)

About the subject

This subject investigates the legal regulation of workplace bargaining in Australia. With the requirement that bargaining be conducted in 'good faith' under the *Fair Work Act 2009* (Cth), this has become one of the most contested areas of federal labour regulation. The examination in this subject is informed by relevant international legal principles, and theories and purposes of industrial action and workplace bargaining. While the focus of the subject is on the system regulating workplace bargaining under the *Fair Work Act*, other areas of law are examined as relevant, including the common law regulation of strikes and industrial action and the contract of employment. The special regulation of bargaining and industrial action in the building and construction industry is also examined.

Syllabus

Principal topics will include:

- * The constitutional basis of the *Fair Work Act 2009* (Cth) as it relates to regulating and making workplace agreements
- * Relevant international legal principles and Australia's obligations in this respect
- * Theories and purposes of industrial action in workplace bargaining
- * Common law regulation of strikes and industrial action
- * The system regulating workplace bargaining under the *Fair Work Act 2009* (Cth), including the conduct of bargaining and the taking of protected industrial action, and the role of trade unions
- * The form, function and content of registered workplace agreements
- * The relationship of workplace agreements to other means of regulating working conditions, including the contract of employment
- * Special regulation of bargaining and industrial action in the building and construction industry.

Bills of Rights: An International Perspective

Semester 1 Intensive: 22–28 May (excluding the weekend)

Time: 9.30 am–5 pm

Location: Melbourne Law School

Lecturer

Professor Sujit Choudhry
New York University, United States

Courses

- * **Master of Laws**
- * **Master of Public and International Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Government Law**
- * **Graduate Diploma in Human Rights Law**
- * **Graduate Diploma in International Law**

Assessment

Take-home examination (100%) (12–15 July)

or

10,000 word research paper (100%) (14 August) on a topic approved by the subject coordinator

About the subject

A constitution is the quintessential national document, a window on the national soul. However, the drafting and interpretation of bills of rights are now also globalised phenomena, drawing freely upon comparative experiences as sources of lessons learnt, models to be followed and dangers to be avoided. This subject provides an international perspective on bills of rights, offering a framework for how comparative materials can assist constitutional drafters and interpreters in framing and construing their national texts. It covers topics such as: arguments for and against bills of rights, the institutional arrangements for the enforcement of bills of rights, proportionality or limitation analysis, the application of bills of rights (also known as the state action doctrine) and socio-economic rights. The relevance of international experience to contemporary Australian constitutional debates will be a theme throughout the subject.

Syllabus

Principal topics will include:

- * The context: Australia today – its current Constitution and the Bill of Rights debate
- * Constitutional rights in Canada: When they arrived (1982); what they look like; how the *Charter of Rights and Freedoms* balances the powers of the courts and legislatures; and what Canada might have to offer Australia
- * Comparisons to other forms of rights protection in the United States, the United Kingdom, and New Zealand;
- * Constitutional rights in federal systems of government (*i.e.*, Canada, the United States, Australia)
- * The literature and theory of judicial review: The nature of the debate, the relationship between courts and legislatures, and what judicial review looks like under different models (*i.e.*, 'strong' versus 'weak' rights-protecting instruments)
- * Australia's options going forward.

Capital Gains Tax: Problems in Practice

Semester 2 Intensive: 9–15 October
(excluding the weekend)

Time: 9.30 am–5 pm
Location: Melbourne Law School

Cartels

Formerly Cartels and Competition Law

Semester 1 Intensive: 10–16 April
(excluding the weekend)

Time: 9 am–4 pm
Location: Melbourne Law School

Lecturers

Associate Professor Mark Burton*

Melbourne Law School

Mr Michael Flynn

Victorian Bar

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Master of Tax**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Tax**

Assessment

Assignment (30%) (30 October)

Take-home examination (70%)
(29 November–2 December)

About the subject

This core tax subject examines the application of structural features of capital gains tax in Australia and considers those rules in a number of different business contexts. The subject examines in detail the operation of the capital gains tax in establishing, operating and disposing of a business; in relation to real estate transactions and litigation; and in relation to the use of trusts and deceased estates.

Syllabus

Principal topics will include:

- * Structure of the capital gains tax system
- * Capital gains tax problems in business structures and transactions
- * Capital gains tax problems in conveyancing and real estate development
- * Capital gains tax problems in compensation payouts
- * Capital gains tax problems in trusts and estates.

Lecturers

Professor Caron Beaton-Wells*

Melbourne Law School

Adjunct Professor Brent Fisse

University of Sydney

With special guest lecturers

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Competition Law**

Assessment

Class participation (10%)

8,000 word research paper (90%)
(3 July) on a topic approved by the subject coordinator

About the subject

Around the world cartel conduct is singled out as the most serious form of anti-competitive behaviour and the most challenging for legislators, enforcers and business leaders to address. There are vigorous debates taking place internationally about the scope and effectiveness of anti-cartel laws, enforcement policies and sanctions. Taught by two of Australia's experts in this field and the authors of its leading text, this subject explores these debates by taking Australian anti-cartel law and enforcement experience as the starting point and drawing on comparisons with other key jurisdictions, including the United States, the European Union, Canada and New Zealand. With the benefit of this cross-jurisdictional coverage and with a focus on critical analysis of policy arguments and practical implications, the subject will provide students with deep expertise in this specialised and demanding area of competition law and policy.

Syllabus

Principal topics will include:

- * The economics of collusion
- * Defining and proving collusion
- * Standards of liability for cartel conduct
- * Exceptions and defences for cartel conduct
- * Corporate and individual liability for cartel conduct
- * Sanctions for cartel conduct
- * Immunity and cooperation policies
- * Private enforcement
- * Compliance.

Chinese Corporate Law and Securities Regulation

Semester 2 Intensive: 7–13 August
(excluding the weekend)

Time: 9.30 am–5 pm
Location: Melbourne Law School

Lecturer

Dr Robin Huang

Chinese University of Hong Kong,
Hong Kong

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Master of Public and International Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Asian Law**
- * **Graduate Diploma in Corporations and Securities Law**

Assessment

10,000 word research paper (100%)
(6 November) on a topic approved
by the subject coordinator

About the subject

Given the increasingly strong economic tie between Australia and China, there is an ever-growing need to have an advanced knowledge of Chinese laws, in particular those concerning the company and securities market.

This specialist subject is designed to provide students with an opportunity to study key issues of Chinese corporate and securities laws in greater depth than is often the case in the typical introductory Chinese law course. To this end, it examines not only the law on the books but also the law in action, as well as recent developments in the area.

This subject is developed and delivered on the basis of the expertise of Dr (Robin) Hui Huang, who is one of the well-respected scholars in corporate and securities law with a particular focus on Chinese issues at the international level. It is a highly valuable subject for students intending to do business and invest in China.

Syllabus

Principal topics will include:

- * Introduction (providing background information about China and the Chinese legal system)
- * Chinese financial markets and regulatory framework
- * Incorporation and corporate personality (including foreign investment enterprises)
- * Corporate governance issues
- * Fundraising and disclosure regime
- * Market misconduct
- * Takeover of listed companies
- * Cross-border merger and acquisition.

Chinese Law

Semester 1 Intensive: 3–7 June

Time: 9.30 am–5 pm
Location: Melbourne Law School

Lecturer

Associate Professor Sarah Biddulph

Melbourne Law School

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Master of Public and International Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Asian Law**

Assessment

Take-home examination (100%)
(26–29 July)

or

10,000 word research paper (100%)
(4 September) on a topic approved
by the subject coordinator

About the subject

The recent spectacular 'rise of China' as an economic and regional power has been accompanied by both major legal change and increased foreign investment. China now exerts significant global influence and is subject itself to the profound influences of globalisation. Despite this, China's legal system remains unique, particularly as regards its law-making process, its judicial system and the operation of government, all of which reflect the specific local context in which they developed. Taught by an expert in Chinese law, this subject offers insights into law reform in the country that will determine the path of the 'Asian century'. It focuses on Chinese legal institutions from the centre to the regions; criminal law and human rights issues; and economic reform and the regulation of foreign investment.

Syllabus

Principal topics will include:

- * Brief introduction to Chinese legal history
- * Institutions of the Chinese legal system (courts, legislatures, government agencies, central and local governments, lawyers)
- * Law and economic reform
- * Criminal law and human rights issues
- * Constitutional issues
- * Dispute resolution – formal and informal
- * Undertaking research in Chinese law.

Chinese Tax and Investment Law

Semester 2 Intensive: 17–23 July
(excluding the weekend)

Time: 9.30 am–5 pm
Location: Melbourne Law School

Lecturer

Associate Professor Wei Cui

China University of Political Science and Law, China

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Master of International Tax**
- * **Master of Public and International Law**
- * **Master of Tax**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Asian Law**
- * **Graduate Diploma in International Law**
- * **Graduate Diploma in International Tax**
- * **Graduate Diploma in Tax**

Assessment

Class participation (15%)

Assignment (15%) (14 August)

Take-home examination (70%)
(6–9 September)

About the subject

China is the major and growing economic power in our region and Australia's largest trading partner. Australia has increasing investment into China, and Chinese investment into Australian resource and other businesses is also growing rapidly. The investment and tax laws of China are undergoing reform that reflects global tax norms but it remains tax reform 'Chinese style'. This subject will provide an essential grounding in Chinese foreign investment and tax law, including enterprise taxation and transfer pricing, and in the rules of outbound taxation for Chinese enterprises, including tax treaties, foreign tax credits, foreign entity classification and controlled foreign company rules. Professor Wei Cui will also provide unique insight into the hierarchy of laws and administrative norms that any professional legal or tax advisers on cross-border investment with China need to understand in order to navigate the Chinese tax and investment regime.

Syllabus

This subject will provide a solid grounding for students seeking to increase their knowledge of investment and tax laws in China.

Principal topics will include:

- * Chinese foreign investment law: Basic framework and latest developments
- * Emphasis will be given to aspects of Chinese law that are especially pertinent to tax rules
- * Rules of inbound taxation for individuals and entities investing into China, including Chinese enterprise taxation, transfer pricing and source and withholding tax rules
- * Rules of outbound taxation for Chinese entities investing into Australia and elsewhere, including tax treaties, foreign tax credits, foreign entity classification and controlled foreign company rules
- * The statutory hierarchy of tax and investment law norms for operating in China, as set out in legislation and administrative laws.

Class Actions

Semester 2 Intensive: 10–16 July
(excluding the weekend)

Time: 10 am–5 pm
Location: Melbourne Law School

Lecturers

Professor Camille Cameron*

University of Windsor, Canada

The Hon. Justice Bernard Murphy

Federal Court of Australia

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Master of Public and International Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Dispute Resolution**

Assessment

Take-home examination (100%)
(30 August–2 September)

or

10,000 word research paper (100%)
(2 October) on a topic approved by the subject coordinator

About the subject

Class actions have become an increasingly prominent feature of Australia's litigation landscape. Some people think they enhance access to justice, offer an efficient way to deal with large numbers of claims and function as an effective regulatory tool, while others criticise them as improper 'private' regulation or as just another way for lawyers to get rich. Students will have the opportunity to critically evaluate these views. Law reform proposals will be considered, as will the development, present state and likely future directions of the law and practice of Australian class actions. While the focus will be on Australia, methods used in other countries to bring and manage group proceedings will be considered and compared. Students will have the opportunity to engage and debate with lecturers and guest lecturers with substantial academic, practice, judicial and international experience.

Syllabus

Principal topics will include:

- * The origins of modern class action regimes in Australia
- * Comparisons of the federal and Victorian regimes with those in other Australian and overseas jurisdictions
- * The main stages of class action litigation
- * The roles of lawyers, judges, parties, litigation funders and regulators
- * Specific issues, including choosing a forum, defining the class, the role of the lead plaintiff, entrepreneurial lawyering, identifying and notifying class members, settlement and court approval
- * Comparing class actions with other procedures available for bringing and managing complex litigation
- * Securities class actions and the regulatory role of the class action
- * Funding and costs issues, including the role of commercial litigation funders.

Climate Change Law

Semester 1 Intensive: 17–23 April
(excluding the weekend)

Time: 9.30 am–5 pm
Location: Melbourne Law School

Lecturers

Associate Professor Margaret Young*

Melbourne Law School

Professor Lee Godden

Melbourne Law School

Mr Damien Lockie

Bond University

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Master of Environmental Law**
- * **Master of Public and International Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Environmental Law**

Assessment

In-class presentation and 1,000–1,500 word written presentation (25%) (13 May)

7,500 word research paper (75%) (17 July) on a topic approved by the subject coordinator

About the subject

Currently there is no more pressing environmental, economic and social problem than that of climate change. Global warming is predicted to have wide-ranging impacts, and it presents enormous challenges for conventional models of law and socio-economic governance due to its pervasive character, long-term effects and the need for dynamic change in many of the fundamental areas of Australian life. This subject examines the challenges for law in driving that change from the United Nations Framework Convention on Climate Change to federal and state legislative responses to mitigation and adaptation, through to local effects on indigenous peoples. The lecturers are active researchers in climate change law and governance in the international and domestic law spheres.

Syllabus

The subject provides an overview of climate change law and regulation at an international, national and local level. This is supplemented by more detailed examination of specific topics, such as the Multilateral UNFCCC frameworks, and Australian federal policy and law responses, such as carbon pricing mechanisms and adaptation responses.

Principal topics will include:

- * The scientific basis for global warming and physical impacts of climate change
- * Social and cultural impacts and legal responses, such as human rights protection
- * The international legal framework, including the UNFCCC, Kyoto Protocol and associated international instruments
- * The federal legislative framework for climate change mitigation and adaptation, including market mechanisms and carbon trading
- * State-based legislative and regulatory responses to climate change
- * The nature of climate change litigation
- * Bio-sequestration and carbon capture and storage
- * Climate change regulation and its impact on corporate entities
- * The role of the World Trade Organization (WTO) in climate change governance
- * The interaction of climate change regimes with other international law frameworks, e.g. World Heritage
- * The schemes for reducing emissions from avoided deforestation and degradation (REDD).

Commercial Conflict of Laws

Semester 1 Intensive: 12–18 June
(excluding the weekend)

Time: 9.30 am–5 pm
Location: Melbourne Law School

Lecturers

Professor Richard Garnett*

Melbourne Law School

Dr Albert Dinelli

Victorian Bar

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Master of Private Law**
- * **Master of Public and International Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Dispute Resolution**

Assessment

Take-home examination (100%)
(26–29 July)

or

10,000 word research paper on a topic approved by the subject coordinator (100%) (4 September)

About the subject

With the explosion in international commercial transactions in the past decades there has also come a significant increase in cross-border disputes before Australian and other national courts. The aim of this subject is to examine the key principles governing cross-border litigation in Australia, focusing on the questions of jurisdiction, applicable law and the recognition of foreign judgments. The subject is designed for both practitioners and scholars and will be taught by Professor Richard Garnett, a leading expert on conflict of laws in Australia who regularly advises on cross-border disputes, and Dr Albert Dinelli of the Victorian Bar, who completed his Oxford doctorate in the field.

Syllabus

This subject will examine, from an advanced and specialist point of view, litigation of cross-border disputes in a commercial setting. It will consider the key doctrinal principles in the area as well as problems commonly encountered in commercial practice.

Principal topics will include:

- * Whether a Victorian/Australian court has jurisdiction to consider a matter
- * Whether a Victorian/Australian court will decline jurisdiction in a matter by staying its proceedings or whether it may restrain proceedings in a foreign court
- * Which law should govern the substantive issues (in the areas of tort, contract and equitable obligations)
- * The effect of foreign judgments and orders in Victoria/Australia.

LAWS70230

Commercial Law in Asia

Formerly Commercial Deals in Asia

Semester 2: 2 hours per week for 12 weeks, commencing 1 August

Time: Thursdays 5.30–7.30 pm

Location: Melbourne Law School

LAWS70336

Commercial Law: Principles and Policies

Semester 2 Intensive: 2–6 September

Time: 10 am–5 pm

Location: Melbourne Law School

Lecturer

Associate Professor Benny Tabalujan

Melbourne Business School

Courses

- * Master of Laws
- * Master of Commercial Law
- * Master of Public and International Law
- * Graduate Diploma in Legal Studies
- * Graduate Diploma in Asian Law

Assessment

Take-home examination (100%)
(29 November–2 December)

or

10,000 word research paper (100%)
(2 December) on a topic approved by the subject coordinator

About the subject

The emergence of Asia as an economic powerhouse is driving enormous interest in doing business in the region. This subject provides students with an opportunity to examine commercial law in an Asian context. Although parallels can be drawn between Asian jurisdictions in terms of their economic and legal development, their commercial law systems are too diverse to treat them uniformly or in great depth. Instead, the focus is on analysing key legal aspects of doing business in Asia – including contracts, business entities, international trade, competition law, dispute resolution and the role of lawyers – by reference to systems and case studies in various Asian jurisdictions. Singapore and Australia will be used as reference jurisdictions. The lecturer previously worked as a lawyer and academic in Hong Kong and Singapore and has written extensively on specific Asian business law topics.

Syllabus

Principal topics will include:

- * Commercial context of Asian laws: Introduction and contextual case study
- * Contracts
- * Business entities
- * Foreign investment
- * WTO and international trade regulation
- * Competition law
- * Finance
- * Courts
- * The role of lawyers
- * The regulation of foreign lawyers in Asia
- * Dispute resolution.

Lecturers

Professor Michael Bryan*

Melbourne Law School

Professor Sarah Worthington

University of Cambridge, United Kingdom

Courses

- * Master of Laws
- * Master of Commercial Law
- * Master of Private Law
- * Graduate Diploma in Legal Studies
- * Graduate Diploma in Corporations and Securities Law

Assessment

Seminar paper presentation (10%)

3-hour examination (90%)
(25 October)

or

10,000 word research paper (90%)
(4 December) on a topic approved by the subject coordinator

About the subject

This subject examines the building-blocks of commercial law and practice, emphasising the common legal problems that plague successful commercial relationships. These range from the typical styles of commercial engagement, including agency, joint ventures and fiduciary relationships; the practical difficulties in ensuring that property assignments are successful; and the various means of financing commercial deals, including how courts distinguish between legal form and commercial substance in characterising security interests. The subject includes a brief examination of the general law as it applies to banks in commerce. Throughout, special attention is paid to the different types of personal and proprietary remedies awarded for breach of commercial contracts, including the role of constructive trusts in a commercial context. All these issues are explored within the framework of typical commercial contracts and in the context of an assessment of the policies being pursued by the courts in enforcing the commercial deal. The lecturers have written and taught extensively in the area.

Syllabus

Principal topics will include:

- * Personal property in commercial law
- * Issues of contractual doctrine and interpretation in commercial contracts
- * Issues in domestic and international sales
- * Money and payment systems
- * Secured financing
- * Specific forms of secured business finance
- * Commercial litigation.

Company Takeovers

Semester 2 Intensive: 16–22 October
(excluding the weekend)

Time: 10 am–4.30 pm
Location: Melbourne Law School

Lecturer

Mr Rodd Levy

Herbert Smith Freehills

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Corporations and Securities Law**

Prerequisite

Prior study in company law or appropriate practical experience

Assessment

Take-home examination (100%)
(6–9 December)

or

10,000 word research paper (100%)
(29 January 2014) on a topic approved by the subject coordinator

About the subject

Company takeovers are an integral part of stock markets in Australia and overseas. Their regulation seeks to deal with the often competing objectives of market efficiency and fairness to shareholders. This subject examines the laws and rules in the area, from both a theoretical and a practical point of view.

The subject deals with the key legal concepts and goes through the steps that occur in a typical takeover bid and takeover defence, illustrated by actual transactions. The lecturer is a practising takeover lawyer, text book author and member of the Takeovers Panel – Australia's takeover dispute resolution body – which helps ensure that the subject matter is topical and current.

Syllabus

Principal topics will include:

- * The Eggleston principles
- * The 20% rule
- * Shareholding disclosures
- * Exempt acquisitions
- * Pre-bid activity
- * Scheme alternative
- * Bidder's Statements
- * Action during the bid
- * Defensive strategies
- * Target's Statements
- * Compulsory acquisition
- * Role of the Australian Securities and Investments Commission (ASIC) and the Takeovers Panel
- * Dispute resolution
- * Compulsory acquisition.

Comparative Corporate Tax

Semester 1 Intensive: 3–9 April
(excluding the weekend)

Time: 10 am–4 pm
Location: Melbourne Law School

Lecturer

Dr Peter Harris

University of Cambridge,
United Kingdom

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Master of International Tax**
- * **Master of Public and International Law**
- * **Master of Tax**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Corporations and Securities Law**
- * **Graduate Diploma in International Law**
- * **Graduate Diploma in International Tax**
- * **Graduate Diploma in Tax**

Assessment

Assignment (30%) (22 April)

Take-home examination (70%)
(17–20 May)

or

7,000 word research paper (70%)
(26 June) on a topic approved by the subject coordinator

About the subject

This subject aims to provide a comparison of the corporate tax systems of a number of countries of economic and cultural significance to Australia. It will provide an introduction to the corporate tax systems of Australia's major trading partners, which will assist students in assessing the likely outcomes of proposed corporate dealings both within the countries selected for comparison and between them. The subject will identify the available options for taxing corporate income and assess the appropriateness of those options or a combination thereof. For tax professionals, this subject builds a structural knowledge and familiarity with different corporate tax systems. It develops an ability to ask direct and informed questions about a foreign country's tax law and discuss at a high level particular issues with respect to those laws with foreign tax professionals.

Syllabus

This subject will compare and analyse tax law in selected countries.

Principal topics will include:

- * The theoretical framework for defining entities subject to corporation tax
- * Taxation of corporate income when derived
- * Taxation of corporate income when distributed
- * Treatment of gains/losses on the disposal of shares
- * Corporate formation and reorganisation; liquidation
- * International taxation of corporate income.

Comparative International Tax

Semester 2 Intensive: 28 October–1 November

Time: 9 am–4 pm

Location: Melbourne Law School

Lecturer

Professor Brian Arnold

Canadian Tax Foundation, Canada

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Master of International Tax**
- * **Master of Public and International Law**
- * **Master of Tax**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in International Law**
- * **Graduate Diploma in International Tax**
- * **Graduate Diploma in Tax**

Assessment

Take-home examination (100%)
(6–9 December)

About the subject

This subject will provide a detailed comparative analysis of the principal topics in international taxation. Professor Brian Arnold is a leading global scholar and policy adviser in international taxation and a contributor to the leading international comparative book, *Comparative Income Taxation* (with Hugh Ault). The subject will equip students to analyse international tax issues using a comparative approach and to acquire a deeper understanding of the underlying structural, institutional and policy influences that have shaped international income tax systems. This knowledge is directly applicable to analysing international tax problems in any particular country.

Syllabus

Principal topics will include:

- * Jurisdiction to tax (residence and source)
- * Elimination of double taxation
- * Deductibility of expenses to earn dividends from foreign corporations
- * International taxation
- * Controlled foreign corporation rules
- * Taxation of non-residents
- * Thin capitalisation rules
- * Tax treaties.

Comparative Tax Avoidance

Semester 1: 2 hours per week for 12 weeks commencing 4 March

Time: Mondays 6–8 pm

Location: Melbourne Law School

Lecturers

The Hon. Justice Tony Pagone*

Supreme Court of Victoria

Professor Cameron Rider

Greenwoods and Freehills

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Master of International Tax**
- * **Master of Public and International Law**
- * **Master of Tax**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in International Law**
- * **Graduate Diploma in International Tax**
- * **Graduate Diploma in Tax**

Assessment

Class participation (10%)

Mid-Semester assessment exercise (30%) (24 April)

3-hour examination (60%) (12 June)

About the subject

All taxing jurisdictions face the perennial challenge of how to define the boundaries of permissible tax planning and how to address and deter impermissible tax avoidance. Different jurisdictions historically and today have taken different approaches to this challenge, ranging from judicial doctrines of abuse of law or substance over form, to general and specific anti-avoidance rules enacted in the tax statute. This subject examines Australia's general anti-avoidance rule in comparison with the approach to tax avoidance taken in other jurisdictions. The subject examines recent trends towards legislative general anti-avoidance rules. The focus is, in particular, on developments in the common law world, including the United Kingdom (where a general anti-avoidance statutory rule is proposed to be legislated), the United States, New Zealand and Canada. Attention may also be paid to anti-avoidance approaches in European and other contexts.

Syllabus

Principal topics will include:

- * Concepts of tax avoidance in Australia and comparative common law contexts, including the United Kingdom, United States, New Zealand and Canada, as well as European and other legal contexts
- * The role of judicial doctrines and responses to tax avoidance in the common law and other judicial traditions
- * General statutory anti-avoidance provisions in comparative legal contexts
- * Obligations of taxpayers and advisers in relation to tax avoidance in a global and comparative context.

LAWS70411

Constitutional Problems in Comparative Focus

Semester 2 Intensive: 10–16 July
(excluding the weekend)

Time: 9 am–5 pm
Location: Melbourne Law School

Lecturers

Professor Adrienne Stone*
Melbourne Law School

Dr Lael Weis
Melbourne Law School

Courses

- * **Master of Laws**
- * **Master of Public and International Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Government Law**

Assessment

Take-home examination (100%)
(30 August–2 September)

or

10,000 word research paper (100%)
(9 October) on a topic approved by
the subject coordinator

About the subject

This subject responds to the increasingly globalised nature of constitutional law by examining significant constitutional questions that recur across various legal systems.

Comparative study of constitutions provides a deeper, more systematic understanding of constitutional law and governance. In particular, it provides opportunities to discover that aspects of one system are not necessarily replicated elsewhere.

The subject will enrich students' understanding of the constitution with which they are most familiar. It is of practical significance for scholars, advocates and for those involved in the formation and implementation of public law policy and reform.

Syllabus

Principal topics will include:

- * Legislative powers over inter-State trade and taxation
- * Resolving conflicts within federations
- * Proportionality and other methods of judicial reasoning
- * The nature of constitutional rights.

Key decisions of the High Court of Australia will be examined. The principal comparator jurisdictions include Canada, the United States, Germany, South Africa and some European jurisdictions.

LAWS70270

Construction Contract Analysis and Drafting

Formerly Advanced Construction Contracts

Semester 2 Intensive: 6–12 November
(excluding the weekend)

Time: 9 am–4 pm
Location: Melbourne Law School

Lecturers

Mr David Bennett QC*
Formerly Victorian Bar

Mr Wayne Jocic
Clayton Utz

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Master of Construction Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Construction Law**

Prerequisites

Successful completion of Advanced Construction Law or Construction Law

Assessment

Take-home examination (100%)
(13–16 December)

or

Drafting assignment (100%)
(12 February 2014)

About the subject

This subject aims to develop advanced skills in the use and analysis of contracts in the construction law context. It provides an opportunity for detailed review and comparative analysis of four standard forms in common use in Australia (including an internationally used FIDIC form), as well as exposure to best practice in plain English drafting techniques. Students are responsible, under expert guidance, for producing drafting and analysis via group exercises. Aligned closely with the classroom activities, assessment tasks test advanced skills in drafting and analysis, including by way of detailed drafting exercises.

Syllabus

The subject is designed to develop and enhance students' abilities to draft, analyse and administer construction contracts. The focus of the subject is, therefore, upon in-depth analysis and comparison of a number of standard forms in use in the industry.

Principal topics will include:

- * Drawing out techniques for contract drafting, interpretation and analysis
- * Engaging at a sophisticated level with the ongoing debate within the industry as to the role and utility of standard-form contracts
- * Guidance in drafting techniques.

Construction Dispute Resolution

Semester 1 Intensive: 8–12 April

Time: 9 am–5 pm

Location: Melbourne Law School

Construction Law

Formerly Construction Contracts

Semester 2 Intensive: 21–27 August
(excluding the weekend)

Time: 9 am–5 pm

Location: Melbourne Law School

Lecturers

Mr Andrew Stephenson*

Clayton Utz

Mr Nick Hopkins

Victorian Bar

Mr Nicholas Pane

Victorian Bar

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Master of Construction Law**
- * **Master of Public and International Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Construction Law**
- * **Graduate Diploma in Dispute Resolution**

Assessment

Take-home examination (100%)
(24–27 May)

or

10,000 word research paper (100%)
(10 July) on a topic approved by the
subject coordinator

About the subject

This subject provides both a broad overview of the range of dispute resolution options available to parties to construction disputes and also detailed insights into the practical aspects of, and policy drivers for, those options. It provides an opportunity to understand how to efficiently conduct construction dispute procedures in various Australian courts, arbitration (both domestic and international), expert determination and security of payment adjudication. It also engages with key industry debates about the rational reform of dispute processes in Australia and internationally. The lecturers bring extensive dispute resolution expertise to the subject and have been involved in many of Australia's most significant construction-related disputes.

Syllabus

Principal topics will include:

- * Residential construction disputes in Victoria
- * Practice and procedure in the Supreme Courts of New South Wales and Victoria and the Federal Court of Australia, considering differences and assessing where best practice lies
- * Domestic arbitration – legislative framework: Why it is currently out of fashion and how it can be improved
- * International arbitration as an option for construction disputes: Why it is the superior form of dispute resolution for cross-border disputes and lessons that can be learnt from procedures developed in international arbitration. Includes discussion about enforcement of the agreement and awards issued by international arbitrators
- * Expert determination – strengths and weaknesses
- * Adjudication under New South Wales and Victorian security of payment legislation, comparing both to the schemes in the United Kingdom and other jurisdictions
- * Proportional liability, contributory negligence, contribution and third parties.

Lecturers

Mr John Sharkey AM*

Norton Rose

Mr Trevor Thomas

Clayton Utz

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Master of Construction Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Construction Law**

Assessment

Take-home examination (100%)
(11–14 October)

or

10,000 word research paper (100%)
(20 November) on a topic approved
by the subject coordinator

Note

This subject is:

- (a) Suitable for students who have practised as a construction lawyer for more than one year; and
- (b) Not available to students who have undertaken Principles of Construction Law

About the subject

Since its first offering in 2000, Construction Law has been the core overview subject within this specialist legal area. The subject covers key issues in construction contracting, from the 'front-end' issues of formation and delivery method selection through to 'back-end' issues of default and termination.

Particular attention is given to the construction-specific contracting issues of time, quality, payment and variations. Students study and analyse critically key construction law cases and legislation.

The lecturers, John Sharkey AM and Trevor Thomas, bring a practising experience to the classroom that spans decades. This experience, combined with their extensive writing and teaching in construction law, ensures that students have the best possible opportunity to gain a detailed understanding of the curriculum.

Syllabus

This subject will provide an introduction to construction contracting, including standard forms and terms, with reference to:

- * Roles, relationships and obligations of the parties to construction contracts and consultancy agreements
- * Risk allocation and management in construction contracts: Procurement, contract choices and insurance considerations
- * Tendering and contract formation
- * The use of standard-form contracts and sub-contracts and conditions of engagement
- * Performance, completion, suspension and determination
- * Consultancy agreements and design responsibility
- * Sub-contracts, assignment, nomination and novation
- * Alternative and innovative forms of contracting
- * Security for performance
- * Case studies.

Construction: Principles into Practice

Semester 2 Intensive: 22–26 July

Time: 9.30 am–4.30 pm

Location: Melbourne Law School

Lecturer

**Associate Professor
Peter Williams**

Faculty of Architecture,
Building and Planning,
The University of Melbourne

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Master of Construction Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Construction Law**

Note

It is recommended that students who do not have a technical background (i.e. qualifications or substantial experience in engineering, architecture, construction delivery or other technical fields) undertake this subject early in their course of studies. Students with such qualifications or practical experience are not permitted to enrol in this subject.

Assessment

Take-home examination (100%)
(30 August–2 September)

About the subject

This subject builds a bridge between the law and the technical realities with which construction professionals deal every day. Designed primarily for construction lawyers, and recommended to be taken early in their course, the subject gives an overview of construction terminology, engineering principles (including structural and geotechnical), sustainable building, programming and planning, cost management and costing issues. Taught by highly experienced construction academics and professionals, and featuring a half-day site visit, this subject provides a uniquely valuable opportunity to better understand the real world that is the subject of construction contracts and disputes.

Syllabus

Principal topics will include:

- * The Australian construction industry
- * Construction materials and technology
- * Geotechnical engineering
- * Structural engineering
- * Mechanical, electrical and hydraulic engineering
- * Fire and security control
- * Sustainability
- * Construction management
- * Project management and assessment
- * Project whole of life.

In addition to classroom-based teaching, this subject includes a half-day visit to construction sites in Melbourne.

Construction Risk: Allocation and Insurance

Semester 2 Intensive: 4–10 September
(excluding the weekend)

Time: 9.30 am–4.30 pm

Location: Melbourne Law School

Lecturers

Mr Tony Horan*

Victorian Bar

Mr Peter Wood

Minter Ellison

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Master of Construction Law**
- * **Master of Environmental Law**
- * **Master of Public and International Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Construction Law**
- * **Graduate Diploma in Environmental Law**

Assessment

Take-home examination (100%)
(25–28 October)

or

10,000 word research paper (100%)
(4 December) on a topic approved
by the subject coordinator

About the subject

Risk and insurance are at the heart of all construction projects, yet their role and detailed provisions are often misunderstood, leading to significant losses and disputation. The already-sophisticated contracting landscape has, in recent years, been made significantly more complicated by the introduction of proportionate liability reforms. This subject will examine these issues with particular emphasis on how risk can be managed to minimise losses.

The lecturers Tony Horan and Peter Wood are expert navigators in relation to these complex issues. They have leading-edge expertise in advising upon risk, security for performance and insurance in the construction context.

Syllabus

Principal topics will include:

- * Identifying risk in a construction project and how various industry participants (including principals, contractors, designers, professional advisers, insurers, security providers, and statutory and government authorities) may bear responsibility
- * Philosophies and commercial drivers affecting risk allocation in construction contracts and consultancy agreements, and how these are reflected in standard forms
- * Security for performance mechanisms, including cash retentions, unconditional undertakings, parent guarantees, insurance bonds, adjudication bonds and other instruments
- * Insurance products available to the construction industry (including public liability, works insurance, professional indemnity workers' compensation and domestic building insurance) and the law relating to them, including regulation by legislation, common law principles and treatment under standard-form construction contracts and consultancy agreements
- * Proportionate liability regimes (including Part IVAA of the *Wrongs Act 1958* (Vic)) and their impact upon contract risk allocation.

Contract Interpretation

Formerly Commercial Contracts

Semester 1 Intensive: 7–15 February
(excluding the weekend)

Time: 9 am–1.15 pm

Location: Melbourne Law School

Copyright Law

Semester 2 Intensive: 23–29 October
(excluding the weekend)

Time: 9.30 am–4.30 pm

Location: Melbourne Law School

Lecturer

Professor David McLauchlan

Victoria University of Wellington,
New Zealand

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Master of Construction Law**
- * **Master of Private Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Construction Law**
- * **Graduate Diploma in Corporations and Securities Law**

Assessment

Prescribed assignment (100%)
(27 March)

About the subject

The law of contract interpretation is one of the most practically important areas of commercial law. Issues of interpretation occupy a good deal of the time of commercial practitioners and judges. Such issues have been aptly described as the very lifeblood of commercial law. Not surprisingly, therefore, interpretation disputes have become the most frequently litigated contract cases in recent years. Their outcome is also notoriously difficult to predict. Time and again judges have disagreed not only on the correct approach but also on such elementary questions as whether particular words have a plain meaning and what is the 'common-sense' or 'commercially realistic' interpretation. This subject, which will also examine the closely related principles concerning formation and rectification of contracts, will seek to shed light on the reasons for such disagreement and discuss the competing approaches to the interpretative task. The lecturer of the subject has taught and written extensively in the area.

Syllabus

This subject will examine the principles governing the interpretation of commercial contracts, as well as the closely related principles concerning formation and rectification of contracts.

Principal topics through a series of case studies will include:

- * The relationship between principles of contract formation and contract interpretation
- * The objective approach and its limits
- * The relevance of the parol evidence rule
- * The status of the plain meaning 'rule'
- * The effect and implications of Lord Hoffmann's fundamental restatement in the Investors Compensation Scheme case and the reception of this restatement by the courts in Australia and New Zealand
- * The equitable remedy of rectification
- * The admissibility of prior negotiations and subsequent conduct as aids to interpretation
- * The differences between the common law principles of contract interpretation and those contained in important international instruments such as the United Nations (UN) Convention on Contracts for the International Sale of Goods, the Unidroit Principles of International Commercial Contracts and the Principles of European Contract Law.

Lecturer

Professor Graeme Austin

Melbourne Law School

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Master of Intellectual Property Law**
- * **Master of Public and International Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Communications Law**
- * **Graduate Diploma in Intellectual Property Law**

Assessment

Take-home examination (100%)
(6–9 December)

About the subject

The subject explores this Australian intellectual property regime in predominantly black-letter terms. It asks students to consider the doctrinal issues implicated by the various aspects of copyright law: subsistence, ownership, infringement, exceptions to infringement and remedies. Also integrated into the curriculum are moral and performers rights, together with a special topic on the treatment of internet service provider liability as an intermediary between copyright owner and infringer. The subject is structured within an international framework, explaining the importance of treaty norms and with selective use of comparative law.

Syllabus

Principal topics will include:

- * The evolution and theory of the national and international copyright system
- * The material protected by copyright
- * The duration of protection
- * The rights granted by copyright
- * Infringement of copyright, including defences and available remedies
- * Ownership, licensing and assignment of copyright
- * Moral rights and their infringement
- * The international copyright conventions.

Corporate and White Collar Criminal Law

Semester 2 Intensive: 13–19 November
(excluding the weekend)

Time: 9.30 am–5 pm

Location: Melbourne Law School

Lecturer

**Associate Professor
Jeremy Gans**

Melbourne Law School

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Competition Law**
- * **Graduate Diploma in Corporations and Securities Law**

Assessment

Take-home examination (100%)
(17–20 January 2014)

or

10,000 word research paper (100%)
(19 February 2014) on a topic
approved by the subject coordinator

About the subject

Corporate and white collar crimes differ from the popular conception of 'crime' as involving the most unambiguously blameworthy sorts of conduct in which citizens can engage. This subject will examine how these crimes are dealt with under Australian rules on criminal responsibility, procedure, proof and punishment, notably under the federal Criminal Code. It will also address, from a comparative perspective (including both Australian state systems and relevant overseas ones), the underlying legal, moral and policy concerns that distinguish white collar crime from 'merely aggressive business behaviour'. Offences used as examples of these rules and concerns may include fraud, insider trading, bribery, tax evasion, and various intellectual property and regulatory offences. The subject will be of interest to government lawyers, corporate counsel and litigators – anyone who is interested in the often blurry lines that distinguish criminal from non-criminal behaviour.

