

8m .

Faculty of Law

Queensland University of Technology

2 George Street

GPO Box 2434 Brisbane Q 4001 Telephone (07) 223 2111

ISSN 0155 - 2791 (Law)

Welcome and Introduction to the Faculty of Law

by Tom Cain, Dean

Welcome to the Faculty of Law

On behalf of the Faculty, I welcome you to the QUT Law School.

The Law School is only thirteen years old but it is one of the larger Australian Law Schools with a wide range of courses, a high reputation for teaching, a growing reputation for its research and writing, consultancy and contribution to continuing legal education, and noted for its practical approach.

By the end of 1988 there were some 1,050 QUT LLB graduates and over 360 persons who had completed the Legal Practice Course, and all who wished to enter into articles or employment were able to do so within a short time after completing their course. A number of graduates has obtained a Master of Laws degree, in Australia or overseas, and more and more graduates are proceeding to study for such a degree. A considerable number of graduates are already partners in well-known firms of solicitors and the number in practice at the Bar is steadily increasing.

We shall try to ensure that during your undergraduate studies you acquire an understanding and knowledge of the underlying concepts and principles, and the leading authorities, in the main fields of law, together with certain of the skills which you will need when you go into practice. Apart from the basic Law subjects, which you will be required to study, you will be able to choose a number of Law Elective Subjects to study. In order to broaden your education, you will also be required to study a number of Non-Law Subjects.

If you are undertaking the Legal Practice Course, we shall endeavour to see that you acquire the remaining skills which you will need in practice.

We shall also try to inculcate in you the ethics of the legal profession.

I urge you - in the interests of your self-development - to take part in the Law School's debating and Moot programs and the various QUT student societies, and to serve on one or more Faculty or University Committees.

We hope that your time in the Law School will be instructive, interesting and enjoyable.

Introduction to the Faculty of Law

1. The Faculty of Law was established in 1975 as the fifth School in the QUT and I was appointed Foundation Head of School in 1976. The name was changed from School of Law to Faculty of Law at the beginning of 1987. The first Bachelor's degree full-time and evening students were enrolled in 1977. At that time the Bachelor's degree was called a BA(Law) and the title was not changed to LLB until towards the end of 1978.

The full-time and evening LLB courses are four-year and six-year courses respectively. A six-year external LLB course - for students who reside in Queensland but outside Brisbane - was introduced in 1978, as well as a one year full-time postgraduate course - that for the Graduate Diploma in Legal Practice. A five year Bachelor of Business (Accountancy), Bachelor of Laws, full-time combined degree course was offered for the first time in 1985 and a three-year full-time LLB course for graduates began in 1987. Further combined degree courses - BBus(Computing)/LLB, BA(Modern Asian Studies) (Griffith University)/LLB(QUT) and BBus(Accounting)(DDIAE)/LLB(QUT) - were started in 1988. An LLM by Coursework program will be introduced in 1989.

The Bachelor of Laws degree, the combined degrees and the Graduate Diploma in Legal Practice are registered nationally in that they have been accredited by the Australian Council on Tertiary Awards. The Bachelor of Laws may be awarded with Honours in appropriate cases.

The LLB degree - whether the ordinary LLB degree or that which is part of a combined degree course - satisfies the academic requirements for admission to practice as a barrister or as a solicitor in Queensland. The combined Accountancy Law course also satisfies the academic requirements of the professional accounting bodies. The Graduate Diploma in Legal Practice is a recognised alternative to articles of clerkship to a solicitor.

The Law Faculty full-time academic staff establishment is 36 and there are some 175 part-time lecturers and tutors. Members of the Faculty are engaged in a wide range of research and writing, continuing legal education and consultancy activities and the Annual Record of Faculty Publications is becoming impressive.

On April 30, 1988 there were 1,264 enrolled students in the Law Faculty, including forty-eight undertaking the Legal Practice Course. The students are good students and in general, an applicant for a place in the full-time LLB course needs a Tertiary Entrance Score of at least 960 in order to gain a place in the quota, and an applicant for a place in the combined degree quotas requires a score of at least 970. In other words, such students are from the top 4 per cent of school-leavers in the State. 151 students graduated with the award of Bachelor of Laws, including 28 with Honours, during or at the end of 1988.

The 1989 LLB quota is expected to be 90 full-time students, 70 evening students and 45 external students, the BBus(Accy)/LLB quota 40 full-time students, the BBus(Comptg)/LLB quota 10 full-time students, the BA(MAS)(GU)/LLB(QUT) quota 11 full-time

students, and the BBus(Accg)(DDIAE)/LLB quota 11 full-time students. The Legal Practice quota will be 50 full-time students and the LLM by Coursework quota 30.

2. Some noteworthy features of the LLB course are:

- LLB students are encouraged to acquire an understanding of the principles and underlying concepts of each subject rather than mere factual knowledge. They are expected to acquire a knowledge of where to find the law, to read a considerable number of leading cases and to learn how to dissect a case and extract the decision and the reason or reasons therefor, to learn how to construe a statutory provision or read a statute, to develop the ability to apply legal rules to new situations, to learn how to express themselves shortly but clearly and accurately, both by word of mouth and in writing, even in connection with technical matters and documents, to form the habit of keeping their law up to date and to adopt an enquiring and critical attitude towards the law. Put shortly, the object is to produce competent, educated, graduates.
- LLB lecture groups are not very large and are broken down into small groups for the purpose of seminars. The general rule is that there is a one-hour seminar for every two hours of lectures in a subject. Students are expected to prepare the solutions to problems and to read cases to be discussed in the seminars. Great emphasis is placed on teaching, the approach being as practical as possible.
- For every hour spent in the lecture theatre or seminar room, students are expected to spend approximately 3 hours in the Law Library or elsewhere, reading the prescribed textbooks, articles, cases and statutes, learning notes, preparing for seminars, working on assignments and revising for examinations.
- There is usually at least one assignment in each LL.B. subject each semester and these count towards the final mark for the subject. The assignments involve research and the use of the Law Library. They include a library assignment and, in certain subjects, a Moot. Many of the assignments are of a practical nature, for example they may require the student to draft or to comment on a legal document or to prepare a report of court proceedings.
- The Faculty's Moot program is unique. In 1988, it comprised 18 Moots, each involving nine students -four student counsel, four student solicitors and one student associate. In all cases, the Moot Court sat as the Full Court and was comprised of a real judge, a practising barrister and a member of the academic staff of the Law School, and the Moot was held in a real Court, usually in the Supreme Court Building.

Students taking part in a Moot are instructed in how to present their arguments or brief counsel, as the case may be.

3. We are very proud of the Law Library, which is the heart of the Faculty and possesses a good collection of primary and secondary

materials. The aim is to reach Australasian Universities Law Schools Association Law Library Standards by 1990.

4. The Legal Practice Course is an alternative to articles of clerkship to a solicitor and its aim is to bridge the gap between an LL.B. course and practice. On satisfactory completion of the course, a diplomate is entitled to be admitted as a solicitor, although thereafter he or she has to serve as an employed solicitor for one year before obtaining a full practising certificate.
5. The Faculty moved into its new home - the top 70 per cent of the new Law/Health Science Building - in 1988.

AIMS OF THE LAW FACULTY

- (1) To provide courses appropriate to the needs of the legal profession, having regard to the requirements of the Solicitors' Board and the Barristers' Board.
- (2) To provide education in other subjects to broaden the experience of the Law students.
- (3) To provide as practical an education as possible.
- (4) To provide an external course in Law.
- (5) To avoid emphasising the mere acquisition of factual knowledge and to seek to show the nature of the underlying concepts and principles of a subject.
- (6) To encourage students to develop the facility for independent thought and critical analysis.
- (7) To encourage students to be aware of the need for any change in the Law.
- (8) To train students to apply the knowledge gained from their course to the solution of real life problems.
- (9) To induce in students an awareness of the moral and legal responsibilities of professional practice.
- (10) To induce in students a desire for continuing education.
- (11) To provide postgraduate courses of study.
- (12) To undertake research and consultation to promote the professional and pedagogical development of members of staff.
- (13) To assist in areas of the community where a contribution can be made.
- (14) As regards the Law Library, e.g. such things as the number of Law students who can be seated at any one time, and the number of multiple copies of Law Reports and other material in the Library, to attain and maintain Australasian Universities Law Schools Association library standards.

Contents

1

Preface

1

2

Rules Relating to Student Matters	6
Rules for Admission	7
Rules Relating to Unregistered Students	9
Rules Relating to Exemptions	10
Rules Relating to Students who seek Re-registration	11
General Examination Rules	13
Rules Relating to the Appeals Committee	30
Rules Relating to Non-Release of Examination Results	31
Library Rules	32
Faculty of Law Library Rules	41
Student Guild Fee Rules	43
Schedule of Charges Affecting Students	45
Parking Regulations	46

3

Articulation between the Queensland University of Technology and Queensland TAFE Courses	47
---	----

4

Academic Board and Committees	51
--------------------------------------	----

5

Staff - Faculty of Law	59
-------------------------------	----

6

Courses Offered by the Faculty of Law

67

7

Information and Advice to Students

69

8

Course Structures and Rules

83

LWN234	Master of Laws by Coursework	84
LWM196	Graduate Diploma in Legal Practice	91
LWJ171	Bachelor of Laws	93
IFJ223	Bachelor of Business (Accountancy) /LLB Combined Degree Course	105
IFJ235	Bachelor of Business (Computing) /LLB Combined Degree Course	107
LWJ238	Bachelor of Business (Accounting)(DDIAE) /LLB(QUT) Combined Degree Course	109
LWJ239	Bachelor of Arts (Modern Asian Studies)(Griffith) /LLB(QUT) Combined Degree Course	111

9

Prizes and Awards

121

10

Synopses

127

Preface





**Message from
the Registrar
on the
establishment of
Queensland University
of Technology**

At the time of printing this handbook QIT is preparing for re-constitution as a new institution, the Queensland University of Technology.

The Premier of Queensland has announced the Government's intention to introduce legislation to the Queensland Parliament in the 1988 Spring session, probably in November 1988, to establish an institution to be named the Queensland University of Technology. Subject to the will of Parliament the new institution will come into being on 1 January, 1989.

Transition from QIT to QUT

By-Laws and Rules

The information published in this handbook has been prepared on the understanding that the Queensland University of Technology Act will provide that all By-Laws and Rules of the Queensland Institute of Technology will continue in force and apply to the new institution until new Statutes and Rules have been approved.

As soon as practical after the establishment of the QUT, the Council of the University will submit new Statutes for Executive Approval in substitution for the existing By-Laws and will approve new rules to be framed under the provision of those Statutes. Care will be taken to ensure that students' enrolment and course progression are not adversely affected in this transition.

Transfer of Courses and Students

Subject to the existing By-Laws and Rules (e.g. unsatisfactory academic performance rules), students of the QIT shall become students of the QUT with full transfer of their previous academic records. All courses offered by the QIT shall become courses of the QUT.

Debts and Obligations

Any debts or obligations owing to the QIT (e.g. fines or loans) shall be debts or obligations owing to the QUT. Equally, debts or obligations of the QIT (e.g. refund of laboratory deposits) shall be the responsibility of the QUT.

Publication of QUT Calendar

As early as possible in 1989 the University will publish its first Calendar (or institutional handbook). This publication will contain the Statutes and Rules of the Queensland University of Technology and other information on the new institution as approved by the University Council. Particularly in the first year of the university's operation all students should purchase a copy of the Calendar when it becomes available.

Conclusion

By the time this Faculty handbook is released for publication it is expected that the Act establishing the Queensland University of Technology will be law. I therefore take the opportunity to welcome all staff and students to the new institution.

B S Waters
Registrar

Rules Relating to Student Matters



RULES RELATING TO STUDENT MATTERS

Admission to Courses

The Council may -

1. prescribe the conditions for normal entry to each course offered.
2. limit the number of students who shall be permitted to enrol or continue in any course.
3. appoint an Admissions Committee and approve of rules providing for -
 - (a) its membership including the appointment of a Chairman;
 - (b) its method of operation;
 - (c) the admission of students who do not comply with normal entry;
 - (d) the selection of students to be admitted where quotas or restrictions have been imposed upon admissions and enrolments;
 - (e) a quorum.

Academic Structure and Content of Courses

The Council may -

4. prescribe the academic structure and content of any courses and amend these at any time provided the reasonable rights of students already enrolled in the course are not prejudiced or are sufficiently safeguarded;
5. prescribe rules for student progression within a course;
6. delegate any or all of its powers under this section.

Assessment of Students

The Council may -

7. approve rules relating to the examination and assessment of students and the award of grades of passes;
8. delegate any or all of its powers under this section.

Exclusion of Students

The Council may -

9. prescribe rules relating to gross failure;
10. exclude any student who is classified as having achieved gross failure in subjects or courses;
11. delegate any or all of its powers under this section provided that any student shall have a right of appeal to Council against any decision on exclusion.

Appeals

Council shall establish an Appeals Committee to hear student appeals to the Council against exclusion and approve rules not inconsistent with By-law No. 5 or rules thereof in respect of the duties powers membership and management of the business of such Committee.

RULES FOR ADMISSION

1. Meaning of certain words. Unless the context otherwise indicates or requires -

'Admission Committee' means a committee appointed by Council to consider applications for admission to University courses.

'Dean of Faculty' means a member of the academic staff appointed by Council and so designated.

'Head of School' means a member of the academic staff appointed by Council and so designated as the senior academic member of staff in a particular School. Reference to 'Head of Department' in these Rules is deemed to include reference to 'Head of School'.

'Head of Counselling' means the officer in charge of the University's Counselling Centre.

'Academic Staff Association' means the Academic Staff Association of the University.

'Ordered Course' means a course in which a student is required, to gain credit in a number of subjects in a particular sequence to acquire an award.

'Head of Department' means a member of the academic staff appointed by Council and so designated as the senior academic member of staff in a particular Department. Reference to 'Head of Department' in these Rules is deemed to include reference to 'Head of School'.

'Sub-tertiary course' means a course of study leading to the award of a Certificate.

'Tertiary Course' means a course of study leading to the award of a Degree Diploma or an Associate Diploma.

'Assistant Registrar' means the Assistant Registrar of the University.

A 'Registered Student' is a student in an ordered course whose first enrolment in that course has been accepted and approved by the Registrar. A student shall remain a registered student until he:

- (a) completes the course, or
- (b) withdraws from the course, or
- (c) is excluded from the course, or
- (d) fails to enrol in the course.

2. The membership of the Admissions Committee shall be -
Registrar (who shall act as Chairman)
Deans of Faculties

Head of Counselling

One representative appointed by the Academic Staff Association.

A member of Committee may be permitted to appoint another person who is not a member to attend and vote on his behalf.

3. The Admissions Committee shall -

(a) advise the Director and the Academic Assembly on all matters relating to the admission of students including -

- (i) the standards of entry to all courses after consideration of recommendation prepared by the Academic Boards;
- (ii) the assessment of prospective future enrolments following periodic reviews of statistical trends;
- (iii) the recommendation or policies for determining those who should be given priorities for admission or enrolment where quotas or restrictions on admissions or enrolments are in the opinion of the Council necessary.

(b) determine eligibility for admission in those cases where the applicant does not possess normal entry standards.

4. A person desirous of entering a course shall make application to the Registrar for admission on a form provided for this purpose, and shall lodge such form fully and correctly completed not later than the closing date prescribed by the Council.

With such application, the person shall produce to the Registrar for verification, sufficient documentary evidence of passes in pre-requisite examinations.

The documentary evidence produced for verification shall be -

- (a) the original documents or facsimile copies thereof;
- (b) such other evidence as the Admissions Committee may require.

5. A person who does not have the normal entry qualifications may make application for special consideration for entry on a form provided by the Registrar.

6. Concurrently with an application for special consideration for entry a person shall lodge with the Registrar an application for enrolment on the form provided for the purpose, and shall lodge such form fully and correctly completed not later than the closing date prescribed.

7. The Registrar shall notify all applicants for admission of the acceptance or rejection of their applications.

8. An application for enrolment may be amended by the Head of Department because of -

- (a) timetable incompatibility;
- (b) non-compliance with the rules applicable to the course of study;
- (c) selection by the applicant of subjects which in the opinion of the Head of Department are more than his capacity or

circumstances allow him to study adequately.

An applicant whose application for enrolment has been amended shall have a right of appeal to the Dean of Faculty. Such an appeal shall be lodged with the Registrar within fourteen (14) days from date of notification of such amended enrolment. The Registrar shall notify the applicant of the result of the appeal as soon as is reasonably possible.

9. Late enrolments may be accepted only if a vacancy exists in classes established on the basis of closing date enrolments, and with the approval of the Dean of Faculty.
10. A Dean of Faculty may cancel any class in any subject where the number of enrolments in that class is considered to be insufficient.

Class groups shall be determined on enrolments at a closing date prescribed by Council. In the event of the cancellation of any class the enrolment of a student shall be deemed to be cancelled in respect of such subject provided that such cancellation shall be without prejudice to the right of the student to again apply for admission for enrolment in such subject, subject to the conditions prescribed for entry to such subject at the time of his application.

RULES RELATING TO UNREGISTERED STUDENTS

1. Unregistered Students are defined as those students who undertake individual subjects from accredited University courses (award courses) and receive normal instruction, assessment and examination results in such subjects but who are not registered to undertake a complete award course.
2. There shall be two categories of Unregistered Students:
 - (a) Miscellaneous Students who pay no tuition fees and who are enrolled under special approval arrangements, for example, to undertake an approved bridging program prior to entering a specific award course, to satisfy provisional enrolment requirements, to complete a second or subsequent strand of a University course or to complete a course offered by another institution;
 - (b) Visiting Students who pay a tuition fee as determined by the University's Continuing Education Committee, who undertake as continuing education students individual subjects from award courses for means of professional or personal development, but who do not come within the definition of Miscellaneous Students.
3. Enrolment as an Unregistered Student shall be subject to the applicant's completion of application procedures as determined by the Registrar and to the approval of the application by the Head of Department or Head of School responsible for teaching the subject.

4. Unregistered Students shall be required to pay the appropriate Union Fee and shall be subject to the rules of the University, with the exception of Rules 41 to 46 of the General Examination Rules (Unsatisfactory Academic Performance).
 5. Miscellaneous Students shall not be permitted to accumulate credits for more than 20% of the total course hours within a course. Visiting Students shall not receive credit towards a University course for any subject undertaken as a Visiting Student.
 6. Where quotas or other restrictions apply to a subject, a student registered for a University course will have precedence over a Miscellaneous Student and a Miscellaneous Student shall have precedence over a Visiting Student.
 7. Where a registered student is also undertaking a subject or subjects offered in a course other than that for which the student is registered, the application of the Rules on Unsatisfactory Academic Performance in the course for which the student is registered will not be affected in any way by the results obtained in the subject or subjects undertaken in the unregistered mode.
 8. When a registered student is excluded from a course due to unsatisfactory academic performance, the student shall not be eligible subsequently for enrolment as an unregistered student in any subject of that course except at the discretion of the Dean of the Faculty responsible for the conduct of the course.
-

RULES RELATING TO EXEMPTIONS

1. Subject to the provisions of Rules 2 and 3 hereof, a student who has completed a program considered by the Head of School or Head of Department responsible for the course as being an adequate and relevant substitute for a subject or subjects prescribed in the relevant course rules may be granted exemption from the whole or part of that subject or those subjects.
2. Exemptions may be granted for any number of subjects provided that -
 - (a) in the case of a course which exceeds two semesters full-time or four semesters part-time, exemptions may be granted up to a limit such that in order to qualify for the award the student must have completed satisfactorily within the University the equivalent of at least two semesters of full-time study or where the course is not offered for full-time study four semesters of part-time study in subjects nominated by the Head of School or Head of Department responsible for the course, irrespective of the course in which the student was registered while undertaking the nominated subjects;
 - (b) in the case of a course which does not exceed two semesters

full-time or four semesters part-time, exemptions may be granted up to a limit such that in order to qualify for the award the student must complete satisfactorily within the University subjects nominated by the Head of School or Head of Department responsible for the course, the contact hours of which aggregate to 75 percent or more of the prescribed minimum contact hours of the course, irrespective of the course in which the student was registered while undertaking the nominated subjects;

- (c) where a student gains an award in one University course, in order to qualify for a second or subsequent University award the provisions of 2(a) or 2(b) above must be satisfied subsequent to registering for the second or subsequent course.
 - 3. Exemptions will not be granted in connection with or for the Graduate Diploma in Legal Practice course.
 - 4. Except as specifically provided in individual Course Rules and save in exceptional circumstances as determined by the Registrar all applications for exemption must be made and determined at the time of a student's first Enrolment in the course to which the exemptions refer.
 - 5. Whenever exemptions granted constitute 50% or more of the full course program, the Head of School or Head of Department responsible for the course shall provide the Registrar with full details of the study program which the student has to complete at the University to qualify for the award. The Registrar shall advise the student of such requirements in writing.
-

RULES RELATING TO STUDENTS WHO SEEK RE-REGISTRATION

- 1. Subject to the provisions of clauses 2 and 3 below, a student whose registration in a course has lapsed because of withdrawal from the course or failure to re-enrol in the course and who wishes to re-register in that course.
 - (a) must apply for registration in the course by submitting a Re-enrolment Form;
 - (b) shall be subject to the Course Rules in operation at the time of resumption; and
 - (c) must re-enrol as directed.
- 2. The provisions of clause 1 of this Rule do not apply to students, who, at the time of resumption, have not satisfactorily completed all the subjects listed in the Course Rules for the first and second semesters, full-time, part-time, or external, as the case may be, of the course in which re-registration is sought. Such students are not eligible to re-enrol and must apply for admission to the course

in the manner prescribed for new students.

3. Upon withdrawal from a course, or upon failure to re-enrol in a course a student who has not satisfactorily completed all subjects listed in the Course Rules for the first and second semesters, full-time, part-time or external, as the case may be, of that course, may be granted leave of absence upon production to the Registrar of documentary evidence acceptable to the Registrar in the case of medical or other compassionate grounds and acceptable to the relevant Academic Board responsible for the course in any other case. Such leave of absence shall be for a specific period at the expiration of which the student may re-enrol without loss of credit for results awarded prior to the date of withdrawal. A student to whom leave of absence has been granted shall be deemed for the period of leave of absence to be no longer proceeding to an academic award and must, on termination of the leave of absence, re-enrol or apply for an extension of the leave of absence. If a student fails to re-enrol or obtain an extension his registration will lapse.
 4. A student whose registration in a course has lapsed as a consequence of exclusion from the course and who wishes to re-register in the course must apply for readmission in accordance with Rule 46 of the General Examination Rules.
-

GENERAL EXAMINATION RULES

Part I. DEFINITIONS

- 'Academic Board' means a Board constituted by Council to exercise certain academic functions in relation to a particular Faculty.
- 'Committee of the Academic Board' means a group of members of the Academic Board constituted by the Academic Board to exercise those particular academic functions prescribed by the Academic Board.
- 'Award' means a Degree, Graduate Diploma, Diploma, Associate Diploma or Certificate conferred upon a student by the Council.
- 'Chief Examiner' means an officer appointed and so designated by a Head of Department in relation to an examination in a particular subject for a particular period.
- 'Examiner' means an officer appointed by the Head of Department to set and mark examination papers in a particular subject for a particular period.
- 'Supervisor' means an officer appointed by the Registrar or nominated by a Head of Department to supervise the conduct of a particular examination.
- 'Central Examination' means any examination administered by the office of the Registrar.
- 'Departmental Examination' means any examination administered by a Department.
- 'Supplementary Examination' means a further examination given to a student who has failed to pass a subject.
- 'Deferred Examination' means an examination given to a student in cases where the student has failed to sit for and complete an examination and the reasons for such failure have been accepted by the Dean of Faculty.
- 'Course' means a group of subjects specified by the rules which must be successfully completed in order to qualify for a specified award.
- 'Subject' means the basic educational unit for which results are awarded within the University.
- 'Result' means the formal indicator of a student's achievement in a subject.
- 'Assessment Provisions' means the systems of assessment approved for a subject and may include Central Examinations, Departmental Examinations, Assignments, Field Work, Practical Work, Reports, Seminar Participation or other work which a student is required to do and which will be assessed in determining a student's result in the subject.
- 'Dean of Faculty' means a member of the academic staff appointed by Council and so designated.
- 'Head of School' means a member of the academic staff appointed by Council and so designated. Reference to 'Head of Department' in these Rules is deemed to include reference to 'Head of School'.
- 'Head of Department' means a member of the academic staff appointed by Council and so designated as the senior academic member of

staff in a particular Department except that where there is no Department responsible for subjects the Dean of Faculty shall be regarded as the Head of Department. Reference to 'Head of Department' in these Rules is deemed to include reference to 'Head of School'.

'Registrar' means the Registrar of the University.

'Vice-Chancellor' means the Vice-Chancellor of the University.

Part II. DETERMINATION AND NOTIFICATION OF ASSESSMENT PROVISIONS

1. *Authority to Prescribe Assessment Provisions*

- (a) The Assessment Provisions for each subject shall be prescribed by the Department responsible for the subject and shall be approved by the Academic Board of the Faculty to which the Department is attached.
- (b) An Academic Board shall have the power to delegate its responsibility under this rule to a Committee of the Academic Board subject to any conditions the Academic Board may impose. The Academic Board shall resolve any disputes.

2. *Notification of Assessment Provisions in Subjects*

Within a reasonable period of the commencement of a subject students shall be provided with written advice of the Assessment Provisions in the subject, together with information on the weight and timing of each item of assessment. If a passing grade is required in any or each item of assessment in order to obtain a passing grade in the subject this information must also be included in the advice to students.

Part III. ORGANISATION OF EXAMINATIONS

3. *Periods for Examinations*

- (a) The periods within the academic year to be set aside for Central Examinations, Supplementary Examinations and Deferred Examinations will be determined by Council and published in the University Calendar.
- (b) The timing of Departmental Examinations shall be as determined by the Department concerned after agreement with other Departments which might be affected by any determination and, where appropriate, by agreement with the Registrar.
- (c) Except in exceptional circumstances and with the specific approval of the Registrar no Central Examination or Departmental Examination, other than Deferred or Supplementary Examinations may be held during a period shown on the University Calendar as reserved for Examination preparation or for Recess periods.

4. *Accommodation*

The Registrar shall have first call on Lecture Rooms, Seminar Rooms, Drawing Offices, and other examination accommodation during periods approved for Central Examinations.

5. *Appointment of Examiners*

- (a) The relevant Head of Department shall appoint examiners and, where appropriate, chief examiners each semester for each subject in that semester.
- (b) The names of all examiners shall be forwarded by the Head of Department to the Registrar by a date to be prescribed by the Registrar.

6. *Submission of Central Examination Papers*

The Registrar may prescribe the date upon which all Central Examination papers required to be set by examiners are to be forwarded to the Examinations Section within the Registrar's Office and the form in which such papers will be received.

7. *Timetables*

- (a) The Registrar shall be responsible for the preparation of a timetable for all Central Examinations and for the publication of this timetable as required by these rules.
- (b) Each Head of Department shall be responsible for the preparation of a timetable for Departmental Examinations conducted by the Department and shall place such timetable on appropriate Departmental Noticeboards.
- (c) A timetable for Central Examinations shall be posted on the main University Noticeboards and to external students not less than three weeks prior to the commencement of the relevant semester examination period.
- (d) Should any timetable show a clash between subjects for which the student is enrolled, it is the responsibility of the student to notify either the Registrar or the Head of Department as the case may be by the date prescribed for such notification.
- (e) No amendment to a timetable for Central Examinations will be accepted following distribution of student examination forms referred to in Rule 8(a).

8. *Student Examination Form*

- (a) The Registrar shall forward to each student at least two weeks prior to the commencement of the Central Examination period an examination form showing all the subjects in which the student is enrolled in the current semester, a statement of whether the subject has a Central Examination scheduled and the date and time of the examination in those subjects which are to be centrally examined.
- (b) The student shall take this form to all examinations and shall produce the form on request as provided for in Rule 18.

Part IV. ELIGIBILITY TO UNDERTAKE ASSESSMENT PROVISIONS

9. Eligibility to Undertake Assessment

Subject to the provisions of Rule 10, a student who holds a current enrolment approval in a subject shall be eligible to undertake the assessment provisions for that subject.

10. Eligibility to Sit for Examinations

- (a) A student may be declared ineligible by the Head of the Department responsible for the course to sit for an examination as a consequence of having failed to fulfil all the conditions as set out in the rules pertaining to the course for which the student has enrolled.
- (b) The Registrar may prescribe the date by which Heads of Department must advise the Registrar of the names of students who are declared to be ineligible under this rule and upon receipt of advice from the relevant departments will so advise the students in writing of their ineligibility inviting them to show cause by a prescribed date why ineligibility should not be confirmed.
- (c) Where students show cause why they should not be declared ineligible their cases shall be referred to the Dean of Faculty for review and determination.
- (d) A student declared by the Dean of Faculty to be so ineligible shall have the right of appeal to the Director.

11. Voluntary Withdrawal from Enrolment in Subjects

- (a) A student who cancels enrolment in a subject on or before the final date for cancellation of subjects without penalty shown in the University Calendar shall not receive any result for the subject.
- (b) Subject to sub-rule 11(c), a student who cancels enrolment in a subject after the final date for cancellation of subjects without penalty shown in the University Calendar *and before the date shown in the Calendar for the end of the relevant semester*, shall be regarded as having presented for assessment and shall receive the result 'Fail - Late Cancellation'.
- (c) If the Registrar, on the advice of the Faculty, is satisfied that medical, compassionate, or other exceptional circumstances necessitate a student cancelling a subject, such cancellation may be granted without penalty even though the date of cancellation was after the final date for cancellation without penalty specified in the University Calendar.

Part V. DEFERRED EXAMINATIONS AND SPECIAL CONSIDERATION

12. Failure to Attend for Examination at the Prescribed Date and Time

Subject to the provisions of Rule 13, a student who fails to attend an examination which is shown on the examination form referred to in Rule 8 will be deemed to have sat for and failed the examination.

13. *Deferred Examination*

- (a) A student who for medical or compassionate reasons or other circumstances beyond the student's control, was, or will be, unable to sit for an examination may apply for a Deferred Examination. An Application for Deferred Examination must be lodged with the Registrar as soon as practicable, and in any case not later than the date prescribed in the University Calendar, and must be supported by suitable medical or other evidence in the form specified in Rule 15.
- (b) Should the medical or other evidence submitted in support of an Application for Deferred Examination be acceptable to the relevant Dean of Faculty, the student shall be granted a Deferred Examination.

14. *Special Consideration of Factors Affecting Examination Performance*

- (a) Candidates who consider that their performance in an examination has been adversely affected by illness, disability, bereavement or other exceptional circumstances may apply for special consideration. Such applications must be lodged with the Registrar as soon as practicable, and in any case by the closing dates specified in the current University Calendar. Such applications must be supported by medical or other evidence in the form specified in Rule 15.
- (b) The Registrar shall forward applications for special consideration to the relevant Dean of Faculty for determination. The Dean of Faculty may refer the application to the relevant chief examiner who, in consultation with the appropriate examiner or examiners, shall take such account of the information contained therein as is considered appropriate in deciding the result to be recommended for the candidate in the subject in question.
- (c) Notwithstanding Section (b) of this rule, Academic Boards may prescribe additional procedures to facilitate consideration of special consideration applications.

15. *Evidence in Support of Applications for Deferred Examinations and Special Consideration*

- (a) Medical Evidence: A candidate who applies for a Deferred Examination or for special consideration on medical grounds must submit a medical certificate from a registered medical or dental practitioner stating:
 - (i) the date on which the student was examined;
 - (ii) the nature, severity and duration of the complaint;
 - (iii) the practitioner's opinion of the effect on the student's ability to take, or to perform satisfactorily in, the examination.

*MEDICAL
CERTIFICATE
SHOULD
STATE*

A statement that the student was not fit for duty, or was suffering from 'a medical condition' will not be accepted.

- (b) Evidence other than medical evidence: A candidate who applies for a Deferred Examination or for Special Consideration on other than medical grounds must submit with the application a Statutory Declaration stating the disability or exceptional circumstances, which precluded the candidate from taking the examination in the appointed place and/or at the appointed time or which the candidate considers affected performance in the examination. The candidate should also furnish any corroborative evidence in support of the application.
- (c) A Deferred Examination may not be granted if in the opinion of the relevant Dean of Faculty more timely notice of difficulties would have permitted arrangements to have been made for the original examination to be taken close to the original time set down for the examination.
- (d) A Deferred Examination will not normally be granted to candidates who misread the Examination timetable.

Part VI. CONDUCT OF EXAMINATIONS

16. *Responsibility for Conduct of Examinations*

- (a) The Registrar shall be responsible for the conduct of all Central Examinations in accordance with the rules contained in this Part VI.
- (b) The relevant Head of Department shall be responsible to the Registrar for the conduct of Departmental Examinations in accordance with the rules contained in this Part VI.

17. *Entry to Examination Rooms*

- (a) All persons entering an examination room must provide proof of identity to the supervisor.
- (b) A person other than the candidate, supervisor, chief examiner or chief examiner's nominee, Head of Department, Registrar or Registrar's nominee, may not except with the permission of the supervisor enter an examination room during an examination session.
- (c) Except with the permission of a supervisor no person other than a supervisor, the Registrar or the Registrar's nominee may enter an examination room during the period of forty-five minutes immediately preceding an examination session set down for that room.
- (d) A person whether a candidate or not, who is given permission to enter or leave an examination room shall comply with all conditions on which the permission is given.

18. *Identification*

A candidate shall bring to the examination room the student

examination form and student card provided to each student and shall produce or keep displayed such information in accordance with any direction given by notice displayed in the examination room, by direction on an examination book, by a supervisor or otherwise.

19. *Places*

A candidate for an examination shall upon entering an examination room proceed without delay to such place as the candidate is or has been directed to occupy for that examination by a supervisor or by notice, or other means, and shall not leave that place except with the permission or by the direction of a supervisor. A supervisor may at any time direct a candidate to leave any such place and to occupy another place specified by the supervisor, and a candidate shall without delay comply with any such direction.

20. *Time for Departure*

- (a) A candidate may not leave an examination room before the end of the examination session without the permission of a supervisor.
- (b) Except in exceptional circumstances permission to leave an examination room will not be granted before the expiration of half the working duration of the examination.

21. *Candidates Not to Remove Papers*

A candidate shall not remove from the examination room any worked script or other paper provided for use during the course of the examination (other than the question paper supplied where this is authorised by the supervisor on advice from the examiner) or other material the property of the University.

