



ELECTIVES GUIDE

SUMMER & SEMESTER 1 2019

Compiled by Caroline De Paoli
TULS Vice-President (Education)
education@tuls.com.au



ELECTIVES GUIDE 2019

TABLE OF CONTENTS

Summer

Labour Law _____	2
Sports Law _____	3
Human Rights _____	4
International Criminal Law _____	5

Semester One

Law of the Oceans and the Antarctic _____	6
International Environmental Law _____	7
Indigenous Peoples and the Law _____	8
Animal Law _____	9
Intellectual Property _____	10
Supervised Research Paper _____	11
New Honours System _____	12
Old Honours System _____	14

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>.



LABOUR LAW

LAW603

MARK RINALDI + OTHERS

TEACHING PATTERN

SUMMER SCHOOL: 28th January – 11th February

9:30am-6:00pm (with breaks) 29/1/19

9:30am-1:30pm 30/01/19 - 08/02/19

UNIT DESCRIPTION

This unit introduces individual and collective aspects of the employment relationship with a focus on the balance of rights and duties between an employer and employee. In particular, students will be encouraged to explore the extent to which an appropriate balance is achieved by the common law and by the statutory regulation of employment law.

There will be consideration of traditional and non-traditional forms of employment and independent contracting, sham contracting and the rise of the “gig” economy. There will be significant focus on the *Fair Work Act 2009* (Cth), especially in relation to the National Employment Standards (NES), modern awards, adverse action, protections for vulnerable workers, unfair dismissal and unlawful termination, and enterprise bargaining and industrial action. State and federal laws dealing with discrimination and occupational health and safety will also be considered.

TEXTBOOKS REQUIRED

Pittard and Naughton, *Australian Labour and Employment Law*, LexisNexis, 2015.

Rinaldi, Lambropoulos, Millar and Neal, *Fair Work Legislation 2018 – 2019*, Thomson Reuters, 2018.

ASSESSMENT

Media Case Study Group
Presentation (10%)

3000 word Research
Essay (50%)

Open book test (40%)
(12/02/18)

Labour law is a very practical unit as it touches on areas of law that are relevant to everybody, it enables you to gain understanding of your rights in the workplace and employers' obligations and duties. The content of the unit is really engaging, it covers lots of topical issues such as the 'gig economy' in particular companies such as Uber and Deliveroo and the rights of individuals who work for these companies. I found this course extremely interesting and highly relevant and would definitely recommend it as an elective unit.

- Charlotte Pash



SPORTS LAW

LAW626

DR LYNDEN GRIGGS

TEACHING PATTERN

SUMMER SCHOOL: 7th January – 18th January

12 hours of compulsory workshops and an additional 24 hours of online learning.

UNIT DESCRIPTION

The inexorable connection between Australian society and sport is undeniable. This unit examines how legal principles are modified or applied in a way that is often innovative and unusual when placed in a sporting context. Not only will the underlying principles be explored, but also the broader question of whether law should alter its doctrines to take account of the sporting environment will be critically questioned. Specific topics covered include the legal nature of sporting organisations, the law of obligations and sport, the role of sporting tribunals, dispute resolution mechanisms such as the Court of Arbitration for Sport, compensation rights for sporting related injuries, the application of the criminal law for offences on the sporting field, discrimination within sporting contests, the policing of anti-doping regimes, and laws targeting corruption and gambling in sport. Contemporary sporting and legal issues will be highlighted throughout the unit and all primary materials be considered from a sporting angle.

TEXTBOOKS REQUIRED

TBA.

ASSESSMENT

TBA – a combination of internal assessment options will be used.



HUMAN RIGHTS

LAW634

ANJA HILKEMEIJER

TEACHING PATTERN

***SUMMER SCHOOL: 7TH January – 18th January ***

10am – 1pm class daily

Major assessment component will require a research topic to be settled in consultation with the unit coordinator, and a short abstract must be provided by the end of the teaching period. The essay is due 5pm on Friday 8th February.

UNIT DESCRIPTION

This unit will give students a solid grounding in the rules, processes and institutions for the promotion and protection of human rights in the United Nations as well as at state and federal levels in Australia. In particular, students will consider how rights are 'balanced' and what mechanisms exist to hold states accountable for human rights violations. In addition, students will investigate a number of current issues. This starts with a consideration of current critiques - by legal theorists, some members of the judiciary and populist politicians - of the nature, justification and importance of human rights.