Syllabus

Principal topics will include:

- * The concept of white collar crime
- * Corporate criminality and individual liability in an organisational setting
 - Processes, proof and sentencing for corporate and white collar crime
- * Examinations of particular offences in the context of one or more of the above topics

Corporate Governance and Directors' Duties

Semester 1 Intensive: 17–23 April
(excluding the weekend)

Time: 9 am–4 pm

Location: Melbourne Law School

Lecturer

Associate Professor Paul Ali

Melbourne Law School

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Master of Employment and Labour Relations Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Corporations and Securities Law**

Assessment

10,000 word research paper (100%)
(17 July) on a topic approved by the
subject coordinator

About the subject

Corporate governance is of national and international importance. This subject has a strong focus on the law relating to corporate governance, particularly the duties and responsibilities of company directors and other officers. The director has been described in one court judgment as 'an essential component of corporate governance' who is 'placed at the apex of the structure of direction and management of a company'. The lecturer has published a number of works on corporate governance, including *International Corporate Governance after Sarbanes-Oxley*.

Syllabus

Principal topics will include:

- * The concept of corporate governance
- * Overview of the current framework of corporate governance and the duties of directors and other officers
- * Who are subject to duties?
- * To whom are duties owed?
- * Duties to act with care and diligence, in the best interests of the company, and for a proper purpose
- * Duty to avoid conflicts of interest
- * Corporate opportunities and related party transactions
- * Role of the Australian Securities and Investments Commission (ASIC) in enforcing directors' duties
- * Role of shareholders, including institutional investors
- * Preventing insolvent trading
- * Role of industry corporate governance guidelines and the Australian Securities Exchange (ASX) Corporate Governance Principles and Recommendations.

Corporate Law in a Global Financial Centre

Semester 1 Intensive: 30 January–
5 February (excluding the weekend)

Time: 9.30 am–5 pm
Location: Melbourne Law School

Lecturer

Assistant Professor Dan Puchniak

National University of Singapore,
Singapore

Courses

- * **Master of Laws**
- * **Master of Banking and Finance Law**
- * **Master of Commercial Law**
- * **Master of Public and International Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Asian Law**
- * **Graduate Diploma in Banking and Finance Law**
- * **Graduate Diploma in Corporations and Securities Law**

Assessment

Take-home examination (100%)
(22–25 March)

About the subject

On gaining its independence in 1965, Singapore was a developing country. Today, Singapore is a leading global financial centre that the World Bank has ranked first in the world, for six consecutive years, for its business regulations and their enforcement. Singapore has achieved this by using a unique 'variety of capitalism' that both challenges conventional comparative corporate governance wisdom and presents lessons for developed and developing economies. This subject will provide students with a solid foundation in Singapore company law and, in doing so, present a unique comparative perspective on some of the central debates in the field of comparative corporate law and governance.

Syllabus

This subject examines the core features of Singapore company law from a comparative perspective. Principal topics will include:

- * An overview of comparative corporate law and governance theory
- * Contextualising the 'Singapore story' in comparative corporate law and governance
- * An overview of Singapore company law
- * An in-depth and comparative analysis of directors' duties in Singapore
- * An in-depth and comparative analysis of shareholders' remedies in Singapore
- * Proposed reforms and the path forward for Singapore corporate law and governance

Corporate Tax A (Shareholders, Debt and Equity)

Semester 1 Intensive: 8–14 May
(excluding the weekend)

Time: 9.30 am–4.30 pm
Location: Melbourne Law School

Lecturers

Mr Frank O'Loughlin*

Victorian Bar

Mr Stewart Grieve

Corrs Chambers Westgarth

Mr Nasos Kaskani

Victorian Bar

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Master of Tax**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Corporations and Securities Law**
- * **Graduate Diploma in Tax**

Assessment

Assignment (30%) (27 May)

Take-home examination (70%)
(21–24 June)

About the subject

This core tax subject examines the policies, detailed rules and current practical problems involved in the taxation of companies and shareholders in Australia, particularly at shareholder level. The lecturers are leading practitioners and they will consider the tax rules that apply to shares, corporate distributions, Australia's imputation system, the debt–equity integrity rules and corporate rollovers.

Syllabus

This subject consists of a detailed examination of the tax rules applied to companies and shareholders in a domestic setting in Australia, with a focus on issues at the shareholder level.

Principal topics will include:

- * The policy and problems of taxing companies and shareholders
- * Tax treatment of contributions of share capital and assets to a company
- * Debt–equity classification
- * Corporate rollovers
- * Share value shifting
- * The corporate-shareholder imputation system
- * Taxation of company distributions and dealings with interests in companies, including liquidations and share buybacks
- * Private company deemed dividends
- * Franking credit and capital streaming and associated anti-avoidance rules.

LAWS70008

Corporate Tax B (Consolidation and Losses)

Formerly Corporate Tax B
(Companies and Consolidation)

Semester 2: 2 hours per week for
12 weeks commencing 1 August

Time: Thursdays 6–8 pm
Location: Melbourne Law School

Lecturers

Mr Aldrin De Zilva*

Deloitte Lawyers

Mr Michael Charles

KPMG

Mr Ken Spence

Greenwoods and Freehills

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Master of Tax**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Corporations and Securities Law**
- * **Graduate Diploma in Tax**

Prerequisite

Students should have completed Corporate Tax A or have significant professional experience in corporate tax before attempting this subject

Assessment

Seminar assignment (30%)
(4 September)

Take-home examination (70%)
(8–11 November)

About the subject

This advanced corporate tax subject provides an in-depth analysis of the tax rules for Australia's largest public and private consolidated corporate groups, and the rules for use of losses by companies and corporate groups. It includes detailed discussion of the latest reforms in these highly technical areas of corporate tax practice, in light of tax policy applicable to companies and consolidated groups operating in Australia today. Corporate Tax B is co-taught by experienced lecturers who combine academic and practitioner experience to deliver this advanced and commercially essential subject.

Syllabus

Principal topics will include:

- * The rules for membership and formation of a consolidated group in Part 3-90 of the *Income Tax Assessment Act 1997* (Cth)
- * Operation of a consolidated group through normal trading operations, including the single entity rule, treatment of assets and liabilities, tax payment obligations, tax-sharing agreements and the company-shareholder imputation system for consolidated groups
- * Tax cost setting on joining and leaving of subsidiary members of a consolidated group, including group-to-group transactions
- * Tax rules for multiple entry groups owned by foreign investors in Australia
- * The interaction of consolidated group tax rules with other tax rules
- * Tax rules for losses in companies and consolidated groups, including loss integrity rules, in Divisions 165 and 166 of the *Income Tax Assessment Act 1997* (Cth).

LAWS70413

Criminal Law, Poverty and Justice

Semester 1 Intensive: 3–9 April
(excluding the weekend)

Time: 9.30 am–5 pm
Location: Melbourne Law School

Lecturer

Professor Bryan Stevenson

New York University, United States

Courses

- * **Master of Laws**
- * **Master of Public and International Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Government Law**
- * **Graduate Diploma in Human Rights Law**
- * **Graduate Diploma in International Law**

Assessment

Take-home examination (100%)
(31 May–3 June)

About the subject

What is the relationship between human rights and just criminal sentencing? Does the level of imprisonment reflect something significant about the character of a society? The world's population of incarcerated people has increased dramatically in recent decades. Mass incarceration, sentencing policies and excessive punishment have become serious issues in the United States and many other nations, while the reliability and fairness of the criminal justice system have been questioned. This subject will examine the costs of modern trends towards increased use of incarceration and the impact of these policies on vulnerable populations like juveniles, the mentally disabled, racial minorities and the poor. In this subject, the rule of law surrounding crime and punishment is explored through a human rights frame with attention to reform strategies and the way forward.

Syllabus

Principal topics will include:

- * Sentencing policy
- * Mass incarceration and excessive punishment
- * The impact of current policies on the poor and vulnerable
- * Reform law and litigation strategies
- * The intersection of human rights and criminal law

Criminal Procedure and Human Rights: International and Australian Perspectives

Semester 2: 2 hours per week for 12 weeks, commencing 1 August

Time: Thursdays 6–8 pm

Location: Melbourne Law School

Current Issues in Administrative Law

Semester 2 Intensive: 6–12 November (excluding the weekend)

Time: 9 am–5 pm

Location: Melbourne Law School

Lecturer

Mr Peter Morrissey SC
Victorian Bar

Courses

- * **Master of Laws**
- * **Master of Public and International Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Dispute Resolution**
- * **Graduate Diploma in Government Law**
- * **Graduate Diploma in Human Rights Law**
- * **Graduate Diploma in International Law**

Assessment

Class participation and presentation (15%)

9,000 word research paper (85%) (6 November) on a topic approved by the subject coordinator

About the subject

This subject aims to teach criminal procedure in an international human rights context. Students will understand Australian procedures, and also be able to extrapolate this to practice in international tribunals and other jurisdictions.

Syllabus

Principal topics will include:

- * Relevant international human rights norms, the Victorian Charter and the European Charter, and the Indonesian Law on the ICTY
- * Fair trial: Overview and critique
- * Investigation, warrants and coercive orders, jurisdiction
- * Indictment
- * Bail and asset freezing
- * Disclosure
- * The process for complainants, witnesses and defendants
- * Trial, sentencing hearings and appeals.

Lecturers

Professor Cheryl Saunders AO*
Melbourne Law School

Ms Debbie Mortimer SC
Victorian Bar

Courses

- * **Master of Laws**
- * **Master of Public and International Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Government Law**

Prerequisites

A general understanding of administrative law, on which this subject will build

Assessment

Take-home examination (100%) (13–16 December)

or

10,000 word research paper (100%) (10 February 2014) on a topic approved by the subject coordinator

About the subject

This could not be a more interesting and important time to engage with some of the most challenging issues in administrative law. Australian administrative law has undergone rapid change in recent years. In significant respects, it has diverged from the rest of the common law world, under the influence of the Australian Constitution. Some of the resulting doctrines are not yet in a settled state. At the same time, however, administrative law continues to play the critical role in mediating relations between people and the institutions of government that in Australia's case is heightened by the absence of systemic arrangements for the legal protection of individual rights. The two lecturers in the subject bring a combination of practical and scholarly perspectives to bear on the selected topics, all of which are chosen for their contemporary relevance.

Syllabus

Principal topics will include:

- * The scope of judicial review, including the public-private distinction
- * The rise of jurisdictional error; the related notion of invalidity
- * Meaning and operation of the constitutional writs
- * Statutory techniques for restricting judicial review (including privative clauses)
- * Human rights and administrative law
- * Judicial review of non-statutory action
- * Administrative law and public safety
- * Administrative law and framework legislation
- * Rationalisation of review procedures
- * Constitutionalisation of administrative law

Current Issues in Negligence

Formerly Law of Negligence

Semester 1 Intensive: 20–26 March
(excluding the weekend)

Time: 9 am–5 pm
Location: Melbourne Law School

Lecturers

Professor Andrew Robertson*
Melbourne Law School

Mr Donal Nolan
University of Oxford,
United Kingdom

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Master of Health and Medical Law**
- * **Master of Private Law**
- * **Graduate Diploma in Legal Studies**

Assessment

10,000 word research paper (100%)
(19 June) on a topic approved by
the subject coordinator

About the subject

Negligence is one of the most heavily litigated causes of action in common law jurisdictions. It is of enormous practical importance in a very wide range of fact situations. It is also a dynamic area of law: the relevant principles are constantly being applied to new fact situations, and the courts are regularly forced to grapple with difficult questions about the scope of negligence liability. This subject examines key current issues and controversies in the law of negligence in the light of theoretical and comparative perspectives. The lecturers have both published widely on private law topics, including a range of issues in the law of negligence.

Syllabus

Principal topics will include:

- * An overview of the law of negligence, including theoretical and historical perspectives and the place of negligence in tort law and private law
- * The duty of care requirement in general terms, including the distinction between duty in law and duty in fact, the approach to the duty question in novel situations and the role of public policy in duty decisions
- * Liability for psychiatric injury
- * Liability for pure economic loss
- * Liability for omissions and the liability of public authorities
- * Current issues in the standard of care and its application, with particular reference to professional negligence cases
- * The requirement of damage
- * Factual causation, including the relevance of statistical evidence and recovery for loss of a chance
- * Legal causation, including liability for the criminal wrongdoing of third parties
- * Remoteness/scope of liability defences.

Cybercrime

Semester 1 Intensive: 28 January–
1 February

Time: 9 am–5 pm
Location: Melbourne Law School

Lecturer

Dr Alana Maurushat
University of New South Wales

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Master of Public and International Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Communications Law**

Assessment

Class participation (10%)

8,000 word research essay on topic
approved by the subject coordinator
(22 April)

About the subject

Cybercrime examines how the online world has borne new crimes and law enforcement responses, as well as investigates how the computer has become both a target of attack and a tool for criminal activity. 'Cybercrime' explores a number of emerging cybercrimes and also explores how old crimes are affected in new mediums. How do nation states regulate criminal activity of those persons and organisations located abroad? How is law enforcement shifting from traditional mechanisms to new regulatory regimes and technological solutions? The subject will be taught from an interdisciplinary perspective. A technical background is not essential.

Syllabus

Principal topics will include:

- * Hacktivism
- * Online fraud
- * Child pornography
- * Online copyright infringement (criminal perspective)
- * Digital evidence
- * Cyberwar and attack of critical infrastructure
- * The role of internet service providers
- * The Convention on Cybercrime
- * Internet and criminal regulatory theory
- * Hacking, cracking, phishing, social engineering, pharming, malware, botnets.

Deals with China

Semester 1 Intensive: 10–16 April
(excluding the weekend)

Time: 9 am–5 pm

Location: Melbourne Law School

Derivatives Law and Practice

Semester 1 Intensive: 13–19 March
(excluding the weekend)

Time: 9 am–5 pm

Location: Melbourne Law School

Lecturer

Mr Andrew Godwin
Melbourne Law School

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Master of Public and International Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Asian Law**

Assessment

Take-home examination (100%)
(24–27 May)

or

10,000 word research paper (100%)
(17 July) on a topic approved by the subject coordinator

About the subject

This subject examines the legal issues and practical challenges that arise in relation to a cross-border transaction with China. Students will work through a foreign investment transaction, which will be used as a point of reference throughout the subject. In this way, students will develop an advanced and integrated understanding of the nature of a cross-border transaction with China (involving a foreign investor and assets in China) and also the legal issues that are relevant to each stage of the transaction. These issues will include the following:

- * The legal and regulatory framework for foreign investment in China
- * The different ways in which foreign investment is structured, including joint ventures and acquisitions
- * The various stages of a foreign investment transaction in China
- * Key legal issues arising in relation to documentation, including the impact of foreign investment law, contract law, property law, company law and private international law
- * Mechanisms for resolving disputes, including arbitration clauses
- * The regulation and role of lawyers in a deal with China and the theory behind the skills that they require, including advisory skills, drafting skills, cross-cultural communication skills, negotiation skills and transaction management skills.

Syllabus

Principal topics will include:

- * Foreign investment laws and regulations in China
- * Joint ventures and acquisitions in China
- * Advising on and documenting deals in China
- * Dispute resolution in China
- * Drafting and negotiation theory
- * The regulation and role of foreign lawyers in China.

Lecturer

Mr Jan Job de Vries Robbé
Dutch Development Bank FMO,
Netherlands

Courses

- * **Master of Laws**
- * **Master of Banking and Financial Services Law**
- * **Master of Commercial Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Banking and Finance Law**
- * **Graduate Diploma in Corporations and Securities Law**

Assessment

Class participation (10%)

8,000 word research paper (90%)
(5 June) on a topic approved by the subject coordinator

About the subject

This subject considers the law and practice of the international derivatives markets. It has a distinctly practical focus. A key objective is to provide students with skills they can apply in legal practice. The lecturer will draw on his extensive experience as well as bring in guest lecturers from a variety of backgrounds to add to an interactive and challenging subject. It will also include a negotiation session.

Syllabus

Principal topics of the subject will include:

- * Derivatives markets generally (exchange-traded, over-the-counter and embedded derivatives) and their commercial drivers and legal risks, on central clearing in practice
- * Derivative products (ranging from plain interest rate derivatives to credit derivatives and niche products such as weather and emission trading derivatives)
- * The structure, mechanics, key features and pitfalls of ISDA derivatives documentation
- * Regulation of international derivatives markets and their key risks (including a comparison of United States derivatives regulation under Frank-Dodd and the European Union implementation under the EMIR regulation)
- * The interrelationship between derivatives and other financial products (the use and documentation of swaps in structured finance, for instance securitisation and covered bonds)
- * Analysis of the role of derivatives, especially credit derivatives, in the Greek crisis as well as the Eurocrisis
- * The risk of mis-selling derivative products and potential liabilities (examples from Australian, Asian and other overseas transactions)
- * Explanation of the role derivatives can play in international development finance.

Designs Law and Practice

Semester 1 Intensive: 19–25 June
(excluding the weekend)

Time: 9.30 am–4 pm
Location: Melbourne Law School

Lecturer

Professor Sam Ricketson
Melbourne Law School

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Master of Intellectual Property Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Intellectual Property Law**

Assessment

Take-home examination (100%)
(7–12 August)

About the subject

Design plays a critical role in the production of goods. Adequate protection of designs is important in order to encourage the creation of innovative designs and thus enhance the Australian economy. This subject is primarily concerned with the laws in Australia that protect designs. The subject will cover the registered regimes for protecting designs under the *Designs Act 2003* (Cth) and parts of the *Designs Act 1906* (Cth) and will also cover the protection of designs as original artistic works under the *Copyright Act 1968* (Cth). The lecturer is a well-known intellectual property law academic and barrister.

Syllabus

Principal topics will include:

- * Registrable designs: What a design is – newness and distinctiveness
- * Types of design applications
- * Application and registration procedures and Designs Office practice
- * Duration of registration and removal procedures
- * Registration rights and their infringement
- * Defences to and remedies for infringement
- * Validity and infringement of designs registered under the *Designs Act 1906* (Cth)
- * Ownerships, transfer and exploitation of design rights
- * Rectification and correction of the Register
- * Artistic works protected by copyright and the designs/copyright overlap
- * International conventions and the protection of designs.

Developing Countries and the WTO

Semester 2 Intensive: 13–19 November
(excluding the weekend)

Time: 9 am–4 pm
Location: Melbourne Law School

Lecturer

Associate Professor Jürgen Kurtz
Melbourne Law School

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Master of Law and Development**
- * **Master of Public and International Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in International Economic Law**
- * **Graduate Diploma in International Law**

Prerequisite

It is recommended that students have either a background in international law or have successfully completed Principles of International Law

Assessment

10,000 word research paper (100%)
(17 February 2014) on a topic approved by the subject coordinator

About the subject

This subject will examine the economic and legal issues facing developing countries in their engagement within the World Trade Organization (WTO). A central organising theme will be the evolving theory and practice relating to the role of economic liberalisation in the developmental processes of these countries. The lecturer has extensive experience in the area in research and teaching and has also acted as a consultant to a variety of governmental and intergovernmental agencies.

Syllabus

This subject will examine the economic and legal issues facing developing countries in their engagement within the WTO. A central organising theme will be the evolving theory and practice on the role of economic liberalisation in the developmental processes of these countries.

Principal topics will include:

- * History of developing country engagement in the GATT–WTO
- * Evolving theory on trade and development
- * GATT legal framework: Pre-Uruguay Round
- * Overview of Uruguay Round and WTO legal framework
- * Agriculture
- * Trade-Related Intellectual Property Rights (TRIPS)
- * Trade remedies: Anti-dumping, countervailing duties and safeguards
- * The 'fair trade' debate: Environmental and labour standards
- * The 'non-WTO' Singapore issue of foreign investment
- * The developmental implications of bilateralism and regionalism
- * The future: The Doha Ministerial Declaration.

Drugs and the Death Penalty in Asia

Semester 2 Intensive: 11–15 November

Time: 10 am–5 pm

Location: Melbourne Law School

Lecturers

Professor Pip Nicholson*

Melbourne Law School

Professor Tim Lindsey

Melbourne Law School

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Master of Public and International Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Asian Law**
- * **Graduate Diploma in Government Law**

Assessment

Take-home examination (100%)
(13–16 December)

or

10,000 word research paper (100%)
(12 February 2014) on a topic
approved by the subject coordinator

About the subject

Throughout Asia the treatment of drug offences varies, although many countries retain the death penalty. Students will be asked to critically evaluate drug law, criminal procedure law and penalties in Asian jurisdictions selected from (but not limited to) China, Indonesia, Singapore and Vietnam.

The subject's approach is explicitly socio-legal. Students will interrogate regional primary sources and then investigate how the laws operate in practice, drawing upon identified practice and current research. There will be a strong emphasis on case studies of important judicial decisions from the countries selected. This subject is also comparative, asking students to incorporate and defend a comparative approach to their analysis.

Syllabus

The first half of the subject will be an introduction to relevant international regimes and the national regulatory and institutional frameworks for drugs law in each of the countries selected. The second half of the subject will comprise a series of studies of significant and/or high-profile judicial decisions from the countries selected, in which the practical application of the regimes examined in the first half are investigated. A comparative approach will be applied throughout.

Principal topics will include:

- * Key approaches to socio-legal comparative legal studies in the 21st century
- * Diverse approaches within Asia to the regulation of drugs, through detailed and nuanced examination of the relevant criminal and procedure laws, taking into account different legal systems, social, political and cultural traditions, structures and practices
- * The role played by different legal institutions in the regulation of drugs offences regionally, including courts, police, prosecutors, defence lawyers, NGOS etc.
- * The contribution made to the regulation of drugs and drugs-related offences by international regulatory frameworks
- * The impacts of non-legal networks and institutions on the development, implementation and review of drugs laws in the region
- * Divergent attitudes to the death penalty
- * Drugs-law-related reforms arising from the comparisons
- * The possibilities for convergence or harmonisation of drugs law in Asia.



East Asian Competition Policy and Law

Semester 2 Intensive: 23–29 October
(excluding the weekend)

Time: 9 am–4 pm
Location: Melbourne Law School

Lecturer

Professor Mark Williams
Hong Kong Polytechnic University,
Hong Kong

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Master of Public and International Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Asian Law**
- * **Graduate Diploma in Competition Law**

Assessment

Class participation (10%)
8,000 word research paper (90%)
(5 February 2014) on a topic
approved by the subject coordinator

About the subject

Competition policy and law is emerging as a significant field of policy and practice in the Asia-Pacific region. Taught by one of the leading scholars in East Asian competition law, this subject will seek to examine the political economy surrounding competition policy in a number of key East Asian jurisdictions. The extant competition laws, guidelines and important decisions made by competition agencies and the courts, will be analysed to identify whether and to what extent these regimes are in conformity with prevailing global competition norms. Jurisdictions to be studied will include South Korea, Japan, China and Hong Kong, Malaysia and Singapore, and Indonesia.

Syllabus

Principal topics will include:

- * Identification of the variety and complexity of factors that make up the political economy environment in East Asian jurisdictions and the differences between them in each jurisdiction
- * Competition policy objectives
- * The form and nature of the competition law and in each jurisdiction
- * The principal features of the competition statutes and guidelines
- * Role and function of the enforcement agency and the courts
- * Assessment of effectiveness of enforcement, including analysis of decided cases
- * Assessment of compliance with international norms.

Economics for Competition Lawyers

Semester 1 Intensive: 13–19 February
(excluding the weekend)

Time: 9 am–4 pm
Location: Melbourne Law School

Lecturer

Dr Philip Williams
Frontier Economics

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Competition Law**

Assessment

Class participation (10%)
Take-home examination (50%)
(5–8 April)
4,000 word research paper (40%)
(8 May) on a topic approved by the
subject coordinator

About the subject

Competition law cases before the courts and applications for clearance of mergers by administrative agencies require economic analysis. This analysis increasingly relies on sophisticated techniques of economics, such as oligopoly models, game theory, critical loss analysis and the use of regression to analyse data. This subject provides an opportunity for competition lawyers to familiarise themselves with these techniques so that they can more readily identify what evidence might be appropriate in particular cases. The subject makes no use of algebra; the techniques are presented by means of simple numerical examples. The lecturer, Dr Philip Williams, is one of Australia's leading economists in this field and over a period of three decades has given advice to all the leading law firms in Australia and New Zealand on economic issues and oral evidence in many of the leading cases in both countries.

Syllabus

Principal topics will include:

- * The values underlying competition law
- * Markets, market power and competition
- * The economics of collusion
- * Barriers to entry
- * The effect of vertical arrangements on competition
- * Economic issues in misuse of market power
- * Mergers with homogeneous products
- * Mergers with differentiated products
- * Economic efficiency and authorisation
- * Quantification of penalties and damages.

Elements of Legislation

Semester 2 Intensive: 31 July–6 August
(excluding the weekend)

Time: 9.30 am–5 pm
Location: Melbourne Law School

Employment Contract Law

Formerly Employment Law

Semester 1 Intensive: 29 May–4 June
(excluding the weekend)

Time: 9.30 am–5 pm
Location: Melbourne Law School

Lecturer

Professor Neil Duxbury

London School of Economics,
United Kingdom

Courses

- * Master of Laws
- * Master of Public and International Law
- * Graduate Diploma in Legal Studies
- * Graduate Diploma in Government Law

Assessment

Take-home examination (100%)
(20–23 September)

About the subject

Do judges make law? If they do, how is the law that they make different from that which legislatures make? Do legislatures have intentions? In legal systems that subscribe to the principle of legislative supremacy, are there any limits to what the legislature can enact? Is it better that courts be constitutionally entitled to review the legality of laws that legislatures enact? Absent this entitlement, what *can* courts do with those laws? This course has students consider these questions by examining the law-making functions of legislatures and courts, idea of legislative intent, the concepts of legislative supremacy and judicial review, the concept of *ex post facto* law and the core principles of statutory construction.

Syllabus

Principal topics will include:

- * Enacted and judge-made law
- * Legislative intent and supremacy
- * *Ex post facto* law
- * Judicial review of legislation
- * Statutory interpretation.

Lecturers

Professor Sean Cooney*

Melbourne Law School

**Associate Professor
Joo-Cheong Tham**

Melbourne Law School

Courses

- * Master of Laws
- * Master of Commercial Law
- * Master of Employment and Labour Relations Law
- * Graduate Diploma in Legal Studies
- * Graduate Diploma in Employment and Labour Relations Law

Assessment

Take-home examination (100%)
(12–15 July)

or

10,000 word research paper (100%)
(21 August) on a topic approved by
the subject coordinator

About the subject

Employment contracts have been a major source of litigation in recent years, with some cases leading to payouts amounting to millions of dollars. This subject examines the evolving law of employment contracts, and other related kinds of personal work contracts. Drawing on recent cases as well as leading articles by Australian and international scholars, the lecturers consider several key questions. These include determining and varying contract terms, employer and employee duties, non-compete clauses, termination and damages. The subject also looks at the interaction between employment contracts and major statutes, such as the Australian Consumer Law and the *Fair Work Act 2009* (Cth). The subject seeks to combine discussions of the practical realities of contracting with a broader analysis of the underlying assumptions in current law.

Syllabus

Principal topics will include:

- * The scope of employment regulation: Which work relationships are covered?
- * The regulation of independent contracting, such as agency relationships
- * The content of the employment contract: Express terms
- * The content of the employment contract: Implied terms and incorporation of employer policy manuals
- * Employment, the *Competition and Consumer Act 2010* (Cth) and estoppel
- * Variation and flexibility in the employment contract
- * Termination at common law
- * The relationship between contracts, awards and agreements
- * Statutory remedies for termination of employment.

Energy Regulation and the Law

Semester 1 Intensive: 20–26 March
(excluding the weekend)

Time: 9 am–5 pm
Location: Melbourne Law School

Lecturer

Professor Terence Daintith
University of London,
United Kingdom

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Master of Energy and Resources Law**
- * **Master of Environmental Law**
- * **Master of Public and International Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Environmental Law**
- * **Graduate Diploma in Energy and Resources Law**
- * **Graduate Diploma in Government Law**

Assessment

Take-home examination (40%)
(3–6 May)

6,000 word research paper (60%)
(12 June) on a topic approved by
the subject coordinator

About the subject

Adequate, reliable and sustainable supplies of energy are crucial to modern societies, and their assurance demands the close and continuous involvement of governments. This subject explains the challenges – affordability, security of supply, safety, control of monopoly, sustainability in an age of global warming – that the economic and technical characteristics of different energy sources present to governments in Australia, and analyses the regulatory tools that they have at their disposal for responding to such challenges. It shows how law can function both as an essential vehicle for such regulation and as a constraint on its content. The lecturer is a leading international authority on oil and gas law and has published extensively in the field of regulation.

Syllabus

Principal topics will include:

- * What is regulation?
- * What is the relationship between regulation and law?
- * General explanations and justifications for regulation
- * Regulatory issues posed by the supply of different types of energy:
 - Mineral energies: Coal, petroleum and uranium
 - Network energies: Electricity, gas
 - Renewable energies
- * Regulatory responses: Laissez-faire, public ownership and operation, licensing, price and export controls, operational controls, subsidies
- * The Australian regulatory environment: Federal structure, geography and markets, impacts of international regulation, competition policy and independent regulatory authorities
- * Two or more case studies:
 - Electricity (or gas): From State monopolies to regulated national markets
 - Oil and gas: Public ownership, private operation
 - Uranium: Trade and security issues
 - Renewable energies: Regulatory incentives
- * Evaluating energy regulation: Legitimacy, legality, accountability, fairness, efficiency and effectiveness.

Entertainment Law

Semester 2 Intensive: 8–12 July

Time: 9.30 am–4.00 pm
Location: Melbourne Law School

Lecturers

Professor Megan Richardson*
Melbourne Law School

Professor David Caudill
Villanova University, United States

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Master of Intellectual Property Law**
- * **Master of Public and International Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Communications Law**

Assessment

Class participation (10%)

Take-home examination (90%)
(23–26 August)

or

8,000 word research paper (90%)
(9 October) on a topic approved by
the subject coordinator

About the subject

This subject examines some legal aspects of a modern entertainment industry – in particular, contractual arrangements and intellectual property rights, as well as publicity and privacy rights. Particular reference will be made to the United States, home of the largest entertainment industry in the world, and Australia, which of course has its own important entertainment industry; but other countries will also be considered from time to time. The focus will be both on the written law (with an emphasis on legal development and policy) and the law as it is practised, with the latter part of the course devoted to a contract negotiation exercise. Our cases and examples mostly come from the fields of music, book publishing, the visual and performing arts and live theatre.

Syllabus

Principal topics will include:

- * The entertainment industry and measures of social value; stakeholders within and outside the industry; need for law; range of relevant laws
- * Intellectual property and misappropriation: Copyright and neighbouring rights, moral rights, trade mark rights, publicity rights, passing off, trade secret protection and unfair competition
- * Contracting in the entertainment industry: Licensing, joint ventures, examples of contracts in use (such as book publishing, music touring, character merchandising), and processes and strategies adopted in negotiation
- * Expansion of rights: Technological developments, sui generis or incremental responses, United States and Anglo-Australian approaches
- * Privacy and related issues: Implications for industry practice and entertainers
- * Practical exercises on negotiation and drafting book and merchandising contracts (explored in a workshop environment).

Environmental Law

Formerly Environmental Law:
Science and Regulation

Semester 1 Intensive: 27 February–
5 March (excluding the weekend)

Time: 9.30 am–5 pm
Location: Melbourne Law School

Lecturer

Professor Lee Godden

Melbourne Law School

Guest lecturers will also take part in this subject

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Master of Construction Law**
- * **Master of Energy and Resources Law**
- * **Master of Environmental Law**
- * **Master of Public and International Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Construction Law**
- * **Graduate Diploma in Energy and Resources Law**
- * **Graduate Diploma in Environmental Law**
- * **Graduate Diploma in Government Law**

Assessment

In-class presentation and 1,500–2,000 word written presentation (25%) (18 March)

7,500 word research paper (75%) (29 May) on a topic approved by the subject coordinator

About the subject

Environmental law deals with some of the most vital but also highly controversial issues within Australia and the global society. Environmental issues are a prominent feature of public debate, scientific research and regulatory action and this subject canvasses how law has evolved in response to such challenges, as well as identifying where reform may be required. The subject equips students with a strong grounding in the foundational principles of environmental law in Australia by reference to the Commonwealth *Environment Protection and Biodiversity Act 1999*, as well as relevant pollution control and biodiversity legislation. In addition, it provides an introduction to international environmental law dealing with questions such as trans-boundary harm and World Heritage protection, as well as considering how international influences have shaped the direction of Australian environmental law.

Syllabus

This subject will provide an examination of the development and current scope of Australian environmental law, with a focus on the *Environmental Protection and Biodiversity Conservation Act 1999* (Cth) and related state environmental protection legislation.

Principal topics will include:

- * The growing importance of international law, with the recognition that environmental protection issues cross regulatory boundaries
- * Greater integration between relevant discipline areas concerned with environmental protection
- * Greater diversity in environmental law approaches, including integration with other regulatory areas such as planning, natural resource management, water use and indigenous land management, and financial measures and economic instruments.

These themes will be illustrated by case studies in the following areas:

- * Environmental law: The drivers of change
- * Environmental actors, including public interest litigation
- * The range of legal and regulatory tools deployed in environmental law, including consideration of market mechanisms
- * The interaction of law and science, with a focus on the precautionary principle
- * Integration and complexity challenges in implementing environmental law with a focus on biodiversity protection
- * International law trends, including trade and environment and climate change governance.

Environmental Rights

Semester 2 Intensive: 9–15 October
(excluding the weekend)

Time: 9.30 am–4.30 pm
Location: Melbourne Law School

Lecturer

Ms Alice Palmer

Law Institute of Victoria

Guest lecturers will also take part in this subject

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Master of Environmental Law**
- * **Master of Public and International Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Environmental Law**
- * **Graduate Diploma in Government Law**

Assessment

Class presentation and opinion piece (25%) (30 October)

7,000 word research paper (75%) (22 January 2014) on a topic approved by the subject coordinator

About the subject

With policy and law-makers under pressure to subordinate environmental concerns to short-term economic imperatives, environmental advocates are increasingly looking to human rights as a means of reinforcing the importance of environmental protection to human welfare. This subject will give students an overview of the relationship between human rights law and environmental protection at national and international levels. It will provide insight into strategic aspects of human rights advocacy for the environment, using case studies to explore the roles of different players (including the State, international organisations, business, non-governmental organisations, indigenous peoples and individuals) in environmental protection. Ms Alice Palmer and guest lecturers will bring a practical perspective to this cutting-edge area of law.

Syllabus

Principal topics will include:

- * The relationship between human rights and the environment
- * Human rights that protect the environment, including substantive rights such as the rights to privacy or health and procedural rights such as the rights to information or participation
- * The right to a clean and healthy environment
- * 'Sustainable development' and its relevance to human rights and the environment
- * The implications of human rights law for indigenous peoples and the environment
- * The environmental justice movement
- * The implementation and enforcement of 'environmental rights'
- * National and international governance of human rights and global administrative law
- * 'Environmental rights' and business
- * The topics will be illustrated by cases and case studies relating to:
 - Claims in domestic courts, such as those under the *Alien Tort Claims Act* (USA) and national constitutions
 - Supervision by international and regional human rights bodies, such as the United Nations (UN) Human Rights Committee, the Inter-American Commission for Human Rights and the European Court of Human Rights
 - Accountability of international trade and finance institutions, such as the World Bank Inspection Panel
 - Corporate social responsibility.

Equality and Discrimination at Work

Formerly Anti-Discrimination Law at Work

Semester 1 Intensive: 3–7 June

Time: 9.30 am–4.30 pm

Location: Melbourne Law School

Lecturers

Dr Anna Chapman*

Melbourne Law School

Associate Professor Beth Gaze

Melbourne Law School

Ms Carol Andrades

Ryan Carlisle Thomas

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Master of Employment and Labour Relations Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Employment and Labour Relations Law**
- * **Graduate Diploma in Human Rights Law**

Assessment

Take-home examination (100%)
(17–22 July)

or

10,000 word research paper (100%)
(11 September) on a topic approved
by the subject coordinator

About the subject

Discrimination and sexual harassment in the workplace represent an overwhelming majority of total complaints made to anti-discrimination authorities. Equality and discrimination at work remain pressing concerns for employees, managers and more broadly for society. Achieving equality is elusive and, indeed, the very meaning of equality is highly contested.

This subject explores the legal meanings of equality, with a focus on the frameworks through which Australian parliaments have sought to address inequality, discrimination and harassment. It examines federal legislation dealing with race, sex, disability and age discrimination, and the *Equal Opportunity Act 2010* (Vic). Also examined is how these schemes interact with the new adverse action provisions in the *Fair Work Act 2009* (Cth). The lecturers in this subject combine many years of academic scholarship in this area, engagement in law reform debates and practical client-focused legal advice.

Syllabus

This subject provides an examination of the development and current scope of Australian equality and discrimination law, as relevant in employment and work relationships. It will focus on federal and Victorian jurisdictions.

Principal topics will include:

- * A study of the framework and key features of federal and state legislative provisions dealing with equality and discrimination in the employment context, including the *Equal Opportunity Act 2010* (Vic), the *Racial Discrimination Act 1975* (Cth), the *Sex Discrimination Act 1984* (Cth), the *Disability Discrimination Act 1992* (Cth) and the *Age Discrimination Act 2004* (Cth)
- * An examination of the general protection provisions in the *Fair Work Act 2009* (Cth), including redress for certain types of adverse action
- * Debates regarding the meaning of equality, discrimination and other contested concepts such as choice, especially as choice relates to carer responsibilities
- * The *Charter of Human Rights and Responsibilities Act 2006* (Vic), and its potential impact in the interpretation of the Victorian *Equal Opportunity Act*
- * Conciliation, dispute resolution and remedies
- * Alternative regulatory regimes, including the National Employment Standards, equal remuneration provisions under the *Fair Work Act*, contract law and occupational health and safety issues such as bullying
- * Current processes of legislative revision at federal and state level
- * The potential for future developments in the field.

