



# ELECTIVES GUIDE

WINTER, SEMESTER 2 & SPRING 2019

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# ELECTIVES GUIDE 2019

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**IMPORTANT: STUDENTS MUST ENROL FOR SEMESTER 2 BY JULY 1<sup>ST</sup>. THE FACULTY WILL BE CHECKING ENROLMENTS IN ELECTIVES ON THIS DATE AND IF AN ELECTIVE HASN'T MET THE TRESHOLD NUMBER OF STUDENTS IT WILL NOT BE OFFERED IN SEMESTER 2.**

Please note the information contained in this guide has been compiled from the University of Tasmania's online course and unit guide information for ease of access for students. For further information, go to <http://www.utas.edu.au/law/left-quick-links/information-for-students>.



# CLIMATE CHANGE LAW AND POLICY

## LAW656

PROFESSOR JAN MCDONALD

### TEACHING PATTERN

#### WINTER

This is a **VERY** intensive unit and for the two weeks of class it is expected that students will devote all their time to reading and attending class. There will be in-class activities that will assume students have read the required material in advance.

#### Teaching time:

- 9:30am-2:00pm
- June 24, 25, 27, 28
- July 1, 2, 3, 4

### UNIT DESCRIPTION

Climate change poses enormous challenges for Australia and the international community. The level of warming already in the climate system means that law and policymakers must deal with dual policy imperatives – to manage the now-unavoidable impacts of climate change, whilst also avoiding the unmanageable impacts of further warming. This unit examines responses to climate change at international, national and local levels.

It then examines the international architecture for addressing climate change, including the formal legal framework and the political, economic and ethical implications of the mitigation commitments under the Paris Agreement. The strategies for achieving national emissions reductions are then explored, including Australia's mandatory renewable energy target, the carbon farming initiative, options for emissions trading/carbon tax regime, the current Direct Action Plan and negative emissions technologies. We then consider the role of law in promoting adaptation to the impacts of climate change at the household, local, regional, national and international scales.

### TEXTBOOKS REQUIRED

No textbook required.

## ASSESSMENT

2 x in-class tests (worth 10% and 15%)

1 x take-home exam or research paper (75%)

*There is no better time to study climate change law than now. This unit is relevant for developing a broad understanding of the various policy issues which have engulfed climate politics for the last 30 years. The unit will also help you think critically about various approaches to reversing global warming like litigation, market mechanisms and regulation. The unit itself is challenging as it delves deep into policy but is also a refreshing break from the usual legalism of doctrinal law units. The unit coordinator is very supportive and makes the unit content very accessible by her excellent teaching and course design. I highly recommend taking this unit (as long as you are willing to do your daily readings and lectures).*

- Salman Shah



# LAW HISTORY AND CONTEXT

## LAW621

DR SUSAN BARTIE

### TEACHING PATTERN

#### Weeks 1 to 6

All of the material and instruction for this unit will be available for students to view on-line, read or download in weeks 1 to 6 of the semester.

There will be two workshops each week where students will have the opportunity to debate and discuss the issues raised in the material. Each workshop will be one hour in length (a total of 12 hours across the 6 weeks). A lecturer will facilitate this discussion based on a set of questions distributed in or prior to the class.

The matters addressed in the materials and workshop will be examined in assessment task 1.

#### Weeks 7 to 12

In weeks 7 to 12 four additional one hour workshops will be held to discuss matters associated with assessment task 2 and to arrange the LHC forum in week 13.

### UNIT DESCRIPTION

The unit deals with both the history as well as the future of the law and lawyering. Students are encouraged to concentrate on the topics that most interest them.

This unit introduces students to the history of ideas, political events and personalities that have shaped legal institutions, laws and lawyers and prompted critical examinations of their role within society. Students are encouraged to consider Tasmania's unique position and history and to draw comparisons with experiences in other States and countries. They are expected to scrutinise the way that law has been depicted in literature, art and other mediums, drawing on local resources, artists and attractions. A range of historical literature, including life histories, forms the intellectual core of the unit and students receive instruction on how to evaluate and engage with this literature to advance cogent arguments. By situating law within its broader context, this unit aims to assist students to better understand the relevance of their studies to their future lives and careers. The unit also seeks to embed essential personal skills in time management, reflection and the capacity to work independently.

### TEXTBOOKS REQUIRED

TBA.

## ASSESSMENT

1 x 3500 word essay –  
50%

1 x 1500 reflective piece  
on public forum – 40%

4 x 250 word abstracts –  
10%

*Law - History and Context is an essential unit for any student with an interest in both the rich legal history and traditions of Australia, and the way the law will develop in the future. History and Context deals with concepts ranging from Tasmania's brutal colonial criminal system, the automation of legal work and impacts on access to justice, and how lawyers are perceived in society and reimagining their role as civic leaders. A highly engaging unit with a broad range of assessments and the scope to choose the concepts that interest you the most to be assessed on – it's not work if you're enjoying it!*

- Nicholas Rheinberger



# ENVIRONMENTAL LAW

LAW641

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PROFESSOR BEN RICHARDSON AND JESS FEEHELY

## TEACHING PATTERN

Weekly 2 hour lecture. Weekly 1 hour tutorial.