Next, the unit will explore the importance and effectiveness of human rights protection for key vulnerable groups including indigenous peoples, asylum seekers, women and those living in poverty. Students will examine controversies around the balancing of the rights to freedom of religion and belief and speech against the rights to be treated with dignity and equality. Time permitting, students will also engage with the recent call by UN Rapporteur Phillip Alston to prioritise the promotion of economic and social rights.

TEXTBOOKS REQUIRED

No textbooks required for this unit.

Approximately 20 pages of reading per day. Links to the readings will be available on MyLo two weeks prior to the start of the unit.

ASSESSMENT

Participation (40%)

2500-300 word Research Essay (60%)

Human Rights Law offered a fantastic opportunity to discuss the origins of human rights and how human rights protections have been implemented nationally and internationally.

As a reading and discussion-based unit, we were able to analyse conflicting ideas in great detail. We also got to hear from a number of visiting human rights experts from across the country, who helped explain the challenges facing human rights law in Australia.

- Siobhain Galea



INTERNATIONAL CRIMINAL LAW

LAW677

PROFESSOR TIM MCCORMACK

TEACHING PATTERN

SUMMER SCHOOL: 28th JANUARY – 11th FEBRUARY

UNIT DESCRIPTION

Since the establishment by the UN Security Council of the International Criminal Tribunal for the Former Yugoslavia in 1993, the pace of development in the International Criminal Law has been breathtaking. The new international institutions - the two ad hoc international criminal tribunals for the Former Yugoslavia and for Rwanda and the new International Criminal Court - have helped to spawn a plethora of new national and international tribunals (Kosovo, Sierra Leone, Cambodia, Iraq), national and international legislation, criminal proceedings and jurisprudence. Issues of International Criminal Law in Australia are regularly covered in the media - the proposed trial of David Hicks by US Military Commission, the Croatian request for extradition from Australia of the alleged war criminal 'Captain Dragon'.

Topics will include: The concept and bases of individual criminal responsibility for violations of international law, historical development of international criminal law, definitions of war crimes, crimes against humanity and genocide, jurisdiction for the prosecution of international crimes (particularly universal jurisdiction), international criminal tribunals, the new International Criminal Court and Australian legislative approaches to national implementation of international criminal law.

TEXTBOOKS REQUIRED

No textbooks required for this unit.

ASSESSMENT

2000 word assignment
(30%)

Open book exam (70%)



LAW OF THE OCEANS AND THE ANTARCTIC

LAW606

DR GAIL LUGTEN

TEACHING PATTERN

Semester One Intensive

Online

- **3hrs a day for the first two weeks of Semester 1**
- **Face to face lecture at TMAG on the 10th day**
- **Whole unit is completed by mid-March 2019**

UNIT DESCRIPTION

Considers the public international law aspects of the law of the sea and the Antarctic continent. The unit examines the Antarctic Treaty, Madrid Protocol, Convention for the Conservation of Antarctic Marine Living Resources, Australia's maritime zones of jurisdiction and international marine and inland capture fisheries law including the UN Law of the Sea Convention, UN Fish Stocks Agreement, the FAO Compliance Agreement, the FAO Port State Measures Agreement, and relevant soft law instruments.

Gail promises that students of this unit will be infected by a love of living marine resources. She has a passion for this subject matter, and it is the focus of the work she did while at the United Nations, so she will definitely have some stories and experiences to share.

TEXTBOOKS REQUIRED

TBA.

ASSESSMENT

Short answer test on first 5 lectures (30%)

2000 word E-Portfolio (70%)

Email Gail if you would like to have a copy of the past unit outline (likely to be similar to the 2019 outline).



INTERNATIONAL ENVIRONMENTAL LAW

LAW610

DR PETER LAWRENCE

TEACHING PATTERN

Semester One

Two or three interactive seminars each week. Guest lecturers.

Can international law be used to solve the global ecological crisis? Can international courts be used to put pressure on governments to do more about climate change and biodiversity loss? These are amongst the issues addressed in this exciting elective offered first semester 2019.

UNIT DESCRIPTION

The unit will introduce students to key principles of International Environmental Law embedded in an ethical and policy framework, with case studies spanning:

- whaling,
- chemicals and hazardous waste,
- the climate and atmosphere (ozone and climate change),
- biological diversity (including bio-prospecting), and
- pollution of the oceans.