Equity and Commerce

Semester 2 Intensive: 5–9 August

Time: 10 am–5 pm

Location: Melbourne Law School

Lecturers

Associate Professor Elise Bant*

Melbourne Law School

Mr William Swadling

University of Oxford, United Kingdom

Courses

- * **Master of Laws**
- * **Master of Banking and Finance Law**
- * **Master of Commercial Law**
- * **Master of Private Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Banking and Finance Law**
- * **Graduate Diploma in Corporations and Securities Law**

Assessment

Class paper presentation (10%)

3-hour examination (90%)
(20 September)

or

10,000 word research paper (90%)
(30 October) on a topic approved by
the subject coordinator

About the subject

Equitable doctrines and remedies have become increasingly important to commercial conduct and transactions over recent years. Their impact has not only been reflected in a host of judicial decisions that have developed significantly the law affecting commercial dealings, but in the raft of legislation that now builds on those equitable foundations. This subject considers some of the more pressing points of convergence between equitable doctrine and commercial practice, and examines their ongoing relationship with key statutory counterparts. In doing so, the subject is tightly structured to ensure that students are both exposed to cutting-edge legal theory concerning court-led equitable developments and to the practical ramifications of those developments for commercial practice and transactions.

Syllabus

Principal topics will include:

- * The role of equity in commercial transactions
- * The nature of the fiduciary obligations, including the avoidance of conflicts of interest and the duty not to profit from a fiduciary position
- * 'Management' and avoidance of fiduciary conflicts
- * Undue influence and related doctrines in banking contexts
- * Quistclose trusts
- * The role of estoppel in commercial negotiations
- * Equitable remedies for breach of obligation, with special reference to gain-based awards and constructive and resulting trusts.

European Intellectual Property Law

Semester 1 Intensive: 18–22 February

Time: 9.30 am–4.30 pm

Location: Melbourne Law School

Lecturers

Mr Jason Bosland*

Melbourne Law School

Rt Hon. Sir Robin Jacob

University College London, United Kingdom

Professor Tanya Aplin

King's College London, United Kingdom

Ms Janice Luck

Melbourne Law School

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Master of Intellectual Property Law**
- * **Master of Public and International Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Intellectual Property Law**

Assessment

Take home examination (100%)
(5–8 April)

About the subject

This subject provides an outline of some of the more important or notable features of European intellectual property (IP) regimes and reform proposals, selected either for their unique nature or their comparative relevance to Australian law. The subject will deal with a variety of sources of European IP law, including: European Union (EU) Directives and Regulations on or relating to IP; non-EU IP treaties (such as the European Patent Convention), and domestic IP law in European countries, in particular the United Kingdom, Germany and France.

Syllabus

Principal topics will include:

- * An overview of the European IP regime
- * The European patent system under the European Patent Convention and the European unitary patent initiative
- * Key features of European patent law: patentable subject matter (including the impacts of the 1998 EU Biotechnology Directive); claim construction, inventive step and sufficiency/claim support
- * The EU supplementary protection certificate (SPC) system
- * EU laws specifically protecting databases and software, and the ramifications of those protections upon copyright protection generally
- * European legal protections of authors' moral rights
- * European graduated response initiatives directed at internet-based copyright infringement
- * The registered and unregistered European Community designs regimes
- * The relationship between European designs and artistic copyright protection
- * European laws extending trade mark protection to mark dilution and unfair advantage
- * Internet-related trade mark infringement in settings such as online marketplaces and search engines
- * Trade mark issues relating to comparative advertising and parallel importation
- * The interface between the European IP regime and European competition/free trade protections, in particular the question of exhaustion of rights within the EU.

Financial Services Law

Semester 1 Intensive: 20–26 February
(excluding the weekend)

Time: 9.30 am–4.30 pm

Location: Melbourne Law School

Lecturer

Associate Professor Pamela Hanrahan

Melbourne Law School

Courses

- * **Master of Laws**
- * **Master of Banking and Finance Law**
- * **Master of Commercial Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Banking and Finance Law**
- * **Graduate Diploma in Corporations and Securities Law**

Assessment

Take-home examination (100%)
(5–8 April)

or

10,000 word research paper (100%)
(8 May) on a topic approved by the subject coordinator

About the subject

This subject is primarily concerned with the law, both statute and general, that regulates the provision of financial services in Australia. The subject also explores the pre-sale and ongoing disclosure obligations of issuers of financial products other than securities, and identifies current issues and developments in financial services law, both in Australia and elsewhere. The subject will provide students with a detailed understanding of the regulation of financial services in Australia, including the definition of 'financial services', the circumstances in which an Australian Financial Services Licence is required and the ongoing obligations of licensees. It will also introduce students to recent reforms, including the Future of Financial Advice reforms. The lecturer is one of Australia's leading experts in the areas of funds management law and financial services regulation.

Syllabus

This subject examines the regulation of financial services providers and the legal dimensions of their relationship with their clients. In particular, it deals directly with relevant parts of Chapter 7 of the *Corporations Act 2001* (Cth) and the general law relating to brokers, dealers and financial advisers. It also covers the related topic of Financial Product Disclosure.

Principal topics will include:

- * Policy underpinning Chapter 7 of the *Corporations Act 2001* (Cth)
- * AFS licensing
- * Financial services disclosure
- * Statutory and equitable duties of financial services providers
- * Financial product disclosure
- * Regulation of market participants
- * Role and powers of the Australian Securities and Investments Commission (ASIC) and the Australian Securities Exchange (ASX)
- * Theoretical and comparative approaches to regulating broker/dealers and advisers.

Foundations of Tax Law

Formerly Australian Income Tax System

Semester 1 Intensive: 13–19 March
(excluding the weekend)

Time: 9.30 am–4 pm

Location: Melbourne Law School

Lecturer

Professor Miranda Stewart
Melbourne Law School

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Master of International Tax**
- * **Master of Public and International Law**
- * **Master of Tax**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in International Law**
- * **Graduate Diploma in International Tax**
- * **Graduate Diploma in Tax**

Assessment

Class presentation (10%)

Written assignment (20%)
(27 March)

Structured assignment (70%)
(15 April)

About the subject

The core tax subject, Foundations of Tax Law, examines the fundamentals of taxation, with a focus on Australia's most important tax: the income tax. It engages with the tax law that is most relevant to legal and tax practice for individuals and businesses.

This subject equips students to interpret statutory tax rules and apply judicial case law approaches, and to understand the policy and implications of tax reform in this fast-changing and challenging area of law. Foundations of Tax is taught by Professor Miranda Stewart, the Director of Studies for the tax program, who has significant experience and knowledge of tax law and practice both in Australia and internationally. Foundations of Tax Law is a required subject for international tax students and is recommended for all students who have had little previous study or experience in tax law.

Syllabus

Principal topics will include:

- * Taxation in Australia's federal system, overview of federal and state taxes, constitutional issues, how tax laws are made, sources of tax law, tax rates and tax reform
- * Income tax policy and the meaning of income
- * Income tax law, including calculation of taxable income; definition of income from services, property and business, capital gains, allowable deductions and treatment of business and investment assets
- * Overview of income tax of business and investment entities
- * Tax avoidance and evasion, and the general anti-avoidance rule.

Free Speech, Contempt and the Media

Semester 1 Intensive: 4–8 March

Time: 9.30 am–5.30 pm

Location: Melbourne Law School

Lecturer

Mr Jonathan Gill
Carrick Gill Smyth

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Master of Public and International Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Communications Law**
- * **Graduate Diploma in Government Law**
- * **Graduate Diploma in Human Rights Law**

Assessment

Class participation (10%)

Take-home examination (90%)
(3–6 May)

or

8,000 word research paper (90%)
(12 June) on a topic approved by the subject coordinator

About the subject

It has been over 20 years since the High Court confirmed the existence and operative effect of the implied constitutional guarantee of freedom of governmental and political communication in the landmark decision in *Lange v ABC*. Yet freedom of speech in Australia remains subject to a wide range of legal limitations, many of which would be struck down as unconstitutional in other common law jurisdictions. This subject explores the limitations on free speech that arise as a result of proceedings and processes initiated by arms of the state and prosecutorial authorities: legislative, executive and judicial, and from censorship of sexually explicit material to restrictions applying to the advocacy of terrorism. Those restrictions profoundly affect the material that may be published by the media. It is the impact of the current restrictions on free speech on both the media and on non-media elements of civil society that are the focus of this subject.

Syllabus

This subject provides an examination of Australian law affecting the media's ability to report the courts, the executive and parliament.

Principal topics will include:

- * Contempt of court
- * Contempt of parliament
- * Offensive publications: Violence, pornography and racism
- * Seditious publications
- * Access to information in court
- * Government information: Security and official secrets
- * Freedom of speech: Theoretical issues and international perspectives.

LAWS70387

Fundamentals of Patent Drafting

Semester 1 Intensive: 11–15 February

Time: 9.30 am–5 pm

Location: Melbourne Law School

LAWS70419

Fundamentals of Regulation

Semester 2 Intensive: 15–19 July
(excluding the weekend)

Time: 9.30 am–5 pm

Location: Melbourne Law School

Lecturers

Professor Andrew Christie*

Melbourne Law School

Mr Leon Allen

Davies Collison Cave

Ms Nadia Odorico

Griffith Hack

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Master of Intellectual Property Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Intellectual Property Law**

Assessment

In-class drafting exercises (25%)

4-hour supervised assessment (75%) (22 March, am)

Prerequisite

Successful completion of Patent Law or an equivalent subject

About the subject

This subject teaches students the fundamental principles and basic skills of drafting patent specifications. It does so through a combination of instruction sessions, workshop sessions and review sessions, for a range of topics. The students' mastery of each topic is evaluated through a number of practical assessment tasks, undertaken individually, both in and outside the classroom. Passing the subject will satisfy the knowledge requirements specified by the Professional Standards Board for Patent and Trade Marks Attorneys for 'Topic Group G: Drafting patent specifications'. The lecturers for this subject are senior practising patent attorneys with substantial experience teaching drafting skills.

Syllabus

Principal topics will include:

- * History and nature of specifications and claims
- * Interviewing the inventor
- * Identifying the invention
- * Approaches to claim drafting
- * Drafting basic claims
- * Drafting process claims
- * Drafting with reference to prior art
- * Preparing a description.

Lecturer

Professor Colin Scott

University College Dublin, Ireland

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Master of Employment and Labour Relations Law**
- * **Master of Public and International Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Communications Law**
- * **Graduate Diploma in Competition Law**
- * **Graduate Diploma in Corporations and Securities Law**
- * **Graduate Diploma in Government Law**

Assessment

10,000 word research paper (100%) (14 October) on a topic approved by the subject coordinator

About the subject

This subject examines the processes and institutions associated with regulatory governance in Organisation for Economic Co-operation and Development (OECD) countries. Topics covered include: the regulatory State; counterproductive regulation; setting regulatory norms; monitoring and enforcement; alternatives to classical regulation; non-State regulatory governance; supranational regulation; regulatory accountability and reform.

Syllabus

Principal topics will include:

- * Defining and explaining regulation
- * Counterproductive regulation and unintended effects
- * The regulatory State and regulatory institutions
- * Setting regulatory norms
- * Monitoring and enforcement
- * Alternatives to classical regulation
- * Regulation beyond the nation state
- * Regulatory accountability and reform.

Fundamentals of the Common Law

Intensive classes

Semester 1 Intensive: 12–16 March
(Tuesday to Saturday inclusive)

Semester 2 Intensive: 31 July–
6 August (excluding the weekend)

Time: 9 am–5 pm

Location: Melbourne Law School

Semester-long classes

Semester 1: 2 hours per week for
12 weeks, commencing 6 March

Time: Wednesdays 5.30–7.30 pm

Semester 1: 2 hours per week for
12 weeks, commencing 7 March

Time: Thursdays 5.30–7.30 pm

Semester 2: 2 hours per week for
12 weeks, commencing 31 July

Time: Wednesdays 5.30–7.30 pm

Location: Melbourne Law School

Lecturers

Intensive classes

Professor Michael Tilbury

University of Hong Kong,
Hong Kong

Semester-long classes

Semester 1

Ms Erica Grundell

Victorian Department of Health

Ms Claire Kaylock

University of Notre Dame

Semester 2

Ms Claire Kaylock

University of Notre Dame

Courses

- * **All masters degrees (excluding the Master of International Tax and Master of Tax)**
- * **Graduate Diploma in Legal Studies**

Note

Students who are required to undertake this subject are advised to undertake it as early as possible in their course

Students who have a degree in law from, or are admitted to practise in, a common law jurisdiction are not permitted to enrol in this subject except with the permission of the Associate Dean Melbourne Law Masters

Assessment

Intensive classes

Research assignment (100%)

Semester 1: 22 May

Semester 2: 28 October

Semester-length classes

Legal writing exercise (20%)

Semester 1: 25 March

Semester 2: 19 August

Research assignment (80%)

Semester 1: 5 June

Semester 2: 4 November

About the subject

The common law forms one of the two principal systems of Western law that, through colonisation, have spread throughout the world. The common law's understanding of the nature of law, its approach to the resolution of disputes and its institutions have all had a profound effect on the development not only of the societies in the countries in which it applies, but also of international law and practice. This subject introduces the common law, at an advanced level, to graduates in disciplines other than law and to law graduates of non-common law jurisdictions. Adopting a historical, comparative and jurisprudential approach, the subject studies the major rules, principles and values of the common law that are likely to enhance an understanding of the other subjects that students will undertake in the Melbourne Law Masters. The subject also aims to develop skills in legal analysis, research and writing.

Syllabus

This subject provides an examination of the history, principal legal concepts and institutions of the common law. Topics will be chosen with a view to providing a basis of knowledge and understanding for areas of law covered elsewhere in the Melbourne Law Masters.

Principal topics will include:

- * Evolution of the common law, the division between law and equity, theories of law, basic concepts, and values and assumptions
- * Sources of law in common law systems
- * Institutions and procedures of the common law
- * Substantive principles of the common law
- * The interpretation of statutes.

Global Commercial Contract Law

Semester 1 Intensive: 6–10 May

Time: 9.30 am–5 pm

Location: Melbourne Law School

Lecturer

Professor Stefan Vogenauer

University of Oxford,
United Kingdom

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Master of Private Law**
- * **Master of Public and International Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in International Economic Law**
- * **Graduate Diploma in International Law**

Assessment

Class participation (10%)

Take-home examination (90%)
(21–24 June)

About the subject

This subject provides an introduction to the global law relating to international commercial contracts. A major focus will be on contracts of sales, as codified by the Vienna Convention on the International Sale of Goods (CISG). However, some issues of the general law of contract will also be covered in detail (e.g. formation, interpretation, third party rights, the duty of good faith and fair dealing). The treatment of some of these topics will be based on an examination of the 2010 UNIDROIT Principles of International Commercial Contracts (PICC). The approach is comparative. Examples will be drawn from the decisions of national courts as well as arbitral awards.

Syllabus

Principal topics will include:

- * Global commercial contracts
- * Applicability and application of the CISG and the PICC
- * Interpretation and supplementation of the CISG and the PICC
- * Contract formation
- * Interpretation of international commercial contracts
- * Third party rights
- * Obligations of sellers and buyers
- * Contractual remedies
- * Good faith and fair dealing
- * Transnational commercial dispute resolution.

Globalisation and the Limits of Sovereignty

Formerly Governing Plurality:
Sovereignty, Religion, Technology

Semester 1 Intensive: 8–14 May
(excluding the weekend)

Time: 10 am–4 pm

Location: Melbourne Law School

Lecturer

Dr Stewart Motha

University of London,
United Kingdom

Courses

- * **Master of Laws**
- * **Master of Law and Development**
- * **Master of Public and International Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Government Law**
- * **Graduate Diploma in International Law**

Assessment

10,000 word research paper (100%)
(19 August) on a topic approved by
the subject coordinator

About the subject

This subject examines transformations in the nature of sovereignty in a globalised world. The sovereignty of the nation state has not disappeared – but it faces numerous regulatory and governmental limits in grappling with transnational flows of capital, people, technology and phenomena such as climate change or political violence. How do these transformations manifest themselves in law? What are the governmental and juridical responses to them?

Drawing on social and political theory, the course will examine the emergence of multi-ethnic and multicultural societies, post-colonial legal orders and post-national legal frameworks such as the European Union (EU). These developments have challenged the coherence of modern legal and democratic institutions that were conceived as bounded and homogenous. There is a crisis of authority and representation in dealing with global challenges and crises. Drawing on a range of theoretical perspectives on democracy and recent scholarship in cultural studies, anthropology and political theory, the subject will examine the tension between the modern State and alternative normative frameworks and systems of rules.

Syllabus

Principal topics will include:

- * The limits of sovereignty – e.g. the EU; global economic crises, terrorism and political violence
- * Popular sovereignty, protest movements and global technologies – e.g. the North African revolutions, information-technology and religious fundamentalism
- * Sovereignty in post-colonial societies – e.g. comparative examination of Australia, South Africa, Sri Lanka and India
- * Religion, democracy and constitutional pluralism
- * Human/animal distinction and governance through ‘forms of life’
- * Biotechnology, climate change and the rule of experts.

Goods and Services Tax Principles

Semester 2 Intensive: 28 August–3 September (excluding the weekend)

Time: 10 am–4 pm

Location: Melbourne Law School

Lecturer

Mr Michael Evans

Taxsifu Ltd

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Master of Tax**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Tax**

Assessment

Assignment (30%) (9 September)

Take-home examination (70%) (4–7 October)

About the subject

This core tax subject will examine in detail Australia's Goods and Services Tax (GST) in the context of how a value-added tax works and why it is the favoured form of indirect tax throughout the world. It will consider the policy, aims and objectives of the GST and how it differs from other types of indirect tax. It will provide an advanced understanding of the policy basis and legislative scheme of Australia's GST as well as an analysis of rulings and cases that are relevant to the operation of, and compliance with, Australia's GST in practice.

Syllabus

Principal topics will include:

- * Introduction to the GST: Different forms of VAT/GST and the relation to the income tax base
- * Obligation to register for the GST
- * Basic concepts for operating the GST: Supply, liability and value for tax, status of the taxable person, definitions of supplies, place of supply, goods and services, value of the consideration, treatment of imports and exports, administration of VAT, treatment of input tax – mixed supplies and apportionment
- * Special issues: Real property, financial institutions, government and non-profit-making bodies, agriculture and mining
- * International aspects: Obligation for non-residents to register, supplies by non-residents and the reverse charge and exports and imports of goods and services
- * Compliance assessment and collection of GST.

Hedge Funds and Private Equity Funds

Semester 2 Intensive: 12–16 August

Time: 9.30 am–5 pm

Location: Melbourne Law School

Lecturer

Mr Timothy Spangler

Kaye Scholer, United States

Courses

- * **Master of Laws**
- * **Master of Banking and Finance Law**
- * **Master of Commercial Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Banking and Finance Law**
- * **Graduate Diploma in Corporations and Securities Law**

Assessment

Take-home examination 100% (4–7 October)

About the subject

Hedge funds and private equity funds involve the allocation and investment of trillions of dollars, ultimately into a wide range of financial instruments and numerous operating companies across a variety of industry sectors. In recent years, managers of these 'alternative investment funds' have become subject to heightened scrutiny from regulators and the media. This subject provides an opportunity to learn in detail about the structuring and operation of hedge funds and private equity funds. The subject will provide students with an advanced and specialised knowledge in the relevant areas of law, and will examine recent developments in that area.

Syllabus

Principal topics include:

- * Introduction to hedge funds and private equity funds
- * Dramatis personae
- * Overview of regulatory issues relating to structuring
- * Overview of regulatory issues relating to marketing
- * Investors and due diligence issues
- * Investment objectives and restrictions
- * Legal documentation for a hedge fund
- * Current issues related to hedge fund managers and investors
- * Legal documentation for a private equity fund
- * Current issues related to private equity fund managers and investors.

Hot Topics in Medical Law

Semester 1: 2 hours per week for 12 weeks commencing 7 March

Time: Thursdays 5.30–7.30 pm

Location: Melbourne Law School

Lecturer

Professor Loane Skene

Melbourne Law School

Courses

- * **Master of Laws**
- * **Master of Health and Medical Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Health and Medical Law**

Assessment

Class presentation (10%)

2,000 word presentation paper (20%)

7,000 word research paper (70%) (17 June) on a topic approved by the subject coordinator

About the subject

Health and medical law is constantly changing, with new technology, new treatments and new ethical issues. These developments may raise pressing concerns for health service providers, government agencies, other regulatory bodies, academics in many fields and more broadly for society. This subject will focus on a range of emerging issues. Discussion will be highly specialised with detailed analytical examination and critical reflection on relevant issues, taking account of established theories to different bodies of knowledge or practice. It will focus on Australian federal and Victorian law but include discussion of developments in other countries. The subject will be taught by Professor Loane Skene, who has more than 30 years' experience in legal practice, law reform, policy advice and ethical analysis. She has served on numerous federal and state advisory committees, including the federal Lockhart and Heerey Committees on human embryo and stem cell research.

Syllabus

This subject provides a critical examination of a range of new developments in medicine and science. Principal topics will include legal and ethical issues, and current processes of legislative revision at federal and state level, relating to:

- * Reproductive technology
- * Human stem cell research and its applications
- * Biological patents
- * 'Medical tourism' (treatments in other countries that are not permitted in Australia)
- * The use in research of stored genetic material and cell lines
- * Direct-to-consumer genetic tests
- * Organ transplants
- * 'Synthetic life'
- * Other topical issues that arise while the subject is being taught.

Human Rights and Armed Conflict

Semester 2 Intensive: 4–10 September (excluding the weekend)

Time: 9.30 am–5 pm

Location: Melbourne Law School

Lecturer

Professor Christine Chinkin

London School of Economics, United Kingdom

Courses

- * **Master of Laws**
- * **Master of Public and International Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Government Law**
- * **Graduate Diploma in Human Rights Law**
- * **Graduate Diploma in International Law**

Assessment

Take-home examination (100%) (11–14 October)

or

10,000 word research paper (100%) (11 December) on a topic approved by the subject coordinator

About the subject

The involvement of foreign troops in military action, for instance in Iraq, Afghanistan and Libya, has highlighted complex questions relating to the applicability of human rights law to their actions, which will be studied in this subject at an advanced level. There are two interrelated legal and moral questions: is human rights law applicable in situations of armed conflict or occupation, in addition to international humanitarian law, and can the use of force ever be justified in the name of human rights? Professor Chinkin has extensive academic engagement with the issues arising from these questions and will also draw from her practical experience as a member of the legal team in litigation determining the United Kingdom's responsibility under human rights law for its actions in Iraq and as a member of a United Nations (UN) fact-finding mission with respect to allegations of violations of international humanitarian and human rights law in Gaza.

Syllabus

Principal topics will include:

- * What is conflict?
- * Applicability of human rights in armed conflict, with particular reference to the extra-territorial application of human rights; issues arising from military attack, occupation, detention, handover of prisoners, rendition; case study of targeted assassinations
- * The commission of gendered violations of law in armed conflict with particular reference to the situation of the human rights of women and peacekeeping
- * Accountability for violations: States; individuals; international organisations
- * Humanitarian intervention and the responsibility to protect.

Human Rights and Indigenous Peoples

Semester 2 Intensive: 20–26 November
(excluding the weekend)

Time: 9 am–5 pm
Location: Melbourne Law School

Lecturers

Dr Mark McMillan*
Melbourne Law School

Dr Kirsty Gover
Melbourne Law School

Courses

- * **Master of Laws**
- * **Master of Public and International Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Government Law**
- * **Graduate Diploma in Human Rights Law**
- * **Graduate Diploma in International Law**

Assessment

10,000 word research paper (100%)
(19 February 2014) on a topic
approved by the subject coordinator

About the subject

In the past two decades, indigenous peoples have become increasingly prominent players in international law. Indigenous rights are now part of the mainstream body of international human rights law – comprehensively articulated in the United Nations (UN) Declaration on the Rights of Indigenous Peoples 2007. They also form part of the mandate of a number of United Nations agencies, including the International Labour Organization (ILO), the World Bank and the UN human rights bodies, and are directly supervised by indigenous experts within the UN system via the UN Permanent Forum on Indigenous Issues and the Human Rights Council's new hyperlink <http://www2.ohchr.org/english/issues/indigenous/ExpertMechanism/index.htm> Expert Mechanism on the Rights of Indigenous Peoples. These mechanisms increasingly provide leverage for indigenous claims in domestic law, and require governments to have regard to indigenous rights when making decisions affecting their interests. This subject explores the practice and theory of indigenous rights in international law and considers their influence on the domestic law and policy of Australia and other settler States. It addresses the distinctive qualities of indigenous rights and focuses especially on the central importance of collective indigenous rights to self-determination, culture and territory. This subject is co-taught by indigenous law experts Dr Mark McMillan (Wiradjuri nation) and Dr Kirsty Gover.

Syllabus

Principal topics will include:

- * The history and current status of the UN Declaration on the Rights of Indigenous Peoples 2007
- * The role and work of the UN Permanent Forum on Indigenous Issues
- * The work and impact of UN Special Rapporteurs
- * The development of general human rights norms in their application to indigenous peoples by the human rights treaty bodies, particularly the Human Rights Committee and the Committee on the Elimination of Racial Discrimination
- * The development of ILO standards and the impact of its work domestically
- * The extent to which Australian governments have incorporated international human rights into policy approaches in relation to indigenous affairs in Australia
- * The work of the Social Justice Commissioner in utilising human rights law and values in the Australian context
- * Examination of comparative developments using examples such as the United States, Canada and New Zealand.

Human Rights at Work

Semester 2 Intensive: 29 April–3 May

Time: 9.30 am–5 pm
Location: Melbourne Law School

Lecturer

Professor Keith Ewing
King's College London,
United Kingdom

Courses

- * **Master of Laws**
- * **Master of Employment and Labour Relations Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Employment and Labour Relations Law**
- * **Graduate Diploma in Government Law**
- * **Graduate Diploma in Human Rights Law**

Assessment

Take-home examination (100%)
(21–24 June)

or

10,000 word research paper (100%)
(5 August) on a topic approved by
the subject coordinator

About the subject

Human rights law is a subject of growing importance with wide implications. This subject considers how human rights law can be used to regulate private power (the power of the employer) and a private law relationship (the contract of employment). It examines, in particular, workers' rights in relation to privacy and surveillance, religion and belief, expression and whistle-blowing, as well as freedom of association, and the employer's duty to accommodate the exercise of these rights. Reflecting the international nature of the discipline, attention will be directed not only to Australian and state law but also to relevant international human rights treaties, together with the law and practice of other common law jurisdictions (notably Canada and United Kingdom).

Syllabus

Principal topics will include:

- * The application of human rights principles to private law relationships
- * The protection of human rights in the specific context of workplace relations
- * Legal protection at work of the right to privacy, freedom of conscience and religion, and freedom of expression
- * Legal protection of freedom of association, including the operation of the relevant 'general protections' in the *Fair Work Act 2009* (Cth).

Human Rights Beyond Borders

Semester 2 Intensive: 27 November–3 December (excluding the weekend)

Time: 9.30 am–5 pm

Location: Melbourne Law School

Lecturer

Dr Ralph Wilde

University College London, United Kingdom

Courses

- * **Master of Laws**
- * **Master of Law and Development**
- * **Master of Public and International Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Government Law**
- * **Graduate Diploma in Human Rights Law**
- * **Graduate Diploma in International Law**

Assessment

Take-home examination (100%)
(17–20 January 2014)

or

10,000 word research paper (100%)
(26 February 2014) on a topic approved by the subject coordinator

About the subject

This subject considers whether and to what extent international human rights law applies to the actions of States outside their sovereign territories. The focus is on international law only, not also domestic law.

The extra-territorial application of international human rights law is one of the most contested and fast-moving areas of human rights law today. It is concerned with important and high-profile activities performed by States outside their borders, from war to occupation and anti-piracy and migration-related activities. This relatively under-explored area of law is of considerable current interest to governments (including their armed forces), international organisations and human rights non-government organisations (NGOs).

Syllabus

Principal topics will include:

- * The nature and scope of extra-territorial State activity, from war to occupation, the interception and detention of migrants and 'pirates', and the operation of embassies, military bases and detention facilities
- * The main contours of international human rights law
- * Relevant principles of general international law, including treaty interpretation, and relevant features of human rights law, including applicability in times of war and occupation, and co-application with other areas of law
- * Arguments of principle in favour of and against applicability, including concerns about 'legal black holes', indirect nationality discrimination, abuses of detainees, double standards and 'human rights imperialism'
- * The main treaty provisions on applicability, including 'jurisdiction' and colonial extension clauses
- * Key general features of extra-territorial applicability, including the substantive meaning of human rights law extra-territorially, and the relevance to this of self-determination; the possibility of activating 'derogation' clauses; and whether human rights treaties can and should apply to the actions of contracting States in the territories of other States not also parties to the same treaties
- * The meaning of the two 'jurisdiction' triggers for extra-territorial applicability, based on the exercise of control over territory or individuals
- * The extra-territorial application of other human rights treaties that use different triggers, notably the anti-discrimination treaties and the 1951 Refugee Convention
- * The application and significance of the non-refoulement obligation extra-territorially.

Human Rights in Administrative Law

Formerly Administrative Law in an Age of Rights

Semester 2 Intensive: 4–10 September (excluding the weekend)

Time: 9 am–5 pm

Location: Melbourne Law School

Lecturer

Dr Thomas Poole

London School of Economics, United Kingdom

Courses

- * **Master of Laws**
- * **Master of Public and International Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Government Law**
- * **Graduate Diploma in Human Rights Law**

Assessment

Take-home examination (100%)
(25–28 October)

or

10,000 word research paper (100%)
(4 December) on a topic approved by the subject coordinator

About the subject

The last few decades have seen a profound reconfiguration of politics and law. Human rights have been incorporated, in divergent ways and with different degrees of penetration, within almost all domestic legal orders. This development, allied with an exponential growth in judicial review, has spurred reflection on what constitutional democracy now means. Lawyers are now asked to consider, not just in the abstract as thinking citizens but because they are increasingly confronted with the question in their working lives, the role that law plays in this changed environment.

Administrative law being often at the leading edge of political and legal development, it is natural that these changes should have a particular relevance for the legal construction of public administration. This subject examines the impact of human rights jurisprudence, and the internationalisation of law and legal practice, on administrative law. Our approach will be both comparative and conceptual, covering legal developments in a number of jurisdictions, but particularly the United Kingdom, Australia, Canada and New Zealand. The main doctrinal focus will fall on judicial review of administrative action, where we analyse important changes within the practice, for instance, the rise of the concepts of proportionality and deference. We also consider wider institutional questions, such as the role that courts can play in fostering a 'culture of rights' within the interstices of public administration. Taught by one of the leading scholars within the field, the subject should appeal to anyone with an inquiring mind who is interested in getting to grips with important legal issues surrounding a fundamental social and political change.

Syllabus

Principal topics will include:

- * Rights and the common Law
- * The 'Commonwealth Model' of judicial review
- * 'Dialogue' theories of rights protection
- * Social rights and the courts
- * The constitutionalisation of administrative law
- * Substantive review: From unreasonableness to proportionality?
- * Doctrines of deference
- * Creating a culture of rights in public administration
- * Rights and risk in administrative law
- * Administrative law in a global(ising) world
- * Transnational judicial conversations about rights.

Human Rights Litigation and Advocacy

Semester 1 Intensive: 12–18 June
(excluding the weekend)

Time: 9.30 am–5 pm
Location: Melbourne Law School

Lecturer

Associate Professor John Tobin
Melbourne Law School

Courses

- * **Master of Laws**
- * **Master of Public and International Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Dispute Resolution**
- * **Graduate Diploma in Government Law**
- * **Graduate Diploma in Human Rights Law**
- * **Graduate Diploma in International Law**

Assessment

3,000 word written assignment (30%) (15 July)

7,000 word research paper (70%) (23 September) on a topic approved by the subject coordinator

About the subject

Human rights are becoming increasingly important to the practice of law at the domestic and international level, and within government, the private and community sector. This subject is designed to equip students with the practical skills required for effective engagement with human rights in each of these contexts. The subject will be of interest to students whose work already intersects with human rights directly or to students who wish to explore ways to further inject human rights into their work. It is designed to be of relevance to students whether they are working within Australia, other countries or at the international level. The subject lecturer draws heavily on his extensive contacts to integrate the insights and experiences of legal professionals into the teaching of the subject.

Syllabus

The first four days of the subject examine:

- * The strategic considerations and techniques required for effective use of human rights in litigation, advocacy and service delivery
- * The technical skills required to determine the meaning of civil and political rights, such as the right to life and the prohibition against torture, and economic, social and cultural rights such as the right to health
- * The status and strategic opportunities for using international human rights standards in domestic legal systems
- * The effectiveness of domestic systems for the protection of human rights, principally Bills of Rights (using the Victorian Charter of Human Rights as a case study of the dialogue model, unless it is repealed)
- * The international mechanisms available for individual allegations of human rights violations
- * The use of human rights standards to shape and influence law reform and policy development.

The final day of the subject involves the application of the skills developed during the subject to several practical and contemporary case studies.

International Business Transactions

Semester 2: 7–13 August
(excluding the weekend)

Time: 9 am–5 pm
Location: Melbourne Law School

Lecturer

Professor Bryan Mercurio
The Chinese University of Hong Kong, Hong Kong

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Master of Public and International Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in International Economic Law**
- * **Graduate Diploma in International Law**

Assessment

Take-home examination (100%) (20–23 September)

or

10,000 word research paper (100%) (30 October) on a topic approved by the subject coordinator

About the subject

This subject is a basic 'how-to' subject on international business transactions and is essential for those wishing to practise international trade law. The subject focuses on the legal issues faced by practising lawyers in the field, with particular emphasis on the basic legal steps involved in structuring trade and investment transactions. Issues such as trade terms, international sales of goods, documentary credits and the various forms of operating a business and multinational enterprise will be discussed at length. The subject also considers several issues beyond trade and investment, such as franchising and intellectual property rights. Finally, the subject briefly covers possible action when disputes arise. The lecturer has practised international trade law in both government and private practice in North America, Asia and Australia. He has published in international business law, and taught international business law classes in Australia and Hong Kong for over a decade.

Syllabus

Principal topics will include:

- * Basic trade contracts and common trade terms (f.o.b., c.i.f., etc.)
- * Choice of law and choice of jurisdiction in international trade contracts
- * The Vienna Convention on International Sale of Goods
- * Payment systems, including documentary credits and collections
- * Structuring business ventures abroad
- * Regulatory issues and red tape
- * Franchising
- * Protecting intellectual property rights
- * Foreign direct investment
- * Dispute settlement.

International Commercial Arbitration

Semester 1: 2 hours per week for 12 weeks, commencing 4 March

Time: Mondays 5.30–7.30 pm

Location: Melbourne Law School

Lecturer

Professor Richard Garnett

Melbourne Law School

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Master of Construction Law**
- * **Master of Public and International Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Construction Law**
- * **Graduate Diploma in Dispute Resolution**
- * **Graduate Diploma in International Economic Law**
- * **Graduate Diploma in International Law**

Assessment

Take-home examination (100%)
(14–17 June)

or

10,000 word research paper (100%)
(17 June) on a topic approved by the subject coordinator

About the subject

International commercial arbitration is the most important method globally for resolving cross-border commercial disputes. The focus of this subject is on the basic principles of international commercial arbitration law and is taught from the perspective of both the practitioner advising clients and the scholar interested in advanced research. There will be a particular focus on the desirability of arbitration compared to other dispute resolution methods, the relationship between the courts and arbitrators, drafting techniques and developments in Australia and other countries. The lecturer is both a leading scholar in the field and a practising lawyer at a major commercial law firm.

Principal topics will include:

- * The nature of international arbitration
- * Applicable law in international arbitration
- * The Australian procedural regime and an introduction to the UNCITRAL Model Law
- * Enforcing international arbitration agreements
- * Appointment and qualifications of arbitrators
- * Misconduct of arbitrators
- * Privacy and confidentiality
- * Enforcement and challenge of awards.

International Construction Law

Semester 1 Intensive: 12–18 June
(excluding the weekend)

Time: 9 am–5 pm

Location: Melbourne Law School

Lecturers

Mr John Digby QC*

Victorian Bar

Professor Doug Jones AO

Clayton Utz

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Master of Construction Law**
- * **Master of Public and International Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Construction Law**
- * **Graduate Diploma in International Law**

Assessment

Take-home examination (100%)
(9–12 August)

or

10,000 word research paper (100%)
(18 September) on a topic approved by the subject coordinator

About the subject

Cross-border construction contracting, and the avoidance and conduct of disputes, has a distinctive character and content. Lawyers and industry professionals need to be familiar with the range of international forms available for various delivery methodologies, the key issues in the international financing and procurement of projects and the options for, and methods of dealing with, dispute resolution, along with the intricacies associated with those processes in an international context. The subject provides detailed treatment of dispute avoidance techniques used in international projects (such as disputes boards) and the principles and practice of international arbitration in the construction context.

The subject lecturers, John Digby QC and Professor Doug Jones AO, are construction lawyers with extensive experience in all aspects of international procurement and dispute resolution. They have been involved in many of the most significant projects undertaken in Australia or with Australian parties, and have made a substantial contribution to ongoing reform of international arbitral institutions.

Syllabus

Principal topics will include:

- * Key issues in the finance and delivery of international construction projects
- * Standard-form contracts for international construction projects (including the FIDIC suite and variants promulgated by the Multilateral Development Banks)
- * The main distinctions of principle and practice between the prosecution, determination or resolution of construction claims in the principal common law jurisdictions, the United States and selected Asian countries
- * An examination of international bodies dealing with the determination or resolution of international construction claims
- * The jurisdictional, governing law and procedural framework for the prosecution, determination and enforcement of construction claims through international arbitration, including Lex Mercatoria and Amiable Composition
- * Identification and consideration of contractual and extra-contractual alternative dispute resolution (ADR) and dispute avoidance procedures (DAPs) in the context of international construction litigation and international arbitration.