22. *Cheating*

- (a) A candidate shall not cheat or attempt to cheat in any examination.
- (b) A person whether a candidate or not shall not do anything intended to assist any other person sitting for an examination to cheat or otherwise defeat the purposes of the examination.

23. *Candidate not to Communicate with Others*

A candidate shall not during an examination session communicate by word or otherwise with any other person except a supervisor, examiner or examiner's nominee, or assist any other person to communicate with another person, or willingly receive a communication from any person other than a supervisor, examiner or examiner's nominee.

24. *Unauthorised Material not to be brought into the Examination Room*

A candidate shall not bring into an examination room anything whatsoever which conveys or is capable of conveying information concerning or otherwise has reference to any subject or is such that it may reasonably give rise to suspicion that it is capable of

conveying information concerning or of having reference to any subject or that it was intended by the candidate to do so. It is immaterial that the subject is not a subject to which the examination relates.

It shall be sufficient answer to any alleged breach of this rule if the candidate establishes that anything brought by the candidate into an examination room was -

- (a) declared as permissible by the examiner and is so indicated on the examination paper, or
- (b) brought in with the permission of the supervisor, or
- (c) deposited by the candidate within the room forthwith after entering it at a place designated by the supervisor as a place where such thing may be deposited.

25. *Candidate to Comply with Directions*

- (a) A candidate shall comply with all directions to candidates set forth on the examination book or such other examination material supplied or set out on any notice displayed in the examination room and shall without delay comply with any reasonable direction given by the supervisor.
- (b) A candidate's behaviour shall not be such as to disturb or distract or adversely affect any other candidate.
- (c) In the event of breach or default by a candidate under or in respect of 25(a) or 25(b) the supervisor may require the offending candidate to leave the examination room and failure by the candidate to do so shall be deemed to be a breach of discipline and the student may be dealt with under By-law 9(2).
- (d) All such exclusions shall be reported immediately to the Registrar or in his absence the Deputy Registrar or officer designated by the Registrar to conduct the examination and the Registrar, Deputy Registrar or other officer after hearing the supervisor the candidate and any relevant evidence may either confirm or rescind the exclusion.

26. *Supervisors Powers of Inspection and Enquiry*

- (a) A supervisor may require a candidate to show by such means as the supervisor may specify and as the supervisor considers appropriate to the circumstances that the candidate does not possess or in any way have available any such thing as is specified under Rule 24 or that the candidate is not committing or has not committed a breach of Rules 22 or 23 and the candidate shall comply without delay with such requirement.
- (b) If a supervisor considers that unauthorised material has been brought into the examination room, the supervisor may confiscate such material together with worked scripts completed to that time. The supervisor shall submit any material so confiscated to the Registrar or the Registrar's nominee for investigation.

Part VII. PLAGIARISM

Plagiarism is the act of taking and using another's work as one's own. Where plagiarism occurs in items of assessment contributing to the result in a subject it shall be regarded as, and treated in the same manner as, cheating in an examination. For the purpose of these rules any of the following acts constitute plagiarism unless the work is acknowledged:

- (a) copying the work of another student;
- (b) directly copying any part of another's work;
- (c) summarising the work of another;
- (d) using or developing an idea or thesis derived from another person's work;
- (e) using experimental results obtained by another.

27. *Plagiarism*

A student shall not plagiarise in any assessment exercise.

Part VIII. PENALTY FOR BREACH OF RULES

28. *Penalties*

- (a) If a candidate commits a breach of any rule contained in Parts VI and VII of these rules, the candidate may be dealt with under By-law 9(2) or 9(3).
- (b) A candidate who commits a breach of a rule contained in Parts VI and VII of these rules shall be liable in addition to any other penalty to incur the following penalties.

For a first breach -

- (i) the award of a low fail result in the subject concerned, or
- (ii) the award of low fail results in all subjects in which the student would have received final results in the same academic semester.

For a further breach -

- (i) exclusion from the University for a period, or
- (ii) permanent exclusion from the University.

A candidate incurring either of these last mentioned penalties resulting in exclusion from the University shall have a right of appeal to the Council.

- (c) Any complaint that a student allegedly breached a rule contained in Parts VI or VII of these rules shall be referred to the Registrar, or an officer delegated by the Registrar to deal with examination matters, to determine whether the complaint should be investigated. The Registrar, or other officer, shall notify the Vice-Chancellor of any alleged breach which it has been resolved should be investigated. The Vice-Chancellor may in writing require the student to show cause within not less than seven days from the date of such

requirement why penalty should not be imposed under this rule. In the event of the student failing to show cause, acceptable to the Vice-Chancellor, the Vice-Chancellor may impose a penalty as provided for in this rule 28.

- (d) Any penalty imposed under this rule shall be communicated to the relevant Dean of Faculty for information.

Part IX. ASSESSMENT OF RESULTS

29. *List of Candidates*

The Registrar shall supply to each examiner or Head of Department/School a list of candidates for whom a result is required in each subject. Such list shall be referred to as the Examiner's Return.

30. *Duties of Examiners*

The Examiners shall furnish to the Head of Department/School offering the subject through the Chief Examiner where such is appointed -

- (a) The Examiner's Return amended to show -
- (i) such details of each candidate's performance as may be required by the Head of Department/School or Chief Examiner;
 - (ii) a statement of those from whom no script was received;
 - (iii) the name of any candidate who submitted a script and whose name was not included in the list supplied by the Registrar.

- (b) the examiner's recommended grade lines.

31. *Powers and Duties of Head of Department/School offering subjects*

Prior to the consideration of results by Academic Boards, the Head of Department/School may approve or vary the percentage or result recommended for each candidate, provided always that, before making such a variation, the Head of Department/School shall advise the examiner concerned of the variation proposed and consider any representation that the examiner may wish to make.

32. *Provision of Information to Academic Boards*

On the basis of the results furnished by the Head of Department/School offering subjects, the Registrar shall provide to each Academic Board -

- (a) For each subject offered by a Department or School within the Faculty and which is being assessed in the current examination period, a list showing the result recommended for each candidate, and an analysis of the recommendations showing the numbers of each grade of pass or failure recommended; and
- (b) For each course administered by the Faculty, a list of the students enrolled showing the recommended result for each subject in which the student is enrolled.

33. *Powers and Duties of an Academic Board in relation to subjects offered by the Faculty*
- (a) The Academic Board shall review the recommended grade lines for each subject offered by the Faculty and the recommended result for each candidate and shall determine the final result in terms of the grade of result set out in Part IX of these rules to be recommended to each Academic Board which administers a course or courses having candidates enrolled in those subjects.
 - (b) *Application of Academic Board Policy*
Where an Academic Board has prescribed a policy which requires an adjustment of results the Dean of Faculty, before submitting results recommended for each candidate to the Academic Board, shall adjust the recommended grades in any subject in accordance with that policy, and shall report any adjustment so made to the Academic Board.
34. *Powers and Duties of an Academic Board in relation to students undertaking courses administered by the Faculty*
- (a) The Academic Board shall review the results recommended for each student in the course and, in terms of the approved course rules and such policy as has been set down by the Academic Board, shall determine -
 - (i) whether action should be taken to amend a recommended result in terms of Rule 34(b)(iii);
 - (ii) whether the candidate shall be granted conceded passes in subjects in which passes have not been granted;
 - (iii) whether the candidate shall be granted supplementary examinations or shall be required to submit for such other additional means of assessment as the Academic Board shall determine.
 - (b) In reviewing the results for each student undertaking one of its courses an Academic Board may only determine a result different from that recommended by the Academic Board offering the subject in one of the following ways -
 - (i) in accordance with Rule 34(a)(ii);
 - (ii) in accordance with Rule 34(a)(iii);
 - (iii) after advice to the Head of Department/School offering the subject, or the Chief Examiner, of the intended variation to the candidates result and only after consideration of any matters which that Head of Department/School or Chief Examiner may wish to place before the Academic Board.
 - (c) Where an Academic Board administering a course has determined a policy in relation to the assessment of examination results it may delegate to a Committee of the Board the authority to exercise its powers under these rules. All such

authority exercised on behalf of the Board must be consistent with the policy laid down by the Board and all decisions made by the Committee must be reported at the next meeting of the Board.

35. *Powers of Alteration*

A result determined by the Academic Board administering a course, and a decision concerning the granting of supplementary examination to a candidate may be altered by the Dean of Faculty administering the course with the concurrence of the Head of Department/School or Chief Examiner concerned -

- (a) to correct a patent error, or
- (b) to make the result or decision accord with the result or decision which the Dean of Faculty and the Head of Department/School, Chief Examiner and where possible the examiner, are satisfied would have been confirmed or made by the Academic Board if it had considered relevant circumstances which were not considered by the Board.

Any such alteration and the reasons therefore shall be reported to the Academic Board at its next meeting, and shall be reported to the Registrar for the purpose of amending the student's academic record.

36. *Grading of Results*

- (a) A pass in each subject may be designated as a High Distinction (HD), Distinction (D), Credit (C) or Pass (P).
- (b) Where the Academic Board administering the course so determines in accordance with Rule 33 a Pass Conceded (Q) may be awarded in a subject.
- (c) Where the Academic Board administering the course so determines, all candidates gaining a pass in a subject may be awarded with a result of Pass - Non Graded (R).
- (d) Where the Academic Board administering the course so determines, all candidates in a subject may be assessed as having Satisfactorily Completed (G), or Not Satisfactorily Completed (Z) the subject.
- (e) Where students have been granted supplementary examinations in subjects, they may not subsequently be awarded with a grade higher than Pass - Supplementary (T) in those subjects.
- (f) Where students have been granted deferred examinations they may be awarded passes in terms of High Distinction (HD), Distinction (D), Credit (C), Pass (P), Non-Graded Pass (R), Satisfactorily Completed (G) or Pass Conceded (Q).
- (g) A fail in each subject will be designated as a Fail (N) or Low Fail (L) except that where candidates have no assessment in subjects they will be awarded Fail - No Assessment Undertaken (X) or where students notify of their withdrawal from

subjects after the official cancellation date and they are not granted cancellation without penalty they will be awarded Fail - Late Cancellation (K) or where students are not successful at a supplementary examination they will be awarded Fail - Supplementary (M).

37. *Unfinalised Results*

(a) *Withheld Results*

Where candidates have failed to comply with the Rules pertaining to a particular subject or course, irrespective of whether they have been permitted to sit for the relevant examinations or not, or where the Academic Board administering the course decides that further assessment is desirable before release of candidates final results, such results in either a particular subject or all of the subjects may be withheld at the discretion of the Academic Board until the candidates have fulfilled all requirements to the satisfaction of the Academic Board.

In such cases, the Registrar shall advise the student in writing to contact the Head of Department/School offering the subject to ascertain exact requirements to enable the final result to be issued. Except in the case of the Academic Board administering the course having decided that further assessment is desirable before release of a final result, the student shall be given the opportunity to show cause to the Registrar why the result should not be withheld.

(b) *Finalisation of Results*

Where a deferred examination or a supplementary examination is conducted as a Central Examination the Academic Board administering the course in which the student is enrolled must notify the Registrar of the final result within seven days of the date of the Central Examination.

In the case of all other unfinalised results, the Academic Board administering the course in which the student is enrolled must notify the Registrar of a final result, in the case of a result pertaining to the Spring semester, no later than the last Friday in January of the succeeding year, and in the case of a result pertaining to the Autumn semester, no later than two weeks after the commencement of the following Spring semester.

In exceptional circumstances and with the approval of the Academic Board, a result may remain unfinalised until the end of the sixth week of the succeeding semester. In such a case the Academic Board must inform the Registrar in writing of the reason for the delay in the finalisation of the result.

38. *Approval of Release of Results*

- (a) The Dean of Faculty shall certify to the Registrar the final results in respect of each candidate in the Faculty after all authorities have carried out their functions and exercised any powers given them under these Rules.

- (b) Following certification of results by the Dean of Faculty these will be released at the direction of the Registrar.

Part X. REVIEW OF RESULTS

It is University policy that students may seek a Review of Results in final examinations. Final examinations include Central Examinations, Supplementary Examinations, Deferred Examinations and end of semester/end of year Departmental Examinations.

The University's minimum requirements to be applied in any such review are that marks originally given for each part of each question are consistent with the answer (as opposed to the Lecturer making a new judgement in isolation), that all sections have been marked, and that the aggregate marks for the paper were accurately compiled.

39. *Application for Review of Results in Central Examinations and End of Semester/End of Year Departmental Examinations*

The papers submitted by a candidate in any Central Examination, Supplementary Examination, Deferred Examination, end of semester/end of year Departmental Examination shall be reviewed on request lodged by the candidate with the Registrar not later than the date prescribed in the Calendar in the case of end of semester/end of year examinations, or within seven days of posting results in the case of Deferred or Supplementary Examinations, and on payment of a fee prescribed by the Council.

40. If, on review, a higher grade of pass or a pass in place of a failing grade is awarded to the candidate, the fee so paid shall be refunded.

Part XI. UNSATISFACTORY ACADEMIC PERFORMANCE

The following Rules 41 to 46 apply only to students who are registered in an approved course of study. Unregistered Students must apply for enrolment each year and their applications may be accepted or rejected by the Registrar on the recommendation of the relevant Head of Department.

41. *Probationary Enrolment*

A student shall be placed on probationary enrolment if either -

- (a) the student has in the most recent semester failed a subject which has been failed previously;
or
- (b) the student is on probationary enrolment and during that period of probationary enrolment has failed a subject which has been failed previously;
or
- (c) the student has a weighted grade average of less than 3.0 in the course in which he or she is enrolled, provided that the weighted grade average in the most recent semester was at least 1.00;

- or
- (d) the student has during an academic year undertaken as part of the QUT course two or more subjects from an external institution and has failed more than half of such external subjects.

For the purpose of Rule 41(a) and 41(b) a subject is uniquely identified by the subject code. Where a subject code has been changed to indicate a change in the Faculty or department responsible for the subject, the subject will be deemed to be the same subject for the purpose of Rule 41(a) and (b).

The Registrar shall notify all students who have been placed on probationary enrolment.

42. *Terms of Probationary Enrolment*

- (a) A student placed on probationary enrolment at the end of Autumn semester shall remain on probationary enrolment for the duration of the following Spring semester. A student placed on probationary enrolment at the end of Spring semester shall remain on probationary enrolment for the duration of the following Autumn and Spring Semesters.
- (b) If a student cancels or lapses enrolment while on probationary enrolment, any subsequent enrolment in that course shall be a probationary enrolment. For the purposes of Rule 43 the terms of probationary enrolment before and after the period of lapsed enrolment shall be counted as one period of probationary enrolment.
- (c) A student on probationary enrolment is required to enrol as the Head of Department directs.
- (d) The Registrar shall advise all students on probationary enrolment that they should discuss their progress with the Head of Department or his nominee.

43. *Exclusion*

- (a) At the end of each academic year, the Academic Board responsible for the course shall review the academic performance of each student enrolled in the course.
- (b) The Academic Board may exclude a student from further enrolment in the course if the student is eligible for a second or subsequent period of probation in the course.
- (c) The Academic Board may exclude a student from further enrolment in all courses or a specified group of courses offered by the Faculty if the student is eligible for probationary enrolment and either has had at least two periods of probationary enrolment in courses offered by the University or has been excluded from another course offered by the University.
- (d) On the recommendation of the Academic Board the Academic Assembly may exclude a student from further enrolment in all courses offered by the University if the student is eligible

for exclusion from a course under Rule 43(b) and also has been excluded previously from a course in another Faculty.

- (e) The Registrar shall notify all students who have been excluded under Rule 43(b), (c) or (d) by registered mail.

44. *Right of Appeal*

- (a) A student who is excluded under Rule 43 shall have the right of appeal to Council. All appeals against exclusion shall be lodged in writing with the Secretary of Council. Each letter of appeal must state the grounds and reasons for appeal and must be delivered or posted so as to reach the Secretary of Council within fourteen calendar days of the date appearing on the Registrar's letter advising the student of the exclusion.
- (b) Each appeal is forwarded in the first instance to the Academic Board which recommends to Council whether the appeal should be upheld or dismissed. Where the Academic Board recommends that the appeal be dismissed the appeal shall be considered by the Appeals Committee of Council, which shall recommend to Council whether the appeal should be upheld or dismissed.
- (c) When an appeal against exclusion is upheld, the student shall be placed on probationary enrolment for the remainder of the academic year under the terms set out in Rule 42.

45. *Readmission After Exclusion*

- (a) A student excluded under these Rules may apply for and be considered for readmission. Such readmission shall not take place until at least four semesters have elapsed since exclusion.
- (b) An application for readmission after exclusion shall be made in writing to the Registrar no later than two months prior to the commencement of the semester in which readmission is sought.
- (c) Applications for readmission shall be considered by the Academic Board responsible for the course from which the student was excluded. In considering applications the Academic Board may take into account changed circumstances, for example, academic and/or vocational performance since exclusion, maturity and motivation.
- (d) A student readmitted under these rules shall be placed on probationary enrolment for the remainder of the academic year under the terms set out in Rule 42.
- (e) At the end of the academic year, the Academic Board shall review the academic performance of each student readmitted to the course during that year. If a student has obtained a Weighted Grade Average since readmission of less than 3.50, the student may be excluded under Rule 43.
- (f) If the student is permitted under Rule 43(e) to proceed with the course, in subsequent years the student is subject to Rule

41. For the purposes of Rule 41, subjects failed prior to the period of exclusion and the Weighted Grade Average prior to the period of exclusion shall be taken into account.

46. Maximum Time in Which to Complete an Award

- (a) In order to obtain an award, the student must successfully complete the requirements for the award as specified in the rules for the course within a maximum number of calendar years as set out below:

Course - (Maximum Time)

Bachelor degree level courses (excluding combined degrees)
- (10 years)

Combined bachelor degree level courses - (11 years)

Diploma level courses (excluding post-basic nursing courses)
- (10 years)

Post-basic Nursing diploma courses - (4 years)

Associate Diploma level courses - (7 years)

Post-graduate Diploma level courses with normal duration of one year full-time, or two years part-time - (4 years)

Post-graduate Diploma level courses with normal duration of three years part-time - (5 years)

Master degree level courses (course work) - (6 years)

Master degree level courses (by research and thesis) as prescribed in relevant course rules

For the purposes of Rule 46, the length of time over which the student has acquired credit in the course is taken as the elapsed time in calendar years from the first day of the semester in which the student completed a valid semester of enrolment to the most recent subject attempted in the course, exclusive of exemptions granted, irrespective of periods of exclusion or periods of absence whether approved or not.

- (b) If the time over which the student has acquired credit in the course equals the maximum time specified in Rule 46(a), and the student has not completed the requirements for the award, the student shall be excluded from further enrolment in the course.
- (c) The Registrar shall notify all students excluded under Rule 46(b) by registered mail.
- (d) A student who is excluded under Rule 46(b) shall have the right of Appeal to Council. All appeals against exclusion shall be lodged in writing to the Secretary of Council. Each letter of appeal must state the grounds and reasons for appeal and must be delivered or posted so as to reach the Secretary of Council within 14 calendar days of the date appearing on the Registrar's letter advising the student of exclusion.

- (e) Each appeal is forwarded in the first instance to the Academic Board which recommends to Council whether the appeal should be dismissed or whether the student should be permitted to continue enrolment in the course for a specified period provided that the student undertakes such subjects, special examinations or other requirements as the Academic Board may determine to be appropriate in order for the student to complete the requirements of the award. Where the Academic Board recommends that the appeal be dismissed, the appeal shall be considered by the Appeals Committee of Council. If the Appeals Committee recommends that the appeal be upheld, the appeal shall be referred back to the Academic Board to determine the conditions under which the student may complete the course requirements. The recommendation of the Academic Board and/or the Appeals Committee shall be forwarded to Council for approval.
-

RULES RELATING TO THE APPEALS COMMITTEE

1. General

- (a) The Appeals Committee of Council will comprise -
Deputy Director (Chairman)
Three members of Council, one of whom shall be a student
Two academic staff from different Faculties appointed by the Academic Assembly
One student nominated by the QUT Union
Head of Counselling

- (b) The Committee will consider all appeals against the imposition of penalties under the provision of Rule 28(b), Rule 43 and Rule 46 of the University's General Examination Rules and will communicate its findings and recommendations in writing to Council for approval.
- (c) All appeals against the imposition of penalties under Rule 28(b), Rule 43 and Rule 46 of the University's General Examination Rules shall be lodged in writing with the Secretary of Council. Each letter of appeal must state the grounds and reasons for appeal and be delivered or posted so as to reach the Secretary of Council within fourteen (14) calendar days of the date appearing on the letter advising the students of the penalties imposed.

2. Appeals Under Rule 28

- (a) In reaching its findings and recommendations, the Committee shall have regard only to the following matters -
- (i) whether the original decision to exclude the candidate from the University was correct in terms of the provisions of General Examination Rule 28;

- (ii) whether the procedures set out in General Examination Rule 28 were properly carried out;
 - (iii) the severity or otherwise of the penalty imposed.
 - 2. *Appeals Under Rule 43 and Rule 46*
 - (a) An academic staff member on the Committee shall stand down from the Committee during the hearing of an appeal made by a student from the Faculty on which the staff member serves.
 - (b) In reaching its findings and recommendations, the Committee shall have regard only to the following matters -
 - (i) whether the penalty imposed under General Examination Rule 43 or Rule 46 complies with the provisions of that Rule and the policy of the relevant Academic Board in relation to that Rule;
 - (ii) whether the procedures set out in General Examination Rule 42 were properly carried out;
 - (iii) the severity or otherwise of the penalty imposed.
 - (iv) mitigating circumstances advanced by or on behalf of the student in the appeal.
-

RULES RELATING TO NON-RELEASE OF EXAMINATION RESULTS

1. Subject to the following Rules, the Registrar, acting on the recommendation of a Dean of Faculty, the Chief Librarian, the Computer Manager, the Bursar or other officer authorised by Council, may approve that a student's examination results for a specified semester or year not be published or released to the student. The student shall be advised in writing of the Registrar's decision.
2. A Dean of Faculty, the Chief Librarian, the Computer Manager, the Bursar or other authorised officer may recommend that a student's examination results not be published or released if, by the last day of a semester's examination period as prescribed in the University Calendar -
 - (a) the student fails to return to the University equipment which the student has borrowed from the University and which is overdue for return; or
 - (b) the student fails to meet a debt or obligation to the University where such class of debt or obligation has been deemed by the Council to warrant the non-release of examination results.
3. In these Rules the term 'equipment' means all physical stock including computer hardware and software, library books and other library materials.

4. The Registrar shall, upon receipt of advice from the Dean of Faculty, Chief Librarian, the Computer Manager, the Bursar, or other authorised officer that a student has returned all overdue items of equipment, made adequate restitution in lieu of the return of overdue equipment or met a debt or obligation to the University as defined in Rule 2(b) above, cause the student's examination results to be released as soon as is practicable.
 5. A student whose examination results have not been released, pursuant to a decision of the Registrar under these Rules, may appeal to the Vice-Chancellor against the decision of the Registrar. The appeal, setting out the grounds and reasons therefore, must be made in writing and be lodged with the Vice-Chancellor not more than fourteen days after the date appearing on the letter advising the student of the Registrar's decision.
 6. The Vice-Chancellor shall consider the appeal, making such enquiries as he or she deems necessary, and shall advise the student in writing of the results of the appeal.
-

QUEENSLAND UNIVERSITY OF TECHNOLOGY LIBRARY RULES

1. Authority of Chief Librarian
2. Library Usage
 - (a) Entitled Users etc.
 - (b) Hours of Opening
 - (c) Rules for General Conduct
 - (d) Borrowing Responsibilities
 - (e) Loans
 - (f) Limited Access Collection
 - (g) Non-Loanable Materials
3. Penalties etc.
 - (a) General
 - (b) Reprimand
 - (c) Fines for Late Returns
 - (d) Loss of Borrowing Rights
 - (e) Lost Library Material
 - (f) Exclusion
4. Appeals
5. Library Copying and Copyright
6. Notices
7. Schedule of Service Charges

QUT MAIN LIBRARY RULES

1. *Authority of the Chief Librarian*

The Library shall be administered by the Chief Librarian. Subject to the overall control of the Vice-Chancellor and the University Council, the Chief Librarian shall -

- (a) Prescribe the procedures to be followed by Library users;
- (b) Exercise disciplinary authority with respect to the behaviour of users of the Library;
- (c) Exercise disciplinary authority with respect to the preservation, consultation and loan of library materials.

2. *Library Usage*

(a) *Entitled Users*

- (i) Subject as below, the Chief Librarian may permit any person to use any facility of the Library and determine the conditions under which such use is permitted. Failure to comply with any such conditions shall be a breach of these Rules.
- (ii) The following are entitled to use the Library for study and research -
 - Students of the University;
 - Staff of the University;
 - Members of the University Council;
 - Special users who are -
 - reciprocal users (as defined in written agreements with QUT);
 - any other person or group approved by the Chief Librarian.
- (iii) The Chief Librarian may make a charge to any user or users for library materials, services or other facilities, in accordance with the Schedule of Charges attached to these Rules. Any amendment to the Schedule of Charges is to be approved by the Vice-Chancellor and the University Council.
- (iv) Any person entitled or given approval to use any facility of the Library may be required to complete and sign a registration card undertaking to comply with the Rules.
- (v) Any person entitled or given approval to use any facility of the Library, and wishing to do so, must obtain a QUT Library Membership Card or a QUT Identity Card, whichever is appropriate.

(b) *Hours of Opening*

The hours during which the Library shall be open shall be prescribed by shall be open shall be prescribed by the Chief Librarian, subject to the approval of the Vice-Chancellor,

and posted at the entrance to the Library. Prior notice through normal University channels will be given of any change in the hours of opening.

(c) *Rules for General Conduct*

- (i) No person shall in the Library behave in a manner which, in the reasonable opinion of any Librarian on duty, is not a proper manner and a proper use of the Library, or which interferes with the comfort or convenience of, or the use of the Library by other persons.
- (ii) No person may eat or drink in the Library except in such areas as are specifically set aside by the Chief Librarian for any of these purposes. No animals may be brought into the Library.
- (iii) Bags, cases or other material may be brought into the Library, but must be offered for inspection on leaving the Library if requested by a member of the Library staff.
- (iv) No person may reserve a seat in a general reading area, except in Closed Carrels. Articles left unattended in the Library for more than 30 minutes may be removed by Library staff. The University, Chief Librarian and Library staff shall have no responsibility for personal belongings left in the Library.
- (v) An atmosphere of quiet must be maintained in the Library so that it is at all times a place conducive to independent study and quiet reading. Silence must be kept in the main reading areas and conversation restricted to the Seminar rooms and other specified areas.

(d) *Borrowing Responsibilities*

- (i) A current Identity Card is necessary for borrowing Library materials and should be carried at all times.
- (ii) A borrower is responsible for safe-keeping and return of the materials borrowed by him or her from the Library.
- (iii) All borrowers must complete the appropriate procedures for each item borrowed.
- (iv) All items on loan must be returned on or before the last date stamped on the date due slip or where appropriate, before the expiration of a recall notice.
- (v) Names of borrowers will not be revealed without the borrower's consent.
- (vi) Borrowers are responsible for notifying the Library of any change of address.

(e) *Loans*

- (i) Restrictions may be placed on the number of items

which a user may have on loan at any one time.

(ii) *Books*

The usual loan period for books is four (4) weeks, normally renewable once. From time to time, certain items may be placed in the Limited Access Collection (i.e. for use only in the Library) or on Short Term Loan (i.e. for a one (1) week non renewable loan period).

In addition, loan periods for certain items may be adjusted in accordance with patterns of use in an effort to ensure equitable distribution.

(iii) *Extended Book Loans*

With the approval of the Chief Librarian, full-time academic staff may borrow, for one extended period only, books required in the planning of courses or subjects. Requests for extended loans must be submitted in writing. Extended loans will not be renewed. Extended loans normally will be from 1st December to 31st July of the following year, or from 1st June to 30th November of the same year.

(iv) *Periodicals*

Unbound issues of periodicals (other than current issues or issues on display) may be borrowed by staff for one week. Loans of periodicals are not renewable. Monographic Series (e.g. *Advances in . . .*) may be borrowed by staff and students for one week. Loans of Monographic Series are not renewable.

(v) *Audio-Visual*

Most types of audio-visual materials, with the exception of films and video, may be borrowed for two (2) weeks by staff and students.

Films and video may be borrowed by staff only for a period of one (1) week.

Audio-visual loans are not normally renewable.

(f) *Limited Access Collection*

(i) Only QUT students and staff and other persons approved by the Chief Librarian may use the Limited Access Collection.

(ii) No items borrowed from the Limited Access Collection may be removed from the Library, except as specified in Clause 2(f)(iv) below.

(iii) The Normal loan period is two (2) hours which is renewable if demand permits. Overnight loans are permitted from half an hour before closing time until half an hour after opening time the next day.

(iv) Students and staff must leave their QUT Identity Card as a deposit before being permitted to remove any item from the Limited Access Collection.

(g) *Non-Loanable Materials*

Non-loanable materials are as follows -

- (i) Reference works;
- (ii) Maps and Charts;
- (iii) Theses;
- (iv) Bound volumes of periodicals;
- (v) Newspapers;
- (vi) Other designated special collections.

3. *Penalties etc.*(a) *General*

- (i) A charge under these Rules shall be a debt to the University.
- (ii) Subject as below, penalties ie. reprimand, fines, withdrawal of borrowing privileges, exclusion from the library or other specified sanction, for breaches of these Rules may be imposed by the Chief Librarian on any user.
- (iii) Penalties (as specified in 3(a)(ii) above) may be waived by the Chief Librarian in special circumstances.
- (iv) The Registrar, acting on the recommendation of the Chief Librarian, may refuse to publish or release a student's examination results for a specified semester or year when the student fails to return a borrowed item which is overdue or fails to meet a debt to the University.

(b) *Reprimand*

Failure to observe these Rules may incur a reprimand from the Chief Librarian or the Senior Librarian on duty, together with a warning against repetition of the offence.

(c) *Fines for Late Returns*

- (i) *All loans other than Limited Access or Short Term Loans*
 - When a item is overdue, an overdue notice will be sent to the borrower;
 - If an item is returned late, a fine will be imposed at the rate of 25c. for each day that the item is overdue from the date due, up to a maximum of \$25.00.
- (ii) *Limited Access Collection Loans*

A fine of 50c. per hour will be imposed for each hour or part thereof that an item is late, up to a maximum of \$25.00.
- (iii) *Short Term Loans*

A fine of 50c. per day, per item, will be imposed for each day the item is late, up to a maximum of \$25.00.

(d) *Loss of Borrowing Rights*

A user's borrowing rights may be withdrawn if one item or more is overdue. Once borrowing rights have been removed they will not be restored until the overdue item/items are returned and the accrued fines are paid.

(e) *Library Material Lost or Damaged in the Care of the Borrower*

(i) *Lost Material*

If an item appears to be lost, the loss must be reported to the Lending Services Desk Clerk or the Lending Services Librarian. If an item is not returned within 5 weeks of the date stamped on the due date slip, the item is presumed lost. If after a reasonable search by both Librarian and borrower the item cannot be found and proof of return cannot be shown, the borrower shall be responsible for the replacement cost plus a processing charge of \$10.00 per item, up to a maximum of \$100 per item, to be paid within 14 days of date of notification.

(ii) *Damaged Material*

If an item is returned from loan damaged, the borrower shall be responsible for its replacement cost, whether of the whole or part of the item, together with a processing charge of \$10.00 up to a maximum of \$100.00 per item, to be paid within 14 days of notification.

(f) *Exclusion*

- (i) Any person who fails to observe these Rules or who disfigures or damages any document or other Library facility may be excluded from the Library for up to one semester and shall be responsible for any damage caused.

4. *Appeals*

- (a) Any person upon whom a penalty (as defined in 3(a)(ii) hereof) has been imposed may, within fourteen (14) days of the imposition, challenge the imposition of the penalty and/or appeal against the imposition of the penalty, and any action which may be taken under Section 3 will be suspended pending determination of the challenge or appeal.
- (i) Any challenge or appeal should in the first instance be made in writing to the Registrar.
- (ii) An appeal against a decision of the Registrar must be made in writing within seven (7) days to the Vice-Chancellor.
- (iii) On appeal, the Registrar or the Vice-Chancellor, as the case may be, if there are extenuating or exceptional circumstances, may allow the appeal or reduce or waive the penalty.

5. *Library Copying and Copyright*

(a) *Permissible Copying*

Unless otherwise permitted by the Copyright Act 1968, unauthorized copying of a work in which copyright subsists may infringe the copyright in that work. A copyright owner is entitled to take legal action against a person who infringes his or her copyright.

Under Section 40 of the Copyright Act 1968, it is a fair dealing to make a single copy, for the purpose of research or study, of one or more articles on the same subject matter in a periodical publication or, in the case of any other work, of a reasonable portion of a work. In the case of a published work that is of not less than 10 pages and is not an artistic work, 10% of the total number of pages, or one chapter, is a reasonable portion.

Certain University copying facilities are designated as 'multiple copying facilities'. These 'multiple copying facilities' are situated within the University Library, the Printing Centre and the Faculty of Law only and specifically identified on an adjacent notice.

(b) *Non-Copyright Material*

There is no restriction on the copying of non-copyright material. Aside from personal papers, readers may be required to establish that the copies they have made are non-copyright matter. In some cases a statement is made on a publication permitting copying. Otherwise readers should assure themselves BEFORE making copies that they have the necessary authority OR are acting within the meaning of the Copyright Act 1968.

6. *Notices*

Any notices to be given to a person under these Rules shall be deemed to be sufficiently given if sent to him or her by mail at his or her address registered with the Library and shall be deemed to have been received by the person to whom it is addressed in the ordinary course of the post.