## UNIT DESCRIPTION

The unit introduces the principal components of Australian (federal) environmental regulation and policy, with some consideration of equivalent state regimes (mainly Tasmania). The unit is structured around several key themes: why does environmental law exist (ie, what problems does it respond to and what ideas shape that response); the actors (the "who") of environmental law, notably states, NGOs and Aboriginal peoples; the sources (the "where") of environmental law, spanning the common law, public legislation and international law; and the tools (the "how") of environmental law, such as command-and-control and economic instruments. The course concludes with two case studies, on climate change law and biodiversity conservation law, which offer more in-depth analysis of the main themes of the syllabus. Major issues in environmental law and policy are brought to life in the classroom via videos, role-plays, lively discussion, negotiation exercises and scenarios drawn from topical environmental controversies.

## TEXTBOOKS REQUIRED

No textbooks required for this unit.

## ASSESSMENT

Participation- 20%

Course work- 30%

Final exam – 50%



# FAMILY LAW

## LAW682

DR OLIVIA RUNDLE

### TEACHING PATTERN

1 hours lecture weekly, 2 hour tutorial fortnightly.

Timetabled classes are a lecture at 10am on Mondays and tutorial times are 2-4 Wednesday and 2-5 Thursday. If numbers are too small to run two seminar rounds, I will only run one of those times. No classes will be recorded as there are no facilities for recording in the rooms booked and classes are intended to be interactive.

**Students cannot enrol in this new course if they have already completed LAW681 or the prior LAW682.**

### UNIT DESCRIPTION

LAW682 consolidates the two previous elective offerings. The elective is expected to run only every second year.

LAW682 Family Law introduces the family law system, with particular focus upon questions like:

- What is family law?
- Which family relationships are legally recognised? What are the consequences of legal recognition?
- How does family violence affect family law systems?
- How and on what bases are parenting decisions made after separation?
- How and on what bases are decisions made about property after separation?

Any questions can be directed to the Unit Coordinator, Dr Olivia Rundle [Olivia.Rundle@utas.edu.au](mailto:Olivia.Rundle@utas.edu.au)

### TEXTBOOKS REQUIRED

The prescribed textbook will be Belinda Fehlberg, Rae Kaspiew, Jenni Millbank, Fiona Kelly and Juliet Behrens, *Australian Family Law: The Contemporary Context* (Oxford University Press, 2<sup>nd</sup>ed., 2015) ("Text")

I recommend that students purchase the pack that also includes Belinda Fehlberg, Rae Kaspiew, Jenni Millbank, Fiona Kelly and Juliet Behrens, *Australian Family Law: The Contemporary Context: Teaching Materials* (Oxford University Press, 2<sup>nd</sup>ed., 2015).

## ASSESSMENT

Multiple choice and True/False quiz – 25%

Class participation – 25%

Time limited take home exam – 50%

*The fact that the unit is closely modelled around real life practice is really beneficial. The unit has put me in a very good position for entering the profession and even for the legal practice course.*

- Amber Scott



# SUCCESSION

## LAW683

DR ELISE HISTED

### TEACHING PATTERN

2-3hrs of lectures a week (TBA), 1hr tutorial fortnightly.

### UNIT DESCRIPTION

This unit gives a general coverage of the law relating to succession to property on death. Topics include:

- the law relating to intestacy; the execution, revocation, alteration and republication of wills;
- the legal and equitable doctrines relating to testamentary gifts;
- the powers, duties and liabilities of executors and administrators;
- the general administration of estates including different types of grants; and
- family provision.

### TEXTBOOKS REQUIRED

TBA.

## ASSESSMENT

Internal assessment is an essay with a range of word limits and a range of assessment values that students can choose from.

External assessment is a 2-hour open book exam.



# LAW AND ETHICS OF HEALTHCARE

## LAW695

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DR REBEKAH MCWHIRTER

### TEACHING PATTERN

One 2-hour seminar weekly (plus discussion board participation through MyLo).

### UNIT DESCRIPTION

This unit provides students with the opportunity to engage in in-depth analysis of topical ethical and legal issues in healthcare delivery. The unit is interactive and multi-disciplinary in nature, drawing content from law, ethics, and medical sciences. Throughout the unit, students will explore the potential and limitations of the law in addressing morally and politically contentious issues.

### TEXTBOOKS REQUIRED

The textbook for the unit is Sonia Allan and Meredith Blake's *Australian Health Law*.