International Criminal Law

Semester 2 Intensive: 6–12 November
(excluding the weekend)

Time: 10 am–5 pm

Location: Melbourne Law School

Lecturers

Professor Tim McCormack*
Melbourne Law School

Professor Gerry Simpson
Melbourne Law School

Courses

- * **Master of Laws**
- * **Master of Public and International Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in International Law**

Prerequisite

Successful completion of Principles of International Law or equivalent

Assessment

3-hour examination (100%)
(13 December, am)

or

10,000 word research paper (100%)
(12 February 2014) on a topic approved by the subject coordinator

About the subject

The proliferation of international criminal courts and tribunals over the previous two decades represents a significant new phase in the development of a global justice system and has resulted in an expanding body of jurisprudence involving the interpretation and application of international criminal law. This subject will focus on the contemporary environment, with a particular emphasis on the International Criminal Court as the world's first permanent international criminal tribunal. Students will explore the historical background to this new phase of institution-building and also discuss the purpose of war crimes trials. The lecturer in the subject is currently advising the Prosecutor of the International Criminal Court and will draw extensively on this practical experience to ensure class discussion is grounded in contemporary case law.

Syllabus

Principal topics will include:

- * The nature of law, war and crime and the purpose of war crimes trials
- * Concept of individual criminal responsibility for violations of international law, including the doctrine of command responsibility
- * Elaboration of basic crimes
- * Universal jurisdiction
- * International criminal courts
- * International vs national jurisdictions and the concept of universal jurisdiction
- * Different models of international criminal courts and tribunals
- * The International Criminal Court.

International Criminal Law and Transitional Justice

Formerly International Criminal Justice:
Transition and Trauma

Semester 1 Intensive: 19–25 June
(excluding the weekend)

Time: 10 am–5 pm

Location: Melbourne Law School

Lecturer

Associate Professor Peter Rush
Melbourne Law School

Courses

- * **Master of Laws**
- * **Master of Law and Development**
- * **Master of Public and International Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in International Law**

Assessment

10,000 word research paper (100%)
(25 September) on a topic approved by the subject coordinator

About the subject

How does law respond to experiences of mass atrocity and political transition? This question has animated conflicts throughout the world, from South Africa to the Democratic Republic of Congo, from Argentina to the Arab Spring of recent years. At the same time, the International Criminal Court has handed down its first judgment. This subject explores the legal institutions of criminal prosecution and truth commissions in post-conflict situations. Providing case studies of transitions and criminal responsibility, it provides in-depth knowledge of the various models of transitional justice, the paradigms of international criminal law, and role of human rights movements in addressing accountability, memory and justice, peace and social order. The lecturer is the Director of the International Criminal Justice program in the Institute for International Law and the Humanities.

Syllabus

This subject explores the practices of international criminal justice and transition, including criminal prosecution and truth commissions. It focuses on institutions and agencies of international criminal law in post-conflict situations, and in particular their representation and understanding of individual and collective trauma.

Principal topics will include:

- * Understandings of responsibility and memory in law and trauma studies
- * Legal responses to the destruction of European Jewry during World War II: Nuremberg, Eichmann and the aftermath of the Holocaust
- * Models of transitional justice: Criminal justice, truth commissions and testimonial justice
- * Institutions of transitional justice: Case studies, including Argentina and South Africa
- * New international crimes: The emerging jurisprudence of the ad hoc criminal tribunals and the International Criminal Court (examples include rape and torture).

International Economic Law

Semester 1 Intensive: 17–23 April
(excluding the weekend)

Time: 9.30 am–5 pm
Location: Melbourne Law School

Lecturer

**Associate Professor
Jürgen Kurtz**

Melbourne Law School

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Master of Law and Development**
- * **Master of Public and International Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in International Economic Law**
- * **Graduate Diploma in International Law**

Assessment

3-hour examination (100%) (7 June)

or

10,000 word research paper (100%)
(24 July) on a topic approved by the
subject coordinator

About the subject

Newspaper headlines frequently concern global economic issues, from trade disputes between countries, investment claims by foreign investors against sovereign States, to countries facing a balance of payments crisis and seeking assistance from the International Monetary Fund (IMF). This subject examines the law governing global economic issues. It is designed both as a comprehensive introduction in its own right to this important field, as well as a foundation for further exploration through specialist subjects in the curriculum. It begins with a historical and theoretical background to the field before turning to focus on the law and practice of the World Trade Organization (WTO), including close analysis of the WTO dispute settlement system and the role of 'free' or preferential trade agreements within that system. This provides context for understanding international investment law, including under bilateral investment treaties and pursuant to investor–State dispute settlement decisions. Finally, the subject examines the lending policies and practices of international financial institutions, particularly the IMF and the World Bank.

Syllabus

Principal topics will include:

- * Nature, evolution and context of international economic law
- * The law of the WTO
- * Dispute settlement in the WTO
- * International investment law
- * Investor–State arbitration under the International Centre for Settlement of Investment Disputes (ICSID) Convention
- * International financial institutions (particularly the IMF and the World Bank).

International Employment Law

Formerly International and
Comparative Labour Law

Semester 1 Intensive: 20–26 February
(excluding the weekend)

Time: 9.30 am–4.30 pm
Location: Melbourne Law School

Lecturer

Professor Brian Langille

University of Toronto, Canada

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Master of Employment and Labour Relations Law**
- * **Master of Law and Development**
- * **Master of Public and International Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Employment and Labour Relations Law**
- * **Graduate Diploma in International Law**

Assessment

Take-home examination (100%)
(12–15 April)

or

10,000 word research paper (100%)
(22 May) on a topic approved by the
subject coordinator

About the subject

As labour and capital markets transcend domestic borders, the objectives of labour law can no longer be confined solely to actions within the nation state. The purpose of this subject is twofold. First, to identify the diverse components of international employment and labour law, the institutions, the claims and the methods for advancing social protection to workers world-wide. This inquiry spans beyond traditional instruments that are associated with labour law, and includes trade law, private international law, international human rights and corporate social responsibility. It further seeks to embed the study of legal instruments in the broader economic and sociological debates on globalisation. The second goal is to critically assess how international developments affect domestic labour law and our perception of the ethical and economic values that underscore this body of law.

Syllabus

Principal topics will include:

- * The importance of the concept of globalisation in understanding national systems of labour regulation
- * The composition, powers and functioning of international organisations that regulate labour internationally, including the International Labour Organization (ILO) and the European Union (EU)
- * The relevance of different theories of international regulation
- * The role of intergovernmental and corporate codes of conduct in securing international labour standards
- * The social clause in world trade
- * The usefulness of a comparative approach to labour law
- * The success of adopting a human rights approach to labour regulation in the face of changes to domestic and international labour law frameworks.

International Environmental Law

Semester 2 Intensive: 31 July–6 August
(excluding the weekend)

Time: 9.30 am–4.30 pm

Location: Melbourne Law School

Lecturers

Ms Alice Palmer*

Law Institute of Victoria

Mr Sam Johnston

United Nations University, Japan

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Master of Energy and Resources Law**
- * **Master of Environmental Law**
- * **Master of Public and International Law**
- * **Graduate Diploma in Energy and Resources Law**
- * **Graduate Diploma in Environmental Law**
- * **Graduate Diploma in International Law**

Assessment

Class presentation (10%)

Written reflective essay (15%)
(4 September) on one of the international environmental case studies considered in the materials

7,000 word research paper (75%)
(23 October) on a topic approved by the subject coordinator

About the subject

International environmental law is the field of public international law concerned with the protection of the natural environment, and those aspects of the built environment recognised as world cultural heritage. It is a vitally important branch of international law, seeking as it does to safeguard the environment upon which humanity depends for its very existence. International environmental law seeks to integrate the activities of diverse actors – States, international organisations, businesses, communities and non-government organisations (NGOs) – and uses a wide range of legal tools (including economic instruments and participatory mechanisms) to address pressing environmental concerns. This subject explores the critical governance and regulatory dimensions of international environmental law, as well as introducing you to cases and treaties that have been pivotal to the development of this area of international law. All lecturers in the subject are international environmental law experts, with both academic and practical experience in the field, which will be drawn into the delivery of a stimulating and relevant subject.

Syllabus

Principal topics will include:

- * The need for international environmental law and its historical development
- * Fundamental principles and concepts necessary for an understanding of international environmental law, e.g. sustainable development, precautionary principle and polluter pays principle
- * The principal institutions and actors involved in the creation, implementation and enforcement of international environmental law
- * The principal cases and treaties that have been influential in the development of international environmental law
- * Current issues of concern in international environmental law, including atmospheric pollution, the protection of international 'commons' areas such as the high seas, the deep seabed and Antarctica, species protection and biodiversity, hazardous substances transportation and international trade.

International Financial System: Law and Practice

Semester 1 Intensive: 15–21 May
(excluding the weekend)

Time: 9.30 am–5 pm

Location: Melbourne Law School

Lecturer

Professor Douglas Amer

University of Hong Kong, Hong Kong

Courses

- * **Master of Laws**
- * **Master of Banking and Finance Law**
- * **Master of Commercial Law**
- * **Master of Public and International Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Banking and Finance Law**
- * **Graduate Diploma in Corporations and Securities Law**
- * **Graduate Diploma in International Law**

Assessment

Take-home examination (100%)
(28 June–1 July)

or

10,000 word research paper (100%)
(21 August) on a topic approved by the subject coordinator

About the subject

In the wake of the Global Financial Crisis (GFC) of 2008, the visibility of finance and financial regulation has increased dramatically. This subject will provide an overview of the global financial system and international efforts to build structures to support its proper functioning. Taking an integrative approach, the subject will look at the evolution of the global financial system, its structure and regulation. In doing so, the subject will analyse financial crises, especially the GFC, and responses thereto, the Basel Committee on Banking Supervision (BCBS), the Financial Stability Board (FSB) and the International Monetary Fund (IMF).

Syllabus

Principal topics will include:

- * The historical development of the international financial markets from Bretton Woods to now
- * Costs and benefits of internationalisation of finance
- * International debt markets and syndicated lending
- * International prudential regulation and capital adequacy
- * The rise of the emerging markets and their integration into mainstream capital markets
- * Recent crises in the emerging markets
- * Regulatory measures available to emerging market nations
- * Proposals for reform of the international financial architecture.

International Financial Transactions: Law and Practice

Semester 2 Intensive: 20–26 November (excluding the weekend)

Time: 9 am–5 pm

Location: Melbourne Law School

Lecturer

Mr Andrew Godwin
Melbourne Law School

Courses

- * **Master of Laws**
- * **Master of Banking and Finance Law**
- * **Master of Commercial Law**
- * **Master of Public and International Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Banking and Finance Law**
- * **Graduate Diploma in Corporations and Securities Law**
- * **Graduate Diploma in International Law**

Assessment

Take-home examination (100%)
(17–20 January 2014)

or

10,000 word research paper (100%)
(26 February 2014) on a topic approved by the subject coordinator

About the subject

This subject is designed around the key legal concepts that underpin international financial transactions, including insolvency, security and the law governing the assignability of financial assets. These legal concepts are analysed in the context of international financial transactions, including bond issues, syndicated loans, securitisation, derivatives and Islamic finance. The subject provides students with insights into cross-border financial transactions and the role of international finance lawyers in structuring and advising on such transactions. It is therefore of particular interest to lawyers practising or seeking to practise law in this area and also to in-house lawyers and bankers in commercial and investment banks. A former senior practitioner, the lecturer has over 15 years of experience in financial transactions, including lending and security, property finance, asset finance, trade finance, banking products, debt restructuring, derivatives and structured finance.

Syllabus

This subject looks at the principal transactions, analysing the ways in which they are structured and implemented, and identifying the legal issues that are relevant to them.

Principal topics will include:

- * The regulation of international finance
- * Financing options: Bank financing versus capital markets financing
- * Debt capital markets, including Eurobonds and global bonds
- * Syndicated lending
- * Techniques of loan sales: Novation, assignment and participation
- * Derivatives
- * Asset securitisation
- * Project finance
- * Legal issues, including security, insolvency and contractual issues.

International Health Law

Formerly Global Health Law

Semester 2 Intensive: 8–12 July

Time: 10 am–5 pm

Location: Melbourne Law School

Lecturer

Professor Lawrence Gostin
Georgetown University,
United States

Courses

- * **Master of Laws**
- * **Master of Health and Medical Law**
- * **Master of Public and International Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Health and Medical Law**
- * **Graduate Diploma in International Law**

Assessment

10,000 word research paper (100%)
(9 October) on a topic approved by the subject coordinator

About the subject

Health inequalities represent the most enduring and consequential global health challenge of our time. A child born in sub-Saharan Africa, for example, will live on average nearly 30 years less than a child born in Australia. This class provides students with a firm understanding of the role of international law in promoting, or harming, human health. It covers 'hard' law such as the Framework Convention on Tobacco Control, as well as 'soft law' such as the World Health Organisation (WHO) Code of Practice on the Health Worker Recruitment. Professor Gostin brings into the discussion multiple international fields that powerfully affect health, such as trade, agriculture and climate change. The central theme running throughout the discussions will be global health justice. The class uses innovative teaching tools to highly engage students, including case studies and real-life simulations.

Syllabus

This subject will provide students with an in-depth understanding of global health law through careful examination of the major contemporary problems in global health, the principal international legal instruments governing global health and the principal international organisations and innovative solutions for global health governance in the 21st century. It will cover naturally occurring infectious diseases (e.g. extensively drug-resistant tuberculosis, malaria and HIV/AIDS), past (e.g. SARS) and future (e.g. influenza (A) H5N1) epidemics, bioterrorism events (e.g. anthrax or smallpox) and/or major chronic diseases caused by modern lifestyles (e.g. obesity or tobacco use).

Principal topics will include:

- * Health in a globalised world
- * The 'grand challenges' in global health
- * National security and global health: National interests, enlightened self-interests and health diplomacy
- * International health law: The International Health Regulations and the Framework Convention on Global Health
- * Health and human rights
- * World trade and world health
- * Innovations in global health governance: Towards a framework convention on global health.

International Human Rights Law

Semester 1 Intensive: 27 February–5 March (excluding the weekend)

Time: 9.30 am–5 pm

Location: Melbourne Law School

Lecturers

Associate Professor John Tobin*
Melbourne Law School

Professor Dianne Otto
Melbourne Law School

Courses

- * **Master of Laws**
- * **Master of Employment and Labour Relations Law**
- * **Master of Public and International Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Human Rights Law**
- * **Graduate Diploma in International Law**

Assessment

Take-home examination (100%)
(19–22 April)

or

10,000 word research paper (100%)
(5 June) on a topic approved by the subject coordinator

About the subject

Since the Universal Declaration of Human Rights was adopted in 1948, there has been a continual expansion in the number of instruments and mechanisms adopted by States to protect international human rights. This subject is designed to examine and critically assess the fundamental features of this international system. It will be of interest to all students who want to develop a detailed understanding of how the international human rights law system operates, including those with limited or no background in the area. The two lecturers have significant experience across a diverse range of topics and issues within international human rights law, which they draw upon to create an engaging and thought-provoking subject.

Syllabus

Principal topics will include:

- * Human rights and the challenges posed by State sovereignty and national security
- * The contested universality of human rights
- * The international institutional framework for the protection of human rights, with a special focus on the Human Rights Council and treaty monitoring system
- * The interpretation and application of selected rights from the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR)
- * Domestic measures for the implementation of human rights, such as judicial implementation of economic, social and cultural rights
- * Non-government organisations (NGOs) and their role in the protection of human rights
- * The contribution of truth and reconciliation commissions to the protection of human rights
- * Current issues, such as refugees and discrimination on the grounds of race and sex
- * Human rights and the challenges posed by economic globalisation and climate change.

International Humanitarian Law

Semester 2 Intensive: 11–17 September (excluding the weekend)

Time: 9.30 am–5 pm

Location: Melbourne Law School

Lecturers

Associate Professor Bruce Oswald CSC*
Melbourne Law School

Professor Tim McCormack
Melbourne Law School

Courses

- * **Master of Laws**
- * **Master of Public and International Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in International Law**

Prerequisite

Successful completion of Principles of International Law or equivalent

Assessment

Take-home examination (100%)
(25–28 October)

or

10,000 word research paper (100%)
(9 December) on a topic approved by the subject coordinator

About the subject

The implementation of the legal rules governing the conduct of military hostilities is literally a matter of life and death. The lecturers in this subject combine current international practice in the relevant law – deployment in contemporary military operations and participation in war crimes trials – with acknowledged research expertise. The subject briefly introduces the historical development of international humanitarian law and raises a series of questions around the effective implementation of the law. What is an armed conflict and how do we determine the legal character of a conflict?; how do combatants distinguish between civilians and enemy combatants and how can protection for civilians in armed conflict – particularly women and children – be improved?; who can lawfully be targeted and killed and who can be detained?; which weapons are prohibited and which are permitted?

Syllabus

Principal topics will include:

- * The historical development of international humanitarian law and its rationale in a broader context
- * The Geneva Conventions of 1949 and the Additional Protocols of 1977 and developments in customary international law
- * The unique role of the International Committee of the Red Cross (ICRC) in armed conflict
- * The relationship of international humanitarian law to other related areas of international law, such as the use of force, arms control and disarmament, human rights and international criminal law
- * Implementation of the law, through case studies
- * Current issues for development of the law, such as cluster munitions, child soldiers, the protection of women in armed conflict and the law of occupation and terrorism.

International Issues in Intellectual Property

Semester 2 Intensive: 4–10 December
(excluding the weekend)

Time: 9.30 am–4.30 pm

Location: Melbourne Law School

Lecturers

Professor Sam Ricketson*
Melbourne Law School

Dr Ian Heath
First Thoughts

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Master of Intellectual Property Law**
- * **Master of Public and International Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Intellectual Property Law**
- * **Graduate Diploma in International Law**

Assessment

Take-home examination (100%)
(12–17 February 2014)

or

Problem exercise (40%)
(12–14 February 2014)

6,000 word research paper (60%)
(3 March 2014) on a topic approved
by the subject coordinator

About the subject

Over the past two decades, the protection of intellectual property rights (IPRs) globally has become a major issue both for right holders and users, and one that has had profound implications in a number of important areas of public discourse, such as international trade, public health, education and research, national development and the promotion of biodiversity. This subject seeks to engage with all these issues, and begins with a discussion of the sources of international intellectual property (IP) law, including the principal IP treaties and the general architecture of the international IP system. It then considers a number of case studies where particular IP issues arise and where international solutions are presently being negotiated. It will also examine the growing tension between the territoriality of IPRs and the global scope of IP exploitation, considering how this clash plays out in the key areas of private international law. Both lecturers have had extensive experience in international intellectual property matters, and bring to the subject both academic and practical perspectives that add greatly to its interest and relevance.

Syllabus

This subject will consist of a survey of the economic, legal and political elements and forces that shape the international IP system.

Principal topics will include:

- * Introduction to the international IP system, including the main producers and owners of IP, the institutional architecture and the treaty system
- * Instruments and strategies for obtaining protection internationally – the Patent Cooperation Treaty, Madrid System, Hague System and regional systems
- * The protection of names, marks and other identifiers and content, with particular reference to the internet
- * Dispute settlement and private international law issues
- * Biotechnology, access to genetic resources and traditional knowledge
- * Access to knowledge
- * Human rights, IP and the development agenda.

International Law and Children's Rights

Semester 2 Intensive: 21–27 August
(excluding the weekend)

Time: 9.30 am–5 pm

Location: Melbourne Law School

Lecturer

Associate Professor John Tobin
Melbourne Law School

Courses

- * **Master of Laws**
- * **Master of Law and Development**
- * **Master of Public and International Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Government Law**
- * **Graduate Diploma in Human Rights Law**
- * **Graduate Diploma in International Law**

Assessment

Take-home examination (100%)
(4–7 October)

or

10,000 word research paper (100%)
(13 November) on a topic approved
by the subject coordinator

About the subject

Issues concerning children, whether they arise at the international, regional or local level, are increasingly being examined from a human rights perspective. Much of the momentum for this movement has been generated by the United Nations (UN) Convention on the Rights of the Child (CRC), which was adopted by the UN General Assembly in 1999, and has been ratified by every State in the world except the United States and Somalia. This subject is designed to provide students with an understanding of the CRC and the idea of a human rights-based approach to matters involving children. It will be of interest to anyone who works in areas that impact on children, either directly or indirectly, at the international, regional or local level. The lecturer has extensive networks with civil society, international bodies and government agencies, which he draws on to provide an appropriate blend of academic and practical content.

Syllabus

The subject consists of two parts. Part one will involve a general discussion of:

- * The notion of children's rights
- * The international framework for the protection of children's rights, with particular emphasis on the United Nations (CRC)
- * The factors that impact on the implementation of the Convention, both in Australia and overseas.

Part two will involve an examination of specific issues relevant to children and how the Convention and a rights-based analysis can be used to respond to these issues. The issues will be drawn from areas such as:

- * Sexual exploitation, including trafficking, prostitution and pornography
- * Child labour
- * Juvenile justice
- * Child refugees
- * Violence against children
- * Children in armed conflict
- * HIV/AIDS and children
- * Child poverty and homelessness.

International Law and Development

Formerly Law and Development

Lecturer

Professor Sundhya Pahuja
Melbourne Law School

Courses

- * **Master of Laws**
- * **Master of Employment and Labour Relations Law**
- * **Master of Environmental Law**
- * **Master of Law and Development**
- * **Master of Public and International Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Asian Law**
- * **Graduate Diploma in Environmental Law**
- * **Graduate Diploma in International Law**

Assessment

Class participation (5%)

Group assignment: Class presentation (10%) and book review 1,500 words (15%) (27 March)

8,000 word research paper (70%) (3 June) on a topic approved by the subject coordinator

About the subject

The concept of development has been crucial to structuring international legal relations from the end of World War II to the present day. During that time, international law and institutions have taken on 'development' as a primary project. In both the public and economic domains, the vast majority of international institutions engage with the development project in some shape or form. This subject invites students to think about the nature and importance of development and its relation to international law. The history of development in relation to imperialism, decolonisation, the cold war and globalisation means that this set of relations is complex and dynamic. Understanding it is crucial to understanding the place of international law, and the work development does in the contemporary world.

Syllabus

Principal topics will include:

- * Law and development as a field
- * The 'development' concept and its precursors
- * The relationship between the concepts of 'law' and 'development'
- * The institutionalisation of development
- * Development, imperialism, decolonisation and the nation state
- * Permanent sovereignty over natural resources and the new international economic order
- * Debt crises and development(s) at the Bretton Wood institutions
- * Trade and development
- * Globalisation, governance and the rule of law
- * Sustainability, democracy and human rights
- * Resistance, alternatives and post-development
- * The future: Development and security.

Semester 1 Intensive: 13–19 March (excluding the weekend)

Time: 9.30 am–4.30 pm

Location: Melbourne Law School

International Legal Internship

Semester 1 and 2: 8–10-week internship

Coordinators

Associate Professor Bruce Oswald CSC

Melbourne Law School

Associate Professor John Tobin

Melbourne Law School

Courses

- * **Master of Laws**
- * **Master of Law and Development**
- * **Master of Public and International Law**

Prerequisite

Successful completion of at least four subjects from the Melbourne Law Masters, at least two of which must have involved writing a 10,000 word research paper. A subject coordinator and the potential academic supervisor of the student's research paper must approve the institution or organisation at which the student intends to undertake the internship

Assessment

10,000 word research paper (100%) on a topic approved by the academic supervisor. The research paper must be submitted three months after the completion of the internship, on a date to be confirmed with the academic supervisor

About the subject

International Legal Internship allows students to gain credit for undertaking advanced legal research and analysis on an approved international internship of at least ten weeks of full-time work in an approved international institution or organisation. The program is focused on providing students with an opportunity to engage with legal and policy issues in contemporary society through work experience and further develop oral and written communication skills. Students are required to secure and fund their internships personally. Students are encouraged to discuss their internship proposals with the subject coordinators.

Students who successfully enrol in International Legal Internship must arrange a meeting with at least one of the subject coordinators both prior to their internship and upon completion of their internship so as to develop a better understanding of research and the role of international institutions in international law and relations.

International Migration Law

Semester 1 Intensive: 6–12 February
(excluding the weekend)

Time: 9.30 am–5 pm
Location: Melbourne Law School

Lecturer

Professor Brian Opeskin
Macquarie University

Courses

- * **Master of Laws**
- * **Master of Public and International Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Government Law**
- * **Graduate Diploma in International Law**

Assessment

Take-home examination (100%)
(22–25 March)

About the subject

International migration is a topic of ever-increasing interest as a result of globalisation of labour markets, and demographic pressures in sending and receiving for States. This subject equips students to understand the framework of international law that regulates the flow of people across international borders as regular or irregular migrants. It also equips students to understand the human rights of migrants who live or work in countries outside the State of their nationality. The subject has an international focus but will draw on case studies of special relevance to Australia, which has been a major migrant-receiving country for over 60 years.

Syllabus

Principal topics will include:

- * Contemporary patterns of international migration
- * Nationality and statelessness
- * Regulating entry of persons
- * Regulating exit of persons
- * Refugees and asylum seekers
- * International labour migration
- * International human rights of migrants
- * Human trafficking and smuggling
- * International, regional and bilateral migration processes
- * Emerging migration issues.

International Mineral Law

Semester 2 Intensive: 9–13 September

Time: 9 am–4 pm
Location: Melbourne Law School

Lecturer

Mr Stephen Creese
Newcrest Mining Limited

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Master of Energy and Resources Law**
- * **Master of Environmental Law**
- * **Master of Public and International Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Energy and Resources Law**
- * **Graduate Diploma in Environmental Law**
- * **Graduate Diploma in International Law**

Assessment

10,000 word research paper (100%)
(11 December) on a topic approved
by the subject coordinator

About the subject

Mineral exploration and production typically occur wherever the prospects of discovery and exploitation of minerals are good. The mining industry is, of necessity, international in character, and many Australian mining companies now operate in foreign jurisdictions. This subject examines the legal regimes that govern mineral exploration, development, production and sale in selected countries of high mineral prospectivity. It deals with sovereign risk, legal arrangements between governments (including government corporations) and private enterprise, regulatory schemes and fiscal issues. The lecturer has extensive practical experience in mineral ventures in several jurisdictions.

Syllabus

Principal topics will include:

- * Constitutional matters
- * Mineral proprietorship
- * Legal structures
- * Exploration regimes
- * Project development
- * Production regimes
- * Marketing of mineral products
- * Government corporations
- * Environmental controls
- * Indigenous rights
- * Investment controls
- * Fiscal arrangements
- * Foreign exchange controls.

International Petroleum Transactions

Semester 1 Intensive: 6–10 May

Time: 9 am–5 pm

Location: Melbourne Law School

Lecturers

Professor Owen Anderson*

University of Oklahoma, United States

Professor John Lowe

Southern Methodist University, United States

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Master of Energy and Resources Law**
- * **Master of Public and International Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Energy and Resources Law**
- * **Graduate Diploma in International Law**

Assessment

Take-home examination (100%)
(21–24 June)

About the subject

This subject considers the legal issues and transactions relating to the exploration, production and marketing of petroleum, which, owing to its economic and strategic importance, is the most important commodity traded worldwide. The subject will give students a basic understanding of how crude oil and gas are exploited and marketed worldwide. It will cover how countries establish sovereignty over petroleum resources and how host governments or their national (State-owned) oil companies contract with private companies to explore and develop oil and gas resources. The subject also describes and analyses key contracts among petroleum companies, as well as contracts between petroleum companies and petroleum-services contractors that facilitate exploration, development and marketing of petroleum. As petroleum is one of the most politically charged commodities, this class will also consider extra-territorial anti-corruption law. In a broader sense, this class will help students develop better analytical skills – especially the ability to critically evaluate contracts.

Syllabus

Principal topics will include:

- * Host government contracts
- * Joint bidding, confidentiality, exploration and farmout agreements
- * Joint operating and unitisation agreements
- * Managing and contracting to avoid corruption problems
- * Managing and allocating risk in service contracts.

International Refugee Law: Refugee Status

Semester 1 Intensive: 29 April–3 May

Time: 10 am–5 pm

Location: Melbourne Law School

Lecturer

Professor James Hathaway

University of Michigan, United States

Note

Students who have undertaken 730–718 International Refugee Law cannot enrol in this subject

Courses

- * **Master of Laws**
- * **Master of Public and International Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Government Law**
- * **Graduate Diploma in Human Rights Law**
- * **Graduate Diploma in International Law**

Assessment

10,000 word research paper (100%)
(31 July) on a topic approved by the subject coordinator

About the subject

This subject provides an introduction to the international legal regime for the protection of involuntary migrants. The essential premise of the subject is that refugee law should be understood as a mode of human rights protection, the viability of which requires striking a balance between the needs of the victims of human rights abuse and the legitimate aspirations of the countries to which they flee. The primary objective of the subject is to enable students to develop a comprehensive understanding of the international legal definition of a refugee – the basis for being granted protection in 147 states, including Australia.

Syllabus

Principal topics will include:

- * Refugees in law vs refugees in fact
- * Principles of treaty interpretation applied to refugee law
- * Alienage
- * Genuine risk
- * Serious harm
- * Failure of State protection
- * Nexus to civil or political status
- * Needs and deserves protection.

International Sale of Goods

Semester 1 Intensive: 11–15 February

Time: 9 am–5 pm

Location: Melbourne Law School

International Securities Regulation

Semester 2 Intensive: 24–30 July
(excluding the weekend)

Time: 9.30 am–5 pm

Location: Melbourne Law School

Lecturer

Professor Martin Davies

Tulane University, United States

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Master of Private Law**
- * **Master of Public and International Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in International Economic Law**
- * **Graduate Diploma in International Law**

Assessment

Take-home examination (100%)
(5–8 April)

or

10,000 word research paper (100%)
(8 May) on a topic approved by the subject coordinator

About the subject

Although international sales of goods are in some respects similar to domestic sales, the distance that the goods must usually travel from seller to buyer and the time taken to travel that distance create many legal and practical issues, both for the seller's obligations in relation to the goods and the buyer's obligations in relation to payment. Choice of law is always an important issue in any international transaction, but an impressive degree of international uniformity of sales law has been achieved as a result of the widespread adoption of the United Nations (UN) Convention on the International Sale of Goods (CISG). The goal of this subject is to introduce students to the special issues raised by international sales, and the operation of the international instruments that have been developed to provide uniform solutions to those issues.

Syllabus

Principal topics will include:

- * The passing of title to, and risk in, the goods
- * Allocation of responsibility for arranging carriage and insurance
- * The relationship between the carriage and insurance contracts and the sale contract
- * Export and import licences
- * How and when payment is to be made for the goods
- * The International Chamber of Commerce Incoterms 2000
- * The application and content of the UN Convention on the International Sales of Goods (CISG)
- * Non-conformity of goods and the buyer's remedies
- * Documentary letters of credit and documentary collection
- * Uniform Customs and Practice for Documentary Credits 2007 (UCP 600)
- * Conflict of laws background relating to choice of law in contract and property matters.

Lecturer

Associate Professor Cally Jordan

Melbourne Law School

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Master of Public and International Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Corporations and Securities Law**
- * **Graduate Diploma in International Law**

Assessment

In-class presentation (25%)

Take-home examination (75%)
(13–16 September)

About the subject

The Global Financial Crisis (GFC) has graphically demonstrated how interconnected capital markets are worldwide. The GFC did not start in the international capital markets, but these markets became the purveyors of risk and financial calamity around the world. This subject will provide an understanding of the development of international capital markets, the most burning current issues in developed and developing economies and the regulatory responses. Associate Professor Jordan is a widely recognised expert on international capital markets.

Syllabus

This subject looks at the historical development of and major trends in international capital markets from a regulatory perspective.

Principal topics will include:

- * Development of regulatory techniques to address international securities transactions, such as mutual recognition, harmonisation etc.
- * The changing role of stock markets
- * The interplay between regulated and unregulated markets
- * The operation of the Euromarkets and recent attempts to create a pan-European and trans-Atlantic capital market
- * United States regulatory initiatives, including Regulation S, Rule 144A, American Depositary Receipts and the Multijurisdictional Disclosure System
- * The role of international financial institutions such as the World Bank and the International Monetary Fund (IMF), and initiatives such as the Financial Sector Assessment Programs
- * The role of the International Organization of Securities Commissions and the creation of international standards
- * Developments in developing and transitional markets (e.g. China, Brazil etc.)
- * Islamic finance.

The subject may include case studies of recent transactions in the international markets.

International Tax: Principles and Structure

Semester 1: 2 hours per week for 12 weeks, commencing 5 March

Time: Tuesdays 6–8 pm

Location: Melbourne Law School

Lecturers

Associate Professor Michael Kobetsky*

Melbourne Law School

Mr Peter Gillies

Pitcher Partners

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Master of International Tax**
- * **Master of Public and International Law**
- * **Master of Tax**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in International Law**
- * **Graduate Diploma in International Tax**
- * **Graduate Diploma in Tax**

Assessment

Take-home examination (100%)
(28 June–1 July)

About the subject

This core international tax subject is of central importance, given Australia's ever-growing role in the global economy. The subject covers the fundamental international income tax rules that apply where income or capital gains are derived in circumstances that have a connection with Australia. The subject considers Australia's tax jurisdiction of residence and source, and the double tax relief provided by Australia's bilateral tax treaties. It also examines measures to prevent tax avoidance, such as controlled foreign company measures and transfer pricing.

Syllabus

This subject is designed to explore in detail the fundamental principles of Australia's international taxation regime. The subject will examine both the issues of tax design and policy, and the relevant provisions in the legislation, cases and rulings.

Principal topics will include:

- * Principles of international taxation
- * Rules for determining residence and source
- * Domestic rules for the taxation of residents' foreign income (foreign income tax offsets, accruals taxation of foreign income and exemption of foreign income)
- * Domestic rules for the taxation of non-residents' Australian source income (business income, interest, dividends and royalties)
- * Introduction to tax treaties
- * Introduction to thin capitalisation rules.

International Trade Law

Semester 1 Intensive: 24–28 June

Time: 9 am–5 pm

Location: Melbourne Law School

Lecturer

Professor Martin Davies

Tulane University, United States

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Master of Public and International Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in International Economic Law**
- * **Graduate Diploma in International Law**

Assessment

Take-home examination (100%)
(26–29 July)

or

10,000 word research paper (100%)
(18 September) on a topic approved by the subject coordinator

or

Take-home examination (50%)
(26–29 July) and 5,000 word research paper (50%)
(18 September) on a topic approved by the subject coordinator

About the subject

International trade is of great importance to almost every country in the world. Many legal relationships are necessary for goods to be traded from one country to another, and they are all predictably flavoured by the issues that arise when different legal systems interact. This subject considers the private commercial legal issues that arise when goods are traded from one country to another, framework contracts such as agency and exclusive distribution, as well as public international law issues that arise when governments try to influence the subject of international trade. The goal of the subject is to give some sense of how the private commercial aspects of trade create issues for government-to-government relationships about trade, and vice versa.

Syllabus

Principal topics will include:

- * The contracts by which trade in goods takes place: Sale, transport, payments and insurance
- * Marketing and licensing structures: Distributors, agency, franchising, licensing and transfer of technology
- * The impact upon trade of international institutions and agreements: The General Agreement on Tariffs and Trade (GATT) and the World Trade Organization (WTO)
- * Impediments to, and regulation of, international trade: Anti-dumping, duties and antitrust
- * Regulation of international investment
- * Conflict of laws issues in international trade
- * Resolution of disputes in international trade litigation, arbitration, alternative dispute resolution and the recognition of foreign judgments and awards.

Semester 1 Intensive: 3–7 June

Time: 9.30 am–4.30 pm

Location: Melbourne Law School

Lecturers

Mr Jonathan Gill*

Carrick Gill Smyth

Professor Dan Hunter

New York Law School, United States

Professor Megan Richardson

Melbourne Law School

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Master of Intellectual Property Law**
- * **Master of Public and International Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Communications Law**
- * **Graduate Diploma in Intellectual Property Law**

Assessment

Class participation, including a short in-class presentation on one of the seminar topics (10%)

Take-home examination (90%)
(26–29 July)

or

8,000 word research paper (90%)
(4 September) on a topic approved by the subject coordinator

About the subject

The internet turned 20 in 2012, and remains the fastest growing medium of communications. It is also a uniquely democratic means of communication, blurring the traditional boundaries between publisher and reader. It has created unparalleled opportunities for sharing, fully duplex peer communications and novel types of social media. Nevertheless the legal rules governing it remain unsettled and are arguably too old-fashioned for the modern environment. These developing legal rules and norms are the focus of this subject, taught by international expert Dan Hunter of New York Law School, media lawyer Jonathan Gill, partner at Carrick, Gill, Smyth and Megan Richardson of Melbourne Law School. Topics to be considered include copyright laws related to user-generated content, the regulation of social networks, privacy, libel tourism, online obscenity and collaborative internet-based contracting. The subject also canvasses difficult theoretical issues, including the nature of democratic governance in a borderless world, regulatory arbitrage and the appropriate basis for liability where internet businesses encourage others to offend.

Syllabus

Principal topics will include:

- * Overview of technology and avenues of distribution
- * Copyright and allied rights in online services
- * Commissioning and licensing material
- * Regulation of transnational online products and services
- * Internet contracting and consumer protection issues
- * Censorship of material distributed via online services
- * Defamation and privacy
- * Obscenity
- * Journalists and the internet
- * Theoretical issues such as the nature of democratic governance in a borderless world, regulatory arbitrage and the appropriate basis for liability where internet businesses encourage others to offend.

Semester 2 Intensive: 28–30 August and 9–11 October

Time: 9.30 am–4.30 pm

Location: Melbourne Law School

Coordinator

Professor Sam Ricketson

Melbourne Law School

Lecturers

Mr Ben Fitzpatrick

Victorian Bar

Mr David Tadgell

Phillips Ormonde Fitzpatrick

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Master of Intellectual Property Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Intellectual Property Law**

Prerequisite

Successful completion of Patent Law and Patent Practice or equivalent

Assessment

4-hour examination (100%)
(22 November)

About the subject

Reading and interpreting patent specifications is a central part of a patent attorney's daily practice. It is also a critical feature of any patent litigation where both sides will be competing for alternative interpretations that favour their client. This subject is intended to hone these skills of analysis and interpretation, working on the basic legal principles that students seeking PSB accreditation have already obtained through their study of Patent Law and Patent Practice. It is taught by a team of experienced attorneys and litigators, and meets the PSB requirements for Topic Group H.