7. *Schedule of Service Charges*

Service	User Category	Conditions
1. Literature (Citation) Searching on online systems	QUT Staff	No charge, subject to the search being for QUT teaching or QUT supported research.
(a) Comprehensive	QUT Postgraduates	No charge, provided searches approved by the Head of Department as being an essential part of a program of study.
	QUT Undergraduates	If engaged in major project as for postgraduates. Otherwise, as for non QUT
	Non-QUT	<i>Overseas databases</i> - \$7.00 per minute of keyboard time plus print costs. <i>Australian databases</i> - \$5.00 per minute of keyboard time, plus print costs.
(b) Limited	QUT Staff and students	\$15.00 per search (minisearch) \$30 per search (basic search)
2. Numeric data searching on online systems	QUT staff and students (as in 1(a))	No charge, subject to the search being for QUT teaching or QUT supported research
	Non QUT	\$35.00 base charge plus \$7 per minute keyboard time and offline plot costs
3. Manually prepared Bibliographies	QUT staff and students	No charge, subject to the search being for QUT teaching or QUT supported research
	Non QUT	By negotiation (based on preparation time)
4. (a) Loans (other than films) from QUT	QUT staff and students	No charge
	QUT Graduates	\$15.00 per year
	Non QUT individuals	\$20.00 per year
	Companies (up to 3 borrowing)	\$50.00 per year
(b) Loans (film)	QUT staff - teaching purposes	No charge
	QUT staff - Continuing Education & Consultancy	\$25

	Other specified tertiary institutions	Reciprocal Arrangements
	Other organisations	\$25
	QUT students	Not available
	Non QUT individuals	Not available
(c) Obtaining materials held by QUT Library	QUT staff	Services provided in special circumstances
	QUT students	Cost subject to negotiation
	Non QUT	\$6 per item
(d) Obtaining materials not held by QUT Library	QUT staff	No charge, subject to loan being for QUT teaching or QUT supported research
	QUT students	No charge. (Request must be supported by supervising academic staff member)
	Non QUT	\$10.00 plus costs for first request, \$5.00 plus costs for each subsequent
(e) Loans (film) from other collections	QUT staff - teaching purposes	No charge
	QUT staff - Continuing education & Consultancy	\$25 plus costs
	QUT students	Not available
	Non QUT	Not available
5. Online access to QUT Library data base	QUT staff and students	No charge subject to access being for QUT teaching or QUT supported research
	Non QUT	\$20 per hour connect time
6. Other services		
(a) Workspace facilities	QUT staff and students	No charge, provided room is wanted for QUT teaching or QUT supported research
	Non QUT	Charge per half day at discretion of Chief Librarian
(b) Displays	QUT staff and students	No charge for displays time to QUT teaching or QUT supported research
	Non QUT	By negotiation

FACULTY OF LAW LIBRARY RULES

1. *Definition*

In these rules the word 'Library' means the Law Faculty Library.

2. *Administration*

The Library shall be administered in accordance with these Rules by the Law Faculty Librarian under the direction of the Dean of the Faculty of Law.

3. *Reference Library*

The Library shall be a reference Library and, except in the case of material required for use in a Law Faculty Moot, or in any case approved by the Dean of the Faculty of Law, Library material or equipment shall not be removed from the Library.

4. *Hours of Opening*

The hours during which the Library shall be open shall, after consultation with the Chief Librarian, be prescribed by the Dean of the Faculty of Law, subject to the approval of the Vice-Chancellor, and shall be posted at the entrance to the Library. Prior notice shall be given of any change in the hours of opening.

5. *Library Users*

(a) The following persons shall be entitled to use the Library for study and research -

- (i) students of the University;
- (ii) staff of the University;
- (iii) members of the Council of the University;
- (iv) any other person approved in advance by the Dean of the Faculty of Law.

(b) Any person seeking approval to use the Library under Rule 5(a)(iv) must apply in writing to the Dean of the Faculty of Law.

(c) Any person wishing to use the Library must possess a QUT identity card or the written approval of the Dean of the Faculty of Law, whichever is appropriate, and must produce such card or approval upon request by the person on duty at the Reader Assistance desk.

6. *Conduct of Library Users*

(a) Briefcases and bags must not be taken into the Library. On leaving the Library, all material shall be offered for inspection at the request of the person on duty at the Reader Assistance desk.

(b) No person shall reserve a seat in the Library except in the discussion rooms. Articles left unattended in the Library for more than one hour may be removed by any member of the staff on duty in the Library.

(c) No person shall use more than five items of Library material at any carrel or table at a time.

- (d) Neither the Council of the University nor any of its employees shall be responsible for the safekeeping of personal belongings of Library Users.
- (e) No person shall smoke, eat or drink in the Library.
- (f) No person shall in the Library conduct himself in a manner which, in the opinion of the Law Faculty Librarian, the Assistant Librarian or the person on duty at the Reader Assistance desk, is not a proper manner and a proper use of the Library, or which interferes with the comfort or convenience of, or the use of the Library by, other persons.
- (g) No person shall mark, deface or otherwise damage or destroy any Library material, equipment, furniture or other property, or any part of the Library.

7. *Limited Access Collection*

Subject to Rule 3, a person entitled to use the Library may, upon application to the person on duty at the Reader Assistance desk and upon surrendering his QUT identity card or the written approval referred to in Rule 5(c), whichever is appropriate, as a deposit, use not more than two items from the Limited Access Collection for up to two hours at a time.

8. *Moots*

In the case of a Law Faculty Moot, authorised by the Dean of the Faculty of Law, the Law Faculty Librarian or the Assistant Librarian may allow material to be removed from the Library for use in such Moot.

9. *Copying and Copyright*

No person shall use any photocopier in the Library for a purpose which infringes copyright under the Copyright Act, 1968 (Cth). (The relevant sections of such Act are posted near each photocopier and a copy of the Act may be obtained on application at the Reader Assistance desk).

10. *Penalties*

- (a) Any person who commits a breach of any of Rules 3, 5, and 6 may be reprimanded and warned against repetition of the breach, and/or excluded from the Library for a specified period not exceeding seven days, by the Law Faculty Librarian, the Assistant Librarian or the person on duty at the Reader Assistance desk.
- (b) Any person who commits a breach of Rule 7 may be reprimanded and warned against repetition of the breach, and/or his privilege of using items from the Limited Access Collection may be withdrawn for a specified period not exceeding seven days, by the Law Faculty Librarian, the Assistant Librarian or the person on duty at the Reader Assistance desk.
- (c) Any person who marks, defaces or otherwise damages, or

destroys, any Library material, equipment, furniture or other property, or any part of the Library shall be liable for the cost of making good the damage or replacing the property, such cost to be determined by the Law Faculty Librarian.

- (d) Any person who imposes any penalty under Rule 10(a), (b) or (c) must, as soon as practicable thereafter, notify the Dean of the Faculty of Law in writing.

11. Appeals

- (a) Any person who is excluded from the Library or whose privilege of using items in the Limited Access Collection is withdrawn or who is liable for the cost of making good damage or replacing property under Rule 10 may, within seven days thereafter, appeal to the Dean of the Faculty of Law against the penalty, whereupon the penalty shall be suspended pending the determination of the appeal.
 - (b) On such an appeal as is provided for by Rule 11(a) the Dean of the Faculty of Law may allow the appeal or dismiss the appeal or reduce or waive the penalty.
 - (c) Any person who is excluded from the Library or whose privilege of using items in the Limited Access Collection is withdrawn or who is liable for the cost of making good damage or replacing property under Rule 10 who appeals to the Dean of the Faculty of Law and is dissatisfied with the decision of the Dean of Faculty may, within seven days thereafter, appeal to the Vice-Chancellor against such decision, whereupon the penalty shall be suspended pending the determination of the appeal.
 - (d) On such further appeal as is provided for by Rule 11(c) the Vice-Chancellor may allow the appeal or dismiss the appeal or reduce or waive the penalty.
-

STUDENT GUILD FEE RULES

1. Interpretation

In these Rules unless the context otherwise indicates or requires:

'Full-time Student' means a student, including a member of staff of the University, who is enrolled at the University as a full-time student or such other person or persons as the council may from time to time determine.

'Part-time Student' means a student, including a member of staff of the University, who is enrolled at the University as a part-time student or such other person or persons as the council may from time to time determine.

'Sandwich Student' means a student, including a member of staff of the University, who in a particular academic year is enrolled at the University on the basis of attendance on a full-time basis for

one of two semesters, and is required to undertake specified practical training, with or without, part-time study for the remaining semester.

'*Guild Fees*' means such fees as may be prescribed by the Council for membership of the Queensland University of Technology Student Guild.

'*Enrolment*' means application for registration as a student of the University, and includes both New Enrolments and Re-enrolments.

2. *Fees to be Paid*

Unless the Council otherwise directs, Guild Fees shall be paid at the time of submitting an enrolment or re-enrolment, on or before the following dates:

- (a) in the case of a student applying for re-enrolment or of a student applying for enrolment for the first time in a post-graduate course by the date indicated in the University Calendar.
- (b) in the case of a student applying for enrolment for the first time in a bachelor degree, diploma, or associate diploma course -by the date specified on the Acceptance of Offer Form forwarded to the student.

3. *Consequences of Non-payment*

- (a) If Guild Fees payable by a student have not been paid at the time of lodging an enrolment, the Registrar may refuse to accept such enrolment.
- (b) Any student whose enrolment is not accepted under the provisions of Sub-Rule (a) of this Rule may re-apply for enrolment, up to and including the final date for submission of late enrolments as specified in the University Calendar, subject to the conditions specified in Sub-Rule (a) of this Rule.
- (c) Without limiting the effect of Sub-rule (a) of this Rule, a student who has not paid all Guild Fees due and payable by him and who satisfies the Registrar that he is unable to make payment by the date specified for fees to be paid, may be granted an extension of time in which to pay such fees, and may have his enrolment accepted, subject to his agreeing to pay all fees not later than the extended date indicated by the Registrar.
- (d) Where a student has lodged an enrolment with the Enrolments Section of the University and Guild Fees due and payable by the student have only been paid in part, the Registrar may refuse to accept or process such enrolment, unless the balance of fees, notified to the student on a Fee Payment Form, have been paid by a date determined by the Registrar and notified to the student.
- (e) Without limiting the effect of any of the preceding Sub-Rules of this Rule, if Guild Fees payable by a student remain unpaid within five weeks of the commencement of the first

semester of the academic year in respect of which they are payable, the Registrar may cancel such student's enrolment at any time thereafter.

4. *Refund of Fees on Voluntary Cancellation of Enrolment*

A student who not later than six weeks after the first day of a semester gives proper written notice to the Registrar of withdrawal of his enrolment shall be entitled to a refund of the Guild Fees. Such refund shall be made by the University on behalf of the QUT Student Guild upon the surrender of any current QUT Student Card.

SCHEDULE OF CHARGES AFFECTING STUDENTS

1. *Guild Fees*

Full-time students	\$100.00 p.a.
Part-time internal students	\$50.00 p.a.
Part-time external students	\$7.00 p.a.
Sandwich course students	\$50.00 p.a.
All other members	\$50.00 p.a.

An unregistered student shall be required to pay the appropriate full-time or part-time fee corresponding to his attendance status.

A student undertaking a thesis only shall be required to pay the appropriate full-time or part-time fee corresponding to his attendance status.

2. *Admission, Enrolment and Examination: Council has approved the following Schedule of Charges -*

Late lodgement of Enrolment Application - for applications received after the closing date set out in the University Calendar	\$30.00
Charge for adding a subject to study program or substituting one subject for another in study program after the final date for additions and substitutions set out in the University Calendar	\$20
Refundable Deposit for review of Special Consideration decision	\$20.00
Review of Examination Results	\$6.00 per paper with a maximum of \$12 per subject

Statement of Academic Record

Each student shall be entitled to receive an official statement of Academic Record free of charge at the time of graduation.

Statements supplied at any other time	\$5.00 per copy
Re-Issue of Identity Card	\$3.00

Charge for obtaining a student identity card (other than a reissue) after March 30	\$10
(this charge will be waived for students who do not enrol until Spring Semester)	
Re-Issue of Award Certificate	\$15.00
Re-Issue of Receipt for fees paid	\$2.00

3. *Deposit System for Use of Laboratory Facilities*

- (a) A student enrolled in any subject included in the 'Schedule of Subjects relating to Laboratory Deposits' which the Registrar may vary from time to time, shall deposit \$50 for the use of laboratory facilities.
 - (b) A student shall be required to pay only one deposit irrespective of the number of such subjects included in an enrolment.
 - (c) At the end of the year the deposit shall be refunded to the student less the cost of any breakages which have not been made good.
-

PARKING REGULATIONS

Council has approved regulations relating to the parking of motor vehicles on campus.

- (a) A member of staff or a student shall not be permitted to park a vehicle within the grounds of the University unless such person has previously made application for a parking permit and this permit has been granted.
 - (b) The privilege of parking within the grounds shall be subject to such conditions as may be imposed at the time the permit is issued to the applicant.
 - (c) An application for permission to park a vehicle within the grounds of the University shall be made on a form prescribed and available at the University Security Office.
 - (d) For a breach in the parking of a vehicle the Vice-Chancellor may revoke the permit for a specified period or for the remainder of the academic year.
 - (e) For a breach by a person not possessing a parking permit in the parking of a vehicle, the Vice-Chancellor may arrange for the vehicle to be removed from the grounds of the University and the person shall be required to pay the cost of such removal.
-

Articulation between QUT and Queensland TAFE Courses

ARTICULATION BETWEEN QUT AND QUEENSLAND TAFE COURSES

The growth of the tertiary sector in Queensland is dependent upon the continuance of the education of people who can contribute to the needs of society. Associate Diploma students from TAFE and other tertiary institutions, as well as certain TAFE Certificate students, are encouraged to continue their studies at degree and diploma level at QUT. To ensure that prior studies are given adequate recognition, QUT has reviewed its policies on both the admission of and exemptions given to TAFE applicants. The review process is dynamic and both Queensland TAFE and QUT will continue to monitor the progress of students admitted to QUT courses and the credit given to such students based on previous TAFE studies.

1. *Entry to QUT*

All applicants must apply through the Queensland Tertiary Admission Centre by the closing date. Entry to all QUT courses is on the basis of competition and quota restriction applies equally to Grade 12 students, Certificate and Associate Diploma holders. QUT publishes Tables in its Admissions Procedures Book which indicates the Selection or Notional Tertiary Entrance Score that will be given to applicants with Certificate and Associate Diploma studies. These tables are based on performance. The better the grades achieved the better the chance applicants have of negotiating QUT quotas.

Entry is also dependent upon applicants having appropriate pre-requisite subjects within their background. This means that an applicant for a degree in engineering at QUT usually would have appropriate pre-requisites if the previous course of study was in the field of engineering but would not necessarily meet the pre-requisites by holding an Associate Diploma in Business. The engineering Associate Diploma holder would usually be eligible for a degree in business at QUT, as would usually the holder of an Associate Diploma in Business. In any case, placement in the QUT course would still be dependent upon negotiating the quota. The quota cut-off level of the previous year's intake is published in the QUT's 'Admission Procedures' Book.

2. *Credit for Previous TAFE Associate Diploma*

Once a student has gained a place in the quota through QTAC, credit is given to the student based on previous study undertakings. QUT Faculty Boards have looked at TAFE Associate Diploma syllabi and have determined appropriate levels of credit from QUT courses based on the content of the TAFE subjects. Initially, credit will only apply to applicants who have completed all of the TAFE course. QUT Faculties have adopted varying attitudes towards the amount of credit that will be given for previous courses and as indicated above the level of credit will be reviewed over time.

3. Specific Credit Given at QUT for Completed TAFE Courses

TAFE Course

QUT Course Equivalent

Built Environment Area

CNJ74 Associate Diploma of Applied Science - Architectural Technician

ARJ192 Bachelor of Architecture
Block exemption Semesters 1 and 2
BTJ227 Bachelor of Applied Science
- Built Environment
Block exemption Semester 1

CNJ45 Associate Diploma of Applied Science - Building

BGJ201 Bachelor of Applied Science
- Building
Exemption from subjects:
BGB151, 152, 251, 141, 241, 242, 243,
BGB340, 345, 405,
MAB297, CMB134, SVB101

Business Studies Area

Associate Diploma of Business:

CNJ13 General
CND71 Accountancy
CND25 Computing
CND74 Management
CND93 Marketing
CND97 Purchase and Supply
CND99 Transport Administration
CNC54 Operations Management
CNL04 Aboriginal and Torres Strait
Islander Administration

Bachelor of Business:

ACJ151 Accountancy
CMJ153 Communication
MNJ152 Management
MNJ154 Public Administration
MNJ179 Health Administration

The Faculty of Business must accredit individual programs before granting credits. However, the faculty may give exemptions to the extent of one year of full-time study drawn from either core, specialist or elective subjects. Credit may not be claimed for more than half of any specialist/strand area. The granting of any exemption will be conditional upon the meeting of any pre-requisite material contained in other subjects.

Computing/Information Management Area

CND25 Associate Diploma of Business
- Computing including subjects:
TSM128, 892, 893, 856, 503

ISJ210 Bachelor of Business
- Computing
CSJ128 Bachelor of Applied Science
- Computing
Block exemption from all subjects of
the common first year.

Engineering Area

Associate Diploma of Engineering
CN548 Coal Mining
CN420 Electrical and Electronics
CNG61 Electrical Systems
CN759 Mechanical

Bachelor of Engineering
CEJ156 Civil Engineering
EEJ157 Electrical Engineering
MEJ158 Mechanical Engineering

Application will have to be made for credit from individual subjects but in general exemptions will be given for up to one full-time year of study.

Engineering Area (cont.)

Preparatory Courses

CN649 Engineering Bridging Course
(completion of bridging course guarantees entry to engineering associate diploma at QUT)

Associate Diploma Courses

CEL187 Associate Diploma in Civil
Exemption from subjects MET120, 141,
CET135, EET790, SVT306
plus 1 elective

EEL188 Associate Diploma in Electrical
Exemption from subjects MET101, 600,
MET601, 201, CST390, EET111, 211

MEL189 Associate Diploma in
Mechanical

Exemption from subjects MET120, 220,
MET140, 250, 210, 310

Science Area

Associate Diploma of Applied Science

CN440 Geology
CN654 Primary Metallurgy
CN758 Sugar Technology
CNK82 Hydrology

Bachelor of Applied Science

ASJ226 Bachelor of Applied Science
with majors in biology, chemistry,
biochemistry, microbiology, geology,
mathematics, physics

Credit may be given to the equivalent
of one year of full-time study. Exemption
will be on a subject by subject
basis.

Academic Board and Committees

LAW ACADEMIC BOARD

Chairman:	Mr T E Cain
Members:	Mr A J Chay, Mr B J Conrick, Mr S G Corones, Ms I T Davies, Mr W D Duncan, Mr D G Gardiner, Mr J K de Groot, Ms T C M Hutchinson, Mrs N M L'Estrange, Mrs C A C MacDonald, Mr R J Sibley, Mr I A Wilson, one full-time LL.B. student representative, one part-time internal LL.B. student representative, one part-time external LL.B. student representative.
Ex-Officio:	Deputy Director Dean, Faculty of Built Environment Dean, Faculty of Business Dean, Faculty of Engineering Dean, Faculty of Health Science Dean, Faculty of Information Technology Dean, Faculty of Science
Co-opted:	Chief Librarian

COURSE ASSESSMENT COMMITTEES

LL.B. COURSE

Mr T E Cain (Chairman)	Dean, Faculty of Law
The Hon. Mr Justice T F Shepherdson	LL.B.(Qld)
Mr R R Douglas	LL.B.(Qld), QC
Miss S M Kiefel	LL.M.(Cantab), Q.C.
Mr M W D White	B.Com., LL.B.(Qld), Barrister
Mr J R Thomson	Solicitor
Mr W T Purcell	Solicitor
Mr D P Spence	BA, LL.M.(Qld), Solicitor
Mr K M O'Shea	Solicitor, Acting Crown Solicitor
Mr I D Alfredson	LL.B.(Qld)
Mr W A Lee	BA(Manc), LL.B.(Lond), Solicitor (England & Wales), Reader in Law, University of Queensland
Associate Professor A G Lang	LL.M.(Syd), Solicitor (NSW), Macquarie University
Mr D G Gardiner	Principal Lecturer in Law

LEGAL PRACTICE COURSE

Mr T E Cain (Chairman)	Dean, Faculty of Law
The Hon. Mr Justice T F Shepherdson	LL.B. (Qld)
Mr R R Douglas	LL.B.(Qld), QC
Mr M W D White	B.Comm., LL.B.(Qld), Barrister
Mr W H Tutt	Solicitor
Mr W T Purcell	Solicitor
Mr D P Spence	BA, LL.M.(Qld), Solicitor
Mrs M M L Forde	LL.B.(Qld), Solicitor
Mr K M O'Shea	Solicitor, Acting Crown Solicitor
Mr I D Alfredson	LL.B.(Qld)
Mr W A Lee	BA(Manc), LL.B.(Lond), Solicitor (England & Wales), Reader in Law, University of Queensland

Mr C J Roper	BA(Melb), LL.B.(Syd), BD(MCD), Barrister and Solicitor (Vic), Head, School of Practical Legal Training, Kuring-gai C.A.E.
Mr J K de Groot	Principal Lecturer in Legal Practice

LLM. COURSE

Mr T E Cain (Chairman)	Dean, Faculty of Law
The Hon. Mr Justice J.E.J. Spender	B.A., B.Sc., LL.B.(Qld), LL.M.(Lond)
The Hon. Mr Justice K.W.Ryan	C.B.E., B.A., LL.B.(Qld), Ph.D.(Cantab)
Mr C.E.K. Hampson	A.O., R.F.D., Q.C., B.A. LL.B.(Qld), B.C.L.(Oxon)
Mr R S Ashton	LL.B.(Qld), LL.M.(Br.Col), Solicitor
Mr R G Hancock	LL.M.(Qld), Solicitor
Mr K M O'Shea	Solicitor, Acting Crown Solicitor
Mr I D Alfredson	LL.B.(Qld)
Professor C.S. Phegan	B.A., LL.M.(Syd), LL.M.(Mich)
Professor K.C.T. Sutton	B.A., LL.M.(NZ), Ph.D.(Melb), Ph.D.(Qld), LL.D.(Qld)
Mrs C A C MacDonald	Principal Lecturer in Law

LEGAL PRACTICE CONSULTATIVE SUB-COMMITTEES

Accounting and Office Management

Mr D L F Austin, Trust Accounts Inspector,
Queensland Law Society Inc.

Administration of Estates

Mr J K de Groot, Principal Lecturer in Legal
Practice (Chairman)
Mr G Lanham of Morris, Fletcher & Cross
Mr P Wilson of Thynne & Macartney

Civil Litigation (including Advocacy)

Mr G A Murphy of M.G. Lyons & Co. (Chairman)
Mr M A Miller of Quinlan, Miller & Treston
Mr G V Skelly of W T Purcell, Chadwick &
Skelly
Mr P A Grant, Barrister-at-Law
Mr R R Douglas, Barrister-at-Law

Commercial Law Practice

Mr G J Vickery of Cannan & Peterson (Chairman)
Miss E Feros of Feez Ruthning
Mr J P Kelly of Chambers, McNab, Tully &
Wilson
Mr J Lobban of Blakes

Company Practice

Mr A J Jolly of T W Biggs & Biggs
Mr L Baggott of Morris, Fletcher & Cross

Conveyancing (including Searches and Stamping)

Mr M R Lockhart of Flower & Hart (Chairman)
Mr R S Gregory of Morris, Fletcher & Cross

Creditors' Remedies and Insolvency

Mr N B Roberts of Morris, Fletcher & Cross
(Chairman)

Criminal Practice (including Advocacy)

Mr J M Robertson of Robertson O'Gorman
(Chairman)
Mr R R B Campbell-Brewer, Barrister-at-Law
Mr J A Griffin, Q.C.
Mr A J Rafter, Barrister-at-Law

Family Law Practice

Mr P R Theobald, Barrister-at-Law (Chairman)
Ms D Clarke of Legal Aid Office (Queensland)
Mr K Feeney of Robertson O'Gorman

Leases (including Commercial Leases)

Mr A N Dutney of Cannan & Peterson (Chairman)
Mr R P Clarke of Morris, Fletcher & Cross
Mr M J D Meadows of Flower & Hart
Mr P L Cooper of Cooper, Grace & Ward

Securities

Mr A W Watt of Morris, Fletcher & Cross
(Chairman)
Mr J N Gallimore of Feez Ruthning

Tax Planning (including Estate Planning)

Mr D G Cominos of Henderson Trout (Chairman)

Industrial Relations (including Workers' Compensation)

Mr W H Tutt of W H Tutt & Co. (Chairman)

Insurance

Mr R S Ashton of Morris, Fletcher & Cross
(Chairman)

Legal Aid

Mr B B Smith, Director, Legal Aid Office,
Queensland (Chairman)

Legal Drafting

Mr A Millhouse of Feez Ruthning (Chairman)
Mr A E Knox of Feez Ruthning
Mr J N Gallimore of Feez Ruthning

Legal Interviewing and Communication

Mr R Finney

Legal Profession and Professional Conduct

Mr G B Gargett of Chambers McNab, Tully &
Wilson (Chairman)
Mr G A Murphy of Lyons

Specialised Services (Accountant, Surveyors, etc.)

Mr J S P O'Keefe of Chambers, McNab, Tully &
Wilson

Town Planning

Mr P R Macgregor of P R Macgregor & Bayly
(Chairman)
Mr M Heiner of Heiner & Doyle

Trade Practices and Consumer Protection

Mr A E Brown of Andrew Brown & Associates
(Chairman)
Mr D Schulz, Trade Practices Commission

Computers and the Law

Mr J K de Groot, Principal Lecturer in Legal
Practice (Chairman)
Mr R P Clarke of Morris, Fletcher & Cross
Mr R D Clarke of Clarke & Kann

Staff

STAFF

Dean: T E Cain, AM, MA(Oxon), Barrister (Inner Temple and Queensland).

Secretary: Ms M Hunter

Faculty
Administration
Officer: Miss W M Cameron, BA LL.B.(Qld),
Solicitor.

Assistant
Faculty
Administration
Officer: Mrs A M Duetz, LL.B. Solicitor

Administrative
Assistants: Miss L K Cumming
Miss K A Gilhooly
Miss I T Ianna
Miss J S Murray
Miss C A O'Keefe
Miss G A Weddell

LAW LIBRARY

Law Librarian: Ms T C M Hutchinson, BA(Qld),
Dip.Lib.(NSW), LL.B.(Qld),
GradDipLegal Prac.

Assistant
Law
Librarian: Ms E Jensen, BA, LL.B.(Qld).
GradDipLegal Prac

LL.B. COURSE

Principal
Lecturers: B J Conrick, LL.M.(Qld), Solicitor (Qld),
Barrister and Solicitor (ACT), F.C.I.Arb.
D G Gardiner, BA LL.M.(Syd), Barrister (NSW
and ACT),.
C A C MacDonald, BA LL.B.(Qld),
LL.M.(Lond), Solicitor.

Senior
Lecturers: S G Corones, BCom LL.B.(Qld), LL.M.(Lond),
Solicitor (Qld, and England and Wales)
G A Egert, BA LL.M.(Qld), Barrister.
P V Tahmindjis, BA LL.B.(Syd), LL.M.(Lond),
Barrister (NSW).
W D Duncan, LL.B. (Qld), LL.M.(Lond),
Solicitor.
R J Sibley, (CertEng), LL.M.(Qld),
Barrister.

Lecturers:

G F Carney, LL.M. (Lond), LL.B.
Solicitor.
Mrs G R Clarke, BA(Qld), LL.B. Barrister.
Mrs I T Davies, LL.B. GradDipLegal Prac,
Solicitor
G E Fisher, BA LL.B.(Qld), BCL(Oxon),
Barrister (Qld and High Court of
Australia).
Mrs N M L'Estrange, BA(Monash), LL.B.
(Qld), Solicitor.
Miss K A Lauchland, BA LL.B.(Qld),
Solicitor
A I MacAdam, BCom LL.B.(Qld), Barrister.
A L W Mason, LL.M. (Qld), Solicitor.
Miss G E Nisbet, BA, B.SocWk(Qld), LL.B.,
Solicitor.
J J O'Dwyer, BA(Qld), MA(Oxon).
Mrs B J O'Hair, BA LL.B.(Qld), Solicitor.
A A Preece, MA LL.B.(Cantab), Solicitor
(England and Wales and Qld), Barrister
and Solicitor (ACT).
J R Pyke, BSc(Syd), LL.B.(NSW), Barrister
(NSW).
D J Robinson, LL.B., GradDipLegal Prac,
Solicitor
Ms L A Taylor, BA LL.B.(Qld), Solicitor
Mrs V M Vidas, BA LL.B.(Qld), Solicitor
Miss A E Wallace, LL.B.(Qld), LL.M.(Mon)
Solicitor.
Miss L M Willmott, BCom LL.B.(Qld),
Solicitor.
I A Wilson, LL.M.(Melb), Barrister and
Solicitor (Vic), Barrister (Qld).

**Part-time Lecturer in Professional Conduct for Barristers
(Nominated by the Chief Justice of Queensland) -**

C J L Brabazon, BA LL.B.(Qld), LL.M.(Lond),
Q.C.

**S C H Foote Part-time Lecturers in Professional Conduct for
Solicitors (Nominated by the Queensland Law Society) -**

J P Kelly, BA LL.B.(Qld), Solicitor.

**Part-time Lecturer in Solicitors' Trust Accounts
(Nominated by the Queensland Law Society) -**

P A Gallagher, BCom(Qld), A.C.A.

Part-time Lecturers and Tutors:

J J Allen, LL.B.
P F Allen, LL.B.(Qld) Barrister
Miss S D Andersen, BEcon LL.B.,(Qld),
Solicitor.
P D T Applegarth, BA LL.B.(Qld), BCL(Oxon),
Barrister

Part-time Lecturers and Tutors cont'd:

J J J Baartz, LL.B.(Qld)
Mrs M A Backstrom, LL.B., Solicitor.
M A Barnes, BA, LL.B.(Qld), Solicitor.
A L Bates, LL.B.
D K Boddice, LL.B.(Qld), Barrister.
Ms A C H Booy, BA LL.B.(Qld), Solicitor.
B P Brockett, LL.B.
Miss G Brown, LL.B.(Qld).
Mrs J K Budgen, LL.B.
P J Byrnes, STL (Pontif Urb), BA(Qld),
Grad.Dip.Lib.(BCAE), LL.B.
D J Campbell, BA LL.B.(Qld),
LL.M.(Cantab.), Barrister.
Miss J C Cartmill, BA LL.B.(Qld),
M.Phil(Dxon).
Miss S A Christensen, LL.B.
C Comino, LL.B. GradDipLegal Prac
Solicitor.
J Conomos, LL.B.
J Consiglio, LL.B.
M D Darwin, LL.B.
D L Davies, BCom LL.B.(Qld), LL.M.(Lond),
Barrister.
B de Buse, BA LL.B.(Qld), LL.M.(Syd),
Barrister.
B T Dunphy, BCom LL.B.(Qld), Solicitor.
C L Francis, LL.B. Solicitor.
R M Franklin, BEcon LL.B.(Qld), Solicitor.
P A Gallagher, BCom(Qld), A.C.A.
Mrs S J Gardiner, LL.B. Barrister.
K R Geraghty, DipTeach(Kelvin Grove),
LL.B. Barrister.
G I Goldman, BA LL.B.(Qld).
D M Gonsalves, BA LL.B.(Qld), Solicitor.
M Gynther, LL.B., Solicitor
I W Hazzard, LL.B., Solicitor
P D Hishon, BA LL.M.(Qld), Solicitor.
R S Jones, LL.B.
C A Jorss, LL.B.
G J Koppenol, LL.B. Barrister.
S T Krause, B.Bus (Accy) A.C.A.
P D Lane, BA LL.B.(Qld), LL.M.(Lond),
Barrister.
D M Logan, BEcon LL.B.(Qld), Solicitor.
B A Marsden, LL.B.(Qld), Solicitor.
J K Marshall.
M E McCafferty, LL.B. Solicitor.
Ms F D McClone, BA LL.B.(Syd), Solicitor &
Barrister (NSW).
Ms R A McKenzie, LL.B.
A.D.R. McNab, BA LL.B.(Qld), Solicitor.
Miss M H McQuaid, LL.B.(Qld), Barrister.
S J H Melrose, LL.B.
D L Meredith, BA LL.B.(Qld), Barrister.
Miss J A Miller, LL.B.
R J Neate, LL.B.

Part-time Lecturers and Tutors cont'd:

Miss M A Newbery, BA LL.B.(Qld), Solicitor.
 Miss K L Parikka, LL.B.
 M D Phillips, LL.B.
 J B Rolls, LL.B.
 D F B Schultz, BEcon(Qld), LL.B.(ANU),
 Barrister and Solicitor (ACT).
 Mrs E A Shearer, BA LL.B.(Qld), Solicitor.
 P J Shelton, BCom LL.B.(Qld), Solicitor.
 Miss D A Skennar, LL.B.
 Miss S E Stewart, LL.B.
 Miss F R Walsh, LL.B.(Qld), Barrister.
 P L Weightman, BCom LL.B.(Qld), Solicitor.

External Course Co-ordinators:

Gold Coast Miss L Coghlan, LL.B., Solicitor.
 Rockhampton B V Beasley, LL.B., Solicitor.
 Toowoomba Mrs D Campbell, BA LL.B.(Qld), DipEd,
 Solicitor.
 Townsville S B Graw, BCom, LL.B.(Qld), Solicitor.

Local Tutors:

Gold Coast G Czaus, LL.B. GradDipLegPrac, Solicitor
 N W Hatcher, LL.B., Solicitor.
 J S Henderson, LL.B., Solicitor.
 R Johanson, LL.B., Solicitor.
 Ms J McCormack, LL.B., Solicitor.
 Miss A Skewes, LL.B., Solicitor.

Rockhampton B V Beasley, LL.B., Solicitor.
 C B Fleming, LL.B. GradDipLegPrac,
 Solicitor.
 Mrs G Mackenzie, LL.B., Solicitor.
 Ms G M Neale, BA LL.B.(Qld), Solicitor.

Toowoomba Mrs D Campbell, BA LL.B. DipEd(Qld),
 Solicitor.
 D Gordon, LL.B.(Qld), Barrister.
 Ms L G Wiseman, LL.B. GradDipLegal Prac,
 Solicitor.

Townsville S B Graw, BCom, LL.B.(Qld), Solicitor.
 P Lafferty, LL.B., Solicitor.
 R A Lo Monaco, LL.B.(Qld), Barrister.
 W J O'Toole, LL.B., Solicitor.
 R Pearce, LL.B., Solicitor.
 G T Reithmuller, LL.B.
 R D Silva, LL.B., Solicitor.
 H A Walters, LL.B., Solicitor.

GRADUATE DIPLOMA IN LEGAL PRACTICE COURSE

Principal

Lecturer: J K de Groot, BA LL.B.(Qld), Solicitor.

Senior Lecturer: A J Chay, LL.B.(Qld), Solicitor.

Lecturers:

Miss J Pastellas, BA LL.B.(Qld),
GradDipLegalPrac, Solicitor.
Miss K A Lauchland, BA LL.B.(Qld),
Solicitor.