## ASSESSMENT

Seminar attendance and discussion post contribution – 20%

Ethical and legal consultation paper (1500 words) – 30%

Major essay (3500 words or 5000 if doing Honours) – 50%



# COMPETITION MOOT UNIT

LAW649

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ANJA HILKEMEIJER

## TEACHING PATTERN

Only open to those students selected to compete in inter-varsity competitions. For further information students can contact Anja Hilkemeijer.

## UNIT DESCRIPTION

This unit is directed towards the preparation of university teams to participate in inter-varsity mooting competitions including the Sir Harry Gibbs Constitutional Law Moot, the Baker & McKenzie Women's moot, the Kirby Contract moot, the Animal Law moot and the Administrative Appeals Tribunal moot. Participation is limited to the number of relevant team members and is by application and competitive selection process only. The unit may require inter-state travel.

## TEXTBOOKS REQUIRED

No textbooks required.

## ASSESSMENT

Research and Preparation of  
Written Submissions – 30%

Delivery of Oral Submissions  
– 40%

Teamwork – 30%



# ANIMAL LAW (Online)

## LAW629

DR MEG GOOD

### TEACHING PATTERN

#### SPRING

12 Week Session December.

1-2 hour online lecture weekly (available via MyLo)

There are no online tutorials. However, there will be optional online discussion sessions and individual consultations for those interested. Some lectures may be recorded at a lecture theatre in the Law School in Hobart, in which case students will be invited to attend in person.

### UNIT DESCRIPTION

This unit explores the law's role in governing the relationship between humans and non-human animals in Australia. Students will have the opportunity to discuss the broader philosophical debates surrounding animal welfare issues, including consideration of the appropriate legal status of animals. The current regulatory frameworks for animal welfare and protection in Australia will be discussed, with a view to evaluating arguments for law reform in this context. The unit will cover a range of topics addressing regulation of animal welfare in various contexts, including farmed animals, companion animals, wild animals and animals used for entertainment. By the conclusion of the course, students should be able to respond to critical questions, such as:

- Why does the law facilitate differential treatment of animals?
- Should non-human animals be classified as 'property'?
- Are current regulatory frameworks for animal welfare and protection in Australia adequately protecting the interests of non-human animals?
- Are these laws and policies adequately enforced?

### TEXTBOOKS REQUIRED

Alex Bruce, *Animal Law in Australia: An Integrated Approach* (2017, LexisNexis, 2<sup>nd</sup> edition). Hard copies of the text have been ordered at the Co-op bookshop but the text is also available as an e-book.

## ASSESSMENT

1,000 word Submission Plan (15%)

(Preparation for the major assignment)

Reflective Task (35%)

(Could be completed in a variety of formats – podcast, video, written piece)

3,000 word Law Reform Submission (50%)

*The Animal Law unit is one of the best electives I have taken. It sparked what I think will be a lifelong passion and drive to protect the interests of animals through the law. The unit is well structured and well taught. It covers a range of fascinating topic areas. UTAS is also one of comparatively few universities that offers an Animal Law unit, so we as students are fortunate to have this opportunity. I would recommend the unit to all animal lovers or to anyone who has ever been intrigued by how animals are treated in the law.*

- Meghan Scolyer



# PARLIAMENTARY LAW & PRACTICE

## LAW627

ASSOCIATE PROFESSOR RICHARD HERR

### TEACHING PATTERN

#### SPRING SEMESTER

Intensive lecture period from 21<sup>st</sup> October – 1<sup>st</sup> November. (Classes running from 10am-12pm).

The rest of the spring semester is to be spent working on the main research assignment due on 3<sup>rd</sup> January 2020.

### UNIT DESCRIPTION

This unit is designed to provide a sound knowledge of, and familiarity with, the fundamentals of parliamentary law and practice in Australia.

It focusses primarily on Commonwealth and State parliamentary systems, locating them comparatively within the Westminster framework of parliamentary democracies. It investigates the parliamentary process from both a systemic and practical view including the gestation of law from policy to legislation. This course will, because of the nature of its content, focus as much on politics as it does on the law.

Lectures will cover:

1. Origins and development of the Westminster model
2. The Constitution, Law and Conventions of Westminster
3. Law-making and the Structure of Parliament
4. Responsible Government – theory and practice of ministerial responsibility.
5. The Crown and the Loyal Opposition
6. Federalism Bicameralism and Unicameralism
7. Committees – powers and purpose
8. The Administration of Parliament – Speaker, Clerks and Standing Orders
9. ‘Democratising’ Parliament – elections and parties
10. Parliament’s Integrity systems and public engagement

### TEXTBOOKS REQUIRED

N/A.

## ASSESSMENT

2 quizzes – 10% each

Research proposal (750 words) – 20%

(due 15<sup>th</sup> Nov)

Essay (4000 words) – 60%  
(due 3<sup>rd</sup> Jan)