Syllabus

This subject will be conducted with of a number of case studies carried out by a team of practitioners to develop skills in the application of the rules of interpretation to an Australian patent specification and in the application of Australian patent law.

Principal topics will include:

- * The validity of an Australian patent or patent application under the provisions of section 40
- * The validity of an Australian patent or patent application in the light of prior art information supplied, including through prior published specifications and prior user
- * The infringement of an Australian patent by a product or process.

Islamic Law and Politics in Asia

Semester 1 Intensive: 15–21 May
(excluding the weekend)

Time: 10 am–5 pm

Location: Melbourne Law School

Lecturer

Professor Tim Lindsey
Melbourne Law School

Courses

- * **Master of Laws**
- * **Master of Law and Development**
- * **Master of Public and International Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Asian Law**

Assessment

Take-home examination (100%)
(5–8 July)

or

10,000 word research paper (100%)
(12 August) on a topic approved by
the subject coordinator

About the subject

Islam does not recognise a distinction between religion and law because for Muslims both are derived from God's revealed message. The result is an inevitable tension between Islamic beliefs and the modern (secular) nation state that has become the subject of major global controversies and conflicts in recent decades. It also lies at the heart of the politics of Islam in Asia. This tension, and the legal, political and social controversies that result from it, are the focus of this subject, which is based on selected comparative case studies, focusing on efforts to implement legal Islamisation. Teaching is led by a scholar who has conducted extensive fieldwork across South East Asia and worked closely with Islamic legal institutions in the region. He is supported by guest lecturers from South East Asia, who will bring their own local perspectives to class discussions.

Syllabus

This subject examines the relationship between the modern nation state and Islam in Asia, focusing on the 240 million Muslims in Australia's South East Asian neighbourhood.

Principal topics will include:

- * How the original Arabic-derived legal thought has been adapted in new Asian homelands
- * The essential position of Islamic legal traditions as an alternative authority to the contemporary nation state
- * Current political and religious controversies arising in South East Asia. These will be selected from a range that may include:
 - Islamic legal codes and laws for Muslims
 - The Qadi, Islamic judicial traditions and courts for Muslims
 - Islamic criminal punishment
 - Interest-free banking, 'Islamic economics' and commercial law
 - Islamic approaches to the status of women (fiqh Al-Nisa)
 - Zakat and other forms of philanthropy
 - Education and the role of Madrasa and Pesantren
 - The introduction of revivalist Islamic codes
 - Islamic radicalism and terrorist groups in South East Asia, including Darul Islam, Jemaah Islamiyah and Al Qaeda.

Judicial Power in Australia

Semester 1 Intensive: 22–28 May
(excluding the weekend)

Time: 9.30 am–5 pm

Location: Melbourne Law School

Lecturers

Mr Mark Moshinsky SC*
Victorian Bar

Dr Stephen Donaghue SC
Victorian Bar

Courses

- * **Master of Laws**
- * **Master of Public and International Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Government Law**

Assessment

Take-home examination (100%)
(5–8 July)

or

10,000 word research paper (100%)
(28 August) on a topic approved by
the subject coordinator

About the subject

This subject will explain and critically analyse the principles relating to the exercise of judicial power by federal, state and territory courts. We will start with the fundamental requirements that federal courts may only exercise judicial power, and federal judicial power may only be exercised by certain types of courts. Where is the boundary between judicial and non-judicial power? What is the doctrinal basis for and likely future of the exceptions? What is the boundary between federal and state judicial power? We will consider aspects of the High Court's original and appellate jurisdictions. We will then turn to the essential characteristics of state courts, the exercise of federal jurisdiction by state courts, and the recent line of High Court cases striking down laws that detract from the institutional integrity and independence of state courts. Lastly, we will consider the rules of precedent that operate in an 'integrated' judicial system. Both instructors regularly advise the Commonwealth and state governments concerning constitutional matters, and appear in the High Court in such matters.

Syllabus

Principal topics will include:

- * The meaning of 'judicial power'
- * Separation of powers under the Commonwealth Constitution – the propositions that federal courts may only exercise judicial power, and federal judicial power may only be exercised by Chapter III courts
- * The chameleon principle
- * Power incidental to judicial power
- * The 'persona designata' exception, and the concept of functions that are incompatible with the exercise of judicial power
- * Case studies – The Takeovers Panel (Alinta), and the power to make terrorism control orders (Thomas v Mowbray)
- * Aspects of the High Court's original and appellate jurisdictions
- * The exercise of federal jurisdiction by state courts, and accrued jurisdiction by federal courts
- * The protection of state courts under the Commonwealth Constitution – Kable and recent cases developing or reformulating the Kable principle; also, Kirk
- * Territories and judicial power
- * Precedent in an 'integrated' judicial system.

Labour Standards under the Fair Work Act

Formerly Regulating Working Conditions

Semester 2 Intensive: 24–30 July
(excluding the weekend)

Time: 9.30 am–5 pm
Location: Melbourne Law School

Lecturers

Dr Anna Chapman*
Melbourne Law School

Mr Paul O'Grady
Victorian Bar

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Master of Construction Law**
- * **Master of Employment and Labour Relations Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Construction Law**
- * **Graduate Diploma in Employment and Labour Relations Law**

Assessment

Take-home examination (100%)
(12–16 September)

or

10,000 word research paper (100%)
(30 October) on a topic approved by the subject coordinator

About the subject

The subject addresses the relevant provisions of the key federal statute governing minimum employment standards in Australia, the *Fair Work Act 2009* (Cth). This legislation replaced the *Workplace Relations Act 1996* (Cth) (WRA), which was previously the centrepiece of Commonwealth statutory regulation of working conditions. The subject examines the mechanisms by which minimum wages, working hours regulation and leave entitlements are set and reviewed. It also addresses the important topic of how these standards can be enforced, and considers issues such as the role of the Fair Work Ombudsman, and transfer of employment standards in the context of corporate restructuring.

Syllabus

This subject covers federal statutory regulation of minimum employment conditions in Australia. It addresses the relevant provisions of the key federal statute, the *Fair Work Act 2009* (Cth).

Principal topics will include:

- * The way that the Australian Constitution shapes the legal mechanisms used to regulate labour standards and working conditions, and the scope of the new national system based on the corporations power and the referral power
- * The institutions that regulate labour standards and working conditions, including Fair Work Australia and the Fair Work Ombudsman
- * The role and content of the National Employment Standards (NES) as a means of maintaining a safety net of fair working conditions
- * The form, function and content of Modern Awards as a mechanism for setting further minimum labour standards at an industry and sectoral level
- * The relationship of Modern Awards and the NES to other means of regulating working conditions, including the contract of employment and enterprise agreements
- * The enforcement of minimum labour standards and working conditions by employees and the Fair Work Ombudsman, and protection of entitlements in the case of business restructuring
- * Emerging issues and innovative approaches in regulating labour standards and working conditions, including protection of vulnerable workers such as casual and part-time workers and outworkers, and regulation of work–life balance.

Law of Intergovernmental Relations

Semester 1 Intensive: 13–19 February
(excluding the weekend)

Time: 9 am–5 pm
Location: Melbourne Law School

Lecturers

Professor Cheryl Saunders AO*
Melbourne Law School

Mr Graeme Hill
Victorian Bar

Courses

- * **Master of Laws**
- * **Master of Public and International Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Government Law**

Prerequisite

Students will be expected to have some familiarity with constitutional law and/or the practical operation of government in Australia

Assessment

Take-home examination (100%)
(5–8 April)

or

10,000 word research paper (100%)
(15 May) on a topic approved by the subject coordinator

About the subject

Intergovernmental relations permeate every aspect of Australian government. It is not possible to fully understand Australian law without an appreciation of how it is affected by arrangements between the Commonwealth and the states. Corporations law, mining law, environmental law, medical law and a host of other fields are based, in one way or another, on arrangements of this kind. This unique subject deals with the complex and opaque framework of law and practice by which intergovernmental arrangements are structured. It demonstrates that the framework is changing, through new legislation, intergovernmental agreements and constitutional interpretation, and offers students the knowledge and skills to follow and critically assess these developments for themselves. The use of examples from current intergovernmental arrangements makes this an intensely practical subject. The subject design also presents the big picture in a way that encourages the class to reflect on the significance of the phenomenon of intergovernmental co-operation as a whole. While the subject has a primarily Australian focus, international students who are curious about multi-level government may find it of interest for this reason as well. Both members of the teaching team have long experience in the area and bring to the subject a rich mix of theoretical understanding and practical insight, from Australia and elsewhere.

Syllabus

Principal topics will include:

- * General constitutional principles
- * The intergovernmental relations map
- * References of power: Constitution section 51(38)
- * Techniques for uniform law
- * Grants and agreements
- * Intergovernmental institutions
- * Executive cooperation
- * Cooperation between courts
- * The High Court and intergovernmental cooperation
- * Administrative law and intergovernmental cooperation
- * Fiscal federalism and intergovernmental relations.

Law of Political Money

Semester 1 Intensive: 17–23 April
(excluding the weekend)

Time: 9.30 am–5 pm

Location: Melbourne Law School

Lecturers

**Associate Professor
Joo-Cheong Tham***

Melbourne Law School

Professor Keith Ewing

King's College London,
United Kingdom

Courses

- * **Master of Laws**
- * **Master of Law and Development**
- * **Master of Public and International Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Government Law**

Assessment

10,000 word research paper (100%)
(10 July) on a topic approved by the
subject coordinator

About the subject

The regulation of money in politics raises challenging questions for liberal democracies, implicating contested understandings of equality, liberty, corruption and the role of political parties. This subject will adopt a cross-national approach to understanding the regulation of political money by examining various countries, including Australia, Canada, the United Kingdom and the United States. Taught by two leading experts in this field, the subject will draw out the tensions and dilemmas in regulating money in politics.

Syllabus

Principal topics will include:

- * Key principles and theories relating to the regulation of political money
- * The regulation of:
 - Private funding in politics
 - Public funding in politics
 - Political spending
- * Constitutional issues relating to the regulation of political money
- * The challenge of effectively enforcing such regulation.

Litigating before International Courts and Tribunals

Semester 1 Intensive: 13–19 March
(excluding the weekend)

Time: 9.30 am–5 pm

Location: Melbourne Law School

Lecturer

**Professor James Crawford
SC, FBA**

University of Cambridge,
United Kingdom

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Master of Public and International Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Dispute Resolution**
- * **Graduate Diploma in International Law**

Assessment

Take-home examination (100%)
(10–13 May)

About the subject

International courts and tribunals play an increasing role in international dispute settlement and in maintaining minimum or agreed standards in many fields. The subject introduces students to the range of judicial procedures available for the settlement of international disputes. Following an overview of the principal international courts and tribunals, the subject covers eight core subjects of the adjudication of claims that are common to all or most international courts and tribunals. Reference is made to the constituent documents and judicial decisions of the International Court of Justice, the International Tribunal for the Law of the Sea, the Permanent Court of Arbitration and also to the decisions of ad hoc tribunals in inter-State disputes.

The lecturer, Professor James Crawford SC, has held chairs in international law in Australia and the United Kingdom for 30 years, and has been involved as arbitrator, counsel or expert in almost 100 international claims.

Syllabus

Principal topics will include:

- * Introduction to international courts and tribunals
- * Jurisdiction
- * Admissibility
- * Justiciability and arbitrability
- * Applicable law
- * Characterisation
- * Provisional measures
- * Remedies in international adjudication
- * Challenging international decisions
- * Recognition and enforcement of international decisions
- * Overlapping jurisdictions and the fragmentation of international law.

Managed Investments Law

Semester 2 Intensive: 6–12 November
(excluding the weekend)

Time: 9.30 am–4 pm
Location: Melbourne Law School

Lecturer

**Associate Professor
Pamela Hanrahan**

Melbourne Law School

Courses

- * **Master of Laws**
- * **Master of Banking and Finance Law**
- * **Master of Commercial Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Banking and Finance Law**
- * **Graduate Diploma in Corporations and Securities Law**

Prerequisite

Prior studies in trusts and company law or comparable subjects

Assessment

Class participation (15%)

8,000 word research paper (85%)
(12 February 2014) on a topic approved by the subject coordinator

About the subject

Managed investment schemes – including managed funds, listed and unlisted property trusts, infrastructure funds, mortgage funds and agribusiness schemes – occupy a significant place in the Australian economy. These collective investment vehicles raise particular structuring, governance and regulatory issues, many of which became apparent during the Global Financial Crisis (GFC). This subject will provide participants with a detailed understanding of the legal and regulatory framework within which managed investment schemes operate and the policy imperatives that underpin it. The lecturer is Australia's leading expert on managed investments, and a former Regional Commissioner of the Australian Securities and Investments Commission.

Syllabus

Principal topics will include:

- * Regulatory principles
- * The definition of MIS and the scope of regulation
- * The registration requirement
- * The constitution and compliance plan: Contents and effect
- * The responsible entity: Qualifications, duties and liability
- * Directors of the responsible entity: Duties and liability
- * Scheme governance
- * Offer, issue and redemption of interests
- * Members' remedies
- * ASIC powers.

Medical Ethics

Formerly Bioethics from an International Perspective

Semester 2 Intensive: 16–20 September

Time: 10 am–5 pm
Location: Melbourne Law School

Lecturer

Professor Julian Savulescu

University of Oxford, United Kingdom

Courses

- * **Master of Laws**
- * **Master of Health and Medical Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Health and Medical Law**

Assessment

5-minute oral presentation and
10-minute questions (in class) (5%)

10,000 word research paper (95%)
(16 December) on a topic approved by the subject coordinator

About the subject

The curve of all technology is exponentially increasing: biotechnology, neurotechnologies, information technology and nanotechnology. The next decade is likely to see more profound advances in the medical and biological sciences than have ever occurred. Synthetic biology is just one example. These will present both unprecedented opportunities for the promotion of human health and well-being, but also unique threats and risks to human health, society and the environment. They will raise profound questions of justice and regulation. How we decide ethically to use technology, science and medicine will become more important questions than how we go about discovering more about the causal structure of the world. This subject aims to provide a basic toolkit and skills to engage in deeper ethical reflection about advances in the biological and neurosciences. Professor Julian Savulescu is Director of the Centre for Practical Ethics, the Oxford Centre for Neuroethics and the Institute for Science and Ethics, University of Oxford. He is editor of the *Journal of Medical Ethics* and is a recognised world leader in medical ethics.

Syllabus

Principal topics will include:

- * The current revolution in bioethical reasoning and methods in bioethics
- * Making good medical–moral judgments for self and others
- * Basic ethical theories and concepts
- * Abortion
- * Euthanasia
- * Regulation of research, including:
 - Stem cell research and cloning
 - Transgenesis and human–non-human chimeras
 - Synthetic biology
 - Sale of biological material and body parts
 - Regulation of doping in sport
 - Reproductive cloning
 - Human enhancement
 - Genetic selection
 - Coercion in reproduction
 - Neuroethics.

Merger Regulation under Competition Law

Semester 2 Intensive: 24–30 July
(excluding the weekend)

Time: 9 am–4 pm
Location: Melbourne Law School

Lecturers

Mr Bill Reid*

Ashurst, Singapore

Professor Michael Jacobs

DePaul University, United States

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Competition Law**

Assessment

Class participation (20%)

8,000 word research paper (80%)
(16 October) on a topic approved by the subject coordinator

About the subject

Drawing on Australian, United States and European Union cases and experience, this subject traverses the concepts and practice in assessing the competitive impact of mergers and acquisitions, joint ventures and other transactions. The lecturers cover both the theory and practical application of the legal and economic concepts involved.

Syllabus

Principal topics will include:

- * The analytical framework for merger review – covering concepts such as market definition, entry barriers, countervailing power, and imports and innovation, in the context of counterfactual analysis and potential unilateral and coordinated effects
- * Economic models used in merger review
- * The processes and regulatory responses in assessing, predicting and seeking to address potential anti-competitive effects
- * Advocacy and the roles of stakeholders in a merger review
- * Assessing special cases, such as joint ventures, failing firms, strategic and minority stakes, and creeping acquisitions
- * The assessment of international transactions across several jurisdictions.

Mineral and Petroleum Tax

Semester 2 Intensive: 18–22 November

Time: 9 am–5 pm
Location: Melbourne Law School

Lecturers

Professor Michael Crommelin AO*

Melbourne Law School

Mr James Macky

KPMG

Professor Cameron Rider

Greenwoods and Freehills

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Master of Energy and Resources Law**
- * **Master of International Tax**
- * **Master of Public and International Law**
- * **Master of Tax**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Energy and Resources Law**
- * **Graduate Diploma in International Law**
- * **Graduate Diploma in International Tax**
- * **Graduate Diploma in Tax**

Assessment

Take-home examination (100%)
(17–20 January 2014)

or

10,000 word research paper (100%)
(19 February 2014) on a topic approved by the subject coordinator

About the subject

Mineral and petroleum resources play a significant part in the Australian economy. The exploitation of these resources involves governments, as proprietors and regulators, together with private enterprise, as explorers and developers. The complex relationship between governments and private enterprise includes several fiscal components: state and territory royalties and stamp duties; Commonwealth income tax, GST, customs and excise, and 'carbon taxes'; and 'special' Commonwealth levies, such as the Petroleum Resource Rent Tax and the proposed Mineral Resource Rent Tax. Australia's federal system of government adds an important dimension to that relationship.

This subject examines all aspects of these fiscal measures in the context of the complex relationship between Australian governments and private enterprise relating to mineral and petroleum resources. The subject is not limited to tax specialists. It is designed for private and public sector lawyers and advisers with tax or non-tax backgrounds seeking a practical overview of the legal and taxation implications of mining and petroleum operations and transactions, as well as an understanding of the framework of mining and petroleum laws that underpin the relevant tax regimes.

Syllabus

Principal topics will include:

- * Property in minerals and petroleum
- * Constitutional authority over exploration for, and production of, minerals and petroleum
- * Statutory regimes governing exploration for, and production of, minerals and petroleum
- * Tenement transfers and sub-leases, farmouts, joint ventures and overriding royalties
- * State and territory royalties
- * Corporate income taxation of exploration for, and production of, minerals and petroleum
- * Petroleum Resource Rent Tax
- * Mineral Resource Rent Tax
- * Selected GST, stamp duty, customs and excise, and 'carbon tax' issues.

Semester 1 Intensive: 24–28 June**Time:** 9 am–5 pm**Location:** Melbourne Law School**Semester 1 Intensive:** 22–28 May
(excluding the weekend)**Time:** 9.30 am–5 pm**Location:** Melbourne Law School

Lecturer

**Professor Michael Crommelin
AO**

Melbourne Law School

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Master of Construction Law**
- * **Master of Energy and Resources Law**
- * **Master of Environmental Law**
- * **Master of Public and International Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Construction Law**
- * **Graduate Diploma in Energy and Resources Law**
- * **Graduate Diploma in Environmental Law**

Assessment

Take-home examination (50%)
(12–15 July)5,000 word research paper (50%)
(23 September) on a topic approved
by the subject coordinator

About the subject

Mineral resources have shaped Australia's history, economy, society and environment for more than 150 years, and continue to do so. The exploitation of these resources involves governments, as proprietors and regulators, together with private enterprise, as explorers and developers. The complex relationship between governments and private enterprise provides the central theme of the subject. Australia's federal system of government adds to the complexity of that relationship. The subject begins by identifying fundamental legal principles of mineral exploration and production that transcend jurisdictional boundaries. It then examines the application of these principles in statutory title regimes in selected Australian jurisdictions. The Australian approach to these matters is considered in the international context of foreign mineral regimes.

Syllabus

Principal topics will include:

- * Foundations of mineral law
- * Property in minerals
- * Statutory titles
- * Security of title
- * Trespass and disclosure
- * Dealings and registration
- * Government royalties
- * Private royalties
- * Access to land
- * State agreements
- * Uranium
- * Foreign regimes
- * Case study 1: *Mineral Resources (Sustainable Development) Act 1990* (Vic)
- * Case study 2: *Mining Act 1971* (SA)
- * Case study 3: *Mineral Resources Act 1989* (Qld).

Lecturer

Professor Karen Knop

University of Toronto, Canada

Courses

- * **Master of Laws**
- * **Master of Law and Development**
- * **Master of Public and International Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Government Law**
- * **Graduate Diploma in International Law**

Assessment

10,000 word research paper (100%)
(28 August) on a topic approved by
the subject coordinator

About the subject

Where States are mainly political and territorial entities, nations are more properly understood as communities of cultural relatedness. National identity and loyalty can be powerful; it can also intertwine or conflict with other collective identities such as class, race, gender and sexuality. Nationalism has played a part in the great political shifts and conflicts of the last few decades from the bloodshed in the former Yugoslavia and Rwanda to the populist revolutions of the Middle East. Australia, Europe and North America continue to struggle with the cultural diversity within their borders.

This subject will focus on the commitments, associations, philosophies and legal techniques – national and international – used to develop and contest national identities. Professor Karen Knop has written on these issues from the perspectives of public international law, private international law and citizenship theory, with an emphasis on the challenges of gender and cultural diversity.

Syllabus

Principal topics will include:

- * The phenomenon of nationalism
- * Various theories and manifestations of nationalism
- * The role of law, national and international, in the construction of cultural identity
- * Alternative forms of belonging and banishment, such as cosmopolitanism, tribalism, statelessness and global forms of citizenship.

Newsgathering

Semester 2 Intensive: 23–29 October
(excluding the weekend)

Time: 9.30 am–5 pm
Location: Melbourne Law School

Lecturer

Dr Andrew Scott

London School of Economics,
United Kingdom

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Master of Public and International Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Communications Law**

Assessment

Take-home examination (100%)
(6–9 December)

or

10,000 word research paper (100%)
(29 January 2014) on a topic
approved by the subject coordinator

About the subject

Whether journalists serve collectively as some citizen-informing ‘fourth estate’ or act instead merely to satisfy the consumer desire for entertainment, they need access to information. Journalists rely upon being able to disclose or convey content that is unavailable to, or at least unexploited by, others. Some will obtain this information by fair means, others by foul. The core aim of this course is to consider how law and other forms of regulation influence pre-publication behaviour. The course reviews a range of news and information gathering practices, and assesses the extent to which such behaviour is facilitated or proscribed by law and/or regulation.

The themes in the course will be taught through the comparative review of English, Australian and United States law. Dr Andrew Scott is a senior lecturer in media law at the London School of Economics.

Syllabus

Principal topics will include:

- * The relationship between newsgathering practices and constitutional guarantees of free speech
- * The protection of sources and materials (in principle; in the context of crime, terrorism and official secrets; payment of sources).
- * Access to government information (freedom of information; news management)
- * Journalism and justice (access to the courts and court documents; cameras and other technology in court; access to prisoners; police-media interaction)
- * Surreptitious and invasive methods (harassment; subterfuge and secret recording; entrapment; regulating the ‘dark arts’ – hacking, blagging and tapping; a ‘law-breaking privilege’?)
- * The influence of publication torts on newsgathering.

Patent Law

Semester 1 Intensive: 30 January–
5 February (excluding the weekend)

Semester 2 Intensive: 25–29 November

Time: 9.30 am–5 pm
Location: Melbourne Law School

Lecturers

Semester 1:

Professor Sam Ricketson

Melbourne Law School

Semester 2:

Professor Andrew Christie

Melbourne Law School

Dr Tania Obranovich

Davies Collison Cave

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Master of Intellectual Property Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Intellectual Property Law**

Assessment

Take-home examination (100%)

Semester 1: 20–25 March

Semester 2: 29 January–
3 February 2014

About the subject

For at least 400 years, patent law has been the primary regulatory mechanism for optimising innovation. With more than 2 million patent applications filed annually around the world, the patent system is both highly complex and of great economic importance. This subject provides the foundational knowledge necessary for a professional understanding of patent law and the patent system. It does so through a combination of instructional sessions and hands-on workshop sessions. The instructional sessions provide you with a detailed understanding of the principles of patent law, with a particular focus on the requirements for the grant of a valid patent and for infringement of a patent. In the workshop sessions, you apply the principles of patent validity and patent infringement to actual prior art, patent claims and infringing embodiments. Successful completion of this subject satisfies the knowledge requirements specified by the Professional Standards Board for Patent and Trade Marks Attorneys for ‘Topic Group E: Patent Law’.

Syllabus

Principal topics will include:

- * History of patent protection
- * Rationales for and alternatives to patents
- * Trade secrets protection (breach of confidence)
- * Patent application procedure and the PCT system
- * Patentable subject matter
- * Requirements for patentability: Including novelty; inventive step utility
- * Section 40 objections – ambiguity, description, fair basis and misrepresentation
- * Infringement, defences and remedies
- * Inventorship, entitlement and ownership
- * Transfer and exploitation of patent rights
- * The impact of competition law
- * Future of the patent system.

Semester 2 Intensive: 15–19 July

Time: 9.30 am–4.30 pm

Location: Melbourne Law School

Formerly Patient Safety and the Law

Semester 2 Intensive: 7–13 August
(excluding the weekend)

Time: 10 am–5 pm

Location: Melbourne Law School

Lecturers

Mr Ray Hind*

Davies Collison Cave

Mr Steven Gledhill

FB Rice

Mr Geoff Mansfield

Griffith Hack

Ms Karen Sinclair

Watermark Patent and Trade Mark Attorneys

Mr David Tadgell

Phillips Ormonde Fitzpatrick

Mr David Webber

Davies Collison Cave

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Master of Intellectual Property Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Intellectual Property Law**

Prerequisite

Successful completion of Patent Law or an equivalent subject, or appropriate practical experience

Assessment

Take-home examination (100%)
(21–26 August)

About the subject

This subject follows on from Patent Law (which is a prerequisite) and provides students with the basic knowledge and skills required for the filing, prosecution and maintenance of an application for protection under the *Patents Act 1990* (Cth) for both local and overseas inventions. It is taught by an expert team of experienced patent attorneys and meets the PSB requirements for 'Topic Group F: Patent Practice'.

Syllabus

Principal topics will include:

- * Patent legislation and practice in Australia
- * Patents Acts of 1952 and 1990: Standard patents; innovation patents
- * Kinds of patent application: Provisional, complete, standard, divisional, patent of addition, convention and innovation
- * Patent application filing and prosecution: Searching, filing, examination, opposition, grounds, practice and procedures, grant and re-examination
- * Amendment of patent specifications and other documents: Allowable amendments, clerical errors and obvious mistakes
- * Duration of patent protection: Continuation and renewal fee requirements, lapsing and cessation, restoration of rights and extensions of term for pharmaceutical patents
- * The Register of Patents: Recordal of assignments, licences, mortgages and changes of name and amendments to the Register
- * International conventions and agreements
- * Patentability overseas
- * Basic considerations of United States and European patent law
- * Applications under the Patent Cooperation Treaty, filing applications and entry of national and regional phase
- * Circuit layouts legislation (*Circuit Layouts Act 1989* (Cth))
- * Plant breeders' rights legislation (*Plant Breeder's Rights Act 1994* (Cth)).

Lecturers

Professor Ron Paterson*

University of Auckland, New Zealand

Dr Marie Bismark

The University of Melbourne

Courses

- * **Master of Laws**
- * **Master of Health and Medical Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Health and Medical Law**

Assessment

10,000 word research paper (100%)
(13 November) on a topic approved by the subject coordinator

About the subject

This subject will examine patients' expectations and legal rights when receiving health care; their avenues for complaint and compensation; and accountability mechanisms (including professional discipline) for protecting the public in the event of health, performance or conduct problems involving a health practitioner. The focus will be on patients and health practitioners in Australia and New Zealand.

Syllabus

Principal topics will include:

- * Patient safety
- * Patients' needs and rights following an adverse event
- * Open disclosure
- * Defensive medicine
- * Health practitioner regulation (including the Australian Health Practitioner Regulatory Scheme)
- * Health complaint systems in Australia and New Zealand.

Payment Matters in Construction Projects

Semester 2 Intensive: 29 July–2 August

Time: 9 am–5 pm

Location: Sydney

Lecturers

Mr John Baartz*

Queensland Bar

Mr David Campbell-Williams

Rail Corporation of NSW

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Master of Construction Law**
- * **Master of Environmental Law**
- * **Master of Public and International Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Construction Law**
- * **Graduate Diploma in Environmental Law**

Assessment

Take-home examination (100%)
(4–7 October)

or

10,000 word research paper (100%)
(13 November) on a topic approved by the subject coordinator

About the subject

Payment has always been at the heart of construction contracting, and payment disputes have been – and remain – the mainstay of construction law case law. This subject aims to provide students with a detailed understanding of the contractual procedures for payment and associated issues such as set off. Its major focus is upon the ‘security of payment’ reforms of recent years. This state and territory-based legislation was designed to simplify the payment stream and disputation yet has, in practice, spawned hundreds of court cases, further complicating the contracting landscape for construction projects. The subject lecturers are based in the two states that have been at the forefront of the reforms – Queensland and New South Wales – and are therefore well placed to guide students through this area of law.

Syllabus

Principal topics will include:

- * Payment processes under construction contracts, including treatment under standard forms and the impact of the security of payment legislation enacted in various jurisdictions
- * History and policy underpinnings of the security of payment legislation, including comparison of the regimes in Australia, the United Kingdom and New Zealand
- * Processes to resolve payment disputes, including those under security of payment legislation (with detailed consideration of bases for judicial review of such processes)
- * Associated issues, including set off, securing payment to workers and subcontractors, and means of dealing with the consequences of late payment.

Petroleum Law

Semester 1 Intensive: 18–22 February

Time: 9 am–5 pm

Location: Melbourne Law School

Lecturer

Professor Michael Crommelin AO

Melbourne Law School

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Master of Construction Law**
- * **Master of Energy and Resources Law**
- * **Master of Environmental Law**
- * **Master of Public and International Law**
- * **Graduate Diploma in Construction Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Energy and Resources Law**
- * **Graduate Diploma in Environmental Law**

Assessment

Take-home examination (50%)
(5–8 April)

5,000 word research paper (50%)
(22 May) on a topic approved by the subject coordinator

About the subject

Petroleum resources have immense strategic and economic value. Commonwealth, state and territory governments in Australia control exploration for, and production of, these resources, although they engage private enterprise to perform these tasks. The complex legal relationship between governments and private enterprise in petroleum exploration and production provides the central theme of this subject. Australia’s federal system of government adds to the complexity of this relationship. This subject examines the nature, occurrence and extraction of petroleum resources, and considers the legal consequences of the fact that most of these resources occur naturally as fluids. It then directs attention to the statutory regimes that govern petroleum exploration and production in various Australian jurisdictions, assessing their legal attributes and efficacy in the wider context of foreign petroleum regimes.

Syllabus

Principal topics will include:

- * Meaning of ‘petroleum’
- * Property in petroleum
- * Australian petroleum regimes
- * Statutory titles
- * Statutory royalties
- * Dealings and registration
- * Overriding royalties
- * Production controls
- * Unit development
- * Underground storage of petroleum
- * Carbon capture and storage
- * Coal seam gas
- * Access to land
- * Seabed boundary delimitation
- * Case Study 1: *Petroleum Act 1998* (Vic)
- * Case Study 2: *Petroleum and Gas (Production and Safety) Act 2004* (Qld).
- * Case Study 3: *Offshore Petroleum Act 2006* (Cth)

Philosophy of International Law

Semester 1 Intensive: 3–9 April
(excluding the weekend)

Time: 9.30 am–5 pm
Location: Melbourne Law School

Lecturer

Professor John Tasioulas

University College London,
United Kingdom

Courses

- * **Master of Laws**
- * **Master of Public and International Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in International Law**

Assessment

Take-home examination (100%)
(31 May–3 June)

or

10,000 word research paper (100%)
(3 July) on a topic approved by the
subject coordinator

About the subject

The philosophy of international law has recently emerged as an exciting area of jurisprudential inquiry. This subject will explore the moral and political values that provide a basis for the critical appraisal of international law and institutions. It begins with a study of the legitimacy of international law: its claim to be binding on its subjects. Does legitimacy require consent, democracy or something else? This will lead to an investigation of the ideas of State sovereignty, communal self-determination and, in particular, human rights, as factors bearing on international law's legitimacy. The final section of the subject considers the implications for the critical evaluation of specific areas of international law, beginning with the doctrine of its sources. The selection of the other two or three areas to be discussed (e.g. international economic law, international environmental law, humanitarian intervention, international criminal law etc.) will be determined by class vote.

Syllabus

Principal topics will include:

- * The legitimacy of international law (in particular, consent, democracy and service conceptions of legitimacy)
- * The value and limits of State sovereignty (and the compatibility of sovereignty with the legitimacy of international law)
- * The basis of communal self-determination (whether in the value of a shared communal identity or shared occupancy of a given territory)
- * The nature and justification of human rights (in particular, the conflict between 'orthodox' and 'political' conceptions of human rights, and the debate about the foundations of human rights, and whether human rights are merely parochial 'Western' constructs)
- * The theory of the sources of international law, esp. the debate between positivist and non-positive accounts of customary international law, and the idea that new customary law can be made by violating existing customary law
- * Selected topics arising in at least two of the following areas of international law: international economic law, international environmental law, humanitarian intervention, international criminal law and laws of war.

Poverty and Human Rights

Semester 2 Intensive: 17–23 July (excluding
the weekend)

Time: 9.30 am–5 pm
Location: Melbourne Law School

Lecturer

Professor Lucie White

Harvard University, United States

Courses

- * **Master of Laws**
- * **Master of Public and International Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Government Law**
- * **Graduate Diploma in Human Rights Law**
- * **Graduate Diploma in International Law**

Assessment

Two response papers to reading
(20%)

Group presentation (30%)

5,000 word research paper (50%)
(2 October) on a topic approved by
the subject coordinator

About the subject

As global poverty and North/South inequality become increasing sources of political conflict and humanitarian crisis, human rights is increasingly becoming a normative concept and pragmatic tool for countering it. This subject will survey and critically examine that trend. The course will look particularly at how human rights has been invoked to challenge development practices that produce or exacerbate extreme poverty and how international development institutions like the World Bank and the United Nations (UN) Development Programme have incorporated human rights principles in their poverty alleviation initiatives. Throughout the course we will take a historical and critical perspective, working with case studies to interrogate the efficacy of human rights practices to challenge the underlying geopolitical dynamics that produce and perpetuate global poverty.

Syllabus

Principal topics will include:

- * Scope, distribution, socio-political dynamics of global poverty
- * History of economic and social rights norms, ideas and UN doctrine
- * Post World War II critical history of major economic development and poverty alleviation theories
- * Overview of major international organisations charged with poverty alleviation (World Bank, International Monetary Fund (IMF), UN Development Programme)
- * Amartya Sen's capabilities approach to human development
- * History and theory of the right to development and rights-based development
- * Concept of poverty as a human rights violation
- * Human rights conditionalities on development projects
- * The pragmatic use of rights rhetoric and tools to build social movement to fight poverty.

Principles of Construction Law

Semester 1 Intensive: 6–12 February
(excluding the weekend)

Semester 2 Intensive: 29 July–2 August

Time: 9 am–4 pm

Location: Melbourne Law School

Lecturer

Mr Matthew Bell

Melbourne Law School

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Master of Construction Law**
- * **Master of Environmental Law**
- * **Master of Public and International Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Construction Law**
- * **Graduate Diploma in Environmental Law**

Note

This subject is:

- a) Strongly recommended for construction law students without a law degree from a common law jurisdiction
- b) Recommended for law graduates who have not undertaken prior study in construction law or practised as a construction lawyer for more than one year
- c) Not available to students who have undertaken prior study in construction law or practised as a construction lawyer for more than one year.

Assessment

Take-home examination (100%) (Semester 1: 15–18 March, Semester 2: 4–7 October)

About the subject

This subject is designed for students without prior legal training and lawyers without substantial construction law experience. It provides an overview of the broad spread of the construction law curriculum, from the statutory and common law landscape, through legal aspects of project procurement and contracting to dispute avoidance and resolution options. The subject also provides detailed treatment of legal issues specific to construction law.

Syllabus

Principal topics will include:

- * Overview of the regulatory regime for construction contracting
- * Causes of action in construction disputes
- * Contracting methodologies
- * Contract administration: Standard forms of contract, tendering and contract preparation and minimising legal exposure
- * Role and liability of superintendents
- * Issues relating to sub-contracts
- * Variations, defective work and latent conditions
- * Time, programming and liquidated damages
- * Contractual mechanisms for payment and security of payment legislation
- * Security for performance
- * Insurance
- * Dispute avoidance procedures and alternative dispute resolution
- * Construction litigation and arbitration (domestic and international).

Principles of Employment Law

Semester 1 Intensive: 20–26 March
(excluding the weekend)

Time: 9.30 am–5 pm

Location: Melbourne Law School

Lecturer

Associate Professor Joo-Cheong Tham

Melbourne Law School

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Master of Employment and Labour Relations Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Employment and Labour Relations Law**

Assessment

Take-home examination (100%)
(9–13 May)

or

10,000 word research paper (100%)
(17 June) on a topic approved by the subject coordinator

About the subject

Paid work is central to most adults. It not only provides an income but also is constitutive of their identities. For society at large, the organisation of paid work relationships is crucial because of the need to produce goods and services and to protect those engaged in production. Regulation of these work relationships by law is, therefore, important. This subject explores employment law in two integrated parts. The first examines the Australian legal environment with particular reference to the importance of contractual regulation in work relationships. Collective agreements and the intricate web of statutory and award regulation governing Australian work relationships will also be examined, with focus on the framework laid down by the *Fair Work Act 2009* (Cth). The second part builds on this knowledge to pursue a series of thematic inquiries: the role of collective bargaining and freedom of association; fair treatment at work and the regulation of managerial prerogative. It also includes case studies dealing with non-standard work, job security and the enforcement of employment law.

Syllabus

This subject provides a detailed overview of the legal regulation of work relationships in Australia in an industrial, social and political context. It examines how work relationships are regulated through statutory regimes as well as through contract law. The major focus of the subject is the *Fair Work Act 2009* (Cth), which sets minimum employment conditions and regulates awards and workplace agreement making.

Principal topics will include:

- * The constitutional framework for Australian employment law
- * Statutory standards under the *Fair Work Act* regarding unfair dismissal, minimum wage rates, hours of work, leave, adverse action and the right to request regime
- * The regulation of employment rights and working conditions by awards and workplace agreements under the *Fair Work Act*
- * Various aspects of the common law contract of employment
- * The enforcement of Australian employment law
- * Case studies dealing with non-standard work, job security and the enforcement of employment law.