Administrative

Assistants:

Miss N M Collins
Miss E A Clark
Mrs R K Gienger

Part-time

Professional

Staff:

P Applegarth, BA LL.B.(Hons)(Qld),
B.C.L.(Oxon), Barrister.
R S Ashton, LL.B.(Hons)(Qld), (Br.Co.),
Solicitor.
D L F Austin, Trust Accounts Inspector,
Queensland Law Society Inc.
R M L Beer, BA LL.B.(Qld), Solicitor.
A E Brown, BCom LL.B.(Qld), Solicitor.
A Buchanan, BA LL.B.(Hons)(Qld), Solicitor.
P J Burns, Deputy Registrar of the Supreme
Court
R B Byrne, BA LL.B.(Qld), Solicitor.
G Callaghan, BA LL.B.(Hons)(Qld),
LL.M.(Hons)(Syd).
R R B Campbell-Brewer, LL.B.(Qld),
Barrister.
D Clarke, Legal Aid Office (Queensland).
R P Clarke, BA LL.B.(Qld), Solicitor.
P G Cleary, LL.B.(Qld), Solicitor.
D Clifford, BA(Hons) LL.B.(Hons)(Qld),
Solicitor.
D.G.Cominos, BCom LL.M.(Hons)(Qld),
Solicitor.
P L Cooper, LL.B.(Qld), Solicitor.
J Davison, LL.B.(Hons)(Qld).
C P Duffy, B.SocWk(Qld), Social Worker.
A N Dutney, LL.B.(Qld), Solicitor.
D G Ehlerth, Acting Deputy Registrar of
Titles.
M E Eliadis, LL.B., Barrister.
M A Fellows, LL.B.(Qld), Solicitor.
Miss E Feros, BA LL.B.(Hons)(Qld),
Solicitor.

Part-time
Professional
Staff cont'd:

R A Finney, Solicitor.
 Mrs M M L Forde, LL.B.(Qld), Solicitor.
 J N Gallimore, BA LL.B.(Hons)(Qld),
 Solicitor.
 P A Grant, LL.B.(Qld), Barrister.
 R S Gregory, BA LL.B.(Qld), Solicitor.
 J A Griffin, LL.B.(Qld), Q.C.
 A Hams, Deputy Registrar of the District
 Court.
 J K Harris, Solicitor.
 M D Heiner, LL.B.(Qld), GradDipLegal Prac,
 Solicitor.
 Ms S R Hirst, BA BSocStud(Qld).
 D G Isles, BA LL.B.(Qld), Solicitor.
 A H Jolly, BA LL.B.(Qld), Solicitor.
 J P Kelly, BA LL.B.(Qld), Solicitor.
 M O Klug, LL.B.(Qld), Solicitor.
 A E Knox, BEcon BA LL.B.(ANU)
 G Koppenol, LL.B.(Hons), Barrister.
 M D E Kriewaldt, BA LL.B.(Hons)(Qld),
 Solicitor.
 The Hon Mr Justice G E Lambert, Family
 Court of Australia.
 G F Lanham, BA LL.B.(Qld), Solicitor.
 G C Lee, LL.B., Barrister.
 J Lobban, LL.B.(Qld), Solicitor.
 M R Lockhart, Solicitor.
 J A Logan, BEcon LL.B.(Qld), Barrister.
 W R Loughnan, LL.B.(Qld), Solicitor.
 A. Lyons, BEcon LL.B.(Qld), Solicitor.
 P R Macgregor, Solicitor.
 The Hon Mr Justice J M Macrossan, Supreme
 Court of Queensland.
 J G Mann, N.A., LL.B.(Qld), Solicitor.
 M J Macdermott, BBus(Accy), GradDipAdvAcc
 LL.B.(Hons), F.A.S.A., C.P.A., Barrister,
 Deputy Commissioner for Corporate
 Affairs.
 A H Macguire, Solicitor.
 P McGrath, Deputy Registrar, Family Court
 of Australia.
 Mrs A H McMillan, LL.B.(Qld),
 GradDipLegal Prac, Solicitor.
 M J D Meadows, LL.B.(Qld), Solicitor.
 M A Miller, BA LL.B.(Qld), A.A.I.I.,
 Solicitor.
 Ms R Moller, LL.B.(Qld).
 F Monsour, Legal Cost Assessor.
 R A Mulholland, BA LL.B.(Qld),
 LL.M.(Lond), Q.C.
 G A Murphy, Solicitor.
 P F Mylne, LL.B. GradDipLegal Prac,
 Barrister.

Part-time
Professional
Staff cont'd:

P E Nolan, LL.B.(Qld), Barrister.
 T J O'Connor, BA LL.B.(Qld), Solicitor.
 R Prince, Accountant.
 Mrs V A Quinn, Employment & Staff
 Consultant.
 M Raiteri, Deputy Registrar of the
 Magistrates Court.
 N B Roberts, BA LL.B.(Qld), Solicitor.
 J M Robertson, BA LL.B.(Qld), Solicitor.
 His Honour Judge K F C Row, Local
 Government Court.
 D Schulz, BEcon(Qld), LL.B.(ANU), Barrister
 and Solicitor (ACT), Director, Trade
 Practices Commission.
 D G Searles, LL.B.(Qld), Solicitor.
 T Somers, LL.B.(Syd), Barrister.
 G K Sowden, LL.B., Barrister.
 H Stewart, Body Corporate Services.
 Ms N Strattoo-Funk, BA LL.B. B.SocWk(Qld),
 Solicitor.
 V J Taaffe, Senior Administration Officer,
 Stamp Duties Office.
 P R Theobald, BA(UNE), Barrister.
 P J Thomas, BA LL.B.(Hons)(Qld), Solicitor.
 G D Thompson, Barrister, Public Defender's
 Officer.
 W H Tutt, Solicitor.
 Ms B F Tynan, DipTeach(WIE), LL.B.,
 Barrister
 G J Vickery, BA LL.B.(Qld), Solicitor.
 B J Warnick, BA LL.B.(Qld), Barrister.
 K F Watson, BCom LL.B.(Qld), Barrister.
 Ms C Williams, Legal Aid Office.
 P Wilson, Solicitor.
 Officers from the Commonwealth Bank of
 Australia.

Courses Offered

COURSES OFFERED BY THE FACULTY OF LAW

LWN234	Master of Laws by Coursework (LL.M.)
LWM196	Graduate Diploma in Legal Practice (GradDipLegalPrac)
LWJ171	Bachelor of Laws (LL.B.)
IFJ223	Bachelor of Business (Accountancy), Bachelor of Laws (BBus(Accy),LL.B.) (In conjunction with the Faculty of Business)
IFJ235	Bachelor of Business (Computing), Bachelor of Laws (BBus(Comptg), LL.B.). (In conjunction with the Faculty of Information Technology)
LWJ238	Bachelor of Business (Accounting)(DDIAE), Bachelor of Laws (QUT) (BBus(Accg)(DDIAE), LL.B.(QUT)
LWJ239	Bachelor of Arts (Modern Asian Studies) (Griffith), Bachelor of Laws (QUT) (BA (MAS)(GU), LL.B.(QUT)

Information and Advice to Students



INFORMATION FOR AND ADVICE TO STUDENTS AND PROSPECTIVE STUDENTS

1. LL.B. part-time internal and external course quotas - preferences

As will be seen from the entry requirements in the LL.B. Course Rules, set out earlier in this Handbook, when the part-time internal (evening) and external (correspondence) quotas are being filled, certain applicants are given preference. Preference will be given to the following academically qualified applicants:-

Ten officers of the Magistrates Court Service and ten other officers who are public servants in offices set forth in Section 7 of the Legal Practitioners Act Amendment Act 1968. These offices comprise -

- (a) the Solicitor-General's Office;
- (b) the Crown Solicitor's Office;
- (c) the Public Defender's Office;
- (d) any branch or section of the Chief Office of the Department of Justice not covered by (a), (b) or (c) above;
- (e) the Parliamentary Counsel and Draftsman's Office;
- (f) a Registry of the Supreme Court;
- (g) a Registry of the District Court;
- (h) the Public Trust Office (including any branch thereof);
- (i) an Office of a Clerk of a Magistrates Court.

Preference is also given to applicants for the part-time external quota who are serving articles of clerkship to a solicitor or undertaking some other form of practical training referred to in Rule 18(3) of the Solicitors' Admission Rules 1968 as amended and who have a tertiary entrance score of at least 910. Sixteen (16) points over four semesters in English (or, under the ROSBA scheme, a level of sound achievement in English) is also needed.

A person who is seeking preference, on the grounds that he or she will be articulated or undergoing some other approved practical training or will be a Queensland public servant in an appropriate office, should, in addition to applying through the Queensland Tertiary Admissions Centre on the appropriate form (Form A for persons in Grade 12, Form B for all other persons) and by the appropriate date (in October), arrange for a letter to be sent to the Registrar of the QUT. This letter should reach the Registrar no later than the end of the second week of December of the year prior to the commencement of study. In the case of an applicant who intends to become articulated to a solicitor, the letter should be from the solicitor and should be to the effect

that the person concerned will be articled to him or her not later than the beginning of Autumn Semester, if necessary, subject to that person obtaining a place in the part-time external quota. In the case of a person who is or will be a public servant in an office set out in Section 7 of the Legal Practitioners Acts Amendment Act 1968, the letter should be from the person who is or will be the applicant's superior officer and should state that the applicant will be employed in a specified office in the Public Service not later than the beginning of Autumn Semester.

2. LL.B. external course

- (a) A student who is offered a place in the QUT LL.B. external quota normally studies his or her Law subjects by means of an external (correspondence) course from the QUT. He or she studies equivalents of his or her Non-Law Elective Subjects by means of such a course from another tertiary institution, such as the Darling Downs Institute of Advanced Education. (The QUT does not have an external course in the Non-Law Elective Subjects). After accepting the offer of a place in the QUT LL.B. external quota and registering for the QUT LL.B. external course, he or she must enrol for his or her Law subjects and the equivalent of his or her Non-Law Elective Subjects at the QUT.

If he or she is able to enrol as an internal student or as a miscellaneous student for the equivalent of any of the Non-Law Elective Subjects in another tertiary institution such as the Darling Downs Institute of Advanced Education, the Capricornia Institute of Advanced Education or James Cook University of North Queensland, he or she may do so but he or she must notify the QUT immediately.

- (b) In the case of Law subjects, as far as possible external students are taught and assessed by the same lecturers and tutors as the internal students.

The external students receive instructions to External Students, the appropriate External Schemes of Work and Seminar Questions and a number of exercises, a number of assignments, lists of the dates by which completed exercises and assignments must reach the Law School, and the Attendance School Timetables.

In addition to receiving the material issued to internal students, external students also receive a Study Guide in each subject. This is not merely a copy of the lecture notes in the subject but is specially prepared for external students. It indicates the order in which the prescribed

material is to be studied and the pages of the prescribed textbook and the cases in the prescribed casebook which should be read and noted, and summarises the Law on the subject. All external students are also lent audio-tapes. These are tapes of a number of special lectures on important and difficult areas of each subject. Where the Faculty of Law issues an audio-tape on some area of the subject, the Study Guide contains a reference to such tape. Where the lecturer in charge of the subject wishes external students to study material to which they cannot otherwise be expected to have access, that material is included in or sent with the Study Guide. All material issued to external students is checked each year and, where necessary, revised.

A quarterly newsletter keeping external students up to date with the latest developments in the law and informing them of important administrative procedures is also issued.

If an external student lives within a reasonable distance of a centre such as the Gold Coast, Rockhampton, Toowoomba or Townsville, he or she is able to attend weekly or fortnightly seminars.

The QUT Law Faculty has an external course local co-ordinator and a number of local tutors in each of the Gold Coast, Rockhampton, Toowoomba and Townsville areas. Apart from arranging weekly or fortnightly seminars, the local co-ordinator is a channel of communication between such students and the Faculty of Law.

Loud-speaking telephone tutorials are conducted on a regular basis for first and second year external students living in Cairns and the Sunshine Coast areas.

External students should have access to a basic Law library, i.e. one which contains the following at least: Commonwealth Law Reports, Queensland State Reports, Law Reports (England and Wales), Commonwealth Statutes, Queensland Statutes, Australian Law Journal, Australian Digest, Halsbury's Laws of England, Australian Legal Monthly Digest, standard practitioner's reference works. Of course, it is necessary for external students to possess their own copy of each of the prescribed textbooks and casebooks. The QUT Faculty of Law has lent the Darling Downs Institute sufficient material to upgrade the Darling Downs Law collection into a basic Law library which is available to QUT external students in the Darling Downs area. The Faculty of Law has also established a basic Law library on the Gold Coast. QUT external students

in the Rockhampton and Townsville areas have access, in the evenings and at weekends as well as in the day-time, to the Central Supreme Court Library or the Northern Supreme Court Library, as the case may be.

Further, there has been a good response from members of the profession to a request that external students in their areas be allowed to use their libraries.

- (c) External students are required to attempt the same Law assignments and formal Law examinations as the internal students and at the same times, although external students sit for the formal examinations in or near to their home town (see LL.B. Course Rules 7 and 8).
- (d) External students are required to make a proper attempt at each of the exercises set in the Law subjects for which they are enrolled. Such attempt must be made by the due date. The exercises require the students to submit answers to some of the questions, mainly problems, which internal students are expected to discuss in their seminars. (See Course Rule 7(a)).
- (e) External Law students are required to attend a small number of Attendance Schools for External Students held in Brisbane each year. (See Course Rule 6).

There is a special two-day Orientation Attendance School for External Students on the Friday and Saturday of Orientation Week. This includes a library course and a library exercise, together with a lecture on how to make a case-note and one or more seminars on the same topic. Those attending the School are able to buy the prescribed textbooks and reference books from the University Bookshop and collect their course material from the Faculty of Law. It is strongly recommended that all external students also purchase a copy of the Law Handbook from the University Bookshop.

There is one Attendance School lasting three days, usually on a Friday and the following Saturday and Sunday, in the middle of each semester. The programme includes a number of lectures by the lecturer in charge of the subject. These may deal with such things as completed assignments and recent changes in the Law. There are as many seminars as possible. In these, the students are expected to be able to discuss the questions and cases which the lecture students discuss in their seminars.

Attendance at Orientation and other Attendance Schools is a condition of entry to and continuance in the external LL.B. course and a person contemplating applying for a place in the quota for the course should discuss the necessary leave arrangements with his or her future master solicitor, appropriate superior officer or employer, as the case may be, well in advance.

- (f) A photocopying service for external LL.B. students was introduced in 1983.

The object is to enable an external LL.B. student, particularly one who does not have access to a Law Library, to obtain a photocopy of a report of a case or an article which is prescribed for reading in a subject currently being studied by the student.

Application forms for books of photocopying vouchers can be obtained from Miss L Cumming in the Faculty General Office.

- (g) The address of the Faculty of Law is:-

Faculty of Law
QUT
CPO Box 2434
Brisbane Qld 4001. DX 127 Brisbane
Fax (07) 229 4198

3. Non-Law Elective Subjects and Introductory Accounting
- full-time and part-time internal students'
enquiries

Enquiries as to the times at which, and the places in which classes in these subjects are being held should be made of the appropriate Department of the QUT.

4. Combined Degree Courses

Students undertaking the combined degree courses are advised that applications such as those for exemption from a subject, for special consideration in an examination or for a deferred examination are the responsibility of the Dean of the Faculty or the Head of the School or Department offering the subject.

With respect to the BBus(Accy), LL.B. and BBus(Accg)(DDIAE), LL.B.(QUT), during the first three years of the course, matters such as approval of enrolment programmes, approval of leave of absence and probation are the responsibility of the School of Accountancy within the Faculty of Business, and during the fourth and fifth years of the course are the responsibility of the Faculty of Law. Students should direct enquiries on such matters to the appropriate Dean or Head of School or Department according to the year of the course which the student is undertaking.

With respect to the B.Bus(Comptg), LL.B. and BA(MAS)(GU), LL.B.(QUT) all enquiries with respect to leave of absence, probation and enrolment approval in the first two years of the course should be directed to the Faculty of Information Technology and the School of Modern Asian Studies (Griffith) respectively. In the final three years such enquiries should be directed to the Dean of the Faculty of Law.

5. Law Library

The Law Library is situated on Level 6 of the Law/Health Science Building.

During semester the Library is open as follows:

Monday - Thursday	8.00 a.m. - 10.00 p.m.
Friday	8.00 a.m. - 8.00 p.m.
Saturday	11.00 a.m. - 5.00 p.m.
Sunday	11.00 a.m. - 5.00 p.m.

During the Winter and Summer Recesses the hours are:

Monday - Friday	8.00 a.m. - 6.00 p.m.
-----------------	-----------------------

Details of variations in hours are posted in the foyer outside the Library.

The Library contains approximately 38,000 volumes of books and periodicals and audio-visual material.

The Library accommodates 370 readers. As the reading area is reserved for quiet study, discussion rooms are available for students who wish to work in a manner that would disturb others.

Law Library Rules governing the conduct of Library users are set out earlier in this Handbook.

The Library collection is arranged according to the Moys' Classification Scheme for Law Books, a feature of which is separation of primary and secondary materials.

The Library is a reference, not a lending, collection, the advantage being the holdings are always available.

Materials in heavy demand are removed from the main collection and retained in a Reserve Collection behind the Reader Assistance Desk. The contents of this Reserve Collection are listed in an index that stands on the Reader Assistance Desk. Two Reserve Collection items may be borrowed for two hours at a time for reading in the Library.

Copying machines are available in the Library for the copying of material within the limitations prescribed by the Copyright Act 1968 (Cth) for the purposes of research, study or other proper and lawful use. A notice

required by the Regulations made under the Copyright Act advising users of the restrictions on copying of copyright material prescribed by the Act is appended near the machines.

The Library staff provide instruction in the use of the Library and its resources at the commencement of each academic year for First Year students as part of the Introduction to Law course, and in second semester for students appearing before the Moot Court.

A Guide to Library Users is issued to First Year students and is available for other Library users.

A reader assistance service is provided by experienced reference librarians. Readers who have difficulty with any aspect of Library use, either in understanding how the Library operates, or seeking the literature they require, should not hesitate to enquire at the Reader Assistance Desk.

6. Government Sales Centres, Law Publishers, etc.

Australian Government publications, including such things as Commonwealth Statutes, can be obtained from the Australian Government Publishing Service, 294 Adelaide Street, Qld, 4000. Telephone: 229 6822, or from the University Bookshop in the Community Building.

State publications, including Queensland Statutes, and so forth, can be obtained from the State Government Printing Office, 135 George Street, Brisbane, Qld, 4000, or 371 Vulture Street, Woolloongabba, Qld, 4102. Telephone enquiries: 393 1611. The State Government Printing Office is open in both George and Vulture Streets for the sale of Acts and Awards.

Law students may purchase the prescribed textbooks and casebooks from the University Bookshop in the Community Building.

The Law Publishers and their addresses and telephone numbers are -

Butterworths Pty Ltd, Fifth Floor, Commonwealth Bank Building, 71 Adelaide Street, Brisbane, 4000.
Telephone: 221 9627

The Law Book Company Limited, First Floor, 40 Queen Street, Brisbane, 4000. Telephone: 221 6688.

C C H Australia Ltd, 4th Level, UNISYS Centre, 157 Ann Street, Brisbane, 4000. Telephone 221 7644

7. Case-notes

In almost all subjects students are required to read a number of cases, usually in a casebook. One object is to ensure that students have some practice in the art of dissecting a case.

Each case prescribed for reading should be read at the appropriate point in the course - the Scheme of Work or Study Guide will indicate this - and the following information should be recorded on a separate card or sheet of paper.

- (a) Name (the Suisse Atlantique case will suffice for Suisse Atlantique Societe D'Armement Maritime S.A. v. N.V. Rotterdamsche Kolen Centrale).
- (b) Reference, e.g. [1967] A.C.361.
- (c) Court, where not obvious from reference (the Suisse Atlantique case, a House of Lords decision, might be referred to so: [1966] 2 All E.R.61, H.L.).
- (d) Material facts.
- (e) Plaintiff's claim, e.g. for damages for breach of contract.
- (f) Whether plaintiff succeeded or failed.
- (g) Ratio decidendi, the ground of the decision or the rule of law on which the decision is based. This is the binding part of a decision and is the most important part and the most difficult to abstract. It is important to remember that there may be more than one ratio. Further, a case will normally raise several questions for decision.
- (h) Whether decision unanimous. If the case was heard by more than one judge and the decision was not unanimous, that fact should be stated.
- (i) Obiter dictum, a saying by the way or a dictum of a judge was not directly relevant to the case before him. It is often worthwhile to incorporate a note of such a dictum in the record of a case.

Too much time and paper should not be expended in making notes on the cases nominated for reading. One sheet of foolscap paper or one card a case should be ample.

The facts, claim and decision should be stated as briefly as possible, and the legal principles involved should be stated as fully as possible. It may be necessary to state the impact of a decision

on the pre-existing law. If there have been any subsequent developments - later cases or statutes affecting the principles involved in the case - these should be stated.

A good knowledge of the nominated cases by itself is not enough to secure a pass in the subject. Some examination papers will contain one question asking for notes on several of the nominated cases. In other papers there will be questions in which it is possible to improve one's mark by citing and giving brief particulars of nominated cases.

However, to pass an examination the basic requirement is a good grasp of the relevant principles of law.

Further, the student should not confine his knowledge to the cases prescribed for reading - he should know a little of at least some of the other cases cited by the lecturer or in the Study Guide and not included in the List of Nominated Cases. And the student would be wise to know rather more of any important recent cases decided since the casebook was published.

A number of lectures and seminars at the beginning of each course is devoted to case-notes.

8. Past LL.B. examination papers

A number of copies of QUT Faculty of Law past LL.B. examination papers is kept in the Law Library. A set of the appropriate past examination papers is supplied to each external student.

9. LL.B. students' queries

Queries concerning a particular subject should be raised with the lecturer in the subject. There is a number of periods a week during which lecturers are available for dealing with queries without an appointment. One of the periods is timed to suit evening students. At other times, the lecturers are available by appointment. In the weeks immediately preceding examinations, they are more generally available.

Subject to what is said earlier in this Part about combined degree students, general queries (e.g. those with regard to deferment of studies, leave of absence, study difficulties, illness, special programmes, deferred examinations, special consideration, transfers from one course to another) should be addressed to the Dean of the Faculty, or perhaps in the first instance, the Administration Officer. Students wishing to see the Dean would be well advised to make an appointment.

10. Debating

Faculty of Law students interested in participating in the Debates Programme in the first semester of each year, should contact The President of the QUT Debating Society, C/O Faculty of Law.

11. Law students' society

The QUT Faculty of Law students have formed an association called 'The Association of the Queensland University of Technology Law Students' (AQUTLS).

Enquiries should be made of, and correspondence should be addressed to, the Secretary, AQUTLS Office, C/- Faculty of Law, (Level 7 of the Law/Health Science Building).

12. Practical Requirements for admission as a barrister or solicitor

- (a) A QUT LL.B. student who wishes to become a barrister must enrol as a student-at-law with the Barristers' Board. There is no maximum or minimum period of time for which a student must be enrolled as a student-at-law. There is not time by which he or she must enrol except that the Barristers' Admission Rules provide that he or she must enrol as a student-at-law before he or she makes and submits to the Barristers' Board the written reports on ten specified Court proceedings which he or she is usually required to make and submit (see Barristers' Admission Rules 25, 34 and 37).

The reports must be submitted to the Board not later than one month before the student-at-law applies for the Boards' certificate of compliance with the Rules, but it is desirable to submit the reports at least two months before the certificate is applied for. Each report must be accompanied by a certificate signed by a barrister who appeared in the matter certifying that the student-at-law was in attendance during a substantial part of the hearing.

Each report must state concisely the questions of fact and of law raised in the proceedings, an analysis of any decision given or, if the decision is reserved, an opinion as to what it should be and the reasons therefor.

The address of the Secretary of the Barristers' Board is P.O. Box 19, Brisbane - North Quay, 4000. Telephone: 227 6781.

The Barristers' Admission Rules provide that a person applying to be admitted as a barrister shall, *inter alia*, have passed in the subject Moot Court Work (Rules 15 and 16). Consequently, a student who thinks that he or she might become a barrister should take part as a counsel in at least one of the Faculty of Law Moots (see 14 below) and then apply to the Dean of the Faculty for a certificate that his or her performance was satisfactory. This certificate can then be produced to the Board.

The Rules do not require a newly admitted barrister to serve a period of pupillage with an established barrister and, once a barrister has been admitted, he or she can accept briefs.

In practice, newly admitted barristers join the Bar Association of Queensland, the rules of which require such barristers to serve one year's pupillage with a barrister of at least 7 years' standing and to attend certain special lectures.

The address of the Secretary of the Association is, The Honorary Secretary, Bar Association of Queensland, Inns of Court, 107 North Quay, Brisbane. Telephone: 221 0240

In 1983, a Bar Practice Centre was established at the Brisbane College of Advanced Education, Kedron, where a number of lectures for barristers must be attended as part of the Bar Association's pupillage requirements. Enquiries should be directed to: The Warden, Bar Practice Centre, Brisbane College of Advanced Education, P.O. Box 117, Kedron, Queensland, 4031. Telephone: 357 7077.

- (b) A full-time student who wishes to be admitted as a solicitor must, after he or she has obtained his or her LL.B. at the QUT, either serve two years' articles of clerkship to a solicitor or other period of practical training specified in Rule 17(1)(c) of the Solicitors' Admissions Rules, e.g. two years' service as a Judge's Associate, or complete the QUT one year Legal Practice Course (Rule 17(1)) and serve as an employed solicitor for a further year thereafter.

A part-time student must serve five years' articles of clerkship or other practical training as specified in Rule 18(3), e.g. give years' service as a Judge's Associate, concurrently with his or her obtaining his or her LL.B. at the QUT (Rule 17(2)). Alternatively, after he or she has obtained his or her LL.B. he or she must serve two years' articles, etc. (Rule 17(1)(c)) or complete the QUT one year Legal Practice Course (Rule 17(1)) and serve as an employed solicitor for a further year thereafter.

A person who desires to enter into articles of clerkship must before entering into articles, obtain the consent of the Solicitors' Board (Rule 29(1), and see rules 20 - 35). An application for consent should be made well before the date on which it is desired that the articles should commence.

The address of the Secretary of the Solicitors' Board is P.O. Box 19, Brisbane - North Quay, 4000. Telephone: 227 6781.

Students seeking articles of clerkship are advised to contact the Queensland Law Society. The Law Society keeps a register of names of students seeking articles and many practitioners contact the Law Society when seeking articulated clerks. The Queensland Law Society is located in Law Society House, 179 Ann Street, Brisbane 4000. Telephone: 223 5888.

13. AUSTUDY

Students seeking financial assistance are referred to the notes contained in the Central Services Section of this Handbook.

14. Moots

The Faculty of Law runs a large moot program in Spring Semester each year.

Satisfactory participation in the moot program is a pre-requisite for admission to the bar in Queensland (see 12 above), and many intending solicitors also benefit from the experience gained in the moot court. Students are advised to moot early in their law course. The moot program is very popular and students who leave it until their final years may not gain the experience they require.

Course Structures and Rules



**COURSE RULES -
LWN234 MASTER OF LAWS BY COURSEWORK**

1. The following rules relate to the Master of Laws by Coursework Degree and are made by resolution of the University Council.
2. Entry Requirements
 - (a) To be eligible for a place in the quota for the Master of Laws by Coursework programme, an applicant shall:
 - (i) have completed the requirements for the award of the degree of Bachelor of Laws with first or second class honours of the Queensland University of Technology or another approved tertiary institution,
OR
 - (ii) have completed the requirements for the award of the degree of Bachelor of Laws of the Queensland University of Technology or another approved tertiary institution,
OR
 - (iii) have a professional qualification in Law and at least 3 years' professional legal experience,

and shall have satisfied such other requirements as the Law Academic Board may direct.
 - (b) An applicant seeking entry under Rule 2(a)(ii) or (iii) above shall normally be required to undertake a prescribed Masters qualifying examination. An applicant who has been required to undertake a Masters qualifying examination but who has not been admitted as a Master of Laws by Coursework student shall be classified as a Masters qualifying examination student until he or she has passed the prescribed examination. A Masters qualifying examination student who, without the permission of the Dean of the Faculty of Law, fails to undertake the examination on or by the prescribed date, or who undertakes the examination and fails, shall not be permitted to undertake the examination on a second occasion save in exceptional circumstances.
3. Any applicant for a place in the quota for the Master of Laws by Coursework program shall apply through the Registrar to the Dean of the Faculty of Law.

4. Registration - Enrolment

- (a) An applicant may apply for registration as (i) a full-time student; or (ii) a part-time internal student.
- (b) LL.M. classes will normally be held in the early evening between 6 and 8pm.
- (c) A student who fails in one or more subjects in a year may re-enrol for and repeat the subject or subjects failed, and may enrol for other subjects of the course, subject to these Rules, to availability of the subjects in the timetable and to General Examination Rules 41-46 which relate to unsatisfactory academic performance and are set out earlier in this Handbook.
- (d) Except with the approval of the Dean of the Faculty of Law, a full-time student shall not enrol in more than the equivalent of 4 whole year subjects in any year and a part-time internal student shall not enrol in more than the equivalent of 2 whole year subjects in any year.
- (e) Subject to these Rules and to availability of the subject or subjects in the timetable, a student shall enrol each year for the subject or subjects which he or she wishes to study during that year.

5. Course Structure

- (a) The course structure comprises 4 whole year subjects and a minor thesis.
- (b) The subjects from which the 4 whole year subjects shall be chosen are, subject to availability:

LWN001	Advanced Company Law
LWN002	Advanced Constitutional Law
LWN003	Advanced Family Law
LWN004	Advanced Law of Trusts
LWN005	Advanced Trace Practices Law
LWN006	Business Planning: Taxation Constraints
LWN007	Commercial Arbitration
LWN008	Commercial Leases
LWN009	Law Relating to Building and Engineering Contracts
LWN010	Legislation
LWN011	Litigation
LWN012	Pacific Legal Systems
LWN013	Commercial Remedies
LWN014	Resources Development Law
LWN015	The Criminal Justice System
LWN016	Tribunals and Enquiries

- (c) The code number of the minor thesis shall be LWN100.
- (d) Each subject, including the minor thesis, has an EFTSU credit of 20 for the purpose of the Higher Education Contribution Scheme.

6. Attendance

In the case of a subject other than the minor thesis, there shall be 2 hours of classes in each week of each semester. A full-time student, or a part-time internal student, shall attend the appropriate classes punctually and regularly and any such student who fails so to attend may be deemed by the Dean of the Faculty of Law ineligible to sit for the examination or examinations in the subjects or subjects involved. For the purposes of this Rule, a student who attends less than 70% of the classes shown in the timetable shall, save in exceptional circumstances, be deemed to have failed to attend the classes punctually and regularly.

7. Minor Thesis

A minor thesis shall be not less than 20,000 words and not more than 30,000 words in length, and shall be prepared in accordance with the paper "Presentation of Legal Theses" by E M Campbell, copies of which are held in the Law Library. It shall include a title page, table of contents and bibliography.

A student shall submit a topic for the minor thesis to the Dean of the Faculty of Law not later than the end of February in year in which the student is enrolled for the minor thesis. At the same time, the student shall submit the name of a supervisor willing to supervise the thesis. If the topic and the supervisor are approved, the student shall pursue his or her research for the thesis under the direction of the supervisor.

8. Assessment

- (a) In the case of subjects other than the minor thesis, assessment shall be a combination of an unseen written examination of 3 hours duration with half an hour's reading time at the end of the year and research and/or seminar papers and other material presented by the due date or dates during the year. The examination shall be worth 50% of the marks for the subject and the research and/or seminar papers and other materials shall be worth 50%.

- (b) In the case of a minor thesis, the student shall submit four clear typed copies of his or her thesis to the Dean of the Faculty of Law not later than the end of October in the year in which the student is enrolled for the minor thesis. On submission of the thesis, the student shall furnish a statement signed by him or her that the thesis is his or her work alone, except where due acknowledgement is made in the text, and does not include material which has been previously submitted or accepted for a degree or diploma. The thesis shall be referred to two examiners, at least one of whom shall be an external examiner. Each examiner shall report as to whether in his or her opinion, the thesis is of sufficient merit and is one that is likely to be accepted for publication by a learned journal. Each examiner shall also recommend that the thesis -

- (i) be accepted; or
- (ii) not be accepted; or
- (iii) be accepted subject to amendments to be made to the satisfaction of the supervisor,

and, in any event, shall recommend that the thesis be awarded a grade of fail or one of the pass grades referred to in Rule 9(c) below. Following acceptance of the thesis, one copy shall be bound in an approved form at the student's expense and handed to the Law Librarian for deposit in the QUT Faculty of Law Library. Any corrections resulting from the examiners' assessment shall be made prior to binding, and by re-typing if they would otherwise be obtrusive.

9. Passes

- (a) In order to gain a pass in a subject other than the minor thesis, a student shall satisfy the attendance and assessment requirements specified in these Rules and shall obtain a pass mark in that subject, the total number of marks for the subject being allocated between research and/or seminar papers and other material presented during the year, and the written examination at the end of the year, in accordance with these Rules.
- (b) In order to gain a pass in the minor thesis, a student shall satisfy the minor thesis and assessment requirements specified in these Rules and shall obtain a pass grade or better for the minor thesis.
- (c) A student may pass, or pass with credit, or pass with distinction, or pass with high distinction, in accordance with General Examination Rule 36 which is set out earlier in this Handbook.

10. Fails

Attention is drawn to General Examination Rules 41-46 which relate to unsatisfactory academic performance and which are referred to in Rule 4(c) of these Rules and are set out earlier in this Handbook.

11. Credit for Subjects Passed in the Course for the Masters of Law by Coursework Degree at the QUT

A student shall retain credit for any subject or subjects passed in the year in which he or she is enrolled.

12. Credit for Subjects Passed Other Than in the Course for the Master of Laws by Coursework Degree at the QUT

Rules concerning the granting of exemptions are detailed under "Rules Relating to Student Matters" in Section 4 of this Handbook.

MASTER OF LAWS BY COURSEWORK - POLICY

In general the application of the LL.M. by Coursework Rules will be left to the Committee of Lecturers in Charge of LL.M. Subjects chaired by the Dean, and such Committee will report its decisions to the Law Academic Board.

In particular:-

Whether another tertiary institution is "another approved tertiary institution" for the purposes of Rule 2(a)(i) and (ii) will be determined by the Dean.

The LL.M. Committee will normally require an applicant seeking entry under Rule 2(a)(ii) or (iii) to submit a paper of not less than 10,000 and not more than 15,000 words on a topic specified by the Committee. In an exceptional case, an applicant may be required to enrol in one or two LL.B. subjects specified by the Committee and to obtain a grade of at least 5 in such subject or subjects.