Principles of International Law

Semester 1: 2 hours per week for 12 weeks, commencing 5 March

Time: Tuesdays 6–8 pm

Semester 2 Intensive: 14–20 August (excluding the weekend)

Time: 9.30 am–4.30 pm

Location: Melbourne Law School

Lecturers

Semester 1:

Associate Professor Margaret Young*

Melbourne Law School

Professor Tim McCormack

Melbourne Law School

Semester 2:

Dr Kirsty Gover

Melbourne Law School

Courses

- * **Master of Laws**
- * **Master of Public and International Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in International Economic Law**
- * **Graduate Diploma in International Law**

Assessment

Take-home examination (100%)

Semester 1 (14–17 June)

Semester 2 (4–7 October)

or

10,000 word research paper (100%)

Semester 1 (17 June)

Semester 2 (20 November) on a

topic approved by the subject

coordinator

Note

This subject provides an introduction to the basic concepts and norms of the public international legal order. It is designed for those with no (or very limited) background in international law. Students who have completed an undergraduate subject in international law or have some professional experience are advised to consider other international law offerings.

About the subject

This subject is an introduction to the basic principles and rules of the public international legal order. It is designed as an introduction to international law and, therefore, provides students with an understanding of the foundational concepts of international law, the history of international law and its contemporary relevance, sources of international law and the role of some key international institutions, such as the United Nations (UN). The subject is grounded in both theory and practice so as to better demonstrate how international law works in dealing with a range of issues such as dispute settlement, self-determination, international criminal law and human rights law. Students will be encouraged to critically evaluate the position and relevance of international law in international politics and society by addressing past and current developments through case studies. The members of the teaching team are scholars in international law who have developed specific areas of specialisation in international law.

Syllabus

Principal topics will include:

- * The nature, purpose and language of international law
- * Sources of international law
- * International legal personality and jurisdiction
- * The responsibility of states and individuals (civil and criminal)
- * The UN and regional organisations and the International Court of Justice
- * Peaceful settlement of disputes and the use of force
- * The relationship between international law and municipal law.

Privacy Law

Formerly Privacy and Data Protection

Semester 1 Intensive: 8–12 April

Time: 9.30 am–4.30 pm

Location: Melbourne Law School

Lecturers

Ms Karin Clark*

Senior Fellow, Melbourne Law School

Professor Megan Richardson

Melbourne Law School

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Master of Health and Medical Law**
- * **Master of Public and International Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Communications Law**
- * **Graduate Diploma in Government Law**
- * **Graduate Diploma in Health and Medical Law**

Assessment

Class participation (10%)

Take-home examination (90%)

(24–27 May)

or

8,000 word research paper (90%)

(1 July) on a topic approved by the subject coordinator

About the subject

Privacy has been valued for centuries but currently there is a resurgent interest in its protection, as a result of new technologies, changing social norms – including new human rights discourses – and markets, including media markets that are increasingly focused on the commodity value of information. Overlapping with the resurgent interest in privacy is a related concern with the management of data flows, which may be as significant to government and business activities as the privacy of individuals. The legal frameworks that deal with privacy and data protection have a long history but are coming under pressure to adapt to a more complex modern environment.

Privacy and data protection experts Professor Megan Richardson and Ms Karin Clark explore these and related issues, placing a particular emphasis on the justifications for privacy protection, justified limits and exceptions to protection, and the practical operation of privacy and data protection laws in Australia and comparable jurisdictions.

Syllabus

Principal topics will include:

- * What is privacy? Conceptual and legal definitional issues
- * International and comparative privacy and data protection regimes
- * Protection of privacy at general law in Australia and comparable jurisdictions
- * The *Privacy Act 1988* (Cth) and the regulation of personal information held by the private and public sectors
- * State/territory (especially Victorian) legislative regimes for the regulation of personal information
- * Current topics in privacy law such as privacy and the media, privacy and health information (including genetic information), online privacy (including anti-spam laws), telecommunications and surveillance privacy
- * Current reform proposals and likely reforms.

Project Finance

Semester 2 Intensive: 7–11 October

Time: 9 am–5 pm

Location: Melbourne Law School

Lecturers

Mr Peter Fox*

Victorian Bar

Mr Michael Tuckfield

Clayton Utz

Courses

- * **Master of Laws**
- * **Master of Banking and Finance Law**
- * **Master of Commercial Law**
- * **Master of Construction Law**
- * **Master of Energy and Resources Law**
- * **Master of Environmental Law**
- * **Master of Public and International Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Banking and Finance Law**
- * **Graduate Diploma in Construction Law**
- * **Graduate Diploma in Corporations and Securities Law**
- * **Graduate Diploma in Energy and Resources Law**
- * **Graduate Diploma in Environmental Law**

Assessment

10,000 word research paper (100%)
(5 February 2014) on a topic approved by the subject coordinator

About the subject

Project finance is a financing arrangement under which the loans for a project are repaid primarily from the project's cash flow, with the project's assets held as collateral. It enables the sponsor of a project to arrange financing with norecourse, or limited recourse, to the sponsor's balance sheet. Project finance is complex in view of the number of parties involved, the security that is taken over the project's cash flow and assets, and the nature of the rights that are exercised by the lenders in respect of the project generally. Project finance lawyers need to have an in-depth understanding of both the legal issues that arise as well as the commercial and operational aspects of the project. Taught by leading practitioners in this area, this subject introduces students to the key legal, contractual and structural issues concerning project finance, and analyses these issues in the context of a number of case studies in the mineral, energy and infrastructure sectors.

Syllabus

Principal topics will include:

- * Characteristics of suitable projects
- * Characteristics of project financing in Australia
- * Project financing techniques
- * Identification of risk and techniques for allocation of risk
- * Structuring financing requirements for a project
- * Contractual arrangements
- * Project financing default and remedies
- * Case studies of project financing in mineral, energy and infrastructure sectors.

Province and Function of Property

Semester 2 Intensive: 14–20 August
(excluding the weekend)

Time: 9.30 am–5 pm

Location: Melbourne Law School

Lecturer

Justice Margaret Stone

Judge in Residence, Melbourne Law School, formerly Federal Court of Australia

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Master of Private Law**
- * **Graduate Diploma in Legal Studies**

Assessment

Class participation (10%)

Take-home examination (90%)
(4–7 October)

About the subject

This subject will explore the nature of proprietary interests at common law, the distinction between proprietary and non-proprietary interests and the practical and commercial significance of this distinction. There is no consensus among lawyers as to the necessary or sufficient attributes of a proprietary interest whether in land or in personal property, however there are overlapping factors that figure prominently in most if not all proprietary interests. The course will examine these factors and the extent to which they enable an interest to be characterised as proprietary. The distinction between proprietary and non-proprietary (including contractual) interests both at law and in equity is critical to an analysis of the rights and obligations of the holder of the interest, the commercial and non-commercial uses to which it may be put, the competition between interests and the remedies applicable where it is infringed.

Syllabus

Principal topics will include:

- * The nature and concept of property
- * Historical development of proprietary interests in land, including the development of the trust and of equitable proprietary interests
- * The cultural and economic significance of proprietary interests in feudal and industrial societies
- * Historical development of personal property interests
- * Modern justifications for private property
- * The distinction between proprietary and non-proprietary interests, including contractual interests
- * The province of modern property interests, including rights to human body parts and tissues, reputation and confidential information
- * The sphere of enforceability of proprietary interests, including competition between legal and equitable property and between proprietary and non-proprietary interests
- * Proprietary remedies.

Racing Industry Law and Regulation

Semester 2 Intensive: 25–29 November

Time: 1–6.30 pm

Location: Melbourne Law School

Regional Human Rights Mechanisms

Semester 2 Intensive: 16–22 October
(excluding the weekend)

Time: 10 am–5 pm

Location: Melbourne Law School

Lecturers

Mr Hayden Opie*

Melbourne Law School

Mr Simon Barrile

Racing Victoria

Ms Judy Bourke

Senior Fellow, Melbourne Law School

Courses

- * Master of Laws
- * Master of Commercial Law
- * Master of Public and International Law
- * Graduate Diploma in Legal Studies
- * Graduate Diploma in Government Law
- * Graduate Diploma in Sports Law

Assessment

10,000 word research paper (100%) (5 March 2014) on a topic approved by the subject coordinator

About the subject

For centuries the breeding and racing of animals, especially horses, has been pursued with interest and passion in many parts of the world. A race attracts betting and from that emerges the prospect of misdeeds.

As the scale and economic significance of the racing and associated betting industries have grown, so too has regulation by private groups and public authorities. Today, these industries face new challenges to their economic and regulatory models, borne of a wide range of alternate gambling opportunities and the need to safeguard integrity. Changing attitudes to animal welfare are also influential.

This subject explores different ways in which the law operates in this field and might be developed to meet the new challenges. It is for anyone interested in animal racing, including legal counsel, integrity officers and gambling industry participants. The three-member teaching team brings to the subject a varied and high level of expertise.

Syllabus

This subject will consider selected topics concerning the regulation of the racing industry (thoroughbred, harness and greyhound) in Australia. The primary focus will be upon analysing evolving regulatory arrangements and the role of public policy.

Principal topics will include:

- * Overview of the structure of the racing industry in Australia, including identification of key stakeholders and commercial and legal relationships
- * Governance and regulatory issues, including the historical role of Principal Clubs and the trend to public regulation
- * Public policy issues in gambling control and their relationship to the racing industry
- * Legal aspects of breeding, purchase and ownership, including the role of the Australian Stud Book and syndication
- * Liability for injury
- * Occupational regulation of jockeys, trainers and bookmakers
- * Legal aspects of race results, prizes and incentive schemes
- * Legal issues in professional gambling
- * Disciplinary powers and processes, including stewards' hearings, appeal tribunals and judicial review.

Lecturer

Professor Christina Cerna

Georgetown University,
United States

Courses

- * Master of Laws
- * Master of Public and International Law
- * Graduate Diploma in Legal Studies
- * Graduate Diploma in Government Law
- * Graduate Diploma in Human Rights Law
- * Graduate Diploma in International Law

Assessment

10,000 word research paper (100%) (29 January 2014) on a topic approved by the subject coordinator

About the subject

The relevance of the subject is inspired by the Association of Southeast Asian Nations (ASEAN) creation of a regional human rights mechanism, the first such regional body in Asia. The United Nations (UN) organised workshops with experts from regional bodies to advise ASEAN on how a minimally credible regional human rights mechanism functions. The subject will examine what elements the existing regional human rights bodies – the European, the inter-American and the African – have in common and how they are different. The Professor worked for 33 years for the inter-American system. She spent different periods seconded to both the UN and the European systems and is also familiar with the African system. She participated as an expert in various UN and non-government organisation (NGO) sponsored workshops on the creation of a regional body and the drafting of a human rights declaration. The topic is designed to raise awareness in Australia about this new regional human rights body in the Asian region.

Syllabus

Using the inter-American system as a model, the principal topics will include:

- * Requirements for admissibility of a petition
- * Issues of competence
- * Fact-finding
- * Precautionary and provisional measures
- * Friendly settlements
- * Merits and reparations
- * Presentation of a case for litigation before the Inter-American Court
- * Defining the parties to the case and the scope of review
- * Compliance/lack of compliance with court judgments
- * Reconsideration/appeal from a court judgment.

Regional Integration: The Case of the European Union

Semester 1 Intensive: 4–8 March

Time: 9.30 am–5 pm

Location: Melbourne Law School

Lecturer

Professor Panos Koutrakos

University of Bristol, United Kingdom

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Master of Public and International Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Government Law**
- * **Graduate Diploma in International Economic Law**
- * **Graduate Diploma in International Law**

Assessment

Take home examination (100%)
(19–22 April)

and

10,000 word research paper (100%)
(5 June) on a topic approved by the subject coordinator

About the subject

The subject tackles one of the most interesting responses to globalisation, namely regional integration. Following an outline of its most prominent structures (e.g. NAFTA, MERCOSUR, ASEAN), it focuses on the deepest and most topical one, that is, the European Union (EU).

It provides an overview of its main constitutional and institutional structure, its main policies and its economic and political role in the world. It examines whether there is a distinct EU approach to regional integration and queries whether this may be transposed in other contexts.

The subject is topical and its approach contextual, as it

- * Examines law in its wider political and economic context
- * Explores the implications of the current economic and political crisis in Europe
- * Places EU law within the increasingly interdependent globalised political and economic order.

The subject is taught by Panos Koutrakos, Professor of EU Law and Jean Monnet Professor of EU Law at the University of Bristol (UK), and joint editor of the *European Law Review*.

Syllabus

Principal topics will include:

- * Regional integration as a legal and policy imperative
- * The EU as a model of regional integration
- * History, structure and institutions of the EU
- * Interactions between the EU and national law
- * The rights of individuals under EU law
- * EU trade law
- * The EU in the world
- * Sanctions, terrorism, human rights and EU law.

Registration of Health Professionals

Semester 1 Intensive: 27 February–5 March (excluding the weekend)

Time: 10 am–5 pm

Location: Melbourne Law School

Lecturer

Professor Loane Skene

Melbourne Law School

Courses

- * **Master of Laws**
- * **Master of Health and Medical Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Government Law**
- * **Graduate Diploma in Health and Medical Law**

Assessment

Class presentation (10%)

2,000 word presentation paper
(20%) (18 March)

7,000 word research paper (70%)
(29 May) on a topic approved by the subject coordinator

About the subject

Over the last few years, there have been profound changes in the health profession. Ten major professions are now included in a new national scheme, with four more added this year. They are covered by the same legislation for accreditation, registration and the monitoring of practice to ensure that standards are maintained to protect the public. About half a million health professionals are registered under the National Registration and Accreditation scheme and, when it was adopted in July 2010, 66 Acts of parliament were repealed and about 85 health professional boards were abolished. This subject will provide an understanding as to how the new scheme has centralised the disciplinary process, now that the state and territory registration bodies are acting under delegated authority from the federal board. It will also provide an understanding of how health practitioners, their employers and educators have a mandatory obligation to report 'notifiable conduct' of practitioners to the national regulator, and how health care consumers (patients) lodge a 'notification' about the practice of a health professional, rather than a 'complaint'.

Syllabus

Principal topics will include:

- * Legal requirements for accreditation, registration and monitoring of practice of health professionals in Australia
- * The process and grounds for disciplinary action
- * An examination of specific disciplinary proceedings against health professionals
- * A comparison of disciplinary proceedings and other legal action against health professionals
- * An evaluation of the new registration scheme and its operation to date.

LAWS70182

Regulation of Communications

Formerly Communications Law

Semester 2 Intensive: 14–20 August
(excluding the weekend)

Time: 9.30 am–5.30 pm

Location: Melbourne Law School

Lecturer

Mr Jonathan Gill

Carrick Gill Smyth

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Master of Public and International Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Communications Law**

Assessment

Class participation (10%)

Take-home examination (90%)
(4–7 October)

or

8,000 word research paper (90%)
(20 November) on a topic approved
by the subject coordinator

About the subject

The electronic communications industries are arguably amongst the most heavily regulated sectors of the Australian economy. Australia's current regulatory arrangements arose in the 1990s and reflect the structure of the electronic communications industries at that time – focusing on the separate and highly prescriptive regulation of broadcasting and telecommunications. The current regulatory framework is fragmented and complex, and covers not only technical issues but also sector specific competition, content and ownership rules. Since the 1990s, however, the communications environment in Australia has undergone a period of rapid and profound change. This change has resulted in the availability of a greater range of communication and content services, the emergence of new services not previously imagined and the restructuring of industry players and relationships. This subject explores the current regulatory arrangements and the various proposals to replace them with regulation that is better equipped to respond to the challenges facing the various sectors of the communications industry and the reality of convergence between them.

Syllabus

Principal topics will include:

- * What is communications law? (including different regulatory approaches)
- * Regulation of communications services, including radio and television services
- * Australian content rules
- * Control and ownership of broadcasting and communications enterprises
- * Digital broadcasting law and regulation
- * Pay TV and the anti-siphoning regime
- * Competition in telecommunications (including regulation of anti-competitive practices, NBNCo and the structural separation of Telstra)
- * Interconnection law and policy
- * Spectrum allocation (including licensing and spectrum auctions)
- * Consumer protection issues
- * Regulation of internet content and filtering
- * Multi-channelling of free-to-air TV services
- * Regulation of new services and technologies, including convergence of media and Digital Rights Management (DRM) issues.

LAWS70373

Religion, State and Multiculturalism

Formerly Religion and Multiculturalism

Semester 2 Intensive: 7–13 August
(excluding the weekend)

Time: 9 am–5 pm

Location: Melbourne Law School

Lecturer

Professor Michael Karayanni

Hebrew University of Jerusalem,
Israel

Courses

- * **Master of Laws**
- * **Master of Law and Development**
- * **Master of Public and International Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Government Law**

Assessment

10,000 word research paper (100%)
(11 November) on a topic approved
by the subject coordinator

About the subject

Religious minorities in Western democracies are seeking legal accommodations, especially the freedom of maintaining an autonomous judiciary to handle internal family law matters. Drawing on the rich experience of countries where such accommodations were granted, the subject will inquire into the legitimacy and problems associated with such accommodations. In doing so, the subject will draw on modern theories of multiculturalism.

Syllabus

Principal topics will include:

- * Liberal multiculturalism, theory and practice
- * Group accommodations in a democracy
- * A survey of religious groups and illiberal practices
- * Traditional schemes of religious accommodations, with special reference to the Ottoman millet system
- * The reality of religious accommodations in Western democracies
- * The reality of religious accommodations in the Middle East, with special reference to Israel.

Remedies in Commercial Law

Semester 2 Intensive: 25 September–1 October (excluding the weekend)

Time: 10 am–5 pm

Location: Melbourne Law School

Lecturers

Professor Michael Bryan*
Melbourne Law School

Professor Robert Stevens
University of Oxford,
United Kingdom

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Master of Private Law**
- * **Graduate Diploma in Legal Studies**

Assessment

3-hour examination (100%)
(8 November, am)

or

10,000 word research paper (100%)
(22 January 2014) on topic approved
by the subject coordinator

About the subject

The subject examines the remedies commonly awarded in commercial litigation. All the major common law, equitable and statutory remedies will be studied. The subject covers personal remedies, such as damages, as well as proprietary remedies, such as the constructive trust. The strategic selection of remedies in commercial disputes will be considered, and Australian law will be compared, where relevant, to the law of other major commercial law jurisdictions.

Syllabus

Principal topics will include:

- * Damages in tort (excluding personal injuries) and for breach of contract, including issues of concurrency, where both tort and contract damages are available. Expectation and reliance damages and the protection of the 'performance interest' in contract. The role of liquidated damages clauses, and the penalties doctrine, will be considered, as well as the principles governing the award of exemplary and nominal damages
- * Statutory damages awards, with particular reference to damages awarded under the *Competition and Consumer Act 2010* (Cth)
- * Equitable compensation for breach of equitable obligations, including breach of fiduciary obligation. Statutory damages under the *Chancery Amendment Act 1858* (Imp) and equivalent Australian legislation
- * Specific performance of contracts, with particular reference to the role of specific performance in common law and civil law jurisdictions.
- * Injunctions, including a study of the interests protected in injunction litigation. Interlocutory orders, including Mareva orders, will be examined
- * The account of profits as a remedy for equitable wrongdoing, and debates about the availability of the account of profits as a remedy for breach of contract
- * Proprietary remedies, with particular reference to the distinction between institutional and remedial constructive trusts. A comparison of the role of the constructive trust, in commercial litigation, in Australia, the United Kingdom and the United States.

Remedies in the Construction Context

Formerly Current Application
of Legal Remedies

Semester 1 Intensive: 20–26 March
(excluding the weekend)

Time: 9 am–4 pm

Location: Melbourne Law School

Lecturer

Mr David Bennett QC
Formerly Victorian Bar

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Master of Construction Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Construction Law**

Assessment

Take-home examination (100%)
(3–6 May)

About the subject

Construction projects are notorious for producing difficult legal issues.

Whether advising upon the content of contracts or methods for mounting or defending claims, practitioners need to be confident in their understanding of a very broad range of legal principles, from those governing the interpretation of contracts through to the intricacies of the remedies available under various causes of action. In turn, construction lawyers need an advanced and detailed knowledge of the case law (both seminal judgments and recent treatments) and legislation that underpin diverse matters, such as implied duties of cooperation and good faith, damages in tort for pure economic loss, liquidated damages, recovery upon a quantum meruit and the grant of interlocutory injunctions.

The lecturer, David Bennett QC, brings to the classroom a wealth of experience in the analysis of such issues, gained not only during an extensive practising career but also through his writings (which include the second edition of the seminal *Brooking on Building Contracts*) and many years of teaching. He also harnesses the specialist expertise of guest lecturers: in previous years' offerings, these have included leading academic lawyers, legal practitioners and judges.

Syllabus

Principal topics will include:

- * Contractual terms, including construction of express terms, implied terms (at law, ad hoc), recent High Court of Australia developments, the implied duty to cooperate and the status of the claimed implied obligation of good faith in contract
- * Equitable remedies for breach of fiduciary duty
- * Interlocutory injunctions, including practical application
- * Status of recovery in tort for pure economic loss
- * The history and development of quantum meruit claims leading to a consideration of:
 - Quantum meruit under a contract having no agreed price
 - Restitution claims where there is no contract, or an unenforceable contract, where the contractor claims that the owner has been unjustly enriched.

Restitution

Formerly The Law of Restitution

Semester 2 Intensive: 21–27 August
(excluding the weekend)

Time: 9.30 am–5 pm
Location: Melbourne Law School

Lecturers

Dr Michael Rush*

Victorian Bar

The Hon. Keith Mason AC QC

Formerly NSW Court of Appeal

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Master of Private Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Corporations and Securities Law**

Assessment

Take-home examination (100%)
(11–14 October)

About the subject

Although of ancient origin, the law of restitution is a new, intensely interesting and vital part of the common law of Australia. The law of restitution intersects with, sits alongside or forms a part of, contract law, insolvency, equity, trusts and torts, and as such an understanding of the subject is important for lawyers or non-lawyers with an interest or who practise in the field of private law. The subject syllabus focuses on decisions of Australian courts, with some reference to English and Canadian cases. Through the cases, an understanding of the law of restitution is developed. Practical and theoretical aspects are also considered: from how to plead a claim for restitution to examining the place of the law of restitution under the current High Court. Both lecturers are ideally suited to provide instruction on the subject: The Hon. Keith Mason as the former President of the NSW Court of Appeal and co-author of the leading Australian text on the subject. Mr Michael Rush, presently practising at the Victorian Bar with a doctorate in restitution from the University of Oxford.

Syllabus

This subject provides an analysis of the law of restitution in Australia.

Principal topics will include:

- * Overview of the law of restitution, including the principles on which it is based, its nature and ambit, how it should be pleaded, its role as part of the common law of Australia and its impact on unwinding commercial transactions
- * Identification of parties: Determining the breadth of what constitutes an enrichment in the hands of a defendant and how a plaintiff can establish a connection to that enrichment sufficient to found a cause of action in restitution
- * Reasons for restitution: When is it unjust for a defendant, who receives an enrichment at the expense of the plaintiff, to retain that enrichment? Grounds for restitution, including benefits conferred by mistake, failure of consideration, duress, undue influence and instances where the claimant has no intention to benefit the recipient. Consideration of restitutionary claims for wrongdoing, including breach of contract and breach of fiduciary duty
- * Defences: Change of position, estoppel, passing on, illegality, bona fide purchase and ministerial receipt.

Rule of Law in Asia

Semester 2: 2 hours per week for
12 weeks commencing 29 July

Time: Mondays 5.30–7.30 pm
Location: Melbourne Law School

Lecturers

Associate Professor Sarah Biddulph*

Melbourne Law School

Professor Pip Nicholson

Melbourne Law School

Professor Tim Lindsey

Melbourne Law School

Dr Amanda Whiting

Melbourne Law School

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Master of Public and International Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Asian Law**
- * **Graduate Diploma in Government Law**

Assessment

Take-home examination (100%)
(22–25 November)

or

10,000 word research paper (100%)
(25 November) on a topic approved
by the subject coordinator

About the subject

The rule of law has been promoted by scholars, politicians and lawyers as necessary to underpin political reform in the countries of Asia, even though the concept remains contested. This subject explores debates about the meaning, value and implementation of the rule of law and its relevance to state order in Asian jurisdictions, including China, India, Indonesia, Vietnam, Japan, Singapore and Malaysia.

Academic experts in particular Asian legal systems will lead seminars analysing the ways in which the idea of the rule of law has been used rhetorically and how, if at all, it has been implemented. In seminars we will draw on specific topics to explore how the rule of law has been interpreted in Asian contexts, including constitutional doctrine and institutional arrangements, as well as the role of individuals, the legal profession and organisations agitating for legal reform. The significance of rule of law debate for legal reform will also be discussed.

Syllabus

This subject will involve both critical assessment of thinking about rule of law in Asia, as well as case studies drawn from each jurisdiction that demonstrate how these ideas are interpreted and applied in law and policy.

Principal topics will include:

- * Key approaches to the rule of law
- * Diverse approaches within Asia to ideas of rule of law. This will involve detailed examination of relevant constitutional laws, taking into account different legal systems, social, political and cultural traditions, structures and practices
- * An analysis of the ways in which State law reflects social issues, implements policy and orders power and relationships between individuals, diverse groups and the State. This will include case studies of how relevant policy is formed and regulation developed
- * The role played by different legal institutions in State ordering, including in the protection of individual and/or collective rights
- * The role played by lawyers in State legal orders, including the realisation of rights or challenges to State power. This will include consideration of judicial decisions, where possible
- * The role played by non-government organisations (NGOs) in State order, including in the formation of policy and the mediation of State power. Again, case studies will be investigated
- * Analysis of the possibilities for convergence or harmonisation of notions of rule of law.

Schemes of Arrangement

Semester 1 Intensive: 12–18 June
(excluding the weekend)

Time: 10 am–4.45 pm
Location: Melbourne Law School

Lecturers

Mr Matt Connock SC*

Victorian Bar

Mr Greg Ahern

Victorian Bar

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Corporations and Securities Law**

Prerequisite

It is recommended that students have studied company law or a comparable subject, or have relevant corporate experience

Assessment

Class participation (15%)

10,000 word research paper (85%)
(11 September) on a topic approved by the subject coordinator

About the subject

In the field of takeovers, company mergers and other corporate reconstructions, schemes of arrangement are playing an ever increasing role. In the takeover sphere, schemes have often been used in recent times as an alternative to using the takeover provisions in Chapter 6 of the *Corporations Act 2001* (Cth). This subject will address what a scheme of arrangement is and the role that

schemes play in these fields of commercial activity, particularly in the area of takeovers. The role played by the court and the Australian Securities and Investment Commission (ASIC) at each relevant stage of the scheme process as well as practical considerations and guidance in connection with obtaining court approval to a scheme are among the topics that will be addressed in this subject. The lecturers are both commercial barristers at the Victorian Bar whose areas of practice include schemes of arrangement.

Syllabus

Principal topics will include:

- * What a scheme of arrangement is and the role schemes play in the field of takeovers, company mergers and other corporate reconstructions
- * The statutory framework applicable to schemes of arrangement
- * Statutory and other requirements governing schemes of arrangement and their approval
- * The role of the court at each of the first court hearing (the 'meeting hearing') and the second court hearing (the 'approval hearing')
- * The role of ASIC
- * Practical considerations and guidance – including potential pitfalls – in connection with the approval process
- * Issues that are to be considered and addressed in connection with the obtaining of shareholder and court approval. Topics to be drawn from matters such as:
 - Notice requirements
 - The scheme booklet: Content and approval
 - Meetings of shareholders: How, what, when and why
 - Classification of schemes and classes of members
 - Independent experts
 - Break fees and exclusivity provisions
 - Warranties and performance risk
 - Overseas interests
 - Impact on third parties: Chapter 6 avoidance, ASIC position and Section 411(17) of the *Corporations Act 2001* (Cth)
 - Abrogation of fiduciary duties
 - Forum consideration and differing judicial approaches
 - Opposition at court hearings and the court's 'approval' discretion
- * Reform issues and consequences and the role and impact of the Corporations and Markets Advisory Committee on the future regulation of schemes.

This subject does not address schemes of arrangement in the insolvency context.

The Security Council in Global Public Law

Semester 2 Intensive: 4–10 September
(excluding the weekend)

Time: 9.30 am–5 pm
Location: Melbourne Law School

Lecturers

Professor Gerry Simpson*

Melbourne Law School

Ms Devika Hovell

London School of Economics,
United Kingdom

Courses

- * **Master of Laws**
- * **Master of Public and International Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Government Law**
- * **Graduate Diploma in International Law**

Assessment

Take-home examination (100%)
(25–28 October)

or

10,000 word research paper (100%)
(27 November) on a topic approved by the subject coordinator

About the subject

The Security Council in Global Public Law will be taught by two experts in international law: Dr Devika Hovell and Professor Gerry Simpson. They will adopt a political, ethical, historical and juridical approach to this key institution in international law. The course will appeal to students who are interested in advancing their knowledge of the international system (acquired in Principles of International Law) by focusing on – and critiquing the operation of – the central security organisation in the global order.

Syllabus

Principal topics will include:

- * History, great powers and global governance
- * Functions of the Security Council and subsidiary organs: Enforcer, law-maker, judge?
- * The Security Council and legal accountability: Limits of the rule of law and judicial review
- * The Security Council and political accountability: Demos, deliberation and dialogue
- * Security Council reform and the concept of global public law.

Shareholders' Rights and Remedies

Semester 1 Intensive: 13–17 May

Time: 10 am–5 pm

Location: Melbourne Law School

Specialised Construction Procurement Law

Semester 2 Intensive: 23–27 September

Time: 9.30 am–5 pm

Location: Melbourne Law School

Lecturer

Ms Alison Lansley

Company Director

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Corporations and Securities Law**

Assessment

Take-home examination (100%)
(5–8 July)

or

10,000 word research paper (100%)
(19 August) on a topic approved by
the subject coordinator

About the subject

Shareholders' rights and remedies – and how they interact with the rights and obligations of directors, officers and the company itself – are a critical part of the law and corporate governance of Australian companies. Increasingly, the corporate regulator (ASIC), class action litigation firms and shareholders themselves are focused on what shareholders' rights and remedies are and how they should be observed and pursued. And they are a major focus of Australia's corporate governance principles for public listed companies, and therefore for those responsible for running those companies.

This subject – taught by one of Australia's leading corporate lawyers who is also a director – will provide participants with a detailed knowledge of the rights and remedies available to shareholders under the *Corporations Act 2001* (Cth) and at common law, how they interact with the roles of directors and management of Australian companies, and what happens when things go wrong.

Syllabus

Principal topics will include:

- * An overview of the division of power between the various organs of the modern corporation
- * What the current framework of corporate governance has to say about treatment of shareholders
- * Shareholders' agreements
- * Shareholder access to corporate information, including the Constitution and financial information
- * Shareholder activism, including requisitioning meetings, proxy voting and removal of directors
- * Shareholder remedies, including oppression, winding-up-related relief, statutory derivative action and class actions
- * The role of ASIC
- * Compulsory acquisition of minority shareholdings
- * Law reform
- * Overseas comparisons.

Lecturer

Mr Richard Wilkinson

Herbert Smith Freehills

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Master of Construction Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Construction Law**

Prerequisite

Successful completion of Principles of Construction Law or Construction Law

Assessment

Take-home examination (100%)
(15–18 November)

or

10,000 word research paper (100%)
(20 January 2014) on a topic
approved by the subject coordinator

About the subject

Whilst 'Construct Only' and 'Design and Construct' delivery methodologies remain the most common form of construction procurement, principals and contractors increasingly are delivering construction projects via innovative procurement methodologies. This subject – designed to complement the existing infrastructure delivery subjects already offered within our program – provides students with a detailed knowledge of tendering, specialised forms of construction procurement and other key contract forms currently in use in the Australian construction and infrastructure market. The subject also provides an overview of the key legal and commercial issues affecting these procurement methods and specialised construction contracts.

The subject coordinator is Richard Wilkinson, a construction lawyer and alumnus of our Master of Construction Law program. In addition to bringing to the classroom his own extensive experience in construction procurement law, Richard will harness the specialist expertise of leading construction practitioners as guest lecturers.

Syllabus

Principal topics will include:

- * Expressions of interest and invitations to tender
- * Alliance contracting
- * Managing contractor agreements and construction management agreements
- * Consultancy agreements
- * Engineer, procure and construct agreements
- * Interface agreements
- * Design and Construct Joint Venture agreements and Consortium agreements and facilities management and operation and maintenance agreements.

Sport and Taxation

Formerly Taxation of Sport

Semester 2 Intensive: 18–24 September
(excluding the weekend)

Time: 9.30 am–4.30 pm

Location: Melbourne Law School

Lecturer

Mr Braedon Clark

Orica

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Master of Tax**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Sports Law**
- * **Graduate Diploma in Tax**

Assessment

Assignment (30%) (16 October)

Take-home examination (70%)
(15–18 November)

or

10,000 word research paper (100%)
(11 December) on a topic approved
by the subject coordinator

About the subject

Highly paid international athletes continually attract the attention of tax authorities and the media with regard to the way that they structure their finances. Similarly, sporting organisations and clubs are also subject to continuous scrutiny with regard to their finances and tax affairs.

The international nature of sport provides a wealth of opportunities for tax planning and also for pitfalls when it comes to tax compliance. Keeping your affairs in order when you are a globe-trotting sports person in a multitude of countries is not easy, and many athletes and sporting organisations rely heavily on expert advisers.

This subject is for sportspeople, sports agents, sports administrators and other sporting advisers to expand their knowledge of how to manage their or their client's tax affairs. The subject should enable students to better identify tax issues and tax opportunities with regard to sporting income and sporting-related financial arrangements.

While the subject has a focus on sporting-related income, it also provides a broad introduction to individual international tax and double tax treaties.

Syllabus

Principal topics will include:

- * Income tax aspects of income from sport activities:
 - Amateur versus professional
 - Special tax regimes for athletes
 - Individual sports
 - Team sports
- * Income tax aspects of other income related to sports activities: Publicity on clothing:
 - Use of products
 - Sponsorships
 - Subsidies and grants
 - Inducement payments
 - Athlete's image rights
 - Merchandising
- * Income tax aspects of sports clubs and associations
- * Taxation of sports events
- * Foreign income derived by resident athletes
- * Taxation of non-resident athletes deriving Australian source income
- * Tax planning aspects for athletes.

Sport, Commerce and the Law

Semester 1 Intensive: 18–22 March

Time: 1–6.30 pm

Location: Melbourne Law School

Lecturer

Mr Hayden Opie

Melbourne Law School

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Sports Law**

Assessment

10,000 word research paper (100%)
(26 June) on a topic approved by
the subject coordinator

About the subject

Sport is both an industry of the modern age and a traditional activity that reaches to the core of the social fabric. Law and sport intersect in many and varied ways, some of which challenge established notions of thinking about law. Sport, Commerce and the Law is the flagship subject of the sports law program, surveying many areas of legal controversy in sport, with particular emphasis on the link between the commercialisation of sport and the emergence of sports law. This subject is the best place to start for students embarking on a program of sports law studies and, for the student with wider interests, this is the ideal subject through which to sample sports law. The lecturer is an established figure in the field and one of a small number of people in the world with the breadth of knowledge necessary to teach such a subject.

Syllabus

This subject will consider selected aspects of the relationship between the law and commercial and professional sporting activities. Particular attention will be given to legal responses to the commercialisation of sport and how those responses influence sport.

Principal topics will include:

- * Athletes' rights in relation to discipline, sex and racial discrimination, eligibility and selection, and drug use
- * Amateurism and professionalism
- * Protection and marketing of the athlete's reputation
- * Professional player contracts, including discipline, entitlement in the event of injury, assignment, inducing breach of contracts and remedies for breach
- * Club and league structures and franchise ownership
- * Advertising and sponsorship arrangements
- * The impact of the common law doctrine of restraint of trade and the restrictive trade practices provisions of the *Competition and Consumer Act 2010* (Cth)
- * Taxation of athletes and clubs
- * International sports organisations.

Sports and Competition Law: An International and Comparative Analysis

Semester 2 Intensive: 8–12 July

Time: 1–6.30 pm

Location: Melbourne Law School

Lecturer

Professor Stephen Ross

Penn State University,
United States

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Competition Law**
- * **Graduate Diploma in Sports Law**

Assessment

10,000 word research paper (100%)
(2 October) on a topic approved by
the subject coordinator

About the subject

Commercialised sports in the developed world constitute a multi-billion-dollar industry raising unique issues under competition law. Courts around the world have recognised that clubs that are commercial rivals necessarily need to collaborate in some ways for their sporting competitions to serve the public. Outside of North America, commercialised sports competitions form part of an integrated system of sports, typically under the supervision of a single national governing board; this too raises important questions of the use or abuse of a commercially dominant position.

The overall structure of sporting competitions is thus potentially subject to judicial challenge under competition law statutes around the world. Specific agreements that can be attributed to multiple parties, or to a single entity with a dominant position, are also subject to competition law challenges by governments, affected stakeholders or consumers.

The lecturer is an international leader in the field of the application of competition law to sports and has authored works dealing with this issue as it applies to developed economies, including Australia and New Zealand.

Syllabus

This subject will consider the basic principles of the competition law statutes applicable in North America, Europe and Australia/New Zealand, as well as relevant principles of the common law of restraint of trade. It will then apply these principles in exploring a number of cutting-edge issues with regard to the sports industry, including:

- * The formation and structure of sports leagues
- * Restrictive labour market practices (salary caps, drafts, limits on free mobility)
- * Collective agreements regarding broadcasting, internet commerce, sponsorship, merchandise, intellectual property licensing etc.
- * Competitive effects of league or federation rules regarding finances and ownership
- * Permissible and impermissible responses to creation of rival competitions.

Application of competition law precedents will also cover several recurring questions, including the availability of private remedies, market definition and the relevance of non-commercial purposes in justifying conduct that might be clearly unlawful in non-sports industries.

Although the course will assume no prior knowledge of competition law, other than a review of foundational principles underlying various competition statutes, it will offer students with competition law background an opportunity to apply their knowledge to a unique and intellectually challenging setting.