A student will not normally be allowed to enrol for the minor thesis before he or she has passed in four whole-year subjects.

Whether a topic or the name of a supervisor submitted under Rule 7 is approved or not shall be determined by the LL.M. Committee.

With regard to Rule 8(a), research and/or seminar questions shall be handed out at the beginning of the academic year and written work other than seminar papers shall be handed in not later than the beginning of the mid Spring Semester break.

As regards Rule 8(b), one bound copy of each thesis shall be placed in the Limited Access Collection in the Law Library.

Under Rule 8(b), examiners shall be appointed by the LL.M. Committee.

In the event of any disagreement between the examiners under Rule 8(b), the questions shall be determined by the LL.M. Committee.

SUBJECTS OFFERED IN 1989

It is intended that the following subjects will be offered in 1989:

LWN001	Advanced Company Law
LWN008	Commercial Leases
LWN009	Law relating to Building and Engineering Contracts
LWN013	Commercial Remedies

Details of these subjects can be found in the Synopses Section further on in this Handbook.

SUBJECTS OFFERED IN 1990

It is anticipated that some or all of the following subjects will be offered in 1990:

LWN004	Advanced Law of Trusts
LWN006	Business Planning: Taxation Constraints
LWN011	Litigation
LWN015	The Criminal Justice System

COURSE RULES -
LWM196 GRADUATE DIPLOMA IN LEGAL PRACTICE

1. The following rules relate to the Graduate Diploma in Legal Practice and are made by resolution of the University Council.

2. Entry Requirements

- (a) To be eligible for a place in the quota for the Legal Practice course, an applicant must hold, or be entitled to be admitted to, an approved Law degree.
- (b) An applicant who does not satisfy the above requirements may apply for special consideration.
- (c) If there are more eligible applicants than places in the quota, the persons to whom places are offered will, after an interview with the Dean of the Faculty of Law or his nominee, be determined on merit, taking into account the results obtained in their Law degrees, and in the case of equal academic merit any other relevant information, and preference will be given to applicants who reside in Queensland.

3. Duration

The course is a full-time course beginning in February each year and lasting one academic year, i.e. at least thirty-two teaching weeks, divided into two semesters which will not normally coincide with the University's normal semesters. There will be a two week break between the semesters and a one week break in second semester.

4. Content

The broad areas of practice dealt with in the course and the number of hours devoted to each are:

- 1. Accounting and Office Management (44.75)
- 2. Administration of Estates (84.25)
- 3. Civil Litigation (including Advocacy) (175.50)
- 4. Commercial Law Practice (82.25)
- 5. Company Practice (60)
- 6. Conveyancing (including Searches and Stamping) (201.00)
- 7. Creditors' Remedies and Bankruptcy (37.25)
- 8. Criminal Practice (including Advocacy) (41.50)
- 9. Family Law Practice (125.25)

10. Leases (including Commercial Leases and Ejectment Proceedings) (27.75))
11. Securities (81.25)
12. Tax Planning (including Estate Planning) (25)

The following matters are also dealt with:

13. Industrial Relations (including Workers' Compensation) (13.5)
14. Insurance (7)
15. Legal Aid (6)
16. Legal Drafting (46.75)
17. Legal Interviewing and Communication (23.5)
18. Legal Profession and Professional Conduct (17.75)
19. Specialised Services (Accountants, Stock Brokers, Bankers, etc.) (3.5)
20. Town Planning (12.5)
21. Trade Practices and Consumer Protection (12.5)

5. Attendance

- (a) Subject to (b) below, a student must, throughout the course, attend at the QUT, or wherever the course is being conducted at any given time, from 9 a.m. to 5 p.m. and at such other times as may be specified on each week-day which is not a public holiday in Queensland and which does not fall within a course recess, and must participate in all the appropriate course activities.
- (b) A student who is absent from the course for, in the aggregate, more than seven days will be refused a Certificate of Satisfactory Completion of the course unless he or she shows cause to the Dean of the Faculty of Law why such a Certificate should be granted. Such cause might be the circumstance that the student has completed in his or her own time to the satisfaction of the Senior Full-time Instructor of the Legal Practice Course all work missed during the period or periods of absence.

6. Assessment

Throughout the course there will be continuous assessment of the performance of each student. This will be based on attendance, conduct, application and, most of all, proficiency.

A student whose performance is deemed to be unsatisfactory as regards any area of practice or any part of such an area must repeat such part of the course as he or she is directed to repeat.

7. Other Requirements

The Dean of the Faculty of Law may require students to comply with such other regulations relating to the Legal Practice Course as may be notified from time to time.

8. Certificate of Satisfactory Completion. Graduate Diploma in Legal Practice.

Subject to the rules set out above, each student who satisfactorily participates in and completes each part of the course and who complies with all the requirements relating to the course will receive a Certificate of Satisfactory Completion of the Legal Practice Course and will be awarded a Graduate Diploma in Legal Practice.

COURSE RULES -
LWJ171 BACHELOR OF LAWS

1. The following rules relate to the Bachelor of Laws degree, whether the ordinary Bachelor of Laws degree or that which is part of the combined degree courses, and are made by resolution of the University Council.

2. In these rules, unless the context otherwise indicates or requires -

(a) A 'whole-year subject' means a Law Subject studied over a period of two semesters.

(b) A 'one-semester subject' means a Law Subject studied over a period of one semester or less.

3. Entry Requirements - Refer to Tables in Admission Procedures Booklet.

4. Registration - Enrolment

(a) Subject to the provisions of these rules, a student may register for -

- (i) a full-time course; or
- (ii) a part-time internal course; or
- (iii) an external course

provided that a student who wishes to undertake the combined degree courses may only register for a full-time course.

- (b) A student registered for a full-time course normally attends lectures and seminars during the day. However, he or she may be required, or in exceptional circumstances the Dean of the Faculty of Law may allow him or her, to attend some lectures and seminars during the evening.
- (c) A student registered for a part-time internal course is usually in employment during the day and normally attends lectures and seminars during the evening. However, he or she may be required, or in exceptional circumstances the Dean of the Faculty may allow him or her, to attend some lectures and seminars during the day. It is anticipated that part-time internal students will be required to attend lectures and seminars for up to nine hours a week between 6 p.m. and 9 p.m. on two or three evenings a week and between 2 p.m. and 5 p.m. or between 4 p.m. and 7 p.m. on one or two days a week.
- (d) In order to register for an external course a student must, except with the approval of the Dean, reside in Queensland outside the Brisbane Statistical Area so that he or she is precluded from attendance as a full-time student or as a part-time internal student.
- (e) A student normally must study the subjects in his course in the order indicated in the Course Structure. Timetables are arranged on the basis of normal progression. A student seeking to deviate from the normal Course Structure must obtain the prior approval of the Dean.
- (f) A student who fails one or more subjects in a year may re-enrol for and repeat the subject or subjects failed, and may enrol for other subjects of the course, subject to these rules, to any pre-requisite requirements, to availability of subjects in the Timetable and to General Examination Rules 41-46 which relates to unsatisfactory academic performance and is set out earlier in this Handbook.
- (g) Except with the approval of the Dean of the Faculty, which will only be granted in exceptional circumstances, a student registered for a full-time course may not enrol for more than the equivalent of four whole-year subjects in any year and a student registered for a part-time internal course or a student registered for an external course may not enrol for more than the equivalent of three whole-year subjects in any year.
- (h) Subject to these rules, a student must enrol each year for the Law Subject or Subjects which he or she wishes to study during that year.

- (i) In the case of a Non-Law Elective Subject or of Introductory Accounting, a student registered for a full-time course or for a part-time internal course must satisfy the enrolment requirements of the Faculty of Business or other Faculty concerned.
- (j) In the case of a subject which is the equivalent of a Non-Law Elective Subject or of Introductory Accounting and, as regards James Cook University in the case of a subject which is the equivalent of Introduction to Law or of Criminal Law and Procedure, a student registered for an external course must enrol at a tertiary institution or institutions, other than QUT, approved by the Dean of the Faculty of Law and must satisfy the enrolment requirements of such institution or institutions.
- (k) Where the Course Structure indicates a choice of subjects, that choice is subject to any pre-requisite requirements, to availability of a subject in the Timetable, to availability of staff and to a sufficient minimum enrolment in a subject.

5. Course Structure

(a) Full-time LL.B. Course

The full-time Bachelor of Laws course comprises the following subjects:

YEAR 1		EFTSU Approx Credit Formal Hrs/wk	
<u>Semester 1</u>			
LWB101	Introduction to Law	12	3
LWB102	Law of Contract	12	3
LWB103	Torts	12	3
	Non-Law Elective Subject	12	3
<u>Semester 2</u>			
LWB101	Introduction to Law	12	3
LWB102	Law of Contract	12	3
LWB103	Torts	12	3
	Non-Law Elective Subject	12	3
YEAR 2			
<u>Semester 3</u>			
LWB201	Land Law	12	3
LWB202	Criminal Law and Procedure	12	3
LWB203	Constitutional Law	12	3
	Non-Law Elective Subject	12	3
<u>Semester 4</u>			
LWB201	Land Law	12	3
LWB202	Criminal Law and Procedure	12	3
LWB203	Constitutional Law	12	3
	Non-Law Elective Subject	12	3

YEAR 3

EFTSU Approx
Credit Formal
Hrs/wkSemester 5

LWB301	Equity	12	3
LWB303	Commercial Law	12	3
LWB304	Conveyancing and Drafting* OR	8	2
LWB305	Jurisprudence Two Law Elective Subjects	12	3

Semester 6

LWB301	Equity	12	3
LWB309	Succession	8	2
LWB303	Commercial Law	12	3
LWB304	Conveyancing and Drafting* OR	8	2
LWB310	Administrative Law	12	3
ACB113	Introductory Accounting	12	3

YEAR 4

Semester 7

LWB401	Company Law and Partnership	12	3
LWB402	Evidence	12	3
LWB403	Taxation Law	12	3
LWB404	Practice	8	2
LWB405	Solicitors' Trust Accounts OR	8	2
LWB407	Conflict of Laws	12	3

Semester 8

LWB401	Company Law and Partnership	12	3
LWB403	Taxation Law	12	3
LWB404	Practice	8	2
LWB408	Securities	6	2
LWB409	Professional Conduct	2	2
	One Law Elective Subject		5wks

NOTE: * Conveyancing and Drafting is a whole-year subject.

(b) Non-Law Elective Subjects

The Non-Law Elective Subjects referred to above are the following one semester subjects offered by the Faculty of Business -

		EFTSU Credit	Approx Formal Hrs/wk
MNB101	Applied Psychology	12	3
MNB201	Introduction to Human Resource Management	12	3
CMB131	Speech Communication for Professionals	12	3
CMB132	Written Communication for Professionals	12	3
CMB119	Sociology for Professionals	12	3
CMB211	Communication Research	12	3
MNB132	Micro Economic Analysis	12	3
MNB232	Macro Economic Analysis	12	3
MNB306	Management Functions and Processes ³		
MNB307	Social Psychology ⁴	12	3
MNB181	Australian National Government B	12	3
MNB281	Political Behaviour ⁵	12	3
1	Pre-requisite - MNB101		
2	Pre-requisite - CMB111		
3	Pre-requisite - MNB201		
4	Pre-requisite - MNB101		
5	Pre-requisite - MNB181		

or with the prior approval of the Dean of the Faculty of Law, such other subjects as are deemed by the Dean to be satisfactory alternatives to the subjects offered by the Faculty of Business and as are approved by the Head of the School or the Head of the Department offering a subject. Non-law Elective Subjects which have in recent years received the Dean's approval and which are considered useful for Law students include MNB281 Political Behaviour, MNB282 State Government, ISB492 Business Systems Design I and MNB491 Psychology and the Law (pre-requisite MNB101 Applied Psychology). A list of other approved non-law electives is available from the Faculty Office.

(c) Law Elective Subjects

The Law Elective Subjects are:

		EFTSU Credit	Approx Formal Hrs/wk
LWB302	Family Law	12	3
LWB306	Local Government Law	8	2
LWB307	Insolvency Law	8	2
LWB308	Industrial Law	8	2
LWB305	Jurisprudence	12	3
	(if not studied as an alternative to Conveyancing and Drafting)		

		EFTSU Credit	Approx Formal Hrs/wk
LWB407	Conflict of Laws (if not studied as an alternative to Solicitors' Trust Accounts)	12	3
LWB310	Administrative Law (if not studied as an alternative to Conveyancing and Drafting)	12	3
LWB406	Public International Law	12	3
LWB410	Trade Practices Law	12	3
LWB412	Research & Writing Project Special Law Elective Subject	12	

The Law Elective Subjects will be offered as follows:

	Day Classes	Evening Classes
Autumn Semester	Family Law Local Government Law Insolvency Law Industrial Law Jurisprudence Conflict of Laws	Administrative Law Public International Law Trade Practices Law Special Law Elective Subject Research & Writing Project
Spring Semester	Administrative Law Public International Law Trade Practices Law Special Law Elective Subject Research & Writing Project	Family Law Local Government Law Insolvency Law Industrial Law Jurisprudence Conflict of Laws

(d) Special Law Elective Subjects

The Special Law Elective Subject referred to above is a one-semester Law Subject offered internally whenever, in the opinion of the Dean of the Faculty, sufficient academic staff with the requisite expertise in an appropriate subject other than one of those specified above are available in the Faculty and a sufficient number of students is enrolled in the subject.

The Special Law Elective subjects offered so far are:

		EFTSU Credit	Approx Formal Hrs/wk
LWB480	Media Law	12	3
LWB481	Mineral Law	12	3
LWB482	Computers and the Law	12	3

(e) Research and Writing Project

The Research and Writing Project referred to above is a one-semester subject which is offered to a student whenever the Dean of the Faculty is satisfied that sufficient academic staff with the requisite expertise in the area in question are available in the Faculty of Law to supervise and examine the Project, that the student has an appropriate academic record and background to enable him to undertake the Project and that the student has access to sufficient Law Library facilities to enable him to undertake the Project. Preference will be given to any student who, at the end of the seventh semester of the full-time course, or at the end of the fifth year of the part-time course, as the case may be, has obtained, in the Law subjects in which he has passed, an average mark equal to or greater than that required for the award of the LL.B. with Honours.

The Project is a paper of normally not less than 10,000 words and not more than 15,000 words.

The Project is deemed to be a one-semester subject with three hours of formal classes a week.

The paper must be submitted for examination not later than the last day of the teaching semester in which the Project is undertaken.

(f) Solicitors' Board Requirements

Students who wish to satisfy the academic requirements of the Solicitors' Board must include the following subjects in their course:

Family Law
Conveyancing and Drafting
Solicitors' Trust Accounts

(g) Barristers' Board Requirements

Students who wish to satisfy the academic requirements of the Barristers' Board must include the following subjects in their course:

Jurisprudence
Administrative Law
Conflict of Laws

Students should also refer to The Barristers' Admission Rules (Rule 16) regarding the Law Elective subjects which are acceptable. Local Government Law is not an acceptable subject under Rule 16.

(h) Part-time Internal and External LL.B. Courses

The part-time internal and the external Bachelor of Laws courses comprise the following subjects:

YEAR 1

		EFTSU Credit	Approx Formal Hrs/wk
<u>Semester 1</u>			
LWB101	Introduction to Law	12	3
LWB102	Law of Contract	12	3
	Non-Law Elective Subject	12	3

Semester 2

LWB101	Introduction to Law	12	3
LWB102	Law of Contract	12	3
	Non-Law Elective Subject	12	3

YEAR 2Semester 3

LWB103	Torts	12	3
LWB202	Criminal Law and Procedure	12	3
	Non-Law Elective Subject	12	3

Semester 4

LWB103	Torts	12	3
LWB202	Criminal Law and Procedure	12	3
	Non-Law Elective Subject ¹	12	3

YEAR 3Semester 5

LWB201	Land Law	12	3
LWB203	Constitutional Law	12	3
	One Law Elective Subject		

Semester 6

LWB201	Land Law	12	3
LWB203	Constitutional Law	12	3
	One Law Elective Subject		

YEAR 4Semester 7

LWB301	Equity	12	3
LWB303	Commercial Law	12	3
LWB304	Conveyancing and Drafting*	8	2
LWB310	Administrative Law	12	3

Semester 8

LWB301	Equity	12	3
LWB303	Commercial Law	12	3
LWB304	Conveyancing and Drafting*	8	2
LWB305	Jurisprudence	12	3

YEAR 5		EFTSU Approx	
		Credit	Formal
<u>Semester 9</u>		Hrs/wk	
LWB309	Succession	8	2
ACB113	Introductory Accounting	12	3
LWB401	Company Law and Partnership	12	3
<u>Semester 10</u>			
LWB402	Evidence	12	3
LWB405	Solicitors' Trust Accounts OR	8	2
LWB407	Conflict of Laws	12	3
LWB401	Company Law and Partnership	12	3
YEAR 6			
<u>Semester 11</u>			
LWB403	Taxation Law	12	3
LWB404	Practice	8	2
LWB408	Securities	6	2
		10wks	
<u>Semester 12</u>			
LWB403	Taxation Law	12	3
LWB404	Practice	8	2
LWB409	Professional Conduct	2	2
		5wks	
One Law Elective Subject			

NOTE: * Conveyancing and Drafting is a whole-year subject.

(i) Part-time Internal and External LL.B. Courses - Non-Law Elective Subjects, Law Elective Subjects, etc.

Sub-rules (b) Non-Law Elective Subjects, (c) Law Elective Subjects, (d) Special Law Elective Subjects, (e) Research and Writing Project, (f) Solicitors' Board Requirements and (g) Barristers' Board Requirements, above, apply in the case of the Part-time Internal and External Bachelor of Laws Courses as in the case of the full-time Bachelor of Laws Course.

(j) External LL.B. Course - Non-Law Elective Subjects, etc.

In the case of the Non-Law Elective Subjects and Introductory Accounting and, as regards James Cook University, in the case of Introduction to Law and Criminal Law and Procedure, the external course comprises subjects which are taught at a tertiary institution or tertiary institutions, other than the QUT, approved by the Dean of the Faculty of Law, which subjects are considered by the Dean to be the equivalent of those taught at the QUT.

(k) Full-time LL.B. Course for Graduates

A graduate of any degree course approved by the Dean of the Faculty of Law is eligible to complete the Bachelor of Laws Course in 3 years of full-time study.

The full-time Bachelor of Laws course for graduates comprises the following subjects:

YEAR 1**Semester 1**

		EFTSU Credit	Approx Formal Hrs/wk
LWB101	Introduction to Law	12	3
LWB102	Law of Contract	12	3
LWB103	Torts	12	3
LWB202	Criminal Law & Procedure	12	3

Semester 2

LWB101	Introduction to Law	12	3
LWB102	Law of Contract	12	3
LWB103	Torts	12	3
LWB202	Criminal Law & Procedure	12	3

YEAR 2**Semester 3**

LWB201	Land Law	12	3
LWB203	Constitutional Law	12	3
LWB301	Equity	12	3
LWB303	Commercial Law	12	3
	One Law Elective Subject		

Semester 4

LWB201	Land Law	12	3
LWB203	Constitutional Law	12	3
LWB301	Equity	12	3
LWB303	Commercial Law	12	3

YEAR 3**Semester 5**

LWB304	Conveyancing & Drafting*	8	2
	OR		
LWB305	Jurisprudence	12	3
LWB401	Company Law & Partnership	12	3
LWB403	Taxation Law	12	3
LWB404	Practice	8	2
LWB405	Solicitors' Trust Accounts	8	2
	OR		
LWB407	Conflict of Laws	12	3
LWB402	Evidence	12	3

<u>Semester 6</u>		EFTSU Approx Credit Formal Hrs/wk	
LWB304	Conveyancing & Drafting* OR	8	2
LWB310	Administrative Law	12	3
LWB401	Company Law & Partnership	12	3
LWB403	Taxation Law	12	3
LWB404	Practice	8	2
LWB309	Succession	8	2
LWB408	Securities	6	2
			10wks
LWB409	Professional Conduct	2	2
			5wks

NOTE: * Conveyancing and Drafting is a whole-year subject.

(1) Part-time LL.B. Course for Graduates

A graduate of any degree course approved by the Dean of the Faculty of Law is eligible to complete the Bachelor of Laws Course in 5 years of part-time study.

The part-time Bachelor of Laws course for graduates comprises the following subjects:

YEAR 1		EFTSU Approx Credit Formal Hrs/wk	
<u>Semester 1</u>			
LWB101	Introduction to Law	12	3
LWB102	Law of Contract	12	3
LWB103	Torts	12	3
<u>Semester 2</u>			
LWB101	Introduction to Law	12	3
LWB102	Law of Contract	12	3
LWB103	Torts	12	3
YEAR 2			
<u>Semester 3</u>			
LWB201	Land Law	12	3
LWB202	Criminal Law and Procedure	12	3
LWB203	Constitutional Law	12	3
<u>Semester 4</u>			
LWB201	Land Law	12	3
LWB202	Criminal Law and Procedure	12	3
LWB203	Constitutional Law	12	3

YEAR 3

EFTSU Approx
Credit Formal
Hrs/wkSemester 5

LWB301	Equity	12	3
LWB303	Commercial Law	12	3

Semester 6

LWB301	Equity	12	3
LWB303	Commercial Law	12	3
LWB405	Solicitors' Trust Accounts	8	2
	OR		
LWB407	Conflict of Laws	12	3

YEAR 4

Semester 7

LWB304	Conveyancing & Drafting*	8	2
	OR		
LWB310	Administrative Law	12	3
LWB401	Company Law & Partnership	12	3
LWB403	Taxation Law	12	3

Semester 8

LWB304	Conveyancing & Drafting*	8	2
	OR		
LWB305	Jurisprudence	12	3
LWB401	Company Law & Partnership	12	3
LWB403	Taxation Law	12	3

YEAR 5

EFTSU Approx
Credit Formal
Hrs/wkSemester 9

LWB404	Practice	8	2
LWB309	Succession	8	2
LWB408	Securities	6	2
			10 wks

Semester 10

LWB404	Practice	8	2
LWB402	Evidence	12	3
LWB409	Professional Conduct	2	2
			5wks
	One Law Elective Subject		

NOTE: * Conveyancing and Drafting is a whole-year subject.

(m) Full-time and Part-time LL.B. Courses for Graduates - Law Elective Subjects, etc.

Sub-rules (c) Law Elective Subjects, (d) Special Law Elective Subjects, (e) Research and Writing Project, (f) Solicitors' Board Requirements and (g) Barristers' Board Requirements, above, apply in the case of the Full-time and Part-time Bachelor of Laws Courses for Graduates as in the case of the Bachelor of Laws Course for non-graduates.

IFJ223 FULL-TIME BACHELOR OF
BUSINESS(ACCOUNTANCY)/LL.B. COMBINED
DEGREE COURSE

(n) B.Bus.(Accy),LL.B.

The Bachelor of Business (Accountancy), Bachelor of Laws, combined degree course comprises the following subjects:

YEAR 1		EFTSU	Approx
		Credit	Formal
<u>Semester 1</u>			Hrs/wk
ACB111	Introductory Accounting I	12	6
ISB392	Computer Systems and Programming	12	4
MAB172	Quantitative Methods IB	12	3
MNB132	Micro Economic Analysis	12	3
LWB101	Introduction to Law	12	3
<u>Semester 2</u>			
MNB103	Management I	12	3
ACB210	Introductory Accounting IIA	12	6
ISB492	Business Systems Design I	12	4
MNB305	Business Statistics	12	3
LWB101	Introduction to Law	12	3
YEAR 2			
<u>Semester 3</u>			
MNB232	Macro Economic Analysis	12	3
MNB203	Management II	12	3
ACB513	Managerial Accounting I	12	6
LWB102	Law of Contract	12	3
LWB103	Torts	12	3
<u>Semester 4</u>			
ACB551	Financial Management I	12	3
ACB412	Company Accounting	12	6
MNB405	Management Science A	12	3
LWB102	Law of Contract	12	3
LWB103	Torts	12	3
YEAR 3			
<u>Semester 5</u>			
ACB651	Financial Management II	12	3
ACB531	Auditing & Professional Practice I	12	3
ACB312	Financial Accounting I	12	6
LWB202	Criminal Law & Procedure	12	3
LWB201	Land Law	12	3
<u>Semester 6</u>			
ACB631	Auditing & Professional Practice II	12	3
ACB613	Managerial Accounting II	12	6
LWB202	Criminal Law & Procedure	12	3
LWB201	Land Law	12	3

106 Course Structures and Rules

YEAR 4

EFTSU Approx
Credit Formal
Hrs/wk

Semester 7

LWB203	Constitutional Law	12	3
LWB301	Equity	12	3
LWB303	Commercial Law	12	3
LWB304	Conveyancing & Drafting*	8	2
	OR		
LWB305	Jurisprudence	12	3
	One Law Elective Subject		

Semester 8

LWB203	Constitutional Law	12	3
LWB301	Equity	12	3
LWB303	Commercial Law	12	3
LWB304	Conveyancing & Drafting*	8	2
	OR		
LWB310	Administrative Law	12	3
LWB408	Securities	6	2
			10wks
LWB409	Professional Conduct	2	2
			5wks

YEAR 5

Semester 9

LWB401	Company Law & Partnership	12	3
LWB403	Taxation Law	12	3
LWB404	Practice	8	2
LWB309	Succession	8	2
LWB405	Solicitors' Trust Accounts	8	2
	OR		
LWB407	Conflict of Laws	12	3

Semester 10

LWB401	Company Law & Partnership	12	3
LWB403	Taxation Law	12	3
LWB404	Practice	8	2
LWB402	Evidence	12	3

NOTE: B.Bus.(Accy), LL.B., students must complete a special course of 6 hours of classes in Insolvency Law conducted by the Faculty of Law during Semester 10.

* Conveyancing and Drafting is a whole-year subject.

(o) B.Bus.(Accy), LL.B., Combined Degree Course - Law Elective Subjects, etc.

Sub-rules (c) Law Elective Subjects, (d) Special Law Elective Subjects, (e) Research and Writing Project, (f) Solicitors' Board Requirements and (g) Barristers' Board Requirements, above, apply in the case of the Bachelor of Business (Accountancy), Bachelor of Laws Combined Degree Course as in the case of the Full-time Bachelor of Laws Course.

**IFJ235 FULL-TIME BACHELOR OF BUSINESS
(COMPUTING)/LL.B.
COMBINED DEGREE COURSE**

(p) B.Bus.(Comptg), LL.B.

The Bachelor of Business (Computing), Bachelor of Laws, combined degree course comprises the following subjects:-

YEAR 1		EFTSU	Approx
		Credit	Formal
<u>Semester 1</u>		Hrs/wk	
ISB101	Application Systems	12	3
ISB102	Representation of Information	12	3
CSB100	Introduction to Computer Science	12	3
CSB101	Computer Systems I	12	3
INB100	Computing Practice I	12	3
<u>Semester 2</u>			
ISB201	Information Systems Anal. & Design I	12	3
CMB104	Professional Communication	12	3
CSB110	Programming Principles	12	3
MAB172	Quantitative Methods IB	12	3
INB150	Computing Practice II	12	3
YEAR 2			
<u>Semester 3</u>			
ISB202	Database and Procedural Languages	12	3
INB270	Data Communications	12	3
INB200	Computing Practice III	12	3
LWB101	Introduction to Law	12	3
LWB102	Law of Contract	12	3
<u>Semester 4</u>			
ISB210	Information Systems Anal. & Design II	12	3
ISB302	Database Management	12	3
INB250	Computing Practice IV	12	3
LWB101	Introduction to Law	12	3
LWB102	Law of Contract	12	3
YEAR 3			
<u>Semester 5</u>			
ISB301	Advanced Information Systems	12	3
INB300	Project Work	12	3
LWB103	Torts	12	3
LWB201	Land Law	12	3
LWB202	Criminal Law & Procedure	12	3

		EFTSU Credit	Approx Formal Hrs/wk
<u>Semester 6</u>			
ISB313	Expert Information Systems	12	3
ISB314	Information Systems Management	12	3
LWB103	Torts	12	3
LWB201	Land Law	12	3
LWB202	Criminal Law & Procedure	12	3

YEAR 4

<u>Semester 7</u>			
LWB203	Constitutional Law	12	3
LWB301	Equity	12	3
LWB303	Commercial Law	12	3
One Law Elective Subject			
LWB304	*Conveyancing & Drafting (intending Solicitors)	8	2
OR			
LWB305	Jurisprudence (intending Barristers)	12	3

<u>Semester 8</u>			
LWB203	Constitutional Law	12	3
LWB301	Equity	12	3
LWB303	Commercial Law	12	3
LWB304	*Conveyancing & Drafting (intending Solicitors)	8	2
OR			
LWB310	Administrative Law (intending Barristers)	12	3
LWB408	Securities	6	2
		10 wks	
LWB409	Professional Conduct	2	2
		5 wks	

YEAR 5

<u>Semester 9</u>			
LWB401	Company Law & Partnership	12	3
LWB403	Taxation Law	12	3
LWB404	Practice	8	2
LWB309	Succession	8	2
LWB405	Solicitors' Trust Accounts (intending Solicitors)	8	2
OR			
LWB407	Conflict of Laws (intending Barristers)	12	3

<u>Semester 10</u>			
LWB401	Company Law & Partnership	12	3
LWB403	Taxation Law	12	3
LWB404	Practice	8	2
LWB402	Evidence	12	3

(q) B.Bus.(Comptg), LL.B.Combined Degree CourseElective Subjects, etc.

Sub-rules (c) Law Elective Subjects, (d) Special Law Elective Subjects, (e) Research and Writing Project, (f) Solicitors' Board Requirements and (g) Barristers' Board Requirements, above, apply.

**LWJ238 FULL-TIME BACHELOR OF BUSINESS
(ACCOUNTING) (DDIAE)
LL.B. (QUT) COMBINED DEGREE COURSE**

(r) B.Bus(Accg)(DDIAE), LL.B.(QUT)

The Bachelor of Business (Accounting)(DDIAE), Bachelor of Laws (QUT), combined degree comprises the following subjects:-

YEAR 1		QUT Code for DDIAE Subjects	Approx Formal Hrs/wk
<u>Semester 1</u>			
51001	Business Computer Systems	EXL023	4
51002	Introduction to Accounting	EXL020	4
51004	Introduction to Business	EXL011	4
51009	People Communication and Organizations	EXL009	4
LWB101	Introduction to Law		3
<u>Semester 2</u>			
51007	Business Statistics	EXL027	4
51103	Financial Accounting	EXL048	4
	Liberal Studies Unit (refer DDIAE Handbook)		4
LWB101	Introduction to Law		3
YEAR 2			
<u>Semester 3</u>			
51008	Business Economics	EXL008	4
51111	Financial Appraisal	EXL064	4
51113	Managerial Accounting A	EXL042	4
LWB102	Law of Contract		3
LWB103	Torts		3
<u>Semester 4</u>			
51112	Business Finance	EXL065	4
51114	Managerial Accounting B	EXL066	4
LWB102	Law of Contract		3
LWB103	Torts		3

110 Course Structures and Rules

YEAR 3

Semester 5

		QUT Code for DDIAE Subjects	Approx Formal Hrs/wk
51115	Company Accounting	EXL067	4
51116	Accounting Theory and Contemporary Issues	EXL068	4
51125	Taxation Law I	EXL069	4
LWB202	Criminal Law & Procedure		3
LWB201	Land Law		3

Semester 6

51118	Auditing	EXL070	4
51110	Business Policy	EXL071	4
51121	Selected Topics in Corporate Accounting	EXL072	4
LWB202	Criminal Law & Procedure		3
LWB201	Land Law		3

YEAR 4

Semester 7

LWB203	Constitutional Law		3
LWB301	Equity		3
LWB303	Commercial Law		3
LWB304	One Law Elective Subject *Conveyancing & Drafting (intending Solicitors)		2
	OR		
LWB305	Jurisprudence (Intending Barristers)		3

Semester 8

LWB203	Constitutional Law		3
LWB301	Equity		3
LWB303	Commercial Law		3
LWB304	*Conveyancing & Drafting (intending Solicitors)		2
	OR		
LWB310	Administrative Law (intending Barristers)		3
LWB408	Securities		2
			(10weeks)
LWB409	Professional Conduct		2
			(5 weeks)

NOTE: *Conveyancing & Drafting is a whole year subject.

YEAR 5		QUT Code for DDIAE Subjects	Approx Formal Hrs/wk
<u>Semester 9</u>			
LWB401	Company Law & Partnership		3
LWB403	Taxation Law		3
LWB404	Practice		2
LWB309	Succession		2
LWB405	Solicitors' Trust Accounts (intending Solicitors)		2
	OR		
LWB407	Conflict of Laws (intending Barristers)		3
<u>Semester 10</u>			
LWB401	Company Law & Partnership		3
LWB403	Taxation Law		3
LWB404	Practice		2
LWB402	Evidence		3

(s) B.Bus.(Accg)(DDIAE), LL.B.(QUT), Combined Degree Course -
Law Elective Subjects, etc.

Sub-rules (c) Law Elective Subjects, (d) Special Law Elective Subjects, (e) Research and Writing Project, (f) Solicitors' Board Requirements and (g) Barristers' Board Requirements, above, apply.

LWJ239 FULL-TIME BACHELOR OF ARTS
(MODERN ASIAN STUDIES)
(GRIFFITH), LL.B. (QUT) COMBINED DEGREE COURSE)

(t) BA (M.A.S.)(Griff) LL.B. (QUT)

The Bachelor of Arts (Modern Asian Studies) (Griffith), Bachelor of Laws (QUT), combined degree course comprises the following subjects:-

FOR STUDENTS WITH NO PRIOR KNOWLEDGE OF THE JAPANESE LANGUAGE:

YEAR 1		QUT Code for Griffith Subjects	Approx Formal Hrs/wk
<u>Semester 1</u>			
LWB101	Introduction to Law		3
LWB102	Law of Contract		3
A3121	Foundation Year: Japan Studies	EXL402	3
A1104	Basic Japanese I	EXL403	5

		QUT Code for Griffith Subjects	Approx Formal Hrs/wk
<u>Semester 2</u>			
LWB101	Introduction to Law		3
LWB102	Law of Contract		3
A3121	Foundation Year: Japan Studies	EXL402	3
A1104	Basic Japanese I	EXL403	5
YEAR 2			
<u>Semester 3</u>			
LWB103	Torts		3
A1219	Basic Japanese II	EXL404	8
**	One Japanese Studies/ Social Sciences Course		
<u>Semester 4</u>			
LWB103	Torts		3
A1221	Basic Japanese III	EXL405	8
**	One Japanese Studies/ Social Sciences Course		3
YEAR 3			
<u>Semester 5</u>			
LWB202	Criminal Law & Procedure		3
LWB201	Land Law		3
A1319	Intermediate Japanese I	EXL406	8
<u>Semester 6</u>			
LWB202	Criminal Law & Procedure		3
LWB201	Land Law		3
A1321	Intermediate Japanese II	EXL407	8
YEAR 4			
<u>Semester 7</u>			
LWB203	Constitutional Law		3
LWB301	Equity		3
LWB303	Commercial Law		3
LWB304	One Law Elective Subject *Conveyancing & Drafting (intending Solicitors)		2
	OR		
LWB305	Jurisprudence (intending Barristers)		3
A3421	Advanced Japanese Project I	EXL408	

		QUT Code for Griffith Subjects	Approx Formal Hrs/wk
<u>Semester 8</u>			
LWB203	Constitutional Law		3
LWB301	Equity		3
LWB303	Commercial Law		3
LWB304	*Conveyancing & Drafting (intending Solicitors)		2
LWB310	Administrative Law (intending Barristers)		3
A3421	Advanced Japanese Project I	EXL408	

YEAR 5

Semester 9

LWB401	Company Law & Partnership		3
LWB402	Evidence		3
LWB403	Taxation Law		3
LWB404	Practice		2
LWB405	Solicitors' Trust Accounts (intending Solicitors)		2
	OR		
LWB407	Conflict of Laws (intending Barristers)		3
A3521	Advanced Japanese Project II	EXL409	

Semester 10

LWB401	Company Law & Partnership		3
LWB309	Succession		3
LWB403	Taxation Law		3
LWB404	Practice		2
LWB408	Securities		2
			(10 weeks)
LWB409	Professional Conduct		2
			(5 weeks)
A3521	Advanced Japanese Project II	EXL409	

FOR STUDENTS WITH SUCCESSFUL COMPLETION OF SECONDARY SCHOOL
JAPANESE OR LANGUAGE EXPERIENCE IN JAPAN

YEAR 1

		QUT Code for Griffith Subjects	Approx Formal Hrs/wk
<u>Semester 1</u>			
LWB101	Introduction to Law		3
LWB102	Law of Contract		3
A3121	Foundation Year: Japan Studies	EXL402	
A3201	Basic Japanese Oral Communication A	EXL410	4
	OR		
A3202	Basic Japanese Oral Communication B (develops from language experience in Japan)	EXL411	4

		QUT Code for Griffith Subjects	Approx Formal Hrs/wk
<u>Semester 2</u>			
LWB101	Introduction to Law		3
LWB102	Law of Contract		3
A3121	Foundation Year: Japan Studies	EXL402	
A3201	Basic Japanese Oral Communication A	EXL410	4
	OR		
A3202	Basic Japanese Oral Communication B (develops from language experience in Japan)	EXL411	4
YEAR 2			
<u>Semester 3</u>			
LWB103	Torts		3
A1319	Intermediate Japanese I	EXL406	8
**	One Japanese Studies/ Social Sciences Course		3
<u>Semester 4</u>			
LWB103	Torts		3
A1321	Intermediate Japanese II	EXL407	8
**	One Japanese Studies/ Social Sciences Course		3
YEAR 3			
<u>Semester 5</u>			
LWB202	Criminal Law & Procedure		3
LWB201	Land Law		3
A1345	Advanced Communication Skills in Japanese I	EXL412	3
**	One Japanese Studies/ Social Sciences Course		3
<u>Semester 6</u>			
LWB202	Criminal Law & Procedure		3
LWB201	Land Law		3
A1340	Advanced Communication Skills in Japanese II	EXL413	3
**	One Japanese Studies/ Social Sciences Course		3

YEAR 4

Semester 7

		QUT Code for Griffith Subjects	Approx Formal Hrs/wk
LWB203	Constitutional Law		3
LWB301	Equity		3
LWB303	Commercial Law		3
	One Law Elective Subject		
LWB304	*Conveyancing & Drafting (intending Solicitors)		2
	OR		
LWB305	Jurisprudence (intending Barristers)		3
A3421	Advanced Japanese Project I	EXL408	

Semester 8

LWB203	Constitutional Law		3
LWB301	Equity		3
LWB303	Commercial Law		3
LWB304	*Conveyancing & Drafting (intending Solicitors)		2
	OR		
LWB310	Administrative Law (intending Barristers)		3
A3421	Advanced Japanese Project I	EXL408	

YEAR 5

Semester 9

LWB401	Company Law & Partnership		3
LWB402	Evidence		3
LWB403	Taxation Law		3
LWB404	Practice		2
LWB405	Solicitors' Trust Accounts (intending Solicitors)		2
	OR		
LWB407	Conflict of Laws (intending Barristers)		3
A3521	Advanced Japanese Project II	EXL409	

		QUT Code for Griffith Subjects	Approx Formal Hrs/wk
<u>Semester 10</u>			
LWB401	Company Law & Partnership		3
LWB309	Succession		2
LWB403	Taxation Law		3
LWB404	Practice		2
LWB408	Securities		2
			(10 weeks)
LWB409	Professional Conduct		2
			(5 weeks)
A3521	Advanced Japanese Project II	EXL409	

NOTE:* Conveyancing and Drafting is a whole-year subject.

** Course selections will normally be drawn from the following, subject to the academic interests of the students, timetabling constraints and the approval of the School of Modern Asian Studies.

		QUT Code for Griffith Subjects	Approx Formal Hrs/wk
<u>Japan Studies</u>			
A1271	The Japanese Economic System	EXL414	3
A1274	Problems in Modern Japanese History	EXL415	3
A1275	Politics and Foreign Policy in Contemporary Japan	EXL416	3
A1277	Japanese Society and Culture	EXL417	3
A1279	Modern Japanese Literature	EXL418	3
A1376	Industrial Relations in Japan	EXL419	3

Social Sciences

A1241	Anthropology	EXL420	3
A1241	Economics	EXL421	3
A1244	Historiography	EXL422	3
A1246	Political Science	EXL423	3
A1247	Sociology	EXL424	3

Thematic Courses

A1331	Australia and Asia	EXL425	3
A1341	Guided Studies Semester I	EXL426	3
A1342	Guided Studies Semester II	EXL427	3

(u) B.A.(Griff), LL.B.(QUT), Combined Degree Course -
Law Elective Subjects, etc.

Sub-rules (c) Law Elective Subjects, (d) Special Law Elective Subjects, (e) Research and Writing Project, (f) Solicitors' Board Requirements and (g) Barristers' Board Requirements, above, apply.

6. Attendance - Seminar Performance

- (a) A full-time student or a part-time internal student must attend the appropriate lectures and seminars punctually and regularly and any such student who fails so to attend may be deemed by the Dean of the Faculty ineligible to sit for the examination in the subject or subjects involved at the end of the semester or the end of the year, as the case may be.
- (b) Except with the approval of the Dean, which will only be granted in exceptional circumstances, an external student must attend the appropriate lectures and seminars at Weekend and other Attendance Schools in Brisbane.
- (c) In the case of a Law Subject, a student's performance in seminars may be declared to be worth up to 10 per cent of the total marks for that subject, in which case the assignment or assignments in that subject, referred to in Rule 7(d) and (e), will be worth correspondingly less than 25 per cent of the total marks for that subject.
- (d) In the case of a Non-Law Elective Subject or of Introductory Accounting, a student registered for a full-time course or for a part-time internal course must satisfy the attendance and assessment requirements of the Faculty of Business, or other Faculty concerned.
- (e) In the case of a subject which is the equivalent of a Non-Law Elective Subject or of Introductory Accounting, or, as regards James Cook University, in the case of a subject which is the equivalent of Introduction to Law or of Criminal Law and Procedure, a student registered for an external course must satisfy the attendance and assessment requirements of the approved tertiary institution or institutions.

7. Assignments, etc.

- (a) Every student must make a proper attempt at the assignments (including moots, reports of Court proceedings and other practical work) set in each Law Subject for which he or she is enrolled.
- (b) A student registered for an external course must make a proper attempt at the exercises set in each Law Subject for which he or she is enrolled.

- (c) Except with the approval of the Dean of the Faculty, which will only be granted in exceptional circumstances, such attempt or attempts must be made by the due date or dates.
- (d) In the case of a whole-year subject, there will normally be at least two assignments, one during the first semester and, subject to Rule 6(c), worth 10 per cent of the total marks for that subject and one during the second semester and, subject to Rule 6(c), worth 15 per cent of the total marks for that subject.
- (e) In the case of a one-semester subject, there will normally be at least one assignment worth, subject to Rule 6(c), 25 per cent of the total marks for that subject.
- (f) In the case of an external course there will normally be at least two exercises in each Law Subject, whether a whole-year subject or a one-semester subject, each semester.
- (g) In the case of a Non-Law Elective Subject or of Introductory Accounting, a student registered for a full-time course or for a part-time internal course must satisfy the assignment requirements of the Faculty of Business Studies or other Faculty concerned.
- (h) In the case of a subject which is the equivalent of a Non-Law Elective Subject or of Introductory Accounting, or, as regards James Cook University, in the case of a subject which is the equivalent of Introduction to Law or of Criminal Law and Procedure, a student registered for an external course must satisfy the assignment and exercise requirements of the approved tertiary institution or institutions.

8. Examinations

- (a) In the case of a whole-year subject, there will normally be two formal examinations, one at the end of the first semester and worth 25 per cent of the total marks for that subject, and one at the end of the year and worth 50 per cent of the total marks for that subject.
- (b) In the case of a one-semester subject, there will normally be one formal examination at the end of the semester and worth 75 per cent of the total marks for that subject.

- (c) In the case of a Non-Law Elective Subject or of Introductory Accounting, a student registered for a full-time course or for a part-time internal course must satisfy the examination requirements of the Faculty of Business Studies or other Faculty concerned.
- (d) In the case of a subject which is the equivalent of a Non-Law Elective Subject or of Introductory Accounting, or, as regards James Cook University, in the case of a subject which is the equivalent of Introduction to Law or of Criminal Law and Procedure, a student registered for an external course must satisfy the examination requirements of the approved tertiary institution or institutions.

9. Passes

- (a) In order to gain a pass in a Law subject, a student must satisfy the attendance and assignment and exercise requirements specified in these rules and must obtain a pass mark in that subject, the total number of marks for the subject being allocated between assignments, seminar performance and examinations in accordance with these rules.
- (b) In order to gain a pass in a Non-law Elective Subject or in Introductory Accounting, a student registered for a full-time course or for a part-time internal course must comply with the requirements of the Faculty of Business Studies or other Faculty concerned.
- (c) In order to gain a pass in a subject which is the equivalent of a Non-Law Elective Subject or of Introductory Accounting, or, as regards James Cook University, in a subject which is the equivalent of Introduction to law or of Criminal Law and Procedure, a student registered for an external course must comply with the requirements of the approved tertiary institution or institutions.
- (d) A student may pass, or pass with credit, or pass with distinction, or pass with high distinction, and in certain circumstances a pass may be conceded, in accordance with General Examination Rule 36 which is set out earlier in this handbook.

10. Fails

Attention is drawn to General Examination Rules 41-46 which relate to unsatisfactory academic performance and which are referred to in Rule 4(f) of these rules and set out earlier in this Handbook.

11. Credit for Subjects Passed in a Course for the Bachelor of Laws Degree at the QUT, etc.

A student retains credit for any subject or subjects passed in the year or semester, as the case may be, in which he or she is enrolled.

12. Credit for Subjects Passed Other Than in a Course for the Bachelor of Laws Degree at the QUT

- (a) Rules concerning the granting of exemptions are detailed under 'Rules Relating to Student Matters'. (See Section 3).
- (b) If an external student, after registering for the course for the Bachelor of Laws degree at the QUT, has, with the prior approval of the Dean of Faculty, enrolled for and passed in a subject at any other tertiary institution, being a subject which is considered by the Dean to be the equivalent of any of the Non-Law Elective Subjects or of Introductory Accounting, or, as regards James Cook University, the equivalent of Introduction to Law or of Criminal Law and Procedure, then he or she will be granted credit for that subject.
- (c) A graduate of any degree course approved by the Dean may be deemed to have passed in four Non-Law Elective Subjects, two Law Elective Subjects and Introductory Accounting and may be granted credit for such subjects.

13. Re-arrangement of Courses

In a proper case the Dean of Faculty may re-arrange the external course structure so as to enable a student to spread his or her course over a period of up to eight years.

14. Honours

The LL.B. degree may be awarded with Honours. First Class Honours, Second Class Honours, Division A, and Second Class Honours, Division B, may be awarded. Candidates for the degree with honours must fulfil the requirements for the pass degree and achieve such standard of proficiency in all the subjects of the course as may from time to time be determined by the Academic Board and approved by the Academic Assembly. The Faculty's policy normally provides that a student with an average mark of 75% or more will qualify for the award of First Class Honours, a student with an average mark of 70-74.99% will qualify for the award of Second Class Honours, Division A, and a student with an average mark of 65-69.99% will qualify for the award of Second Class Honours, Division B.

Prizes and Awards

PRIZES AND AWARDS

The Queensland University of Technology 'University Medal'

A University Medal may be awarded to a Bachelor of Laws graduate each year if one is deemed to be of sufficient merit.

OPEN PRIZES

The K G Copp Memorial Prize

An annual prize of books to the value of approximately \$100 to perpetuate the memory of the late Graham Copp and awarded to the student with the highest aggregate mark in the Law subjects studied for the LL.B. degree.

Since intending barristers study Jurisprudence and Administrative Law whilst intending solicitors study Conveyancing and Drafting, in the case of intending barristers the average mark obtained in Jurisprudence and Administrative Law will count for the purposes of the prize.

The Una Prentice Memorial Prize

Awarded each year, under a Trust, by the Women Lawyers' Association of Queensland, to the woman student with the highest aggregate marks in Law subjects studied for the LL.B. degree.

Since intending barristers study Jurisprudence and Administrative Law whilst intending solicitors study Conveyancing and Drafting, in the case of intending barristers the average mark obtained in Jurisprudence and Administrative Law will count for the purposes of the prize.

The Queensland Law Society Prize

An annual prize of \$400 awarded to the student graduating with the award of Bachelor of Laws with the highest aggregate mark in the subjects Commercial Law, Conveyancing and Drafting, Company Law and Partnership, and Taxation Law.

The Bar Association of Queensland Prize

An annual prize of \$100 awarded to the person who has shown the greatest proficiency in Evidence and Practice of those completing their course in the year.

The Rod Grant Memorial Prize

An annual prize of \$500 to perpetuate the memory of the late Rod Grant and awarded to the Legal Practice Course student who produces the most practical/professional 'answer' to a legal problem set by an independent panel of practitioners.

The Charles Seymour Memorial Prize

An annual prize of \$500 presented by Seymour, Nulty and Co., to perpetuate the memory of the late Charles Seymour. The prize is for the student who, in the opinion of the Dean, has made the greatest contribution to the life of the Law School during the year.

The Justin Geldard Memorial Prize

An annual prize to perpetuate the memory of the late Justin Geldard and awarded to the student graduating with the award of the Bachelor of Laws whose degree is the best pass degree.

CLOSED PRIZES

The North Queensland Law Association Bursary of \$300 awarded each year to the first year student who is not a full-time student and who is articulated in the North Queensland Law Association District with the highest aggregate mark in the first year Law subjects, Introduction to Law and Law of Contract.

The Central District Law Association Bursary of \$300 awarded each year to the student normally resident in the Central Queensland area with the highest mark in Introduction to Law.

The Primrose Coupler Cronin Rudkin Prize of \$500 awarded each year to the student who is not a full-time student and who resides in the Gold Coast area and has the highest mark in Law of Contract.

The Gold Coast Law Association Conveyancing and Drafting Bursary of \$100 awarded each year to the student who is not a full-time student and who is articulated to a solicitor in the Gold Coast area and has the highest mark in Conveyancing and Drafting.

The Gold Coast Law Association Practice Bursary of \$100 awarded each year to the student who is not a full-time student and who is articulated to a solicitor in the Gold Coast area and has the highest mark in Practice.

The McCullough Robertson Prize of \$700 awarded each year to the 2nd year full-time LLB student with the highest aggregate mark in Law subjects.

The McCullough Robertson Prize of \$300 awarded each year to the 2nd year full-time LLB student with the second highest aggregate mark in Law subjects.

The McCullough Robertson Prize of \$700 awarded each year to the 3rd year full-time Combined Accountancy/Law student with the highest aggregate mark in Law subjects.

The McCullough Robertson Prize of \$300 awarded each year to the 3rd year full-time Combined Accountancy/Law student with the second highest aggregate mark for Law subjects.

SUBJECT PRIZES

Introduction to Law

The Law Book Company Prize of a book voucher to the value of \$100 awarded each year to the best student in Introduction to Law.

Law of Contract

The Clarke and Kann Prize of \$450 awarded each year to the best student in Law of Contract.

The Butterworths Pty Ltd Prize of book vouchers to the value of \$100 awarded each year to the best student in Law of Contract.

Torts

The Butterworths Pty Ltd Prize of book vouchers to the value of \$100 awarded each year to the best student in Torts.

Land Law

The Butterworths Pty Ltd Prize of book vouchers to the value of \$100 awarded each year to the best student in Land Law.

Criminal Law and Procedure

The Butterworths Pty Ltd Prize of book vouchers to the value of \$100 awarded each year to the best student in Criminal Law and Procedures.

Constitutional Law

The Butterworths Pty Ltd Prize of book vouchers to the value of \$100 awarded each year to the best student in Constitutional Law.

Equity

The Butterworths Pty Ltd Prize of book vouchers to the value of \$100 awarded each year to the best student in Equity.

Family Law

The Power & Power Prize of \$500 awarded each year to the best student in Family Law.

The Family Law Practitioners' Association Prize of a book voucher to the value of \$50 awarded each year to the best student in Family Law.

Commercial Law

The Power & Power Prize of \$1,000 awarded each year to the best student in Commercial Law.

Conveyancing and Drafting

The Clewett Corser & Drummond Prize of \$200 awarded each year to the best student in Conveyancing and Drafting.

Succession

The Law Book Company Prize of a book voucher to the value of \$150 awarded each year to the best student in Succession.

Administrative Law

The Butterworths Pty Ltd Prize of book vouchers to the value of \$100 awarded each year to the best student in Administrative Law.

Company Law and Partnership

The Power & Power Prize of \$1,000 awarded each year to the best student in Company Law and Partnership.

Taxation Law

The Clarke & Kann Prize of \$900 awarded each year to the best student in Taxation Law.

Practice

The Lyons (Solicitors Prize of the loose leaf service 'Supreme Court Practice' by Ryan, Weld & Lee (current value \$215) awarded each year to the best student in Practice.

Public International Law

The United Nations Association of Australia (Queensland) Prize of \$50 and one year's complimentary membership of the Queensland Division of the Association awarded each year to the best student in Public International Law.

Solicitors' Trust Accounts

The Law Book Company Prize of a book voucher to the value of \$150 awarded each year to the best student in Solicitors' Trust Accounts.

Securities

The Hill & Taylor Prize of \$500 awarded each year to the best student in Securities.

Trade Practices Law

The Hill & Taylor Prize of \$500 awarded each year to the best student in Trade Practices Law.

Professional Conduct

The Law Book Company Prize of a book voucher to the value of \$150 awarded each year to the best student in Professional Conduct.

Computers and the Law

The Alpha Micro Prize of a book voucher to the value of \$250 awarded each year to the best student, other than an unregistered student, in Computers and the Law.

Synopses

SYNOPSSES

The number of hours of formal instruction per subject is indicated in brackets after the title of the subject.

Students may wish to buy their own copy of books recommended for preliminary reading, although a few copies of each book will be kept in the Law School Library.

Each student should have his or her own copy of each of the prescribed books, although a number of copies of each will be kept in the Law School Library.

Students need not buy their own copy of the recommended reference books but, when necessary, should consult the copy or copies kept in the Law School Library.

In each case the latest edition is the one referred to unless the contrary is stated.

Wherever a statute is referred to, the reference is to that statute as amended.

MASTER OF LAWS BY COURSEWORK

LWN001 Advanced Company Law

Objectives of Course:

The object of this course is to provide instruction at an advanced level in the law relating to public companies within the framework of the National Companies and Securities Scheme. The course is designed to emphasize both practical perspectives and conceptual analysis in relation to the present law. It will also focus upon any legislative amendments being considered by the Ministerial Council.

Course Content:

The major components of this course comprise the following:

1. Prospectuses

This section of the course will deal with the regulation of the distribution and sale of securities (including debentures and prescribed interests) under the National Companies legislation.

2. Company Receivership

This topic will examine not only the duties, powers and liabilities of company receivers but also the documentation which a secured creditor ought to have adopted in order to be able to appoint a receiver out of court.

3. Winding Up

This section of the course will analyze the law of company liquidations with particular emphasis upon liquidation by application of a creditor. The qualifications, duties, powers and rights of liquidators will be considered.

4. Reconstructions and Amalgamations/Takeovers

This topic will examine reorganization of the corporate structure by way of merger or other alteration of capital structure under the Companies Code. There will also be a consideration of the Companies (Acquisition of Shares) Code which has the purpose of regulating acquisitions of shares which effect a change in a company's control.

5. Securities Industry Regulation

This will involve an overview of the legal rules operating under the Securities Industry Code including such areas as market rigging, frauds and the role of institutions and other investors.

Prescribed Material:

- Companies (Qld) Code
- Securities Industry (Qld) Code
- Companies (Acquisition of Shares)(Qld) Code
- Companies and Securities (Interpretation and Miscellaneous Provisions)(Qld) Code
- J O'Donovan, 'The Law of Company Receivers and Managers in Australia', (Law Book Company, 1981)
- J O'Donovan, 'Winding Up and Receivership under the Companies Act 1981', (Law Book Company, 1982)
- B H McPherson, 'The Law of Company Liquidation', 2nd edn, (Law Book Company, 1980)
- H A Ford, 'Principles of Company Law' 4th edn, (Butterworths, 1986).
- R Baxt, J Ford, G Samuel, C Maxwell, 'An Introduction to the Securities Industry Code', (Butterworths, 1982).
- Cases and Materials prescribed by the Law Faculty.

Recommended Reference Material:

- 'Palmer's Company Law', 22nd edn B C M Schmit tholff with M Kay and G K Morse, 3 volumes (Stevens, 1976).
- L C B Gower, 'Principles of Modern Company Law', 4th edn and supplements, (Stevens, 1980)
- Paterson, Ednie and Ford, 'Australian Company Law', 3rd edn, (Butterworths)
- 'Australian Company Law and Practice', (CCH Australia)

LWN008 Commercial Leases**Objectives of Course:**

The principal objective of this course is to examine in depth the standard of clauses of a modern Australian commercial lease in the light of recent case law and Queensland statutory provisions affecting such interests. Where appropriate, drafting techniques will be explored against the background of current problems in specific areas with the assistance of invited specialist practitioners.

Course Content:

The topics dealt with will include the following:

1. *Negotiating terms of lease* - Letters of intent; representations; role of agent basic parts to note e.g. Local Authority approval.
2. *Anatomy of a commercial lease* - Structure of lease as commercial agreement; agreement for lease composed; subject matter of demised premises and common areas; effect of covenants express and implied; effect of execution and entry into possession.
3. *Concept of rent* - 'net' and 'gross'; abatement of rent; construction of covenant regarding rent; compare outgoing.
4. *Repair* - examination of standard covenant; lessee's obligation defined; lessor's duty considered; repairs and inherent defects contrasted; improvements and alterations distinguished; lessor's rights to enter and undertake repairs.
5. *Assignment* - examination of standard forms of covenant; statutory provisions including those affecting benefit and burden of covenants passing; conveyancing considerations; interpretation of covenant; court action challenge for refusal of consent.
6. *Permitted use* - construction of covenant; effect of breach; change in user; compliance with local authority requirements; liability of lessee to third parties; Trade Practices Act 1974 implications.
7. *Quiet enjoyment* - construction and meaning of covenant; effect of breach; derogation from grant distinguished; measure of damages.
8. *Insurance* - obligations of both parties; risks covered breach of covenant;

construction of standard clauses; liability of parties; subrogation.

9. *Rent review clauses* - general form; problems commonly encountered in interpretation;

10. *Rent review clauses* - general form; problems commonly encountered in interpretation; functions of arbitrators and valuers; drafting problems.

10. *Options* - forms of option: (a) to purchase - compared with rights of pre-emption; (b) to renew - effect of registration of lease; notice of exercise; type of interest; relief against loss of option to renew, other protection of option.

11. *Breach of lease* - enforcement of covenants; specific and consequential remedies; forfeiture; right of re-entry; statutory notices; relief against forfeiture; fundamental breach of lease; measure of damages; waiver of breach.

12. *Determination other than by forfeiture* - surrender; peaceable re-entry; merger; disclaimer; abandonment; frustration.

13. *Recovery of possession* - steps to take in curial action - i.e. endorsement of writ claim for ejectment and mesne profits; form and service and order; effect of order.

14. *Miscellaneous matters* -

(a) lease guarantee; practical drafting considerations; form; discharge; assignment

(b) Retail Shop Leases Act 1984

(c) registration practice; Real Property Act provisions.

Recommended Reference Material:

No one text is entirely suitable and the following list would be a source of reference only together with more recent articles (to be advised) upon particular topics. It is intended that a standard commercial lease precedent would be given to students at the outset to form the basis of discussion throughout the course. The areas of most recent controversy will be highlighted throughout the course with an emphasis on solving practical problems that frequently arise.

M J Ross, 'Drafting & Negotiating Commercial Leases', 2nd edn (Butterworths, 1984)

A G Lang, 'Leases and Tenancies in NSW', (Law Book Co., 1986)

A G Lang, 'Commercial Leases', (Seminars 1985)

S Tromans, 'Commercial Leases', (Sweet & Maxwell, 1987)

'Woodfall's Law of Landlord and Tenant', 28th edn by L A Blundell & V G Wellings, (Law Book Co., 1978)

R Brooking, 'Brooking & Chernov, Tenancy Law and Practice in Victoria', 2nd edn (Butterworths, 1980)

M Brahmans, 'Commercial Leases', (Collins, 1985)

Statutes:

Property Law Act 1974 (Qld)

Retail Shop Leases Act 1984 (Qld)

Trade Practices Act 1974 (Cwlth)

LWN009 Law Relating to Building and Engineering Contracts

Objectives of Course:

The objects of the course are:

1. to provide instruction in the drafting, interpretation and legal effect of building and engineering contracts;
2. to provide the opportunity for research into legal problems associated with those contracts.

The size and complexity of modern building and engineering projects is mirrored in the supporting contract arrangements. The complexity of modern construction contracts and their employment in an area of fundamental economic importance

makes them deserving of special study. Sir Keith Aickin has said that 'the task of reading and understanding the current (construction contract) forms is a forbidding one'. Equally important, at higher degree level, is the opportunity to explore the elaboration and development of basic contractual principles in a sophisticated framework.

A number of standard contract documents serve the construction industry in Australia and overseas. In the UK the Joint Contract Tribunal is responsible for the industry standard JCT contract. In Australia four principal standard forms are currently in use, including the Commonwealth Department of Construction's NPWC 3 and the Standards Association of Australia's AS 2124. These contracts are a convenient springboard for an examination of relevant principles and areas of controversy.

Course Content:

This will include:

1. The principles employed in drafting building and engineering contracts with particular reference to the commonly used Australian and International forms
2. Legal problems commonly arising in contract administration
3. Methods of dispute resolution
4. Remedies
5. Problems of measure and quantum of damages.

Prescribed Material:

J Dorter, 'Building and Construction Contracts in Australia', (Law Book Co., Sydney, 1981)

Recommended Reference Material:

'Hudson's Building and Engineering Contracts', 11th edn by I N Duncan-Wallace, (Sweet & Maxwell, London) (in preparation)

Journal articles as specified by the Lecturer in Charge.

LWN013 Commercial Remedies

Objectives of Course:

Most undergraduate law courses include a discussion of the remedies available for breach of a legal obligation as an appendage to a lengthy consideration of the substantive issues raised in the particular course. Thus, from a student's point of view, remedies are seen as a series of separate topics and any inter-relationship between the various remedies provided by the law is recognized on a somewhat haphazard basis.

The purpose of this course is to consider remedies as an integrated subject.

Course Content:

The main emphasis will be on study of judicial remedies in civil actions relating to commercial transactions.

The initial part of the course will be devoted to a discussion of the theory and function of such remedies.

Thereafter there will be a detailed consideration of remedies such as damages, equitable remedies, restitutionary claims, and some statutory remedies.

A knowledge of the substantive law giving rise to the existence of a right to seek a remedy will, on the whole, be assumed, and the focus will be on the process of selecting remedies to best enforce the particular right. In this context the following will be analysed - the availability of particular remedies, the advantages and disadvantages thereof both in principle and from a tactical point of view, and estimation of the scope of the remedy.

Recommended Reference Material:

There is no textbook entirely suitable for the course, in view of the traditional way in which individual remedies are considered. The following works will be referred to:

- F H Lawson, 'Remedies of English Law', 2nd edn, (Butterworths, 1980)
R Goff & G J Jones, 'The Law of Restitution', 3rd edn, (Sweet & Maxwell, 1986)
H McGregor, 'McGregor on Damages', 15th edn, (Sweet & Maxwell, 1988)
I C F Spry, 'The Principles of Equitable Remedies', 3rd edn, (Law Book Co Ltd, 1984)

Reference will also be made to the leading texts in particular areas, e.g. Contract, Torts, Equity, Real and Personal Property etc.

BACHELOR OF LAWS

LWB310 Administrative Law (42 hours)

Nearly every aspect of modern life is regulated and controlled by the decisions of officials. These officials may either be members of governmental bureaucracies or public corporations, or of non-governmental organisations such as trade unions, public bodies and even clubs.

The course will examine judicial control over decisions of public authorities, particularly the concepts of jurisdiction, ultra vires and the principles of natural justice.

The Crown and its immunities and privileges will be studied, as well as the liability of the Crown, Crown Servants and public authorities. There will be a detailed consideration of the remedies available against administrative bodies, such as declaration, injunction, mandamus, prohibition, certiorari and habeas corpus. The system of review of decisions made under the Commonwealth enactments provided by the Administrative Decisions (Judicial Review) Act and the Administrative Appeals Tribunal will also be studied in some detail.

Recommended Preliminary Reading:

HWR Wade, 'Administrative Law', 5th edn (Oxford U. Press, 1982)

Prescribed Material:

S D Hotop, 'Principles of Australian Administrative Law', 6th edn, (Law Book Co., 1985)

S D Hotop, 'Cases and Materials on Review of Administrative Action', (Law Book Co., 2nd edn, 1983)

Cases and Material prescribed by the Faculty of Law

Recommended Reference Books:

H Whitmore & M Aronson, 'Review of Administrative Action', (Law Book Co., 1978)

F I Sykes, D J Lanham & R S Tracey, 'General Principles of Administrative Law', 2nd edn, (Butterworths, 1984)

S A de Smith, 'Judicial Review of Administrative Action', 4th edn, (Stevens, 1980)

P W Hogg, 'Liability of the Crown in Australia, New Zealand and the United Kingdom', (Law Book Co., 1971)

G.A. Flick, 'Federal Administrative Law', (Law Book Co., 1983)

D C Pearce, 'Commonwealth Administrative Law', (Butterworths, 1986)

LWB303 Commercial Law (84 hours)

This course is about the legal rules which govern mercantile dealings in personal property. It begins with a short account of the legal framework and an examination of the various kinds of personal property recognized in the Australian legal system. It then examines in a series of discrete topics those rules which especially affect commercial transactions. The matters considered in detail are:

- (i) Nature and Sources of Commercial Law: Personal Property;
- (ii) Agency;

- (iii) Negotiable Instruments, including
 - Bills of Exchange
 - Cheques
 - Aspects of the Banker Customer Relationship;
- (iv) Bailment;
- (v) Sale of Goods;
- (vi) Import and Export Sales and Related International Carriage;
- (vii) Acquisition of Goods on Credit;
- (viii) Consumer Protection under the Trade Practices Act 1974;
- (ix) Insurance.

Prescribed Material:

Bills of Exchange Act 1909 (Cth)
 Cheques & Payment Orders Act 1986 (Cth)
 The Sale of Goods Act of 1896 (Qld)
 The Factors Act 1892 (Qld)
 The Hire Purchase Act 1959 (Qld)
 Credit Act 1987 (Qld)
 Trade Practices Act 1974 (Cth)
 Insurance Contracts Act 1984 (Cth)
 Insurance (Agents & Brokers) Act 1984 (Cth)

Textbooks:

D W Greig & N A Cunningham, 'Commercial Law', 3rd edn, (Butterworths, 1988)
 M J L Rajanayagam, 'The Law Relating to Negotiable Instruments in Australia' 2nd edn, (Butterworths, 1989)
 K C T Sutton, 'Sales & Consumer Law in Australia and New Zealand', (Law Book Co., 1983)
 S W Cavanagh & S Barnes, 'Consumer Credit Law in Australia', (Butterworths, 1988)
 Taperell, Vermeesch & Harland, 'Trade Practices and Consumer Protection', 3rd edn, (Butterworths, 1983)
 D Kelly & M L Ball, 'Insurance Legislation Manual', (Butterworths, 1986) or A A Tarr, 'Australian Insurance Law', (Law Book Co., 1987)

Case Book:

J R Peden, 'Teaching Materials and Cases on Commercial Transactions', 2nd edn, (Butterworths, 1984)

Other Material:

Cases and Materials prescribed by the Faculty of Law

Recommended Reference Books:

G H L Fridman, 'The Law of Agency', 5th edn, (Butterworths, 1983)
 B B Riley, 'The Law Relating to Bills of Exchange in Australia', 3rd edn, (Law Book Co., 1976)
 J B Byles, 'Bills of Exchange', 25th edn, by Megrah & Ryder, (Sweet & Maxwell, 1983)
 R M Goode, 'Commercial Law', (Penguin Books, 1982)
 N E Palmer, 'Bailment', (Law Book Co., 1979)
 A G Guest (ed), 'Benjamin's Sale of Goods', 2nd edn (Sweet & Maxwell, 1981)
 P S Atiyah, 'The Sale of Goods', 6th edn, (Pitman, 1980)
 K C T Sutton, 'Insurance Law in Australia and New Zealand', (Law Book Co., 1980)

LWB401 Company Law and Partnership (84 hours)

This course consists of ten hours of lectures and five hours of seminars on the Law of Partnership and forty-six hours of lectures and twenty-three hours of seminars on Company Law. The Company Law part of the course is mostly

concerned with registered companies. The law relating to proprietary companies is dealt with fully, that relating to public companies in outline only. Students are expected to have a thorough understanding of a number of important cases and to know something of any proposals for change in the law. Partnerships and registered companies are compared and contrasted.