Sports Marketing Law

Semester 1 Intensive: 29 April–3 May

Time: 1–6.30 pm

Location: Melbourne Law School

Lecturers

Mr Hayden Opie*

Melbourne Law School

Mr Craig Richards

Bicycle Network Victoria

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Master of Intellectual Property Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Sports Law**

Assessment

10,000 word research paper (100%)
(31 July) on a topic approved by the
subject coordinator

About the subject

Sponsorship announcements and media rights deals in sport can attract publicity like gold medals. The ingenuity of an ambush marketer may rival the game plan for an upset victory. If you are interested in the business of sport then this subject is a 'must'. It surveys the legal underpinnings of modern sports marketing from the perspectives of key stakeholders: sports bodies, athletes, sponsors, the media and venue owners.

Conflict between rights holders and those who claim commercial free speech at the fringe of official rights is analysed. Students will be shown how specific new laws and increasingly intricate contractual allocation of rights aim to contain the ambushers.

This subject will be of interest to lawyers, sports and marketing executives, and player agents. One lecturer is a lawyer who has worked in the sports marketing industry for many years and the other is a well-known sports law academic.

Syllabus

This subject will consider the legal aspects of sports marketing in Australia.

Attention will be paid to the different legal needs of key stakeholders in sport. A major theme will involve assessing the impact on the legal environment of sports marketing in an era of increased commercialism and professionalism in sport and of significant change in the technology of communication and marketing.

Principal topics will include:

- * Commercial environment of sports marketing
- * Intellectual property and related legal principles as they apply to sports marketing: Passing-off, copyright, designs, misleading or deceptive conduct, trade marks, trade names and internet domain names
- * Laws promoting competition as they apply to sports marketing: Restraint of trade at common law and restrictive trade practices under the *Competition and Consumer Act 2010* (Cth)
- * Olympic marketing arrangements and protection of Olympic insignia
- * Athlete marketing rights, including personality rights, misleading or deceptive conduct and defamation
- * Event, facility and organisation marketing, including rights to a spectacle
- * Television and electronic media, including broadcast agreements, anti-siphoning laws, virtual advertising and regulation of alcoholic beverage advertising
- * Regulation of tobacco advertising
- * Principles of sponsorship agreements
- * Ticketing.

Standards in Commercial Dealings

Semester 1 Intensive: 1–7 May
(excluding the weekend)

Time: 10 am–5 pm
Location: Melbourne Law School

Lecturers

Dr Jeannie Paterson*
Melbourne Law School

The Hon. Justice Paul Finn
Formerly Federal Court of Australia

Courses

- * Master of Laws
- * Master of Commercial Law
- * Master of Private Law
- * Graduate Diploma in Legal Studies

Assessment

Take-home examination (100%)
(28 June–1 July)

About the subject

This subject will explore a fundamental question affecting commercial law, namely: what are the standards of conduct demanded by our legal system in commercial dealings? Topics will include: good faith and fair dealing, unconscionable dealing, fiduciary duties, breach of confidence, estoppel, mistake, remoteness and remedies. The effect of these standards will be considered throughout the life of a transaction; negotiations, performance and termination of the relationship. The subject will address a range of transaction types, including long-term contracts, joint ventures, franchises and service relationships. The subject will also address the flexible use of remedies in responding to breaches of the relevant standards. Common law, equitable doctrines and statute, such as the Australian Consumer Law, will be considered, along with overseas equivalents. Comparisons will be made between Australian approaches and those in other jurisdictions, including New Zealand, Singapore, Canada, India, England and the United States. The subject will identify areas of overlap and also of best practice.

The subject will be relevant to transaction lawyers involved in planning and ingratiating deals and in drafting contracts, and lawyers advising corporations and small businesses on their legal duties in the marketplace and commercial litigators.

Syllabus

Principal topics will include:

- * The role of standards in commercial dealings
- * The concept of 'commercial morality'
- * The standards used to regulate commercial dealings:
 - Good faith and fair dealing
 - Unconscionable dealing in equity
 - Misleading or deceptive and unconscionable conduct under the Australian Consumer Law
 - Fiduciary duties
 - Estoppel
 - Breach of confidence
 - Mistake
 - Remoteness
- * Remedies, including under the Australian Consumer Law.

State Taxes and Duties

Semester 2: 2 hours per week
for 12 weeks commencing 31 July

Time: Wednesdays 6–8 pm
Location: Melbourne Law School

Lecturers

Ms Sue Williamson*
Ernst & Young

Mr Tim Grace
Victorian Bar

Courses

- * Master of Laws
- * Master of Commercial Law
- * Master of Tax
- * Graduate Diploma in Legal Studies
- * Graduate Diploma in Corporations and Securities Law
- * Graduate Diploma in Tax

Assessment

Assignment (30%)

Take-home examination (70%)
(8–11 November)

About the subject

The Australian states and territories levy a wide number of taxes on business and individuals, including payroll tax, land tax, duties on conveyances, leases and other transfers, workers' compensation levies and numerous smaller taxes. Interpreting and complying with this multitude of taxes, only some of which are harmonised across state borders, poses significant challenges for Australian businesses and state revenue agencies alike. Many jurisdictions are enacting more comprehensive anti-avoidance and business entity rules in key state taxes, for example, those applying to trusts or corporate groups, and there is increasing litigation on state taxes in courts around the country. Greater attention is also being paid to fundamental reform of state taxes. This subject will provide tax professionals with an advanced knowledge of the structure and practical operation of state taxes and duties in a commercial context, taking account of the most recent trends and developments in this field.

Syllabus

This subject will consider in detail the operation of various state taxes and duties, in particular:

- * Stamp duties
- * Land tax
- * Payroll tax and workers' compensation levies.

Principal topics will include:

- * Detailed analysis of the new 'uniform' stamp duties legislation adopted in Victoria and various other jurisdictions
- * Consideration of stamp duty liabilities on various business and commercial transactions
- * Comparison to the 'old style' stamp duty legislation retained in other jurisdictions
- * Consideration of Victorian land tax and comparison to the position in other jurisdictions
- * Consideration of Victorian payroll tax and workers' compensation levies, and comparison to the position in other jurisdictions.

Statutes in the 21st Century

Semester 1: 2 hours per week for 12 weeks, commencing 4 March

Time: Mondays, 6–8 pm
Location: Melbourne Law School

Lecturers

The Hon. Justice Michelle Gordon*

Federal Court of Australia

The Hon. Justice Kenneth Hayne AC

High Court of Australia

Courses

- * **Master of Laws**
- * **Master of Construction Law**
- * **Master of Public and International Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Construction Law**
- * **Graduate Diploma in Government Law**

Assessment:

Two practical exercises (15% each)

and

Take-home examination (70%) (14–17 June)

or

7,000–8,000 word research paper (70%) (17 June) on a topic approved by the subject coordinator

About the subject

In the first half of the 20th century, most civil actions were for causes of action not much affected by statute: trespass, negligence, libel and slander, breach of contract and the various forms of equitable suit. Most criminal prosecutions were for offences created by statute but whose elements were treated as identified largely by judge-made law. There were great codifying Acts; intellectual property Acts; facultative Acts; and regulatory statutes, but judge-made law was of central and dominating importance. The second half of the 20th century saw the statutory cause of action emerge to prominence, the enactment of laws permitting modification of privately made agreements, the creation of new rights and obligations and novel forms of criminal offence. Statute became the central and dominating form of regulation of rights and obligations. The proper construction and application of statutes always has been, but now more than ever is, an essential legal skill. This subject seeks to develop and refine those skills.

Syllabus

Principal topics will include:

- * Construction – a text-based activity but more involving than a dictionary in one hand and the text in the other
- * The importance of the constitutional framework and other basic assumptions
- * The search for meaning and the metaphor of intention
- * The place of Interpretation legislation, including Rights Acts
- * The canons of construction, their use and abuse (canons to the right of them; canons to the left of them; on into the valley of death)
- * Ambiguity and its resolution, including the use of extrinsic materials
- * Inconsistencies, repeals, amendment, consolidation and retrospectivity
- * The legislative misfire
- * Special rules for special areas
- * Rules and regulations – power to make, construction and use in construing the legislation
- * Over-arching theories and descriptions of the construction process.

The Tax Commissioner as Administrator

Semester 2: 2 hours per week for 12 weeks commencing 29 July

Time: Mondays 6–8 pm
Location: Melbourne Law School

Lecturers

Mr Terry Murphy SC*

Victorian Bar

Mr Kevin Fitzpatrick

Formerly Australian Taxation Office

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Master of Public and International Law**
- * **Master of Tax**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Government Law**
- * **Graduate Diploma in Tax**

Prerequisites

There are no prerequisites; however, a good understanding of the Australian income tax system is recommended

Assessment

Assignment (30%) (18 September)

Take-home examination (70%) (15–18 November)

About the subject

The Commissioner of Taxation is one of Australia's most important federal administrators. The Commissioner has wide powers of administration. Despite this, the Commissioner is not a law unto himself. The Commissioner's dealings with taxpayers, the tax profession, the Treasury and Parliament, other federal agencies (such as the federal police or prosecutors), state government agencies, the tax authorities of other country governments and the representatives of international organisations, are constrained by legal and practical limitations. In a context of growing emphasis on transparency and accountability of government, the Commissioner's powers and actions are also subject to independent scrutiny by various authorities.

This subject examines in depth the Commissioner's administrative role in Australia's tax regime, his general powers, his interaction with taxpayers and the tax profession and with other authorities and agencies. All sessions will be conducted by experts, including leading practitioners and senior government officials such as representatives of the Australian Taxation Office (ATO).

Syllabus

Principal topics will include:

- * The Commissioner's general powers of administration under federal tax legislation, including the *Tax Administration Act 1986*, the federal income tax and GST legislation and other relevant laws.
- * The legal and practical aspects of the Commissioner's interaction with taxpayers and the tax profession
- * The Commissioner's corporate governance regime and internal checks and balances
- * External scrutiny of the Commissioner by government and other agencies and authorities
- * The Commissioner's relationship with the Treasury, executive and the Parliament, including his role in tax policy advice and law design
- * The Commissioner's interaction with other federal and Australian state government agencies
- * The Commissioner's interaction with international agencies such as the Organisation for Economic Co-operation and Development (OECD).

Tax Effective Writing: Written Advocacy

Semester 1: 2 hours per week for 12 weeks, commencing 4 March

Time: Mondays 6–8 pm
Location: Melbourne Law School

Lecturers

The Hon. Justice Jennifer Davies*

Supreme Court of Victoria

Mr John de Wijn QC

Victorian Bar

Mr Nasos Kaskani

Victorian Bar

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Master of Tax**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Tax**

Prerequisite

Students should have studied tax at graduate or undergraduate level and have gained some practical experience in tax

Assessment

Class participation (20%)

Seminar presentation with drafting exercise (30%)

Mooting exercise, including written advocacy (50%)

About the subject

Tax advocacy today, like other advocacy in Australia and overseas, is largely conducted in writing. To succeed in advising or advocating for clients, whether private or government, tax professionals need outstanding written advocacy skills. Taught by leading lights in tax advocacy, Justice Jennifer Davies (formerly SC at the Victorian Bar) and Mr John de Wijn QC, with Mr Nasos Kaskani, this subject will enable tax professionals to develop an effective and persuasive written style in tax advocacy. The subject will focus on the skill of writing key tax documents and developing precedents for future use, including letters of advice and opinions, objections, tribunal and court documents and written submissions, including appeal documents, ruling requests and briefing expert witnesses.

Syllabus

Principal topics will include:

- * Effective legal writing: Writing techniques directed to persuade in a clear and effective way
- * Writing letters of advice and opinions: section 264 information requests
- * Objections
- * Tribunal and court proceedings
- * Appeal documents
- * Applications for special leave to appeal
- * Written submissions; e.g. to GAAR panel, court proceedings and position papers
- * Ruling requests
- * Briefing the expert witness.

Tax Law Research

Semester 1 or Semester 2

Supervised research paper; no set class times

Subject Coordinator

Professor Miranda Stewart

Melbourne Law School

Courses

- * **Master of Laws**
- * **Master of Tax**

Assessment

10,000 word research paper (100%) on a topic approved by the subject coordinator

Guidelines for Tax Law Research assessment are set out in the application form available on the subject webpage.

Semester 1: 8 July

Semester 2: 4 December

Prerequisites

Eligibility criteria must be satisfied and a student's application approved before enrolment can be completed in this subject. Please see the subject webpage for details.

About the subject

The goal of Tax Law Research is to enable a candidate to complete a substantial piece of legal research and writing for a single subject credit. The legal research paper must be on a tax law or policy issue. Students will have the opportunity to define a thought-provoking and substantial tax research question in consultation with the supervisor. This subject offers the candidate an opportunity to obtain mastery of an aspect of advanced tax law and policy through in-depth research and writing in this specialist area, under the supervision of a faculty member with tax expertise. The student's goal is to complete a work of publishable quality.

Syllabus

Taxation law and policy are of central importance to contemporary governments, as they face the challenge of establishing fair and effective tax laws that raise adequate revenues to fund government in a global era. This subject gives an eligible candidate the opportunity to explore an issue of tax law and policy in depth at an advanced level, under supervision of an expert with many years of experience in academic scholarship in the specialist field of taxation.

Students will complete a Tax Law Research paper on a topic chosen by the student and approved by supervisor and the Director of Tax Studies. The paper will be marked by the supervisor. There is no set class time for this subject. However, it is required that there be at least three meetings (whether face to face or by telephone) that must be initiated by the student with the supervisor:

- * To discuss and revise the research paper proposal for approval by the supervisor, Director of Tax Studies and Associate Dean (Melbourne Law Masters) and enrolment in the subject
- * After some research has been carried out, a second meeting to discuss progress and to review and discuss the bibliography, including an outline of the paper, and
- * To review a draft of the paper, submitted at least three weeks before the deadline for submission, enabling supervisor comment to be provided on that draft.

Semester 1 Intensive: 22–28 May
(excluding the weekend)

Time: 10 am–4 pm

Location: Melbourne Law School

Lecturer

Mr Greg Smith

Australian Grants Commission

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Master of International Tax**
- * **Master of Public and International Law**
- * **Master of Tax**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Government Law**
- * **Graduate Diploma in International Law**
- * **Graduate Diploma in International Tax**
- * **Graduate Diploma in Tax**

Assessment

Take-home examination (100%)
(12–15 July)

or

10,000 word research paper (100%)
(21 August) on a topic approved by
the subject coordinator

About the subject

All countries face the challenge of reforming their tax systems to support effective governments in the global era, to take account of increasingly mobile capital and labour, and to establish effective, fair, simple and sustainable tax systems for the future. Australia recently carried out a major tax review process – the review of Australia’s Future Tax System, commonly known as the Henry Tax Review. Other countries have recently done similar reviews. This subject is taught by Mr Greg Smith, a former member of the Review of Australia’s Future Tax System (2009), and engages with the fundamental fiscal policy issues of today for all levels of government. It will analyse the major tax bases available for governments, the interactions of tax law with the transfer system, the challenge of environmentally sustainable taxes and issues of tax law design, complexity and administration for the future.

Syllabus

Principal topics will include:

- * Introduction to macroeconomics and fiscal policy
- * Introduction to microeconomics and resource allocation policy
- * Principles, objectives and main concepts in tax policy formulation
- * The social, economic and historical–political contexts of tax policy formulation in Australia
- * Major issues in tax reform in Australia, including in relation to fiscal policy and revenue adequacy, the major tax bases at each level of government, interactions within the tax-transfer system and issues of tax policy design cost, complexity and administration.

Semester 2 Intensive: 11–17 September
(excluding the weekend)

Time: 9 am–4 pm

Location: Melbourne Law School

Lecturer

Associate Professor Michael Kobetsky

Melbourne Law School

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Master of Public and International Law**
- * **Master of International Tax**
- * **Master of Tax**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in International Law**
- * **Graduate Diploma in International Tax**
- * **Graduate Diploma in Tax**

Assessment

Take-home examination (100%)
(18–21 November)

About the subject

Globally, countries have negotiated more than 3,000 bilateral tax treaties and the number of treaties continues to grow. Tax Treaties provides an in-depth examination of international tax treaties, regarding both inbound and outbound investment. The subject uses the Organisation for Economic Co-operation and Development (OECD) Model Treaty and Commentary and examines important tax treaties of Australia and its major trading partners. Associate Professor Kobetsky has advised the United Nations (UN) and country governments on these issues. This lively, engaging and relevant subject equips students to deal with the most topical and advanced issues of international tax in the application and interpretation of tax treaties, including the meaning of permanent establishment and taxation of business profits, residence and source, the treatment of investment income, exchange of information and avoidance of double taxation.

Syllabus

Principal topics will include:

- * Principles of double tax treaties
- * Interpretation of tax treaties
- * Relationship between tax treaties and domestic law
- * Impact of tax treaties on investing into Australia
- * Impact of tax treaties on investing overseas
- * Entities and tax treaties
- * Tax treaties and tax avoidance.

Taxation of Business and Investment Income

Formerly Taxation of Business and Investment Income A

Semester 1: 2 hours per week for 12 weeks, commencing 7 March

Time: Thursdays 6–8 pm
Location: Melbourne Law School

Lecturers

Ms Michelle Herring*
JGL Investments Pty Ltd

Mr Tim Neilson
Greenwoods & Freehills

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Master of Tax**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Corporations and Securities Law**
- * **Graduate Diploma in Tax**

Assessment

Assignment (30%)

Take-home examination (70%)
(5–8 July)

About the subject

This core tax subject is designed to explore in detail the fundamental principles of income tax, fringe benefits tax and capital gains tax in relation to business and investment. It will provide the requisite skills and knowledge to enable students to identify and better deal with income tax problems that arise in practice and in other tax subjects. The two lecturers have extensive experience in the field, working nationally and internationally at corporate and government level.

Syllabus

Principal topics will include:

- * The structure of the Australian income tax system
- * The structure of the legislation, interaction mechanisms and derivation
- * Multi-step transactions
- * Deferred payments
- * Expense characterisation and calculation of cost
- * Valuation and conditions of employment
- * Reimbursements, apportionment of deductions
- * Capital gains tax: Dissecting receipts and part disposals
- * Deemed disposals
- * Cost base write down
- * Creation of liabilities
- * Reimbursement/recovery of expenses
- * Public policy and income tax rules.

Taxation of Small and Medium Enterprises

Semester 2 Intensive: 2 hours per week for 12 weeks commencing 30 July

Time: Tuesdays, 6–8 pm
Location: Melbourne Law School

Lecturers

Mr Peter Gillies*
Pitcher Partners

Mr Paul Hockridge
Deloitte Private

Mr Richard Bridgart
Deloitte Private

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Master of Tax**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Corporations and Securities Law**
- * **Graduate Diploma in Tax**

Assessment

Assignment (30%) (26 August)

Take-home examination (70%)
(22–25 November)

About the subject

The advanced subject Taxation of Small and Medium Enterprises (SMEs) is co-taught by leading practitioners with many years of experience in tax advice for the Australian SME sector. They deliver an advanced, commercially essential subject through application of the tax law to topical case studies.

Small and medium business enterprises operating through private companies, trusts and partnerships must deal with some of the most complex and challenging rules in the tax system, and face a high tax compliance and planning burden. This subject is aimed at tax professionals in general or those in specialist tax practice advising SMEs, or at government officials working in this sector. It equips participants with an advanced knowledge of tax rules and latest reforms for SMEs, integrating the technical law that participants learn in other subjects, including corporate tax, tax of trusts, capital gains tax and taxation of business and investment income. This subject involves consideration of complex and competing principles from numerous parts of the tax and other laws. It builds on the core content of other subjects, including Taxation of Business and Investment Income, Capital Gains Tax, Corporate Tax A, Taxation of Trusts and State Taxes. As a result, this subject may be best studied towards the end of your Tax course.

Syllabus

Principal topics will include:

- * Income tax and capital gain tax rules applicable to trusts, private companies and partnerships, when establishing a new business, its operation and ultimate sale, winding up or business succession
- * Tax issues for private companies and shareholders, including Div 7A of the *Income Tax Assessment Act 1936* (Cth)
- * Tax issues relating to remuneration by SMEs and financing of SMEs
- * Tax concessions for SMEs, in particular the capital gains tax small business concessions
- * Trust streaming, trust loss and capital distribution rules affecting SMEs
- * Tax integrity and anti-avoidance rules for SMEs, including trust anti-avoidance rules and personal services income rules
- * Tax planning for SME structuring, asset protection and estate and business succession, incorporating key state and federal tax, asset protection and estate issues
- * Asset planning for SME entities, their owners and high wealth families.

Taxation of Trusts

Semester 1: 2 hours per week for 12 weeks, commencing 6 March

Time: Wednesdays 6–8 pm

Location: Melbourne Law School

Trade Mark Practice

Semester 1 Intensive: 29 May–4 June (excluding the weekend)

Time: 9 am–4.30 pm

Location: Melbourne Law School

Lecturers

Mr Terry Murphy SC*

Victorian Bar

Mr Adrian O'Shannessy

Greenwoods & Freehills

Mr Andrew de Wijn

Victorian Bar

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Master of Tax**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Tax**

Prerequisite

Successful completion of Taxation of Business and Investment Income and Capital Gains Tax or equivalent subjects, or appropriate professional experience

Assessment

Assignment (30%) (10 April)

Take-home examination (70%) (14–17 June)

About the subject

This core tax subject will examine in depth the Australian income tax rules applicable to trusts, including significant new and ongoing reforms and policy developments. It will apply these rules to the range of applications of trusts, including private trusts such as deceased estates and family discretionary trusts, public managed investment funds, real estate investment trusts, nominees, trading trusts and stapled structures used by large business.

Syllabus

Principal topics will include:

- * Definition and types of trust at law and for tax purposes and framework of trust tax rules
- * Trust distributions, beneficiaries and trustees, present entitlement, net income and flow through of tax attributes, such as franking credits and capital gains
- * Trust losses
- * Anti-avoidance and integrity rules
- * Capital gains tax for trusts, including formation, distributions, termination, unit trusts and deceased estates
- * Managed investment and real estate unit trusts, public trading trusts, and stapled and other trust structures
- * Trust tax reform and new developments.

Lecturer

Ms Janice Luck

Melbourne Law School

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Master of Intellectual Property Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Intellectual Property Law**

Prerequisite

Successful completion of Trade Marks and Unfair Competition or an equivalent subject, or appropriate practical experience

Assessment

Take-home examination (100%) (31 July–5 August)

About the subject

This subject builds upon the material covered in the Trade Marks and Unfair Competition subject. Trade Mark Practice is primarily concerned with the procedures and practices of the Australian Trade Marks Office in obtaining and maintaining a registered trade mark. The subject is thus particularly valuable for students wishing to prosecute trade mark applications through the Australian Trade Marks Office. The rights, privileges and responsibilities of a patent or trade mark attorney are also covered. The lecturers are experienced trade mark law lecturers and practitioners.

Syllabus

The emphasis of this subject is on the documentation and procedures involved and the relevant practice of the Australian Trade Marks Office.

Principal topics will include:

- * The Trade Marks Office, the Trade Marks Register and the Official Journal of Trade Marks
- * Determining the availability of a trade mark for use and registration, searching the Trade Marks Office database and other search options
- * Applications for registration, including Madrid Protocol, Convention, divisional and series applications
- * Examination and acceptance of applications
- * Opposition to registration
- * Amendment of applications and other documents
- * Obtaining registration and renewal of registration
- * Obtaining extensions of time
- * Special procedures relating to collective, certification and defensive trade mark applications
- * International conventions and initiatives, and protecting trade marks in foreign countries
- * The rights, privileges and responsibilities of a patent or trade mark attorney.

Trade Marks and Unfair Competition

Semester 1 Intensive: 10–16 April
(excluding the weekend)

Semester 2 Intensive: 6–12 November
(excluding the weekend)

Time: 9.30 am–5 pm

Location: Melbourne Law School

Lecturer

Ms Janice Luck

Melbourne Law School

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Master of Intellectual Property Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Competition Law**
- * **Graduate Diploma in Intellectual Property Law**

Assessment

Take-home examination (100%)

Semester 1: 15–20 May

Semester 2: 11–16 December

About the subject

This subject is concerned with the laws in Australia that protect trade marks. Trade marks play a pivotal role in the marketing of goods and services, and generally are one of a trader's most valuable assets. The protection of trade marks is thus of critical importance to all traders but is also important to consumers, who rely on the information conveyed by trade marks. The subject concentrates on the trade mark protection regime provided by the *Trade Marks Act 1995* (Cth) and involves a detailed study of the provisions of this Act and related case law. The action for passing-off and actions for contravention of the Australian Consumer Law provisions in the *Competition and Consumer Act 2010* (Cth) proscribing misleading and deceptive conduct are also covered.

The lecturer is an experienced trade mark law academic and practitioner.

Syllabus

Principal topics will include:

- * The function of trade marks
- * Registration of trade marks under the *Trade Marks Act 1995* (Cth)
- * Infringement, defences and remedies
- * Licensing and assignment, and other exploitation of trade marks
- * Removal and cancellation of registration
- * Management and maintenance of trade marks
- * The action for passing-off and actions for contravention of the Australian Consumer Law provisions in the *Competition and Consumer Act 2010* (Cth) proscribing misleading and deceptive conduct.

Transfer Pricing: Practice and Problems

Semester 1 Intensive: 3–7 June

Time: 9.30 am–4 pm

Location: Melbourne Law School

Lecturers

Associate Professor Michael Kobetsky*

Melbourne Law School

Ms Shannon Smit

SMART Business Solutions

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Master of Public and International Law**
- * **Master of International Tax**
- * **Master of Tax**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in International Law**
- * **Graduate Diploma in International Tax**
- * **Graduate Diploma in Tax**

Assessment

Class participation (10%)

Take-home examination (90%)
(16–19 August)

About the subject

Transfer pricing is the most important tax issue that multinational businesses face, as they deal with demands from the countries in which they operate, and as national tax authorities implement measures to protect their revenue from cross-border trade between associated enterprises. A transfer price is the price charged for the transfer of property or services between associated enterprises in a multinational company group.

This subject studies the Organisation for Economic Co-operation and Development (OECD) Transfer Pricing Guidelines, and the Australian transfer pricing and their application. It is taught by highly experienced academics and practitioners, who consult regularly to international institutions, governments and business about these international tax rules.

This subject is designed for tax advisers, in-house tax managers, government officials as well as those practising in transfer pricing. A background in transfer pricing is not required.

Syllabus

Principal topics will include:

- * Legal framework around transfer pricing
- * OECD guidelines on transfer pricing
- * Australia's tax legislation and tax rulings on transfer pricing
- * Australia's tax treaties and transfer pricing
- * Case law
- * Transfer pricing methodologies – selection and application for the following transactions in respect of tangible goods, intangibles, services and financial transactions
- * Transfer pricing documentation requirements
- * Performing a comparable search (benchmarking)
- * Completing the transfer pricing section of the tax return
- * Risk reviews and audit approach.

US Corporate and International Tax

Semester 2 Intensive: 29 July–6 August
(excluding the weekend)

Time: 8.30 am–12.30 pm

Location: Melbourne Law School

Lecturer

Professor David Rosenbloom

New York University, United States

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Master of International Tax**
- * **Master of Public and International Law**
- * **Master of Tax**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in International Law**
- * **Graduate Diploma in International Tax**
- * **Graduate Diploma in Tax**

Assessment

Take-home examination (100%)
(20–23 September)

About the subject

This subject provides an overview of United States (US) income tax rules for corporate and international transactions, with particular emphasis on rules that are relevant for Australians investing into the United States and for United States outbound investment into Australia. The subject will incorporate the latest developments in United States corporate and international tax reform. It will apply a case study approach to examine rules, regulations and administrative practices with relevance to cross-border business, including hybrid entities, United States tax treaties, portfolio international investment, foreign tax credit, controlled foreign companies and transfer pricing.

Syllabus

This subject will examine the corporate and international tax rules contained in the US federal Internal Revenue Code (Title 26 of the United States Code), together with regulations, cases, rulings and other documents produced by Treasury and the Internal Revenue Service (IRS).

Principal topics will include:

- * US corporate-shareholder tax fundamentals
- * Hybrid entities
- * International tax rules, residence, source
- * Cross-border portfolio investment
- * US tax treaties
- * Transfer pricing
- * Foreign tax credit
- * Thin capitalisation and cross-border corporate finance
- * Controlled foreign company (CFC) rules.

US Sports Law

Semester 1 Intensive: 25 February–
1 March

Time: 1–6.30 pm

Location: Melbourne Law School

Lecturer

Professor Matthew Mitten

Marquette University, United States

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Sports Law**

Assessment

10,000 word research paper (100%)
(29 May) on a topic approved by the
subject coordinator

About the subject

This subject is for those interested in how United States (US) intercollegiate, Olympic and professional sports are internally structured and governed and externally regulated by a wide variety of federal and state laws. Those who have taken this subject say it provides 'great insights into the US sports law industry' and 'a thorough and interesting look at how things are done in the US sports industry and the role the US law system plays in the administration of sports'.

Taking this subject provides students with a comparative sports law perspective by studying how US law shapes and regulates the major North American professional sports leagues' business models as well as the relationships among their member clubs and with their players and labor unions. It also looks at the 'amateur' model of intercollegiate athletics and the nature of the legal relationships between universities and student-athletes along with the National Collegiate Athletic Association's governing authority and legal limits thereon. This subject considers how Olympic sports are governed by the United States Olympic Committee pursuant to the legal framework established by the Ted Stephens Olympic and Amateur Sports Act. In addition, it covers some important legal issues affecting sports at each of these different levels of athletic competition such as protection of intellectual property and athlete health, safety and injury compensation issues.

The lecturer is the director of the premier sports law institute in the US and an internationally recognised sports law scholar who has substantial experience as a sports arbitrator, attorney and expert witness.

Syllabus

This subject will consider how intercollegiate, Olympic and professional sports are internally governed and regulated by the United States legal system.

Principal topics will include:

- * Structure and organisation of US sports
- * Regulating intercollegiate athletics, specifically the legal relationship between a university and its student athletes, university duty to protect student athletes' health and safety, National Collegiate Athletic Association rules infraction enforcement process, scope of judicial review of NCAA rules and enforcement proceedings, antitrust issues and gender equity issues
- * Regulating Olympic sports within the US, including limits on use of national law to regulate Olympic sports and the operation of the United States Anti-doping Agency
- * Regulating professional athletics, specifically internal league governance and commissioner authority, antitrust limits on internal league governance, labor law and relations, labour arbitration, drug testing issues, and the injury compensation system for professional athletes as well as the legal framework for regulating athlete agents
- * Protection of sports-related intellectual property under US law.

Water Law and Natural Resources Management

Formerly Water Law

Lecturers

Professor Lee Godden*

Melbourne Law School

Dr Anita Foerster

Senior Fellow, Melbourne Law School

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Master of Energy and Resources Law**
- * **Master of Environmental Law**
- * **Master of Public and International Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Energy and Resources Law**
- * **Graduate Diploma in Environmental Law**
- * **Graduate Diploma in Government Law**

Assessment

In-class presentation and a 1,000–1,500 word written presentation (25%) (12 June)

7,500 word research paper (75%) (21 August) on a topic approved by the subject coordinator

About the subject

Water and natural resource management (NRM) is fundamental to human society and environmental protection, and legal rules around water have co-evolved with many societies. Conflict over water partly shaped Australia's federation; and debates have continued over the appropriate legal and governance structures to manage water and associated natural resources.

Recently, water scarcity issues have driven water law and natural resource reforms in rural areas, although much water law governs urban water supply and use. Water authorities remain significant legal structures in our modern world. Natural resource law undergoes constant review. This subject explores the many dimensions of water law, with an introduction to international water law, before concentrating on federal and Victorian water legislation, including an examination of both water allocation and water quality – with significant implications for NRM. The lecturers bring a wealth of research and experience in water law and NRM to the subject.

Syllabus

This subject analyses water law and NRM in Australia with an overview of international water law and policy. It considers the national reform agenda for water law and NRM reform, and federal–state issues, including an examination of the *Water Act 2007* (Cth). The general development of Australian statutory-based water law, concentrating on the Victorian situation (including catchment management) will provide the main case study, together with a consideration of groundwater, and urban water issues.

Principal topics will include:

- * International law and policy governing water, including trans-boundary water law
- * The evolution of Australian statutory regimes for surface water and groundwater allocation and use
- * National water and resource management reforms and the implementation of the National Water Initiative
- * History of the River Murray, together with the *Water Act 2007* (Cth) and water trading
- * The *Water Act 1989* (Vic)
- * Water quality: Rural and urban issues, such as salinity and pollution
- * Integrated catchment management and environmental water, including an outline of relevant water legislation and catchment management regimes
- * Urban water issues, including alternative water uses, such as storm water recycling.

Semester 1 Intensive: 15–21 May
(excluding the weekend)

Time: 9.30 am–5 pm

Location: Melbourne Law School

What is it that Judges Do?

Lecturer

Justice Dennis Davis

High Court of South Africa,
South Africa

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Master Public and International Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Dispute Resolution**
- * **Graduate Diploma in Government Law**

Assessment

Take-home examination (100%)
(22–25 November)

or

10,000 word research paper (100%)
(22 January 2014) on a topic approved by the subject coordinator, a rough preliminary draft of which is to be presented in class

About the subject

This subject seeks to understand how judges arrive at judgments and thus the complex question of adjudication. By examining key elements of the vast literature that has analysed the process of adjudication, the course attempts to develop the conceptual tools by which each student can approach the reading of judgments of courts. The subject then intensively discusses a number of important cases from various jurisdictions – the United Kingdom, the United States, Australia, South Africa and Canada. By applying the insights learnt from the earlier conceptual discussion, the course examines the judicial mind that has given rise to the judgments so studied. In this way, the subject talks to practitioners who litigate and can reflect on the means of help shaping the judgment they so seek as well as to those lawyers who wish to develop a comprehensive understanding of both the theory and practice of adjudication.

Syllabus

Principal topics will include:

- * A critical reading of key texts – Hart, Raz, Fuller, Dworkin, Habermas, Derrida and Kennedy
- * Language, linguistic theory and the law
- * Reading judgments (Australian and comparative) – both in the area of constitutional/human rights law and private law
- * The impact of political emergency upon the judicial function/adjudication.

Semester 2 Intensive: 2–8 October
(excluding the weekend)

Time: 9.30 am–5 pm

Location: Melbourne Law School

LAWS70118

Women, War and Peace-Building

Formerly Women and War

Semester 1 Intensive: 17–23 April
(excluding the weekend)

Time: 9.30 am–5 pm
Location: Melbourne Law School

LAWS70053

Workplace Health and Safety

Semester 2 Intensive: 16–22 October
(excluding the weekend)

Time: 9.30 am–4 pm
Location: Melbourne Law School

Lecturers

Professor Dianne Otto*

Melbourne Law School

Dr Helen Durham

Australian Red Cross

Courses

- * **Master of Laws**
- * **Master of Law and Development**
- * **Master of Public and International Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Human Rights Law**
- * **Graduate Diploma in International Law**

Prerequisite

Successful completion of Principles of International Law or equivalent

Assessment

Take-home examination (100%)
(31 May–3 June)

or

10,000 word research paper (100%)
(10 July) on a topic approved by the subject coordinator

About the subject

International law has historically conceived of women solely as the victims of armed conflict. In recent years, challenges to such protective gender stereotypes have snow-balled across the whole spectrum of related bodies of international law, including international humanitarian law, criminal law, human rights law and refugee law. There have also been extensive efforts, aimed particularly at the United Nations (UN) Security Council, to promote women's active participation in conflict resolution and post-conflict peace-building. The lecturers of the subject have both been involved in some of these challenges. In addition to canvassing these developments, the subject will examine the heated debates to which they have given rise and the many conundrums that they have raised, as well as celebrating the positive change that has been achieved.

Syllabus

Principal topics will include:

- * An analysis of women in 'war' (broadly defined) as civilians, victims, survivors, refugees, widows, combatants and peace-makers
- * The links between war and issues such as women's inequality and inequitable economic and social conditions
- * The Geneva Conventions of 1949 and their 1977 Additional Protocols
- * Refugee law and human rights law relating to women's rights during armed conflict and in its aftermath
- * Developing jurisprudence from the ad hoc international criminal tribunals for Rwanda and the former Yugoslavia dealing specifically with gendered violence
- * Crimes specifically relating to women in the Statute for the International Criminal Court
- * The impact of Security Council Resolutions 1325, 1820, 1888 and 1889
- * The role played by international non-government organisations (NGOs)
- * The challenges facing women in post-conflict peace-building.

Lecturer

Mr Peter Rozen

Victorian Bar

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Master of Construction Law**
- * **Master of Employment and Labour Relations Law**
- * **Master of Health and Medical Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Construction Law**
- * **Graduate Diploma in Employment and Labour Relations Law**

Assessment

Take-home examination (100%)
(5–9 December)

or

10,000 word research paper (100%)
(29 January 2014) on a topic approved by the subject coordinator

About the subject

Australian governments have publicly committed to implementing nationally uniform laws about workplace health and safety, commencing in January 2012. This development is bringing to fruition a process that began 30 years ago. This subject explores the background to this historical development and examines in detail the content of the new laws, as well as existing laws.

By referring to that existing state, territory and Commonwealth body of law, the subject considers the likely practical operation of the new regulatory regime. The subject is taught by a barrister with extensive practical experience in running cases under workplace health and safety laws.

Syllabus

Principal topics will include:

- * The problem of work-related injury and disease
- * The history of the legal regulation of health and safety at work
- * Nationally uniform workplace health and safety laws
- * Standard setting under the Australian occupational health and safety statutes
- * State enforcement of the occupational health and safety legislation
- * Workers' rights under the Australian occupational health and safety statutes
- * Workers' compensation schemes in Australia
- * The rehabilitation of injured workers
- * The role and impact of the common law duty to provide a safe workplace.