The topics dealt with in the Company Law part of the course include:

- (i) Nature of Registered Companies, including Procedure to Obtain Registration, and Classification of Registered Companies;
- (ii) Memorandum and Articles of Association;
- (iii) Promoters and Preliminary Agreements;
- (iv) Prospectuses, Commissions and Discounts, Allotment and Commencement of Business (in outline only);
- (v) General Meeting;
- (vi) Directors and Secretary;
- (vii) Membership and Controlling Members' Duties;
- (viii) Enforcement of Directors' and Controlling Members' Duties;
- (ix) Protection of Outsiders;
- (x) Shares, Share Capital and Dividends;
- (xi) Debentures (in outline only);
- (xii) Winding-up (in outline only);

Recommended Preliminary Reading:

R Baxt, 'Introduction to Company Law', 3rd edn., (Law Book Co., 1985)

R Baxt, 'Supplement to Introduction to Company Law', 3rd edn, (Law Book Co., 1986)

Prescribed Material

P F P Higgins and K L Fletcher, 'The Law of Partnership in Australia and New Zealand', 5th edn, (Law Book Co., 1987)

Partnership Act of 1891 - 1965 (Qld)

Business Names Act 1962 - 1981 (Qld)

Mercantile Act 1867 - 1896 (Qld)

H A J Ford, 'Principles of Company Law', 4th edn, (Butterworths, 1986)

A B Afterman and R Baxt, 'Cases and Materials on Corporations and Associations', 4th edn, (Butterworths, 1984)

R Baxt, 'Cumulative Supplement 1986 to the 4th Edn of Case and Materials on Corporations and Associations'

Companies (Qld) Code

Securities Industry (Qld) Code, particularly clauses 128 to 130

Companies and Securities (Interpretation and Miscellaneous Provisions)(Qld) Code

Cases and Materials prescribed by the Faculty of Law

Recommended Reference Books:

Lord Lindley, 'The Law of Partnership: including Limited Partnership', 15th edn, by E H Scammell (Sweet & Maxwell, 1986)

P Lipton & A Herzberg, 'Understanding Company Law', 2nd edn, (Law Book Co., 1986)

W E Paterson, H E Ednie & H A J Ford, 'Australian Company Law', 3rd edn, loose leaf volumes with continuous supplements, (Butterworths)

'Australian Company Law and Practice', 3 loose leaf volumes with continuous supplements (C.C.H. Australia)

LWB482 Computers and the Law (42 hours)

Introduction, impact upon the law, use at the level of the individual legal practice: word processing, accounting, time recording, communications, databases generally, computerised legal information retrieval purposes (CLIRS) in Australia and overseas, computerised conveyancing, automated litigation support; likely course of developments.

Computerisation of the Titles Office and land information generally, Companies Register, Parliamentary drafting, Government Printer, Supreme Court.

Databases: integration, methods of searching.

Computer contracts: hardware, software and consultancy contracts; contracts for the sale, purchase and maintenance of computer hardware, acceptance tests; contracts for the sale, lease, licence etc. of computer software; duties of software designer.

Intellectual property: copyright protection of software; patent protection of hardware, trade secrets and confidentiality, possible alternatives.

Computer records as evidence.

Taxation: deductability as business expenses, depreciation for income tax purposes; sale tax on hardware and software and exemptions there from; import duties.

Implications of data storage for privacy, freedom of information legislation, transborder data flows.

Relevant torts and criminal law: difficulties of detection and proof in relation to computer crime; susceptibility of installations to criminal acts.

The course will include instruction on the use of Computerised Legal Information Retrieval Systems including 'hands-on' experience.

Prescribed Material:

Colin Tapper, 'Computer Law', 3rd edn, (Longman, 1983)

Statutes Commonwealth:

Copyright Act 1968

Copyright Amendment Act 1984

Evidence Act 1905, s.14CE(6)

Freedom of Information Act 1982-

Income Tax Assessment Acts 1936-1984 (appropriate sections only)

Patents Act 1952

Queensland:

Evidence Act 1977 (Qld), ss. 5, 95.

Queensland Criminal Code (appropriate sections only)

Other States:

Incorporated Council of Law Reporting Act 1982 (Victoria)

Evidence Amendment Act 1981 (Tas.)

Data Protection Act 1984 (UK)

LWB407 Conflict of Laws (42 hours)

Introduction - Nature and Scope of Conflict of Laws; Stages in a Conflict of Laws Problem; Theories and Methods.

General Matters - Domicile; Proof of Foreign Law; Exclusion of Foreign Law; Substance and Procedure.

Jurisdiction - General Rules; Within Australia; Lis Alibi Pendens; Forum Non Conveniens.

Choice of Law - Generally; Characterization; Renvoi; The Incidental Question.

Enforcement of Foreign Judgements - Jurisdiction of the Foreign Court; Defences; Conclusiveness of Foreign Judgements; Enforcement.

Family Law - Marriage; Divorce; Nullity; Legitimacy, Legitimation and Adoption.

Contract - The Proper Law; Determination of the Proper Law - Objective and Subjective; What Laws Govern Particular Issues - Creation and Effect of the Contract.

Tort - The Rule in *Phillips v. Eyre*; The Gloss on *Boys v. Chaplin*; The Australian Cases; The Proper Law of the Tort.

Law of Property - Distinction Between Movables and Immovables; Immovables; Movables; Governmental Seizure of Property; Succession.

Prescribed Material:

Either:

E I Sykes and M C Pryles, 'Australian Private International Law', 2nd edn, (Law Book Co., 1987)

Or:

P E Nygh, 'Conflict of Laws in Australia', 4th ed., (Butterworths, 1984)

E I Sykes and M C Pryles, 'International and Interstate Conflict of Laws', 2nd edn, (Butterworths, 1981).

Family Law Act 1975 (Cth).

Domicile Act 1981 (Qld).

Reciprocal Enforcement of Judgments Act 1959 (Qld).

Cases and Material prescribed by the Faculty of Law.

Recommended Reference Books:

J H C Morris, 'The Conflict of Laws', 3rd edn, (Stevens and Sons, 1984)

M Pryles and P Hanks, 'Federal Conflict of Laws', (Butterworths, 1974)

Cheshire and North, 'Private International Law', 11th edn, (Butterworths, 1987)

Dicey and Morris, 'Conflict of Laws', 11th edn, (Sweet & Maxwell, 1987)

J D Falconbridge, 'Essays on the Conflict of Laws', 2nd edn, (Canadian Law Book Co., 1954)

LWB203 Constitutional Law (84 hours)

The course aims to provide a general background to the Australian Legal System as it relates to legislative, executive and judicial institutions and functions, not only in Australia, but also in relation to principles and conventions derived from British Law.

Australian Constitutional Law is too wide a field for its entirety to be covered in any great detail in a two-semester course. The course provides an overview of the field through detailed consideration of particular aspects. The aim is to reveal basic principles rather than all the rules.

In our federal system there is a two-fold distribution of power between the complementary units in the federation - the Commonwealth and the States. An examination of the interplay and interrelation of these is a primary concern and is described broadly in the Commonwealth of Australia Constitution Act enacted over 75 years ago and largely unchanged in its letter since 1900. Some of the topics to be considered are the Commonwealth and State Constitutions and conventions; specific legislative powers and prohibitions; the institutional structures of the complementary units in the Federation; delegated legislation; liability of the Crown; public authorities and certain specialised tribunals.

Important constitutional issues including Commonwealth-State relations; territorial limits and particular legislative powers of the Commonwealth and States have been the subject of very recent litigation, thus affording students the opportunity of considering the development of constitutional principles from a contemporary rather than a purely historical perspective.

The role of the Court and particularly the High Court in determining the operation and ambit of the Constitutions and in reviewing legislative and executive acts has provided an opportunity for active participation in constitutional law-making by the Justices and provides a topic for special consideration.

While it may be difficult to divorce some constitutional issues from their political context, especially when many important issues are of recent significance (including the so-called 'Constitutional crisis' of 1975 and its implications), it is essential that the principles governing the operation of our federal system with its internal stresses and strains be analysed without becoming too immersed in political considerations. Yet at the same time, these very principles must be understood and studied not just as a lawyer's exercise but as some thing of very great practical contemporary significance.

Recommended Preliminary Reading:

C Howard, 'Australia's Constitution', revised edn, (Pen guin, 1985)

Prescribed Material:

Commonwealth of Australia Constitution Act, 1900 (Cth).

Constitution Act of 1867 (Qld)

P J Hanks, 'Australian Constitutional Law', 3rd edn, (Butterworths, 1985)

P H Lane, 'A Digest of Australian Constitutional Cases', 2nd edn., (Law Book Co., 1982)

R D Lumb, 'The Constitution of the Commonwealth of Australia', 4th edn, (Butterworths, 1986)

Cases and Material prescribed by the Faculty of Law.

Recommended Reference Books:

L Zines and G J Lindell, 'Sawer's Australian Constitutional Cases', 4th edn, (Law Book Co., 1982)

C Howard, 'Australian Federal Constitutional Law', 3rd edn, (Law Book Co., 1985)

I Thynne and J Goldring, 'Accountability and Control', (Law Book Co., 1987)

P H Lane, 'A Manual of Australian Constitutional Law', 4th edn, (Law Book Co., 1987)

P H Lane, 'Lane's Commentary on the Australian Constitution', (Law Book Co., 1986)

R D Lumb, 'The Constitutions of the Australian States', 5th edn, (University of Queensland Press, 1981)

C Howard and C Saunders, 'Cases and Materials on Constitutional Law', (Law Book Co., 1979)

H V Evatt, 'The Royal Prerogative', (Law Book Co., 1987)

J Quick and R R Garran, 'The Annotated Constitution of the Australian Commonwealth', (Angus and Robertson, 1901; Legal Books Reprint, 1976)

H Renfree, 'The Federal Judicial System of Australia', (Legal Books, 1984)

L Zines, (ed), 'Commentaries on the Australian Constitution', (Butterworths, 1977)

L Zines, 'The High Court and the Constitution', 2nd edn, (Butterworths, 1987)

G Winterton, 'Parliament, The Executive and the Governor-General', (Melbourne University Press, 1983)

J McMillan, G Evans and H Storey, 'Australia's Constitution: Time for change?', (George Allen & Unwin, 1983)

M Aronson and N Franklin, 'Review of Administrative Action', (Law Book Co., 1987)

O Hood Phillips and P Jackson, 'O Hood Phillips' Constitutional and Administrative Law', 7th ed., (Sweet & Maxwell, 1987)

M Detmold, 'The Australian Commonwealth', (Law Book Co., 1985)

M Zander, 'A Bill of Rights?', 3rd edn, (Sweet & Maxwell, 1985)

LWB304 Conveyancing and Drafting (56 hours)

Conveyancing presents an introduction to the law, practice and problems of conveyancing transactions with which Queensland practitioners are commonly concerned. This section of the course will concentrate upon a detailed consideration of the standard REIQ contract for the sale of land in Queensland as an illustration of principles inherent in land contracts.

In Drafting, students will encounter a variety of other instruments with which the practitioner needs familiarity as, for example, deeds, options, building units, group titles special conditions, leases and business contracts. These particular documents will be utilized to illustrate the principles of drafting.

Prescribed Material:

A copy of the REIQ standard land contract and a copy of the standard annexure for use in sales under the Building Units and Group Titles Act, 1980

W D Duncan and H A Weid, 'The Standard Land Contract and Conveyancing thereunder in Queensland', 2nd ed., (Law Book Co., 1984)

EITHER

E L Piesse, 'The Elements of Drafting', 7th edn, (Law Book Co., 1987)

OR

S Robinson, 'Drafting', (Butterworths, 1973)

The Real Property Acts (Qld)

The Property Law Act, 1974 (Qld)

The Building Units and Group Titles Act, 1980 (Qld)

The Land Act, 1962 (Qld)

The Land Sales Act 1984 (Qld)

Retail Shop Leases Act, 1984.

Recommended Reference Books

R M Stonham, 'The Law of Vendor and Purchaser', (Sweet & Maxwell, 1964)

C J Rossiter, 'Vendor & Purchaser: Commentary & Materials', (Law Book Co., 1985)

L Voumard, 'The Law Relating to the Sale of Land in Victoria', 4th edn, (Law Book Co., 1986)

P J Butt, 'The Standard Contract for Sale of Land in New South Wales', (Law Book Co., 1985) (with supplement to 1987)

G Bugden, 'Queensland Unit and Group Titles Law and Practice', C.C.H., 1980)
'The Australian Encyclopedia of Forms and Precedents', 2nd edn, (Butterworths, 1975)

Kelly's 'Draftsman', 14th edn, (Butterworths, 1979)

Adams & Scamell (eds), 'Precedents for the Conveyancer', (Loose Leaf Service) (Sweet & Maxwell, London)

Redfern & Cassidy, 'Australian Tenancy Practice and Precedents', (Butterworths, looseleaf)

Duncan, 'Real Estate Agency Law in Queensland', (Law Book Co., 1985)

Duncan & Vann, 'Property Law and Practice in Queensland', (Law Book Co., looseleaf)

LWB202 Criminal Law and Procedure (84 hours)

The course deals mainly with the criminal law in force in Queensland. Students study (inter alia) the jurisdiction of the criminal courts, some rules of procedure and evidence in criminal cases, criminal responsibility, parties to offences and major indictable offences. This material covers thirty-eight hours of lectures.

For eighteen hours of lectures, the wider context of the operation of the criminal law will be considered. This part of the course will introduce students to penal principles and the justifications for imposing punishment by the State, to aspects of the disposition of offenders in the sentencing part of a criminal trial and to a consideration of imprisonment and release procedures.

Recommended Preliminary Reading:

P Brett, 'An Enquiry into Criminal Guilt', (Law Book Co., 1963)

N Morris and G Hawkins, 'The Honest Politician's Guide to Crime Control', (U. Chicago Press, 1970)

Prescribed Material:

E Edwards and B Harding, 'Cases on the Criminal Code', 3rd edn, (Law Book Co., 1984)

J M Herlihy and R G Kenny, 'An Introduction to the Criminal Law of Queensland and Western Australia', 2nd edn, (Butterworths, 1984)

Cases and Material prescribed by the Faculty of Law

Recommended Reference Books:

J Bishop, 'Criminal Procedure', 2nd edn, (Butterworths, 1988)

- S E Grupp (ed), 'Theories of Punishment', (Indiana U. Press, 1972)
 J Newton, 'Sentencing in Queensland', (A.I.C., 1979).
 A Ashworth, 'Sentencing and Penal Policy', (Weidenfeld and Nicolson, 1983)
 R O'Regan, 'Essays on the Australian Criminal Codes', (Law Book Co., 1979)
 R O'Regan, 'New essays on the Aust. Criminal Codes', (Law Book Co., 1988)
 R Carter, 'Criminal Law of Queensland', 7th edn, (Butterworths, 1988)
 C Howard, 'Australian Criminal Law', 4th edn, (Law Book Co., 1982)
 J C Smith and B Hogan, 'Criminal Law', 4th edn, (Butterworths, 1978)
 R P Roulston et al., 'Introduction to Criminal Law in N.S.W.', 2nd edn, (Butterworths, 1980)
 A P Bates, T L Buddin and D J Meure, 'The System of Criminal Law', (Butterworths, 1979)
 A Demack, 'Allen's Police Offences of Queensland', 3rd edn, (Law Book Co., 1971)
 H L A Hart, 'Punishment and Responsibility', (Oxford U. Press, 1968).
 G L Williams, 'Criminal Law: The General Part', 2nd edn, (1961)
 R Hood and R Sparks, 'Key Issues in Criminology', (Weidenfeld and Nicolson, 1970)
 I Taylor, P Walton and J Young, 'The New Criminology', (Routledge and Kegan Paul, 1973)
 F Zimring and G Hawkins, 'Deterrence: The Legal Threat in Crime Control', (U. Chicago Press, 1973)
 S Halleck, 'Psychiatry and the Dilemmas of Crime', (U. California Press, 1967)
 E Sutherland and D Cressey, 'Criminology', (Lippincott, 1978)
 D O'Connor & R A Fairall, 'Criminal Defences', (Butterworths 1987)

LWB301 Equity (84 hours)

Equitable doctrines are created in a legal system when the general legal rules of that system fail to correspond to the needs of a changing society and in circumstances where an application of the existing legal rules tends to fetter rather than foster the growth of the law as a means of fairly resolving conflicts in that society. Thus Equity is the saving supplement and complement of the common law.

By far the most important part of Equity is the law of trusts. Trusts allow the following to be achieved - successive interest to be laid out; a division between the burdens of management and the benefits of enjoyment of property; participation by large numbers of persons having common interests in a venture; and the advancement of socially useful purposes through charitable trusts. As well, a detailed study of the requirements of writing, the assignment of property and priorities will be undertaken as a precursor to the study of trusts. Fiduciary obligations, in the context of unconscionable dealings, will be considered and the course will be concluded by an examination of equitable remedies and defences.

The course will consist of a study of the following material:

- (a) Introduction - the nature of Equity; the growth and development of the English Courts of Chancery; the relationship of Law and Equity.
- (b) Equitable Estates and Interests - nature and forms; enforcement; priorities; assignment creation and disposition.
- (c) Unconscionable dealings - Fiduciary obligations; unconscientious bargains; constructive trusts; confidential information.
- (d) The Law of Trusts - nature and definition; classes (eg. express, implied, charitable etc.) and the law of trusts of imperfect obligations, voidable; the duties, powers and liabilities of trustees and beneficiaries.
- (e) Remedies (including some defences) - specific performance; injunction; declaration; damages in equity.
- (f) Statute of limitations.

Recommended Preliminary Reading:

B Marks and R Baxt, 'Law of Trusts' (CCH Aust. Limited, 1981).

Prescribed Material:

J D Heydon, W M C Gummow and R P Austin, 'Cases and Materials on Equity', 2nd edn, (Butterworths, 1982)

M Evans, 'Outline of Equity and Trusts', (Butterworths, 1988)

Cases and Materials prescribed by the Faculty of Law

Recommended Reference Books:

H A J Ford and W A Lee, 'Principles of the Law of Trusts', (Law Book Co., 1983)

R P Meagher & W M C Gummow, 'Jacob's Law of Trusts in Australia', 5th edn, (Butterworths, 1986)

R P Meagher, W M C Gummow and J R Lehane, 'Equity: Doctrines and Remedies', 2nd edn, (Butterworths, 1984)

Ford and Hardingham, 'Cases on Trusts', 5th ed., (Law Book Co., 1984)

F W Maitland, 'Equity', 2nd edn, (Cambridge University Press, 1936)

E H T Snell, 'Principles of Equity', 28th edn, by R E Megarry and P V Baker, (Sweet & Maxwell Ltd., 1982)

H G Hanbury and R H Maudsley, 'Modern Equity', 10th edn, by R H Maudsley, (Stevens & Sons Ltd., 1976)

I C F Spry, 'Equitable Remedies', 2nd edn, (Law Book Co., 1980)

P W Young, 'Declaratory Orders', (Butterworths, 1975)

A Underhill, 'Trusts and Trustees', 13th edn, (Butterworths, 1979)

J G Riddall, 'Law of Trusts', (Butterworths, 1977)

I J Hardingham and R Baxt, 'Discretionary Trusts', (Butterworths, 1975)

G W Keeton and L A Sheridan, 'The Law of Trusts', 10th edn, (Professional Books, 1974)

P D Finn, 'Fiduciary Obligations', (Law Book Co., 1977)

L A Stein (ed), 'Locus Standi', (Law Book Co., 1979)

M Chesterman, 'Charities, Trusts and Social Welfare', (Weidenfeld & Nicolson, 1979)

P H Pettit, 'Equity and the Law of Trusts', 4th edn, (Butterworths, 1979)

P D Finn, (Ed), 'Essays on Equity', (Law Book Co., 1985)

M Cope, 'Duress Undue Influence and Unconscientious Bargains', (Law Book Co., 1985)

P D Finn (Ed), 'Equity and Commercial Relationships', (Law Book Co., 1987)

LWB402 Evidence (42 hours)

The law of evidence is concerned with the rules and principles that relate to the presentation and proof of facts to a Court of Law. Litigation largely involves the application of substantive law to the facts that are determined according to the rules of evidence. It should be noted that knowledge of the substantive law by students will be assumed throughout the course. Broadly speaking the course will examine the following questions: Who is required or entitled to present and prove the facts in issue in a case? How is such presentation to take place? What restrictions are placed on the type and amount of evidence that will be accepted by a Court?

The law of evidence has developed mainly through case law. However, there exist several important statutes that significantly affect admissibility of evidence and this legislation, particularly the Evidence Act 1977 (as amended)(Queensland), will be closely examined.

In addition to the technical rules that are considered during the course, students will be encouraged to view the principles in the context of the adversary system and to recognise the problems of applying rigid rules within that system.

Areas of study will include the following -

Part I - Nature and Admissibility of Evidence:

- (a) Classification of judicial evidence
 - Relevance, admissibility and weight
 - Judicial Discretion to Exclude Evidence
- (b) Burden and Standard of Proof
 - Functions of Judge and Jury
 - Voir Dire
- (c) Corroboration

Part II - The Course of Evidence

- (a) Examination in Chief
 - Cross Examination
- (b) Re-Examination
 - Rebuttal and Re-Opening
 - Judicial Control of Proceedings

Part III - Testimonial Evidence

- (a) Competence and Compellability of Witnesses
 - Privilege
- (b) Opinion
 - Hearsay
 - Res Gestae

Part IV - Direct Evidence

- (a) Admissions
- (b) Confessions

Part V - Circumstantial Evidence

- (a) Habit, Motive, Opportunity
- (b) Similar Fact Evidence
- (c) Character

Part VI - Documentary Evidence

- (a) Documents - Common Law
- (b) Documents - Statutory Provisions

Part VII - Real Evidence

- (a) Views, Demonstrations and Experiments
- (b) Electronic and Photographic Evidence

Recommended Preliminary Reading:

- F Bates, 'Principles of Evidence', 3rd edn, (Law Book Co., 1985)
- Sir Richard Eggleston, 'Evidence, Proof and Probability', 2nd edn, (Weidenfeld and Nicolson, 1983)

Prescribed Material:

- P K Waight, C R Williams, 'Cases and Materials on Evidence', 2nd edn, (Law Book Co., 1985)
- Evidence Act 1977 (as amended) (Qld)
- Evidence Act 1905 (Cth) (as amended)
- Cases and Material prescribed by the Faculty of Law

Recommended Reference Books:

- J R S Forbes, 'Evidence in Queensland: The Statute Law', (Law Book Co., 1986)
- J R S Forbes, 'Similar Facts', (Law Book Co., 1988)
- D Byrne, J D Heydon, 'Cross on Evidence', 3rd Australian edn, (Butterworths, 1986)
- J H Buzzard, R May, M N Howard, 'Phipson on Evidence', 13th edn, (Sweet & Maxwell)
- R E Carter, 'Criminal Law of Queensland', 7th edn, (Butterworths, 1988)
- R A Brown, 'Documentary Evidence in Australia', (Law Book Co., 1988)

LWB302 Family Law (42 hours)

The family has long been regarded as an instrument for the development and social control of human beings. This is also a function of law itself.

The subject Family Law examines the manner in which the law treats the special social relationships which exist among members of a family and transforms them into legal rights and duties.

As this area of the law attempts to control very personal human relationships, an appreciation of the social policies which underlie Family Law in Australia is therefore necessary. Such an appreciation will act not only as an aid to the understanding of substantive rules; it will also enable their application to be truly effective.

In particular, the twenty-eight lectures and fourteen seminars will examine:

- (i) The family as a legal phenomenon
- (ii) The celebration of marriage
- (iii) Annulment of marriages
- (iv) Dissolution of marriages
- (v) Consequences of separation and divorce
 - Maintenance and property rights
 - Custody and access
- (vi) Parents and children
 - Neglected children
 - Legitimacy and legitimation
 - Illegitimacy
 - Adoption

Recommended Preliminary Reading:

W G Friedmann, 'Law in a Changing Society', 2nd edn, (Stevens, 1972)
(Chapter 7)

P E Nygh, 'Guide to the Family Law Act 1975', 4th edn, (Butterworths, 1986)

Prescribed Material:

F Bates and J Neville Turner, 'The Family Law Casebook', (Law Book Co., 1985)

OR

H A Finlay, A J Bradbrook & R J Bailey-Harris, 'Family Law: Cases and Commentary', (Butterworths, 1986)

A Dickey, 'Family Law', (Law Book Co., 1985)

Family Law Act 1975 (Cth) and Regulations and Rules

Marriage Act 1961 (Cth)

Children's Services Act 1965-1982 (Qld)

Maintenance Act 1965-1981 (Qld)

Adoption of Children Act 1964-1983 (Qld)

Status of Children Act 1978 (Qld)

Cases and Material prescribed by the Faculty of Law

Recommended Reference Books:

M D Broun and S G Fowler, 'Australian Family Law and Practice', (C.C.H.) (3 vols)

'Guidebook to Australian Family Law', 6th edn, (C.C.H., 1985)

Report of the Royal Commission on Human Relationships (5 vols) (A.G.P.S., 1977)

I J Hardingham and M A Neave, 'Australian Family Property Law', (Law Book Co., 1984)

H Gamble, 'Law for Parents and Children', 2nd edn, (Law Book Co., 1986)

J M Wade, 'De Facto Marriages in Australia', (C.C.H., 1981)

J H Wade, 'Property Division Upon Marriage Breakdown', (C.C.H., 1984)

'Australian State Family Law Legislation', (C.C.H., 1986)

LWB308 Industrial Law (28 hours)

The Industrial Law course will examine four major areas -

1. The Law of Employment. This section will consider the legal nature of the employment relationship, the rights and duties of employees and employers towards one another and remedies for breaches of those obligations. Both common law and statutory regulation of the contract of employment will be dealt with.
2. Workers Compensation. This section will consider who is entitled to receive compensation, the circumstances in which payment will be made and the nature and amounts of the benefits available.
3. The Law and Trade Unions. This section will consider the nature and legal status of trade unions and their place within the Australian industrial system. It will include material such as statutory regulation of trade unions and their activities, protection given by the system to unionism, the rights of members and problems of dual registration.
4. Settlement of Industrial Disputes. This section will consider the Australian system of industrial relations with emphasis on the Federal sphere and the Arbitration Commission. It will include material on the constitutional limitations of the Federal scheme, the role and functions of the Arbitration Commission and the Federal Court, awards, logs of claims and dispute settlement procedures, the legality of industrial action and sanctions such as de-registration and action under the Trade Practices Act (Cth) and Queensland Statutes.

Prescribed Material:

Conciliation and Arbitration Act 1904 (Cth) as amended (available in a C.C.H. publication)

Industrial Conciliation and Arbitration Act 1961 - 85 (Qld)

Workers Compensation Act 1916 - 84 (Qld)

Wages Act 1915-84 (Qld)

Cases and Material prescribed by the Faculty of Law

Recommended Reference Books:

E I Sykes and D Yerbury, 'Labour Law in Australia', Vol 1, Individual Aspects, (Butterworths, 1980)

J J Macken, G J McGarry and C Sappideen, 'The Law of Employment', (Law Book Co., 1984)

J J Macken, 'Australian Industrial Law: The Constitutional Basis', 2nd edn, (Law Book Co., 1980)

D W Smith & D W Rawson, 'Trade Union Law in Australia', (Butterworths, 1984)

B Brooks, 'Contract of Employment', 3rd edn, (C.C.H., 1986).

W B Creighton, W J Ford and R J Mitchell, 'Labour Law: Materials and Commentary', (Law Book Co., 1983)

Guidebook to Australian Industrial Law, 4th edn, (C.C.H., 1984)

Guidebook to Workers' Compensation in Australia 4th edn, (C.C.H., 1984)

LWB307 Insolvency Law (28 hours)

Australia has two systems of law dealing with insolvency. The Bankruptcy Act 1966 (Cth) deals with the insolvency of individuals while company insolvency is dealt with as part of the Companies Legislation of the States and Territories. The two systems have much in common. Large portions of bankruptcy legislation are deemed to be incorporated into company legislation and it is appropriate therefore that the two systems be studied together.

In the first part of the course, proceedings in bankruptcy are examined. There are two methods of treating the insolvency of an individual. It may be possible for an individual to make an arrangement with his creditors under Part X of the

Bankruptcy Act 1966 and so avoid bankruptcy. Alternatively, a debtor may be made bankrupt either voluntarily pursuant to a debtor's petition or, as a result of action by his creditors, involuntarily pursuant to a creditor's petition. These aspects together with the procedures for realizing and sharing the debtor's assets among his legitimate creditors will be considered.

In the second part of the course, the two procedures open to an insolvent company which seeks to avoid winding up, namely official management and schemes of arrangement, will be considered briefly. Attention will then focus on the appointment of receivers and managers. This part of the course will, however, concentrate on the procedures for winding up companies which may be effected either by a voluntary winding up or a compulsory winding up by the Court.

Prescribed Material:

Bankruptcy Act 1966 (Cth) and Rules

Companies (Qld Code)

'Lewis' Australian Bankruptcy Law', by D J Rose (Law Book Co., 1984)

J O'Donovan, 'McPherson, the Law of Company Liquidation', (Law Book Co., 1987)

J O'Donovan, 'Company Receivers and Managers', (Law Book Co., 1981)

Cases and Material prescribed by the Faculty of Law

Recommended Reference Books:

C Darvall and N T F Fernon, McDonald, Henry and Meeks', 'Australian Bankruptcy Law and Practice', (Law Book Co., Loose leaf service)

J Farmer, 'Creditor and Debtor Law in Australia & New Zealand', (CCH, 1986)

LWB101 Introduction to Law (84 hours)

The purpose of the Introduction to Law Course is to introduce students to the Institutions of the Law - the Courts, Parliament, the Judiciary, the Legal Profession, the working of those Institutions, and doctrines and methodology of the Law.

What is Law? How did our law develop? Who makes our law? How does the Parliament make law? These are but some questions which will be discussed.

The processes involved in getting the legal system into operation will also be dealt with.

Finally, how the Courts work, the procedure they adopt, the role of the jury and the legal profession will be discussed.

Topics covered will be -

- (1) General Introduction
- (2) The development of the Queensland and Australian Legal and Governmental Systems including:
 - Aspects of Commonwealth and State Constitutions
 - Parliament as a Source of Law
- (3) History of the Courts and the Development of the Law of Equity
- (4) Modern Court Structure in England
- (5) Modern Court Structure in Australia and Queensland
- (6) Courts as a Source of Law - The Doctrine of Precedent
- (7) Statutory Interpretation
- (8) Civil Procedure including an examination of the Small Claims Tribunal
- (9) The Role of the Jury in our Legal System
- (10) The Legal Profession
- (11) The Judiciary

Recommended Preliminary Reading:

G L Williams, 'Learning the Law', 11th edn, (Stevens, 1982) with 'Notes for Australian Readers', by L Waller (Law Book Co., 1982)

Prescribed Material:

Maher, Waller and Derham, 'Legal Process -Commentary and Materials', 5th

- edn, by D H Smith and K S Pose, (Law Book Co., 1988)
 A I MacAdam and T M Smith, 'Statutes', (Butterworths, 1985)
 W L Morison, 'The System of Law and Courts Governing New South Wales',
 2nd edn, (Butterworths, 1984)
 B C Cairns, 'Australian Civil Procedure', 2nd edn, (Law Book Co., 1985)
 Walker & Walker, 'The English Legal System', 6th edn, by R J Walker,
 (Butterworths, 1985)
 A legal dictionary -
 EITHER
 'Mozley and Whiteley's Law Dictionary', 10th edn, by J B Saunders, (Butterworths, 1985) (9th Edition also acceptable)
 OR
 'Osborn's Concise Law Dictionary', 7th edn, by R Bird, (Sweet & Maxwell, 1983)
 Rules of the Supreme Court of Queensland
 Acts Interpretation Act 1954 - 1977 (Qld)
 Jury Act 1929 - 1982 (Qld)
 Small Claims Tribunals Act 1973 - 1985 (Qld)
 Acts Interpretation Act 1901 (Cth)
 Commonwealth of Australia Constitution Act 1900 (Imp.)
 Cases and Material prescribed by the Faculty of Law

Recommended Reference Books:

- G Morris, C Cook, R Creyke and R Geddes, 'Laying Down the Law', 2nd edn, (Butterworths, 1988)
 D C Pearce, 'Statutory Interpretation in Australia', 2nd ed., (Butterworths, 1981)
 R Cross, 'Precedent in English Law', 3rd edn, (Clarendon Press, 1977)
 J M Herlihy & R G Kenny, 'An Introduction to Criminal Law in Queensland and Western Australia', 2nd edn, (Butterworths, 1984)
 G D S Taylor & P J Brenner, 'An Introduction to the Australian Legal Process', (Butterworths, 1975)

ACB113 Introductory Accounting (42 hours)

This subject provides a general introduction to the field of accountancy for the student of law and relates the practice of accountancy to the practice of law. The subject includes a practical demonstration of the accounting process involving the recording, classifying and reporting of business transactions; an examination of the legal requirements in respect of the disclosure of accounting information; an introduction to various aspects of partnership and company accounting; and a review of the techniques available to analyse and interpret financial data; and an introduction to financial planning, both short term and long term.

Prescribed Material:

- J R Hoggett & L Edwards, 'Accounting in Australia', (John Wiley & Sons, 1987)

Recommended Reference Book:

- R C Clift, 'Accounting: Communication and Control', 2nd edn, (Butterworths, 1982)

LWB305 Jurisprudence (42 hours)

The subject-matter of Jurisprudence can otherwise be described as 'Philosophy of Law' or 'Legal Theory'. That is, it involves the application of insights gained from philosophy - in particular, from logic and from moral, political and social philosophy - to the study of law.

In this course, the following topics are studied in as much depth as time permits:

- (1) historical background to modern theories,

- (2) sociological and historical descriptions of law and legal change,
- (3) theories of limited or unlimited government power,
- (4) theories of recognition of valid law and legal systems,
- (5) theories of legal reasoning,
- (6) theories of the proper objects of law, and the proper direction of legal change.

Note: Unless students have previously studied subjects like Ethics or Political Theory in depth, the material in this course will be utterly unfamiliar and unlike anything previously studied. It is therefore *strongly* recommended that students read the 'Preliminary Reading' and even start reading some of the Lloyd or Harris textbook during the vacation before attempting the course.

Recommended Preliminary Reading:

C G Weeramantry, 'An Invitation to the Law', (Butterworths, 1982)

Or

M P Golding, 'Philosophy of Law', (Prentice-Hall, 1975), Chs 1-3

Prescribed Material:

J W Harris, 'Legal Philosophies' (Butterworths, 1980)

D Lloyd, 'The Idea of Law', revised ed., (Penguin, 1981)

Cases and Material prescribed by the Faculty of Law

Recommended Reference Books:

Lord Lloyd of Hampstead and M D A Freeman, 'Lloyd's', 'Introduction to Jurisprudence', 5th ed., (Stevens, 1985). (Purchase recommended, especially for students without easy access to a library copy)

R Dworkin, 'Taking Rights Seriously', revised edn. (Duckworth, 1978)

J Feinberg and H Gross, 'Philosophy of Law', 2nd ed., (Wadsworth, 1980)

R W M Dias, 'Jurisprudence', 4th edn, (Butterworths, 1976)

G W Paton and D Derham, 'A Textbook of Jurisprudence', 4th edn, (Oxford U P, 1972)

W Friedmann, 'Legal Theory', 5th edn, (Columbia U P, 1967)

R M Dworkin, (ed), 'The Philosophy of Law', (Oxford U.P., 1977)

S H Bailey et al, 'Civil Liberties; Cases and Materials', 2nd edn, (Butterworths, U.K., 1985)

L J Barker & T W Barker, 'Civil Liberties and the Constitution', 5th edn, (Prentice-Hall, 1986)

G Flick, 'Civil Liberties in Australia', (Law Book Co., 1981)

A Hunt, 'The Sociological Movement in Law', (Macmillan, U.K., 1978)

M Rheinstein (ed.), 'Max Weber on Law in Economy and Society', (Harvard U P, 1954)

V Aubert (ed.), 'Sociology of Law', (Penguin, 1969)

J Stone, 'Social Dimensions of Law and Justice', (Maitland, 1966)

E Kamenka and A Tay (eds), 'Law and Social Control', (Edward Arnold, 1980)

P O'Malley, 'Law, Capitalism and Democracy', (George Allen and Unwin, 1983)

H L A Hart, 'The Concept of Law', (Oxford U.P., 1961)

L L Fuller, 'The Morality of Law', revised ed., (Yale U.P., 1969)

J Stone, 'Precedent and Law', (Butterworths, 1985)

N MacCormick, 'Legal Reasoning and Legal Theory', (Oxford U P, 1978)

J Bell, 'Policy Arguments in Judicial Decisions', (Oxford U P, 1983)

R Cross, 'Precedent in English Law', 3rd edn, (Oxford U P, 1977)

K Llewellyn, 'The Common Law Tradition', (Little, Brown & Co, 1960)

J Stone, 'Human Law and Human Justice', (Maitland, 1968)

E Kamenka and A Tay (eds), 'Human Rights', (Edward Arnold, 1980)

E Kamenka, R Brown and A Tay, 'Law and Society', (Edward Arnold, 1978)

J S Mill (ed M Warnock), 'Utilitarianism', (Fontana, 1962)

F A Hayek, 'Law, Legislation and Liberty', 3 vols, Routledge & Kegan Paul,

1973, 1976, 1979)

R Nozick, 'Anarchy, State and Utopia', (Basic Books, 1974)

J Rawls, 'A Theory of Justice', (Oxford U.P., 1971)

A Buchanan, 'Marx and Justice', (Roman & Littlefield, 1982)

Z Bankowski and G Mungham, 'Images of Law', (Routledge and Kegan Paul, 1976)

R M Unger, 'Law and Modern Society', (Free Press, 1976)

LWB201 Land Law (84 hours)

This course will deal with the principles relating to the law of Real Property in Queensland. The rights, interests and obligations which can exist in relation to land and the methods of creating, enforcing, assigning and extinguishing such rights, interests and obligations will be discussed.

In particular, there will be a detailed examination of the following topics -

- (i) The concept of real property
- (ii) The doctrine of tenure
- (iii) The doctrine of estates
- (iv) Equitable interests
- (v) The Torrens system
- (vi) Easements
- (vii) Mortgages
- (viii) Leasehold interests
- (ix) Covenants affecting land
- (x) Co-ownership
- (xi) Future interests and Perpetuities.

The following matters (including the relevant legislation) will also be dealt with, but in less detail -

- (xii) Building units title and group title
- (xiii) Time-sharing
- (xiv) Crown leasehold

Recommended Preliminary Reading:

P Butt, 'Introduction to Land Law', (Law Book Co., 1980).

G L Teh and B M Dwyer, 'Introduction to Property Law', (Butterworths 1988)

Prescribed Material:

M A Neave, C J Rossiter & M A Stone, 'Property Law Cases and Materials', 4th edn, (Butterworths, 1988).

D J Whalan, 'The Torrens System in Australia', (Law Book Co., 1982).

Property Law Act (Qld)

The Real Property Acts (Qld)

Retail Shop Leases Act (Qld)

Residential Tenancies Act (Qld)

Building Units and Group Titles Act (Qld)

Cases and Material prescribed by the Faculty of Law

Recommended Reference Books:

R E Megarry and H W R Wade, 'The Law of Real Property', 5th edn, (Stevens, 1984)

'Cheshire's Modern Law of Real Property', 13th edn, by EH Burn, (Butterworths, 1982)

Bauman, 'The Torrens System in NSW', 2nd edn, by R A Woodman and P J Grimes, (Law Book Co., 1974)

E A Francis, 'The Law and Practice Relating to Torrens Title in Australia', Vols 1 & 2, (Butterworths, 1972)

Hinde, G W (ed.), 'The New Zealand Torrens System Centennial Essays', (Butterworths, 1971)

R A Woodman, 'The Law of Real Property in NSW', Vol. 1, (Law Book Co., 1980)

W D Duncan & R J Vann, 'Property Law and Practice in Queensland', (Law

- Book Co., 1982)
 G W Hinde, D W McMorland and P B A Sim, 'Land Law', (Butterworths, 1979)
 A J Bradbrook & M A Neave, 'Easements & Restrictive Covenants in Australia', (Butterworths, 1981)
 E I Sykes, 'The Law of Securities', 4th edn, (Law Book Co., 1986)
 'Woodfall's Law of Landlord and Tenant', 28th edn, by L A Blundell and V G Wellings, (Law Book Co., 1978).
 R H Maudsley, 'The Modern Law of Perpetuities', (Butterworths, 1979)
 C M Sappideen & P J Butt, 'The Perpetuities Act 1984', (Law Book Co., 1986)

LWB102 Law of Contract (84 hours)

As an understanding of contractual principles is fundamental to any study of Australian law, this subject is studied in the first year of the course. As well as explaining the substantive rules of contract, assistance is given to students to help them develop basic legal techniques. The preliminary lectures and seminars are devoted to explaining the role of case law and teaching students an appropriate method of case-reading - how to understand cases and take a case note. At suitable times throughout the year, students are also advised on study methods, problem solving, assignment-writing and examination techniques.

The substantive principles of contract law, as taught, are set out below.

Introduction - definition of the Law of Contract; outline of remedies in the Law of Contract; unenforceable, voidable, void and illegal contracts in outline.

Formation of Contract - agreement; intention to create legal relations, consideration.

Contents of a Contract - express terms; implied terms.

Factors Vitiating Contracts - misrepresentation; mistake; duress; undue influence; contracts void by statute (wagering contracts); contracts illegal by statute; contracts illegal at common law; contracts void at common law.

Capacity to Contract - minors; corporations; mentally disordered persons and drunkards; married women.

Form of Contracts - contracts under seal; unenforceable contracts.

* Privity of Contract - the Doctrine of Privity; attempts to benefit strangers to a contract; attempts to impose liabilities on strangers to a contract.

Discharge of Contract - by performance; by later agreement; by frustration; as a result of breach.

Remedies for Breach of Contract - damages; specific performance and injunction; limitation of actions.

Quasi-contract - definition; basis of liability; genuine quasi contracts; doubtful quasi-contracts.

* *Note: The assignment of contractual rights and duties, and agency are excluded.*

Recommended Preliminary Reading:

- P S Atiyah, 'An Introduction to the Law of Contract', 3rd edn, (Clarendon Press, Oxford, 1981).
 G H Treitel, 'An Outline of the Law of Contract', 3rd edn, (Butterworths, 1984).

Prescribed Material:

- K E Lindgren, J W Carter and D J Harland, 'Contract Law in Australia', (Butterworths, 1986)
 P J Hocker, A Dufty and P G Heffey, 'Cases and Materials on Contract', 5th edn, (Law Book Co., 1985).
 Cases and Material prescribed by the Faculty of Law

Recommended Reference Books:

- ** 'Anson's Law of Contract', 26th edn by A G Guest (Clarendon Press, Oxford, 1984).
 G C Cheshire and C H S Fifoot, 'The Law of Contract', 10th edn by M P Burmston, (Butterworths, 1981).

- G H Treitel, 'The Law of Contract', 6th edn, (Stevens, 1983).
 F H Lawson, 'Remedies of English Law', 2nd edn, (Butterworths, 1980).
 'Chitty on Contracts', Vols 1 and 2, 25th edn, by A G Guest (Sweet & Maxwell, 1983).
 G C Cheshire and C H S Fifoot, 'The Law of Contract', 4th Australian edn by J G Starke, P F P Higgins and N C Seddon, (Butterworths, 1981)
 D W Greig and J L R Davis, 'The Law of Contract', (Law Book Co., 1987)

*** Note: This book will be found particularly helpful on a number of topics, and six copies are kept in the Faculty of Law Library.*

LWB306 Local Government Law (28 hours)

The Local Government Law course considers the source of legal authority for the government of cities, towns and shires, with particular reference to the City of Brisbane. This comprises approximately one-third of the course. The remainder of the course involves a study of the laws relating to town planning and subdivision. Some of the matters considered are: the principles applicable to the rezoning of land; uses of land; the control of developments by local authorities; the rights of persons to object to developments; the subdivision of land and the control exercised over subdivision of land and the control exercised over subdivision by local authorities; the structure, purpose and procedure of the Local Government Court.

Local Government Law, and especially town planning and subdivisional law, is an area of increasing importance and specialization for practising lawyers.

Recommended Preliminary Reading:

- D M Purdie, 'Local Government in Australia', (Law Book Co., 1976), in particular Chapters 1 and 4.

Prescribed Material:

- Local Government Act 1936 (as amended)
 City of Brisbane Act 1924 (as amended)
 City of Brisbane Town Planning Act 1964 (as amended)
 The Town Plan for City of Brisbane 1978 (available from BCC)

Cases and Materials prescribed by the Faculty of Law

Recommended Reference Book:

- A S Fogg, 'Australian Town Planning Law', Revised edn, (University of Qld Press, 1982)
 L A Stein, 'Urban Legal Problems', (Law Book Co., 1974)

LWB480 Media Law (42 hours)

The media - the press, the broadcasters and the television industry - work in legal constraints, according to the law. This course in Media Law provides a framework for study of that law. Media Law is concerned with the laws which shape the media: its industry structure and its message content. Topics include journalists and their sources of information, Defamation, Contempt, Confidential Information, Access to Information, The Broadcasting Tribunal, Regulation of Advertising and Regulation of Ownership.

Prescribed Material:

- M Armstrong, Blakeney and Watterson, 'Media Law in Australia', 2nd edn (Oxford U. Press, 1988)
 Cases and Material prescribed by the Faculty of Law

Recommended Reference Books:

- G Robertson and A Nicol, 'Media Law', London, 1984
 P Lewis, 'Gatley on Libel and Slander', 8th edn, London, 1981
 C Duncan, 'Duncan and Neill on Defamation', 2nd edn, London, 1983
 G Sawyer, 'A Guide to Australian Law for Journalists, Authors, Printers and

Publishers', 3rd edn, Melbourne, 1984
Borrie and Lowe's 'Law of Contempt', 2nd edn, London, 1983
A Arlidge and D Eady, 'The Law of Contempt', London, 1982

LWB481 Mineral Law (42 hours)

This course predominantly relates to the law governing and affecting the mining of 'hard' minerals. It begins with a short explanation of basic concepts and then proceeds to analyse the Mining legislation, with particular emphasis on the Queensland legislation, and other legislation which has an impact on mining. The extremely practical topic of the structure of mining ventures is also considered.

More specifically the topics considered are as follows:

- (i) Meaning of Mining and Minerals
- (ii) Ownership of Minerals
- (iii) Mineral Titles
- (iv) State Agreements
- (v) Infra structure
- (vi) Participation: Joint Venture Agreements
- (vii) Securities
- (viii) Mining on Private Land
- (ix) Administration of Mining Legislation: Warden's Court
- (x) Environment Protection Legislation
- (xi) Revenue Aspects
- (xii) Effect to Aboriginal Land Rights
- (xiii) Other Legislation: Foreign Investment Guidelines

Prescribed Material:

Forbes & Lang, 'Australian Mining and Petroleum Laws', 2nd edn, (Butterworths, 1987)
Mining Act 1968 - 1983 (Qld)
Cases and Materials prescribed by the Faculty of Law

Recommended Reference Books:

'Australian Mining and Petroleum Law Journal', (Australian Mining and Petroleum Law Association.

LWB404 Practice (56 hours)

Practice is concerned with the procedure by which courts resolve civil disputes. The course emphasises the principles of law which arise out of the rules of court in the Australian supreme courts. The course is therefore useful for anyone who has to deal with jurisdictions based on the Judicature system, in that those jurisdictions all embody the same basic procedural principles.

The course on Practice explains the procedure whereby rights are enforced. This is done by a study of the means of commencing proceedings, pleadings, prosecution of the proceedings, including pre-trial procedures, costs, appeals, and the means of execution of orders, judgements and decrees, with particular emphasis on the content of the Rules of the Supreme Court.

Prescribed Material:

B C Cairns, 'Australian Civil Procedure', 2nd edn, (Law Book Co., 1985).
Rules of the Supreme Court
District Courts Act 1967
District Courts Rules
Magistrates Courts Acts 1921
Magistrates Courts Rules

Recommended Reference Books:

'The Supreme Court Practice 1982', (The White Book) (Sweet & Maxwell/Stevens)

- W Blake Odgers, 'The Principles of Pleading and Practice', 22nd edn by D Casson and I Dennis, (Stevens, 1981)
 M Rosser, 'Going to Court', (Law Foundation of New South Wales, 1976)
 M M G Britts, 'Pleading Precedents', 3rd edn, (Law Book Co., 1984)
 'Hannan's Local and District Criminal Court Practice', 2nd edn by D C Williams (Law Book Co., 1973)
 Bullen and Leake and Jacob's, 'Precedents of Pleading', 12th edn by I H Jacobs, (Sweet & Maxwell, 1975)
 P G Nash, 'Civil Procedure Cases and Text', (Law Book Co., 1976)
 N J Williams, 'Practice of the Supreme Court of Victoria', 2nd edn, (Butterworths, 1973)
 A V Ritchie, 'Supreme Court Procedure: New South Wales', (Butterworths, 1972)
 T Graham, 'Victorian Pleading Precedents', (Law Book Co., 1982)
 M Cameron, 'Supreme Court and District Courts Practice', Law Book Co., 1982)
 B C Cairns, 'Law of Discovery in Australia', (Law Book Co., 1984)

LWB409 Professional Conduct (10 hours)

It is necessary for all LLB students, whether they intend to become barristers or solicitors, to study both parts of this subject.

1. Barristers (5 hours)

There will be five hours of lectures on this part of the subject.

The lectures will generally cover conduct and etiquette at the Bar, and deal specifically with the character of practice at the Bar, regulation of practice at the Bar in Queensland; the respective duties of Barristers to the Law, the Court, the public, the client and the opponent, and some miscellaneous rules of etiquette.

Prescribed Material:

Harrison's Law and Conduct of the Legal Profession in Queensland, 2nd edn, (1984)

Cases and Materials prescribed by the Faculty of Law

Recommended Reference Book:

Sir William Boulton, 'Conduct and Etiquette at the Bar', 6th edn, (Butterworths, 1975)

2. Solicitors (5 hours)

There will be five hours of lectures on this part of the subject.

The matters dealt with include Professional Courtesies, Division of the Profession in Queensland, the Statutory Committee, Malpractice, Professional Conduct, Unprofessional Conduct, Duties of a Solicitor, Respective Functions of Barristers and Solicitors, Problems of a Solicitor acting for more than one Party, Advertising Fees, Trust Accounts and Legal Professional Negligence.

Prescribed Material

Harrison's Law and Conduct of the Legal Profession in Queensland, 2nd edn, (1984)

Cases and Material prescribed by the Law School.

'Solicitor's Handbook', 1983, Law Society Inc.

Recommended Reference Book:

J Disney (and ors.), 'Lawyers', (Law Book Co., 1977). Chapters 1, 2B, 4A, C, D, E, 6, 7, 8, 11, 12, 13, 14.

LWM406 Public International Law (42 hours)

Public International Law consists basically of those rules which govern the activities of States between themselves (eg. rules for treaty-making). Indeed, the

subject used to be called, 'The Law of Nations', but such a title is not entirely accurate today as the ambit of this area of law extends to rules for the running of international organizations such as the UN and rules of conduct between such organizations and States.

Moreover, it is controversial whether Public International Law is in fact 'law' at all, in the sense in which we usually understand the term. Why doesn't the UN 'do' something about international conflict? Why are judgements of the International Court of Justice sometimes ignored? Why are some people subjected to inhuman treatment despite international agreements on human rights? How can States renege on international agreements with seeming impunity? Such questions are frequently asked and the realities they illustrate are seminal of this legal dilemma.

For teaching purposes, the subject will be divided into three parts.

Part I will cover the **Fundamental Concepts of Public International Law**: its historical development; its creation (through treaties, custom, general principles); the concept of international legal personality; (States, territory, self-determination, recognition; international organizations; other international persons).

Part II deals with the **Effects of Public International Law**: the relationships between International Law and a State's Law; jurisdiction; sovereignty; international responsibility; individuals and International Law (human rights); dispute settlement and peace enforcement (diplomacy, arbitration, adjudication, the work of the UN); the law relating to armed conflicts and the use of force.

Part III will examine the question: **What is International Law?** in the light of the material covered in Parts I and II. Also, the practical problems arising from comparative approaches to international legal thinking will be canvassed.

The seminars in the subject will concentrate on the practical context of the theory covered in the lectures, and will include consideration of such topics as: treatment of the Australian aboriginal; Australia's maritime territory; Australia's territorial claims in Antarctica; uranium mining and export; the legality of secession of Queensland from the Commonwealth of Australia; the Namibia dispute; Australian Human Rights Commission.

Recommended Preliminary Reading:

M Akehurst, 'A Modern Introduction to International Law', 5th edn, (George Allen & Unwin, 1984)

J G Starke, 'Introduction to International Law', 9th edn, (Butterworths, 1984)

Prescribed Material:

D J Harris, 'Cases and Materials on International Law', 3rd edn, (Sweet & Maxwell, 1983)

Charter of the United Nations and Statute of the International Court of Justice
Vienna Convention on the Law of Treaties (1969).

Foreign States Immunities Act 1985 (Cth)

Human Rights and Equal Opportunity Commission Act 1986 (Cth)

Cases and Materials prescribed by the Faculty of Law

Recommended Reference Books:

D W Bowett, 'The Law of International Institutions', 4th edn, (Stevens, 1982)

A C Castles, 'Australia and the United Nations', (Longman, 1973)

B Cheng, 'International Law; Teaching and Practice', (Stevens, 1982)

J Crawford, 'The Creation of States in International Law', (Oxford UP, 1979)

L M Goodrich, E Hambro and A P Simons, 'The Charter of the United Nations',
3rd rev edn, (Columbia U.P., 1969)

L C Green, 'International Law Through the Cases', 4th edn, (Oceana, 1978)

D W Greig, 'International Law', 2nd ed., (Law Book Co., 1976)

L Henkin, 'How Nations Behave', 2nd edn, (C.U.P., 1979)

L Henkin et al, 'International Law: Cases and Materials', (West Publishing Co., 1980)

- W E Holder & G A Brennan, 'The International Legal System', (Butterworths, 1972)
 J A Joyce, 'Human Rights: International Documents', 3 Vols, (Oceana, 1978)
 R D Lumb, 'The Law of the Sea and Australia's Off-Shore Areas', 2nd edn, (Q.U.P., 1978)
 K Ryan, 'International Law in Australia', 2nd edn, (Law Book Company, 1984)
 M Sorensen, 'Manual of Public International Law', (Macmillan, 1968)
 J Stone, 'Legal Controls of International Conflict', (Garland, 1973)
 G Triggs, 'International Law and Australian Sovereignty in Antarctica', (Legal Books, 1986)

Frequent reference will also be made to the Reports of the International Court of Justice, and to the following journals -

- Australian Yearbook of International Law
- American Journal of International Law
- International and Comparative Law Quarterly.

LWB412 Research and Writing Project

This is an arranged and supervised piece of research into some area of legal knowledge and the writing of a paper embodying the results of such research and the conclusions to be drawn therefrom.

The paper will be the property of the Faculty of Law and may be placed in the Law Library.

The paper should normally be of not less than 10,000 words and not more than 15,000 words.

The Project is deemed to be a one semester subject with three hours of formal classes a week.

The student must ensure that a written proposal reaches the Dean at least two clear weeks before the beginning of the teaching semester in which he or she wishes to undertake the Project. The proposal will be accepted or refused, and the student will be notified accordingly, not later than the first day of the teaching semester in which he or she wishes to undertake the Project.

A list of full-time members of the academic staff of the Faculty of Law who may supervise Projects, and their areas of expertise, is available from the Faculty of Law Office.

A student who may wish to undertake the Research and Writing Project is advised to discuss the matter as early as possible in the semester immediately before that in which he or she proposes to undertake the Project.

If the paper is considered suitable, the student may be invited to submit it for publication in the QIT Law Journal or other similar journal.

LWB408 Securities (20 hours)

This course of fourteen lectures and six seminars is a consideration of the general principles of the law of security instruments and of the forms of such instruments in common use in Queensland. The course also includes an examination of areas currently under scrutiny, notably money-lending aspects and consumer securities.

Prescribed Material:

- The following Queensland statutes amended up to date -
- The Real Property Acts
- The Property Law Act
- The Land Act
- The Bills of Sale and Other Instruments Act
- The Stamp Act
- The Moneylenders Act

The Subcontractors' Charges Act**The Credit Act**

E I Sykes, 'The Law of Securities', 4th edn, (Law Book Co., 1986)

Cases and Material prescribed by the Faculty of Law

Recommended Reference Books:

E A Francis, & K Thomas, 'Mortgages and Securities', 3rd edn, (Butterworths, 1986)

Fisher and Lightwood's, 'Law of Mortgage', (Butterworths, 1986)

C L Pannam, 'The Law of Moneylenders in Australia and New Zealand', (Law Book Co., 1965)

Paget's 'Law of Banking', 9th edn by Megrah and Ryder (Butterworths, 1982)

D Allan, M Hiscock, L Masel and D Roebuck, 'Credit and Security in Australia', (University of Queensland Press, 1977)

Duncan & Vann, 'Property Law and Practice', (Law Book Co., 1982)

Weerasooria & Coop, 'Banking in Australia', (Butterworths, 1985)

LWB405 Solicitors' Trust Accounts (28 hours)

Introduction - Trust Accounts Act and Regulations - outlined; interrelate the Act and Regulations; detailed study for practical implications and accounting purposes.

Interpretations - trust monies; money received - bank cheques availability for payments; payments - bank fees and charges - debit balances on trust ledger accounts.

Notifications required - Trustee - Auditor - Banker.

Trust accounting requirements - format of prime documentation and records - books of account; bank and cash book reconciliations; investments - determination of specific investments - treatment of income therefrom; trust ledger accounts and trial balance - trustee's responsibility - internal control (or Murphy's Law controlled).

Auditor's role and Audit requirements - properly kept reports - beneficiaries unknown - Minister's involvement - investigations - results.

The Legal Assistance Act and Regulations - outlined; interrelate Act and Regulations; and with Trust Accounts Act and Regulations.

Accounting requirements - QLS Special Deposit Calculations - banking operations - reports - monthly requirements.

Prescribed Material

Trust Accounts Act 1973 - 1978 (Qld) and Regulations

Legal Assistance Act 1965 - 1981 (Qld) and Regulations

The Queensland Law Society Act 1952 - 1980 (Qld).

LWB309 Succession (28 hours)

Introduction - intestate and testate succession; definition and nature of a will; joint and mutual wills.

Testate succession - testamentary capacity and intention; the formal requirements for the execution of a valid will; privileged wills; revocation and alteration of wills; revival and republication of wills.

Personal representatives - executors; grants of probate and of letters of administration.

Administration of assets - duties, powers, liabilities and rights of personal representatives; legacies and devises; payment of debts; order of application of assets.

General principles of construction of wills.

Intestate succession - the rules applicable to total and partial intestacy.

Testator's family maintenance - claims of family and dependants to support from the estate of the deceased and the power of the court to vary a will and the rules of intestate succession.

Prescribed Material:

- W A Lee, 'Manual of Queensland Succession Law', 2nd edn, (Law Book Co., 1985)
- Cases and Material Prescribed by the Faculty of Law
- Succession Act 1981-87
- Trust Act 1973-86
- Public Trustee Act 1978-85.

Specially Recommended for Reference:

- J de Groot, 'Wills, Probate & Administration Practice (In Queensland)', 1985
(Available through Queensland Law Society, CLE Department)

Recommended Reference Books:

- I J Hardingham, 'The Law of Intestate Succession in Australia and New Zealand', (Law Book Co.)
- I J Hardingham, M A Neave and H A J Ford, 'The Law of Wills', (Law Book Co., 1983)
- F C Hutley, 'Australian Wills Precedents', 4th edn, (Butterworths, 1988)
- F C Hutley, R A Woodman and O Wood, 'Cases and Materials on Succession', 3rd edn, (Law Book Co., 1984)
- A R Mellows, 'The Law of Succession', 3rd edn, (Butterworths, 1977)
- D H Parry and J B Clark, 'The Law of Succession', 8th edn, (Sweet & Maxwell, 1983)
- 'Williams & Mortimer's Executors, Administrators and Probate', 16th edn, (Sweet & Maxwell, 1982)
- R J D Wright, 'Testator's Family Maintenance in Australia and New Zealand', (Law Book Co.)

LWB403 Taxation Law (84 hours)

This course examines two revenue raising statutes - the *Income Tax Assessment Act 1936* (Commonwealth) and the *Stamp Act 1894* (Queensland) - and the leading cases thereon.

Income tax (73 hours): For some time, lawyers have seen the field of taxation as the province of the tax specialist. However, since the introduction in 1985 of a comprehensive capital gains tax and numerous other amendments to the Assessment Act, the circumstances in which a taxpayer may attract a taxation liability have increased to the extent that taxation considerations arise in virtually all commercial and family transactions. It is therefore essential that all lawyers have an understanding of the scheme of the income tax legislation and the circumstances in which its provisions may apply.

As the course is part of an LLB curriculum, it is not concerned with tax accounting or taxation practice. Rather, the focus is upon an analysis of the legal issues involved in the determination of a taxpayer's income tax liability and the development of an understanding of tax planning principles. Matters dealt with in detail include:

- (a) the administrative structure and scheme of the Act;
- (b) the residence of taxpayers and the source of income;
- (c) the circumstances in which a taxpayer may derive assessable income or incur an allowable deduction;
- (d) the taxation of capital gains;
- (e) the taxation of income of partnerships, trusts and companies; and
- (f) tax planning.

Stamp Duty (11 Hours): The objective of this small but important part of the course is to equip students with an understanding of the scheme of the *Stamp Duty Act (Qld)*. In the short time available, students will examine the more important legislative provisions and Heads of Charge such as 'Conveyance or Transfer', 'Declaration of Trust', 'Lease or Agreement for Lease' and 'Mortgage, Bond, Debenture, Covenant'.

Recommended Preliminary Reading:

R Barrett and P Green, 'Principles of Income Taxation', (Butterworths) (3rd ed.)

Prescribed Material:

Income Tax Assessment (C'wealth) 1936 as amended

R H Woellner, T J Vella and R S Chippendale, 'Australian Taxation Law', (CCH)

Mannix and Mannix, 'Leading Cases on Australian Income Tax', 5th edn, (Butterworths, 1984)

Stamp Act (Qld) 1984 as amended

Cases and materials as prescribed by the Law Faculty.

Recommended Reference Material:

Australian Federal Tax Reporter (CCH) (Looseleaf service)

Mannix and Mannix, Australian Income Tax Law & Practice, (Butterworths) (Looseleaf service)

'Australian Master Tax Guide', (CCH, 1989)

Mannix and Harris, 'Australian Income Tax Guide', (Butterworths, 1989)

R E Krever, 'Australian Taxation - Principles and Practice', Longman Professional, 1987)

R W Parsons, 'Income Taxation in Australia', (Law Book Company, 1985)

I G Wallschutzky, 'Australian Income Tax Law, (John Wiley & Sons, 1988)

J Mann, 'Stamp Duties (Queensland)', (Law Book Company) (Looseleaf service)

LWB103 Torts (84 hours)

No satisfactory description of Torts has yet been devised, but at its most general level this branch of the law is concerned with the question of compensation to be given by a person causing a loss to a person suffering a loss. The practical significance of the subject will be apparent from the following examples of areas of everyday conflict which may be resolved by principles of tort liability: damage sustained as a result of a motor-vehicle collision; injuries sustained by employees; injuries suffered by entrants to property owned or occupied by another; trespass by one person against the person, goods or land of another; and injury to a person's reputation as a result of the publication of defamatory material.

It is hoped that students will derive not only an understanding of the rules but also of the underlying concepts together with an appreciation that the rules themselves are simply a means of arriving at acceptable criteria for allocation of losses incident to man's activities in modern society. The rules themselves will be examined to ascertain whether they satisfy the critical test of functional adequacy in terms of contemporary values. For this purpose particular rules will be nominated for intensive examination e.g. in 1988 the duties of care owed by barristers and solicitors.

The following broad topics will be dealt with -

Autumn Semester

- (a) Introduction (general features; classification; impact of insurance)
- (b) Trespass and Case
- (c) Trespass to person, chattels and land; defences
- (d) Negligence (duty; breach; damage; matters of proof; defences; limitation of actions; assessment of damages)
- (e) Death (Compensation to relatives, survival of causes of action)

Spring Semester

- (f) Employment (Employers' duties; workers' compensation; breach of statutory duty; interference with service relations; vicarious liability; joint and concurrent tortfeasors)
- (g) Negligence and the occupier
- (h) Negligent and fraudulent misrepresentations

- (i) Negligence and pure economic loss
- (j) Defamation
- (k) Interference to business
- (l) Nuisance
- (m) Strict liability (general principles; Rylands & Fletcher; animals)

Recommended Preliminary Reading:

J G Fleming, 'Introduction to the Law of Torts', 2nd edn, (Oxford University Press, 1985)

OR

David Baker, 'Introduction to Torts', (Law Book Co., 1985)

Prescribed Material:

W L Morison, R L Sharwood and C Sappideen, 'Cases on Torts', 6th edn, (Law Book Co., 1988)

Cases and Material prescribed by the Faculty of Law

Recommended Reference Books:

F Trindade and P Cane, 'The Law of Torts in Australia', (Oxford University Press, 1985)

J G Fleming, 'Law of Torts', 7th edn, (Law Book Co., 1987)

H Luntz, D Hambly and R Hayes, 'Torts: Cases and Commentary', 2nd edn, (Butterworths, 1985)

P H Winfield and J A Jolowicz, 'Winfield & Jolowicz on Tort', 12th edn by W V H Rogers, (Sweet & Maxwell, 1984)

LWB410 Trade Practices Law (42 hours)

This elective course deals with the law established by the Trade Practices Act 1974 (Cth), as amended, and related State laws.

The 'trade practices' controlled by this legislation fall into two main groups:

- 'restrictive' practices, such as anti-competitive arrangements, abuse of market power, exclusive dealing, resale price maintenance and company mergers which lead to dominance of a market, and
- 'unfair' practices, such as deceptive advertising, coercive tactics in door-to-door sales, or pyramid selling.

The 'restrictive' practices are controlled for the purpose of preserving competition; the 'unfair' practices are prohibited for the protection of consumers. The remedies provided by this legislation supplement, and sometimes override, some of the remedies of contract law (eg. for misrepresentation, unconscionable conduct, or restraint of trade), tort law (eg. passing-off and perhaps some forms of defamation) and the provisions of the Companies Code relating to mergers.

The course will consist of a study of the following material:

- (a) background to, and need for, the legislation,
- (b) constitutional basis of the Commonwealth Act,
- (c) administrative arrangements and enforcement procedures,
- (d) control of 'restrictive' practices,
- (e) prohibition of 'unfair' practices,
- (f) jurisdictional problems and remedies

Provisions which imply warranties into certain contracts are not dealt with in this course, as they have been studied in LWB303 Commercial Law. Provisions dealing with 'secondary boycotts' (relevant mainly to industrial disputes) and overseas cargo shipping are dealt with only in outline.

Recommended Preliminary Reading:

CCH Guidebook to Australian Trade Practices Law, 5th edn, (1987)

Prescribed Material:

Trade Practices Act 1974 (Cth) - the Commonwealth reprint or the CCH print titled 'Australian Trade Practices Legislation'

G Q Taperell, R B Vermeesch and D J Harland, 'Trade Practices and Consumer Protection', 3rd edn, (Butterworths, 1983)

Cases and Material prescribed by the Faculty of Law

Recommended Reference Books:

A A Ransom and W Pengilley, 'Restrictive Trade Practices: Judgments, Materials and Policy', (Legal Books, 1985)

W Pengilley and A A Ransom, 'Federal Deceptive Practices and Misleading Advertising Law', (Legal Books, 1987)

B G Donald and J D Heydon, 'Trade Practices Law', (2 Vols. & Supp.) (Law Book Co., 1978, 1982)

CCH Australian Trade Practices Reporter (Vols. 1 & 2) (Looseleaf Service)

R V Miller, 'Annotated Trade Practices Act', (Law Book Co.), latest yearly edition

J P Nieuwenhuysen, 'Australian Trade Practices: Readings', 2nd edn, (Croom Helm, 1976)

M Blakeney, 'Price Discrimination Law' (Legal Books, 1983)

W Pengilley, 'Collusion, Trade Practices and Risk Taking', (CCH, 1978)

J L Goldring, L W Maher and J McKeough, 'Consumer Protection Law in Australia', 3rd edn, (Butterworths, 1987)