Written Advocacy

Formerly Effective Written Advocacy

Semester 1 Intensive: 29 April–3 May

Time: 9.30 am–5 pm

Location: Melbourne Law School

Lecturers

Associate Professor Kristen Walker*

Victorian Bar

Associate Professor Andrew Palmer

Melbourne Law School

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Master of Public and International Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Dispute Resolution**
- * **Graduate Diploma in Government Law**

Assessment

Various portions of written submissions to be submitted during the subject (20%)

Preparation of written submissions in a pending or hypothetical High Court case (80%) (3 July)

About the subject

Increasingly and at all levels of the judicial hierarchy, written submissions are expected of, and are becoming an important tool for, advocates. This subject aims to critically evaluate the use of written submissions in litigation and to develop advanced skills in the preparation of written submissions. This includes the use of written submissions at first instance and on appeal, and includes both the factual and legal aspects of submission writing. This subject will focus on effective submission writing by examining the techniques for effective written advocacy that are used in Australia and, by way of comparison, the techniques used in appellate courts in the United States (US). The subject will involve guest speakers from the judiciary and the Victorian Bar to provide practical perspectives on written advocacy.

Syllabus

Principal topics include:

- * Introduction to the history and role of written submissions in Australian and US courts
- * Critical assessment and comparison of written submissions filed in the United States Supreme Court and the Australian High Court
- * The different goals of oral and written advocacy
- * Differences between written submissions at first instance and at appellate level
- * Particular issues in preparing High Court submissions
- * A judicial perspective on effective written submissions
- * The organisation of well-written submissions, with a focus upon the various parts of the submissions, such as:
 - The framing of issues
 - Submissions on the facts
 - The summary of argument
 - The argument
 - The various stages of effective submission writing
- * Preparation of various parts of effective written submissions
- * Preparation of written submissions in a pending or hypothetical High Court case.

WTO Law and Dispute Settlement

Semester 1 Intensive: 22–28 May (excluding the weekend)

Time: 9.30 am– 5 pm

Location: Melbourne Law School

Lecturer

Associate Professor Jürgen Kurtz

Melbourne Law School

Courses

- * **Master of Laws**
- * **Master of Commercial Law**
- * **Master of Law and Development**
- * **Master of Public and International Law**
- * **Graduate Diploma in Legal Studies**
- * **Graduate Diploma in Dispute Resolution**
- * **Graduate Diploma in International Economic Law**
- * **Graduate Diploma in International Law**

Note

Students who have completed Principles of WTO Law or WTO Dispute Settlement may not undertake this subject

Assessment

Take-home examination (100%) (5–8 July)

or

10,000 word research paper (100%) (19 August) on a topic approved by the subject coordinator

About the subject

The World Trade Organization (WTO) is at the centre of ongoing debates concerning both fragmentation of public international law and persistent inequities between developed and developing countries. It also provides one of the most active systems in the world for resolving international disputes, with jurisdiction over some of the largest and most significant matters arising today. This subject offers a sophisticated understanding of the WTO and its dispute settlement system, including a detailed analysis of the fundamental principles and jurisprudence of WTO law. The lecturer is a leading scholar in WTO law and a former Legal Officer with the Appellate Body Secretariat of the WTO.

Syllabus

Principal topics will include:

- * History and objectives of the WTO
- * Core disciplines under the General Agreement on Tariffs and Trade 1994 (GATT 1994):
 - Tariff bindings
 - Non-discrimination (most-favoured nation (MFN) and national treatment)
 - Prohibition on quantitative restrictions
- * Exceptions to WTO commitments, e.g. environment, health, public morals, culture, free trade agreements, and special and differential treatment for developing countries
- * Current challenges facing the WTO and the Doha Development Round of negotiations.



Timetable

Unless otherwise indicated (with an asterisk), all subjects are taught at Melbourne Law School.

*Please check the subject page for teaching location.

Date	Time	Subject	Code	Lecturers
Semester 1: Full-length semester subjects (4 March–2 June)				
Monday	6–8 pm	Comparative Tax Avoidance	LAWS70410	The Hon. Justice Tony Pagone, Professor Cameron Rider
Monday	5.30–7.30 pm	International Commercial Arbitration	LAWS70121	Professor Richard Garnett
Monday	6–8 pm	Statutes in the 21st Century	LAWS70404	The Hon. Justice Michelle Gordon, The Hon. Justice Kenneth Hayne AC
Monday	6–8 pm	Tax Effective Writing: Written Advocacy	LAWS70318	The Hon. Justice Jennifer Davies, Mr John de Wijn QC, Mr Nasos Kaskani
Tuesday	6–8 pm	International Tax: Principles and Structure	LAWS70006	Associate Professor Michael Kobetsky, Mr Peter Gillies
Tuesday	6–8 pm	Principles of International Law	LAWS70173	Associate Professor Margaret Young, Professor Tim McCormack
Wednesday	5.30–7.30 pm	Fundamentals of the Common Law	LAWS70217	Ms Erica Grundell
Wednesday	6–8 pm	Taxation of Trusts	LAWS70333	Mr Terry Murphy SC, Mr Adrian O’Shannessy, Mr Andrew de Wijn
Thursday	5.30–7.30 pm	Fundamentals of the Common Law	LAWS70217	Ms Claire Kaylock
Thursday	5.30–7.30 pm	Hot Topics in Medical Law	LAWS70421	Professor Loane Skene
Thursday	6–8 pm	Taxation of Business and Investment Income	LAWS70002	Ms Michelle Herring, Mr Tim Neilson
8–10 week internship		International Legal Internship	LAWS70067	Associate Professor Bruce Oswald CSC, Associate Professor John Tobin
		Tax Law Research	LAWS70440	Professor Miranda Stewart
Semester 1: Intensive subjects				
28 January–1 February	9 am–5 pm	Cybercrime	LAWS70274	Dr Alana Maurushat
30 January–5 February (excluding the weekend)	9.30 am–5 pm	Corporate Law in a Global Financial Centre	LAWS70412	Assistant Professor Dan Puchniak
30 January–5 February (excluding the weekend)	9.30 am–5 pm	Patent Law	LAWS70021	Professor Sam Ricketson
6–12 February (excluding the weekend)	9.30 am–5 pm	International Migration Law	LAWS70365	Professor Brian Opeskin
6–12 February (excluding the weekend)	9 am–4 pm	Principles of Construction Law	LAWS70314	Mr Matthew Bell
7–15 February (excluding the weekend)	9 am–1.15 pm	Contract Interpretation	LAWS70335	Professor David McLauchlan
11–15 February	9.30 am–5 pm	Fundamentals of Patent Drafting	LAWS70387	Professor Andrew Christie, Mr Leon Allen, Ms Nadia Odorico
11–15 February	9 am–5 pm	International Sale of Goods	LAWS70069	Professor Martin Davies
13–19 February (excluding the weekend)	9 am–4 pm	Economics for Competition Lawyers	LAWS70010	Dr Philip Williams
13–19 February (excluding the weekend)	9 am–5 pm	Law of Intergovernmental Relations	LAWS70368	Professor Cheryl Saunders AO, Mr Graeme Hill
18–22 February	9.30 am–4.30 pm	European Intellectual Property Law	LAWS70418	Mr Jason Bosland, Rt Hon. Sir Robin Jacob, Professor Tanya Aplin, Ms Janice Luck
18–22 February	9 am–5 pm	Petroleum Law	LAWS70041	Professor Michael Crommelin AO
20–26 February (excluding the weekend)	9.30 am–4.30 pm	Financial Services Law	LAWS70106	Associate Professor Pamela Hanrahan
20–26 February (excluding the weekend)	9.30 am–4.30 pm	International Employment Law	LAWS70218	Professor Brian Langille
25 February–1 March	1–6.30 pm	US Sports Law	LAWS70165	Professor Matthew Mitten
27 February–5 March (excluding the weekend)	9.30 am–5 pm	Environmental Law	LAWS70100	Professor Lee Godden
27 February–5 March (excluding the weekend)	9.30 am–5 pm	International Human Rights Law	LAWS70264	Associate Professor John Tobin, Professor Dianne Otto
27 February–5 March (excluding the weekend)	10 am–5 pm	Registration of Health Professionals	LAWS70401	Professor Loane Skene

Date	Time	Subject	Code	Lecturers
4–8 March	9.30 am–5.30 pm	Free Speech, Contempt and the Media	LAWS70184	Mr Jonathan Gill
4–8 March	9.30 am–5 pm	Regional Integration: The Case of the European Union	LAWS70433	Professor Panos Koutrakos
12–16 March	9 am–5 pm	Fundamentals of the Common Law	LAWS70256	Professor Michael Tilbury
13–19 March (excluding the weekend)	9 am–5 pm	Derivatives Law and Practice	LAWS70023	Mr Jan Job de Vries Robbé
13–19 March (excluding the weekend)	9.30 am–4 pm	Foundations of Tax Law	LAWS70323	Professor Miranda Stewart
13–19 March (excluding the weekend)	9.30 am–4.30 pm	International Law and Development	LAWS70093	Professor Sundhya Pahuja
13–19 March (excluding the weekend)	9.30 am–5 pm	Litigating before International Courts and Tribunals	LAWS70426	Professor James Crawford SC, FBA
18–22 March	1–6.30 pm	Sport, Commerce and the Law	LAWS70059	Mr Hayden Opie
20–26 March (excluding the weekend)	9 am–5 pm	Current Issues in Negligence	LAWS70229	Professor Andrew Robertson, Mr Donal Nolan
20–26 March (excluding the weekend)	9 am–5 pm	Energy Regulation and the Law	LAWS70141	Professor Terence Daintith
20–26 March (excluding the weekend)	9.30 am–5 pm	Principles of Employment Law	LAWS70371	Associate Professor Joo-Cheong Tham
20–26 March (excluding the weekend)	9 am–4 pm	Remedies in the Construction Context	LAWS70112	Mr David Bennett QC
3–9 April (excluding the weekend)	10 am–4 pm	Comparative Corporate Tax	LAWS70009	Dr Peter Harris
3–9 April (excluding the weekend)	9.30 am–5 pm	Criminal Law, Poverty and Justice	LAWS70413	Professor Bryan Stevenson
3–9 April (excluding the weekend)	9.30 am–5 pm	Philosophy of International Law	LAWS70429	Professor John Tasioulas
8–12 April	9 am–5 pm	Construction Dispute Resolution	LAWS70133	Mr Andrew Stephenson, Mr Nick Hopkins, Mr Nicholas Pane
8–12 April	9.30 am–4.30 pm	Privacy Law	LAWS70082	Ms Karin Clark, Professor Megan Richardson
10–16 April (excluding the weekend)	9 am–4 pm	Cartels	LAWS70050	Professor Caron Beaton-Wells, Adjunct Professor Brent Fisse
10–16 April (excluding the weekend)	9 am–5 pm	Deals with China	LAWS70414	Mr Andrew Godwin
10–16 April (excluding the weekend)	9.30 am–5 pm	Trade Marks and Unfair Competition	LAWS70046	Ms Janice Luck
17–23 April (excluding the weekend)	9.30 am–5 pm	Climate Change Law	LAWS70293	Associate Professor Margaret Young, Professor Lee Godden, Mr Damien Lockie
17–23 April (excluding the weekend)	9 am–4 pm	Corporate Governance and Directors' Duties	LAWS70190	Associate Professor Paul Ali
17–23 April (excluding the weekend)	9.30 am–5 pm	International Economic Law	LAWS70308	Associate Professor Jürgen Kurtz
17–23 April (excluding the weekend)	9.30 am–5 pm	Law of Political Money	LAWS70425	Associate Professor Joo-Cheong Tham, Professor Keith Ewing
17–23 April (excluding the weekend)	9.30 am–5 pm	Women, War and Peace-Building	LAWS70118	Professor Dianne Otto, Dr Helen Durham
29 April–3 May	9.30 am–5 pm	Human Rights at Work	LAWS70391	Professor Keith Ewing
29 April–3 May	10 am–5 pm	International Refugee Law: Refugee Status	LAWS70366	Professor James Hathaway
29 April–3 May	1–6.30 pm	Sports Marketing Law	LAWS70275	Mr Hayden Opie, Mr Craig Richards
29 April–3 May	9.30 am–5 pm	Written Advocacy	LAWS70052	Associate Professor Kristen Walker, Associate Professor Andrew Palmer
1–7 May (excluding the weekend)	10 am–5 pm	Standards in Commercial Dealings	LAWS70438	Dr Jeannie Paterson, The Hon. Justice Paul Finn
6–10 May	9.30 am–5 pm	Global Commercial Contract Law	LAWS70389	Professor Stefan Vogenauer
6–10 May	9 am–5 pm	International Petroleum Transactions	LAWS70161	Professor Owen Anderson, Professor John Lowe
8–12 May	9 am–5 pm	Advanced Construction Law*	LAWS70128	Professor Ian Bailey SC, Mr Michael Earwaker
8–14 May (excluding the weekend)	9.30 am–4.30 pm	Corporate Tax A (Shareholders, Debt and Equity)	LAWS70024	Mr Frank O'Loughlin, Mr Stewart Grieve, Mr Nasos Kaskani
8–14 May (excluding the weekend)	10 am–4 pm	Globalisation and the Limits of Sovereignty	LAWS70359	Dr Stewart Motha
13–17 May	10 am–5 pm	Shareholders' Rights and Remedies	LAWS70193	Ms Alison Lansley

Date	Time	Subject	Code	Lecturers
15–21 May (excluding the weekend)	9.30 am–5 pm	International Financial System: Law and Practice	LAWS70110	Professor Douglas Arner
15–21 May (excluding the weekend)	10 am–5 pm	Islamic Law and Politics in Asia	LAWS70105	Professor Tim Lindsey
15–21 May (excluding the weekend)	9.30 am–5 pm	Water Law and Natural Resources Management	LAWS70185	Professor Lee Godden, Dr Anita Foerster
22–28 May (excluding the weekend)	9.30 am–5 pm	Bills of Rights: An International Perspective	LAWS70334	Professor Sujit Choudhry
22–28 May (excluding the weekend)	9.30 am–5 pm	Judicial Power in Australia	LAWS70424	Mr Mark Moshinsky SC, Dr Stephen Donaghue SC
22–28 May (excluding the weekend)	9.30 am–5 pm	Nationalism, Cosmopolitanism and Identity	LAWS70427	Professor Karen Knop
22–28 May (excluding the weekend)	10 am–4 pm	Tax Policy	LAWS70319	Mr Greg Smith
22–28 May (excluding the weekend)	9.30 am–5 pm	WTO Law and Dispute Settlement	LAWS70322	Associate Professor Jürgen Kurtz
29 May–4 June (excluding the weekend)	9.30 am–5 pm	Employment Contract Law	LAWS70200	Professor Sean Cooney, Associate Professor Joo-Cheong Tham
29 May–4 June (excluding the weekend)	9 am–4.30 pm	Trade Mark Practice	LAWS70243	Ms Janice Luck
3–7 June	9 am–4 pm	Australian Consumer Law	LAWS70380	Dr Jeannie Paterson
3–7 June	9.30 am–5 pm	Chinese Law	LAWS70351	Associate Professor Sarah Biddulph
3–7 June	9.30 am–4.30 pm	Equality and Discrimination at Work	LAWS70025	Dr Anna Chapman, Associate Professor Beth Gaze, Ms Carol Andrades
3–7 June	9.30 am–4.30 pm	Internet Law	LAWS70396	Mr Jonathan Gill, Professor Dan Hunter, Professor Megan Richardson
3–7 June	9.30 am–4 pm	Transfer Pricing: Practice and Problems	LAWS70203	Associate Professor Michael Kobetsky, Ms Shannon Smit
12–18 June (excluding the weekend)	9.30 am–5 pm	Commercial Conflict of Laws	LAWS70409	Professor Richard Garnett, Dr Albert Dinelli
12–18 June (excluding the weekend)	9.30 am–5 pm	Human Rights Litigation and Advocacy	LAWS70186	Associate Professor John Tobin
12–18 June (excluding the weekend)	9 am–5 pm	International Construction Law	LAWS70139	Mr John Digby QC, Professor Doug Jones AO
12–18 June (excluding the weekend)	10 am–4.45 pm	Schemes of Arrangement	LAWS70316	Mr Matt Connock SC, Mr Greg Ahern
19–25 June (excluding the weekend)	9.30 am–4 pm	Designs Law and Practice	LAWS70261	Professor Sam Ricketson
19–25 June (excluding the weekend)	10 am–5 pm	International Criminal Law and Transitional Justice	LAWS70303	Associate Professor Peter Rush
24–28 June	9 am–5 pm	International Trade Law	LAWS70028	Professor Martin Davies
24–28 June	9 am–5 pm	Mineral Law	LAWS70268	Professor Michael Crommelin AO
Semester 2: Full-length semester subjects (29 July–3 November)				
Monday	5.30–7.30 pm	Rule of Law in Asia	LAWS70434	Associate Professor Sarah Biddulph, Professor Pip Nicholson, Professor Tim Lindsey, Dr Amanda Whiting
Monday	6–8 pm	The Tax Commissioner as Administrator	LAWS70439	Mr Terry Murphy SC, Mr Kevin Fitzpatrick
Tuesday	6–8 pm	Taxation of Small and Medium Enterprises	LAWS70049	Mr Peter Gillies, Mr Paul Hockridge, Mr Richard Bridgart
Wednesday	5.30–7.30 pm	Fundamentals of the Common Law	LAWS70217	Ms Claire Kaylock
Wednesday	6–8 pm	State Taxes and Duties	LAWS70130	Ms Sue Williamson, Mr Tim Grace
Thursday	5.30–7.30 pm	Commercial Law in Asia	LAWS70230	Associate Professor Benny Tabalujan
Thursday	6–8 pm	Corporate Tax B (Consolidation and Losses)	LAWS70008	Mr Aldrin De Zilva, Mr Ken Spence, Mr Michael Charles
Thursday	6–8 pm	Criminal Procedure and Human Rights: International and Australian Perspectives	LAWS70337	Mr Peter Morrissey SC
8–10-week internship		International Legal Internship	LAWS70067	Associate Professor Bruce Oswald CSC, Associate Professor John Tobin
		Tax Law Research	LAWS70440	Professor Miranda Stewart

Date	Time	Subject	Code	Lecturers
Semester 2: Intensive subjects				
8–12 July	9.30 am–4 pm	Entertainment Law	LAWS70273	Professor Megan Richardson, Professor David Caudill
8–12 July	10 am–5 pm	International Health Law	LAWS70151	Professor Lawrence Gostin
8–12 July	1–6.30 pm	Sports and Competition Law: An International and Comparative Analysis	LAWS70437	Professor Stephen Ross
10–16 July (excluding the weekend)	10 am–5 pm	Class Actions	LAWS70019	Professor Camille Cameron, The Hon. Justice Bernard Murphy
10–16 July (excluding the weekend)	9 am–5 pm	Constitutional Problems in Comparative Focus	LAWS70411	Professor Adrienne Stone, Dr Lael Weis
15–19 July (excluding the weekend)	9.30 am–5 pm	Fundamentals of Regulation	LAWS70419	Professor Colin Scott
15–19 July	9.30 am–4.30 pm	Patent Practice	LAWS70060	Mr Ray Hind, Mr Steven Gledhill, Mr Geoff Mansfield, Ms Karen Sinclair, Mr David Tadgell, Mr David Webber
17–23 July (excluding the weekend)	9.30 am–5 pm	Australians Detained Abroad	LAWS70407	Professor Tim McCormack, Lt Col (Ret) Dan Mori
17–23 July (excluding the weekend)	9.30 am–5 pm	Chinese Tax and Investment Law	LAWS70352	Associate Professor Wei Cui
17–23 July (excluding the weekend)	9.30 am–5 pm	Poverty and Human Rights	LAWS70430	Professor Lucie White
22–26 July	9.30 am–4.30 pm	Construction: Principles into Practice	LAWS70040	Associate Professor Peter Williams
24–30 July (excluding the weekend)	9.30 am–5 pm	International Securities Regulation	LAWS70027	Associate Professor Cally Jordan
24–30 July (excluding the weekend)	9.30 am–5 pm	Labour Standards under the Fair Work Act	LAWS70197	Dr Anna Chapman, Mr Paul O'Grady
24–30 July (excluding the weekend)	9 am–4 pm	Merger Regulation under Competition Law	LAWS70347	Mr Bill Reid, Professor Michael Jacobs
29 July–2 August	9 am–5 pm	Payment Matters in Construction Projects*	LAWS70239	Mr John Baartz, Mr David Campbell-Williams
29 July–2 August	9 am–4 pm	Principles of Construction Law	LAWS70314	Mr Matthew Bell
29 July–6 August (excluding the weekend)	8.30 am–12.30 pm	US Corporate and International Tax	LAWS70124	Professor David Rosenbloom
31 July–6 August (excluding the weekend)	9.30 am–5 pm	Elements of Legislation	LAWS70417	Professor Neil Duxbury
31 July–6 August (excluding the weekend)	9 am–5 pm	Fundamentals of the Common Law	LAWS70256	Professor Michael Tilbury
31 July–6 August (excluding the weekend)	9.30 am–4.30 pm	International Environmental Law	LAWS70219	Ms Alice Palmer, Mr Sam Johnston
5–9 August	10 am–5 pm	Equity and Commerce	LAWS70011	Associate Professor Elise Bant, Mr William Swadling
7–13 August (excluding the weekend)	9.30 am–5 pm	Chinese Corporate Law and Securities Regulation	LAWS70408	Dr Robin Huang
7–13 August (excluding the weekend)	9 am–5 pm	International Business Transactions	LAWS70392	Professor Bryan Mercurio
7–13 August (excluding the weekend)	10 am–5 pm	Patients' Rights and Public Protection	LAWS70348	Professor Ron Paterson, Dr Marie Bismark
7–13 August (excluding the weekend)	9 am–5 pm	Religion, State and Multiculturalism	LAWS70373	Professor Michael Karayanni
12–16 August	9.30 am–5 pm	Hedge Funds and Private Equity Funds	LAWS70420	Mr Timothy Spangler
14–20 August (excluding the weekend)	9.30 am–4.30 pm	Principles of International Law	LAWS70173	Dr Kirsty Gover
14–20 August (excluding the weekend)	9.30 am–5 pm	Province and Function of Property	LAWS70431	Justice Margaret Stone
14–20 August (excluding the weekend)	9.30 am–5.30 pm	Regulation of Communications	LAWS70182	Mr Jonathan Gill
21–27 August (excluding the weekend)	9 am–5 pm	Construction Law	LAWS70176	Mr John Sharkey AM, Mr Trevor Thomas
21–27 August (excluding the weekend)	9.30 am–5 pm	International Law and Children's Rights	LAWS70120	Associate Professor John Tobin
21–27 August (excluding the weekend)	9.30 am–5 pm	Restitution	LAWS70148	Dr Michael Rush, The Hon. Keith Mason AC QC
28–30 August, 9–11 October	9.30 am–4.30 pm	Interpretation and Validity of Patent Specifications	LAWS70061	Professor Sam Ricketson, Mr Ben Fitzpatrick, Mr David Tadgell
28 August–3 September (excluding the weekend)	10 am–5 pm	Bargaining at Work	LAWS70135	Professor Breen Creighton

Date	Time	Subject	Code	Lecturers
28 August–3 September (excluding the weekend)	10 am–4 pm	Goods and Services Tax Principles	LAWS70031	Mr Michael Evans
2–6 September	10 am–5 pm	Commercial Law: Principles and Policies	LAWS70336	Professor Michael Bryan, Professor Sarah Worthington
4–10 September (excluding the weekend)	9.30 am–4.30 pm	Construction Risk: Allocation and Insurance	LAWS70149	Mr Tony Horan, Mr Peter Wood
4–10 September (excluding the weekend)	9.30 am–5 pm	Human Rights and Armed Conflict	LAWS70422	Professor Christine Chinkin
4–10 September (excluding the weekend)	9 am–5 pm	Human Rights in Administrative Law	LAWS70196	Dr Thomas Poole
4–10 September (excluding the weekend)	9.30 am–5 pm	The Security Council in Global Public Law	LAWS70435	Professor Gerry Simpson, Ms Devika Hovell
9–13 September	9 am–4 pm	International Mineral Law	LAWS70423	Mr Stephen Creese
11–17 September (excluding the weekend)	9 am–5 pm	Advanced Construction Law	LAWS70128	Professor Ian Bailey SC, Mr Michael Earwaker
11–17 September (excluding the weekend)	9.30 am–5 pm	International Humanitarian Law	LAWS70234	Associate Professor Bruce Oswald CSC, Professor Tim McCormack
11–17 September (excluding the weekend)	9 am–4 pm	Tax Treaties	LAWS70146	Associate Professor Michael Kobetsky
16–20 September	10 am–5 pm	Medical Ethics	LAWS70259	Professor Julian Savulescu
18–24 September (excluding the weekend)	9.30 am–4.30 pm	Sport and Taxation	LAWS70332	Mr Braedon Clark
23–27 September	9.30 am–5 pm	Specialised Construction Procurement Law	LAWS70436	Mr Richard Wilkinson
25 September–1 October (excluding the weekend)	10 am–5 pm	Remedies in Commercial Law	LAWS70402	Professor Michael Bryan, Professor Robert Stevens
2–8 October (excluding the weekend)	9.30 am–5 pm	What is it that Judges Do?	LAWS70379	Justice Dennis Davis
7–11 October	9 am–5 pm	Project Finance	LAWS70205	Mr Peter Fox, Mr Michael Tuckfield
9–15 October (excluding the weekend)	10 am–5 pm	Advanced Evidence	LAWS70071	Associate Professor Andrew Palmer
9–15 October (excluding the weekend)	9.30 am–5 pm	Capital Gains Tax: Problems in Practice	LAWS70081	Associate Professor Mark Burton, Mr Michael Flynn
9–15 October (excluding the weekend)	9.30 am–4.30 pm	Environmental Rights	LAWS70386	Ms Alice Palmer
16–22 October (excluding the weekend)	9 am–5 pm	Avoiding and Managing Construction Disputes	LAWS70245	Mr David Opperman
16–22 October (excluding the weekend)	10 am–4.30 pm	Company Takeovers	LAWS70042	Mr Rodd Levy
16–22 October (excluding the weekend)	10 am–5 pm	Regional Human Rights Mechanisms	LAWS70432	Professor Christina Cerna
16–22 October (excluding the weekend)	9.30 am–4 pm	Workplace Health and Safety	LAWS70053	Mr Peter Rozen
23–29 October (excluding the weekend)	9.30 am–4.30 pm	Copyright Law	LAWS70207	Professor Graeme Austin
23–29 October (excluding the weekend)	9 am–4 pm	East Asian Competition Policy and Law	LAWS70416	Professor Mark Williams
23–29 October (excluding the weekend)	9.30 am–5 pm	Newsgathering	LAWS70428	Dr Andrew Scott
28 October–1 November	9 am–4 pm	Comparative International Tax	LAWS70353	Professor Brian Arnold
6–12 November (excluding the weekend)	9 am–4 pm	Construction Contract Analysis and Drafting	LAWS70270	Mr David Bennett QC, Mr Wayne Jovic
6–12 November (excluding the weekend)	9 am–5 pm	Current Issues in Administrative Law	LAWS70201	Professor Cheryl Saunders AO, Ms Debbie Mortimer SC
6–12 November (excluding the weekend)	10 am–5 pm	International Criminal Law	LAWS70033	Professor Tim McCormack, Professor Gerry Simpson
6–12 November (excluding the weekend)	9.30 am–4 pm	Managed Investments Law	LAWS70238	Associate Professor Pamela Hanrahan
6–12 November (excluding the weekend)	9.30 am–5 pm	Trade Marks and Unfair Competition	LAWS70046	Ms Janice Luck
11–15 November	10 am–5 pm	Drugs and the Death Penalty in Asia	LAWS70415	Professor Pip Nicholson, Professor Tim Lindsey
13–19 November (excluding the weekend)	9.30 am–5 pm	Corporate and White Collar Criminal Law	LAWS70385	Associate Professor Jeremy Gans
13–19 November (excluding the weekend)	9 am–4 pm	Developing Countries and the WTO	LAWS70169	Associate Professor Jürgen Kurtz
18–22 November	9 am–5 pm	Mineral and Petroleum Tax	LAWS70399	Professor Michael Crommelin AO, Mr James Macky, Professor Cameron Rider

Date	Time	Subject	Code	Lecturers
20–26 November (excluding the weekend)	9 am–5 pm	Human Rights and Indigenous Peoples	LAWS70114	Dr Mark McMillan, Dr Kirsty Gover
20–26 November (excluding the weekend)	9 am–5 pm	International Financial Transactions: Law and Practice	LAWS70125	Mr Andrew Godwin
25–29 November	9.30 am–5 pm	Patent Law	LAWS70021	Professor Andrew Christie, Dr Tania Obranovich
25–29 November	1–6.30 pm	Racing Industry Law and Regulation	LAWS70164	Mr Hayden Opie, Mr Simon Barrile, Ms Judy Bourke
27 November–3 December (excluding the weekend)	9.30 am–5 pm	Human Rights Beyond Borders	LAWS70360	Dr Ralph Wilde
4–10 December (excluding the weekend)	9 am–5 pm	Alternative Dispute Resolution	LAWS70018	Professor Allen Snyder
4–10 December (excluding the weekend)	9.30 am–4.30 pm	International Issues in Intellectual Property	LAWS70242	Professor Sam Ricketson, Dr Ian Heath



Melbourne Law Masters: Application for Admission 2013

Masters degrees, graduate diplomas and single subjects

To be completed by Australian and New Zealand citizens and permanent residents of Australia.

Please contact the Melbourne Law Masters Office if you have any questions about the application process.

Telephone: +61 3 8344 6190
Email: law-masters@unimelb.edu.au

Preferred application dates:

Semester 1: 1 December 2012
Semester 2: 1 June 2013

Applications are accepted throughout the year. As subject availability may be limited, we encourage you to apply as early as possible.

International students

International applicants must complete the 'Application for Admission as an International Graduate Student'. This form is available from the University's International Office, the Melbourne Law Masters Office or online at <http://futurestudents.unimelb.edu.au/admissions/applications/graduate-international>

International applicants are advised to refer to application information on the Melbourne Law Masters website at www.law.unimelb.edu.au/masters before completing an application.

Single subject: Non-assessed (audit)

If applying for audit enrolment, you only need to complete pages 1 and 2 of this form, nominate your subject on page 3 and sign the declaration on page 4. You are not required to include academic transcripts, CV or evidence of citizenship.

Part A: Personal details

Mr Ms Mrs Dr Other: _____

Enrolment number (if previously enrolled at this University): _____

Surname: _____

Given name/s: _____

Any former surname (attach evidence of change of name): _____

Date of birth: _____

Permanent address: _____

Postcode: _____

Telephone (home): _____

Telephone (mobile): _____

Preferred email: _____

Professional details

Position title: _____

Business/organisation: _____

Business address: _____

Postcode: _____

Telephone (business): _____

Please indicate your preferred mailing address:

Permanent Business

Part B: Application details

Please specify the semester in which you wish to commence:

- Semester 1 Semester 2

Please specify the course for which you are applying:

Indicate order of preference if applying for more than one

General degrees

- Master of Laws by Coursework (LLM)
Available only to students with an undergraduate law degree
- Graduate Diploma in Legal Studies

Specialist masters degree

- Banking and Finance Law
- Commercial Law
- Construction Law
- Employment and Labour Relations Law
- Energy and Resources Law
- Environmental Law
- Health and Medical Law
- Intellectual Property Law
- International Tax
- Law and Development
- Private Law
- Public and International Law
- Tax

Single subject

- Assessed
- Non-assessed (audit*)

*Students are able to 'audit' most subjects by attending classes but not undertaking assessment.

*Audit applicants are not required to supply supporting documentation.

Graduate diplomas

- Asian Law
- Banking and Finance Law
- Communications Law
- Competition Law
- Construction Law
- Corporations and Securities Law
- Dispute Resolution
- Employment and Labour Relations Law
- Energy and Resources Law
- Environmental Law
- Government Law
- Health and Medical Law
- Human Rights Law
- Intellectual Property Law
- International Economic Law
- International Law
- International Tax
- Sports Law
- Tax

Academic qualifications (please attach transcripts)

Qualification	Institution	Year of completion
_____	_____	_____
_____	_____	_____
_____	_____	_____

Note: Graduates of universities other than Melbourne must submit complete original official statements of academic record as evidence of qualifications. Copies will be accepted only if they are certified as being true and correct copies of the original. **If such evidence is not included, the application will not be given consideration.** If there is difficulty in obtaining transcripts, applicants should contact the Melbourne Law Masters Office for advice.

Briefly state your reasons for wishing to undertake graduate study in law:

Referees

Name and address of two referees:
(Please choose at least one who can speak to your employment experience, if applicable).

Referee 1

Name: _____

Address: _____

Phone: _____

Referee 2

Name: _____

Address: _____

Phone: _____

Employment history

Summary of employment history for the last five years (if applicable):

Employer	Position	Duration
_____	_____	_____
_____	_____	_____
_____	_____	_____

Please attach your curriculum vitae.

Part B: Application details

How did you find out about the Melbourne Law Masters?

If you saw an advertisement or review, please indicate the publication.

Are you applying to do the course full-time or part-time?

Full-time Part-time

Are you enrolled, or intending to enrol, in any other course this year?

Yes No

If yes, please specify:

Proof of citizenship

The University of Melbourne requires all students to provide evidence of their citizenship status. Australian and New Zealand citizens may provide an original or certified copy of their passport, certificate of citizenship or birth certificate. Permanent residents may provide a certified copy of their passport and visa.

Please indicate your citizenship status:

- Australian citizen
 New Zealand citizen
 Australian permanent resident

International students must complete the 'Application for Admission as an International Graduate Student' form available at <http://futurestudents.unimelb.edu.au/admissions/applications/graduate-international>

Part C: Subject nomination

Please nominate the subjects you wish to undertake in 2013 if accepted. You should select one to two subjects per semester (part-time) or three to four subjects (full-time).

All subjects in the Melbourne Law Masters have quotas limiting the number of students able to enrol. If your nominated subject is full, you will be contacted by the Melbourne Law Masters Office and placed on a waiting list.

Single subject applicants should note that priority of places in subjects is given to students enrolled in a masters degree or graduate diploma.

Semester	Subject number	Subject name
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

If a subject is offered more than once in a semester, please specify your preferred dates.

Attendance requirement

There is a 75% attendance requirement for all subjects.

Alternative subjects

Please list alternative subjects in order of preference in case your selected subjects have reached their quota or are cancelled due to insufficient enrolments.

Semester	Subject number	Subject name
_____	_____	_____
_____	_____	_____
_____	_____	_____

Please note: It is the student's responsibility to ensure that prerequisites are met for subjects in which they enrol. Subject prerequisites are published in the Melbourne Law Masters 2013 guide and at www.law.unimelb.edu.au/masters

Part D: Application checklist and submission instructions

Before submitting your application, please ensure you have:

- Completed all sections of this form
- Attached original or certified copies of academic transcripts, including a university explanation or information about the grading scale
- Attached certified evidence of citizenship or permanent residency
- Attached a current curriculum vitae

Note: Permanent residents must also supply evidence of English language proficiency. Details are available online at www.law.unimelb.edu.au/masters

Please send your completed application and accompanying documents to:

Melbourne Law Masters Office
Melbourne Law School
University of Melbourne VIC 3010

Tel +61 3 8344 6190

Email law-masters@unimelb.edu.au

www.law.unimelb.edu.au/masters

Declaration

1. I declare that all the information I have submitted with this application is true and complete, including:
 - * All the records of the academic results I have achieved at each and every university or tertiary institution I have attended.
2. I hereby authorise The University of Melbourne (University) in its absolute discretion to make any enquiries, including obtaining official records from any education institution or tertiary admissions centre concerning my current or previous academic results, it believes are necessary.
3. I acknowledge that the failure to disclose my true and complete academic record may result in my being excluded from the University. I understand that in investigating the veracity of the information I have provided, The University of Melbourne may require me to repeat the biometric component of any English language proficiency test I have undertaken.
4. If I have misrepresented my past and/or present circumstances I acknowledge that the University may terminate my studies and that the University may terminate my studies at any stage during the course undertaken.
5. I understand that the University reserves the right to inform other education institutions if any of the material presented to support my application is found to be false or misleading.
6. I understand that if I am awarded a scholarship from the University I must not hold another equivalent award at the same time from the University or any other organisation. If I am awarded a scholarship from the University which is based on false or misleading information I have provided in my application (or subsequently), I will be required to repay to the University any scholarship/s that I have received. Scholarship benefits include living allowances, fee remission and travel allowances.
7. I agree to be bound by and comply with the University's policy (as amended from time to time) on admission, fees payments and fees refunds outlined in Arrangements Relating to the Payment of Student Fees: www.futurestudents.unimelb.edu.au/int/fees/policy/options
8. I understand that the personal information that I have provided in my application (or subsequently) may be released:
 - * To Australian Commonwealth and state agencies under the *Education Services for Overseas Students (ESOS) Act 2000*;
 - * To the Department of Education, Employment and Workplace Relations (DEEWR) and that DEEWR will collect and store my personal information in the Higher Education Information Management System; or
 - * As required to be disclosed by law.
9. I acknowledge that all documents submitted become the property of The University of Melbourne and will not be returned.

Signature of applicant: _____ Date: _____

Privacy policy

The University of Melbourne's privacy policy with regard to student information can be viewed at www.unimelb.edu.au/unisec/privacy/studentinfo.html

Melbourne Law Masters Office



The Melbourne Law Masters administrative staff are knowledgeable, friendly and accessible. You are welcome, and encouraged, to approach the staff at the Law School should you need advice or assistance. The Melbourne Law Masters' Program Manager and administrative staff are available to assist you with all student-related enquiries. Alternatively, you may wish to contact the Associate Dean (Melbourne Law Masters), the relevant Director of Studies and, of course, the subject coordinator for academic enquiries.

Program Manager: Ms Kaye Nankervis

Office hours

Monday to Thursday: 8.45 am to 6 pm
Friday: 8.45 am to 5 pm

Melbourne Law Masters Office

Melbourne Law School
Level 6, 185 Pelham Street
Carlton, Victoria

Tel +61 3 8344 6190
Email law-masters@unimelb.edu.au
www.law.unimelb.edu.au/masters

Photography: Peter Casamento

Contact us

Melbourne Law Masters Office

Melbourne Law School
The University of Melbourne
Victoria 3010 Australia

Tel +61 3 8344 6190

Email law-masters@unimelb.edu.au

www.law.unimelb.edu.au/masters

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