Key issues will include the effectiveness of this body of law as well as how it measures up to justice principles. Reform strategies will be discussed, including the use of international tribunals compared to treaty-based approaches.

The unit coordinator, Dr Peter Lawrence has published extensively in this field and is a contributor to the new edition of the *Oxford Handbook on International Environmental Law*. Peter will inject into the unit his experience as a diplomat, which included eight years negotiating global and regional environment agreements.

TEXTBOOKS REQUIRED

TBA.

THIS UNIT WILL BE CAPPED AT 30 – ENROL NOW SO YOU DON'T MISS OUT.

ASSESSMENT

Class participation (20%)

80% from either:

- A. 3000 word written submissions to the ICJ or regional tribunal (70%) and 200 word summary of argument (10%)
- OR
- B. 3000 word research essay (70%) and 200 word essay outline (10%)



INDIGENOUS PEOPLES AND THE LAW

LAW620

PROFESSOR BEN RICHARSON

TEACHING PATTERN

Semester One

1 weekly lecture (2-3 hours)

1 x bi-weekly tutorial (1 hours)

UNIT DESCRIPTION

This unit engages students in a detailed study of Indigenous people's experience with the legal system in Australia and other selected jurisdictions and the interactions between non-Indigenous and Indigenous legal systems. With regard to both the historical and contemporary setting, the unit examines these themes in a variety of contexts including land rights and native title, Indigenous peoples and environmental management, the criminal justice system, and Indigenous ownership of intellectual and cultural property.

TEXTBOOKS REQUIRED

No textbooks required for this unit.

ASSESSMENT

2500 word essay (40%)

Tutorial Participation
(20%)

Final exam (40%)



ANIMAL LAW (Online)

LAW629

DR MEG GOOD

TEACHING PATTERN

Semester One

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, 2nd 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



INTELLECTUAL PROPERTY

LAW664

ASSOCIATE PROF. HEATHER FORREST

TEACHING PATTERN

Semester One

2 x 50 minute lecture weekly

1 x 50 minute seminar weekly

UNIT DESCRIPTION

This unit provides an overview of the major forms of intellectual property protection. This unit covers the statutory systems of copyright, trade marks and patents as well as related areas including passing off and the protection provided by *Australian Consumer Law*.

TEXTBOOKS REQUIRED

Kathy Bowrey, Michael Handler, Dianne Nicol and Kimberlee Weatherall, *Australian Intellectual Property: Commentary, Law and Practice* (2nd ed, Oxford University Press).

ASSESSMENT

Seminar Presentation
(40%)

Research Project (60%)

Heather makes the content really interesting, with plenty of real-life examples. The major piece of assessment was a memorandum of advice which mimicked the work of IP lawyers in practice.

- Bryanna Workman



SUPERVISED RESEARCH PAPER

LAW679

STAFF: VARIOUS

THIS UNIT WILL BE COUNTED AS A MAJOR RESEARCH COMPONENT FOR THE PURPOSES OF HONOURS

TEACHING PATTERN

- Semester One or Two
- Consultation between student and supervising staff member

UNIT DESCRIPTION

Allows students to undertake a sustained piece of research under the supervision of a member of staff. There are no classes; teaching takes place through the interaction between the student and staff member. Students select their own research topic in consultation with, and subject to the approval of, a staff member. The work must be completed during the semester in which the student is enrolled.

Students will work on a one-on-one basis with their supervisor and should negotiate at the start of semester how the supervisor will support their learning. This agreement may include:

- Supervisor's expectations
- When and how meetings will occur
- When and how drafts should be submitted
- Format of supervisor's feedback

All members of academic staff at the Law School are active researchers and bring this experience to their role as supervisor.

Students must have a Distinction grade average in their law units (Law-only GPA of 6 or more) to be eligible for enrolment in this unit. Under the Honours degree rules, students must complete LAW679 in order to be eligible to graduate with first class Honours.

ASSESSMENT

14,000 word research paper
(inclusive of references)

The Supervised Research Paper is an exhilarating and fulfilling way to finish off your degree. Obviously, it is a requirement for First Class Honours, and you need to be on track to get them before you enrol in the SRP. For the best results and the best experience, make sure you pick a topic that you're passionate about, and a supervisor who has done work in the area of your question and can give you the most help and guidance. It is a big task, but a rewarding one.

- Dan Westbury



HONOURS

NEW HONOURS SYSTEM

HONOURS COORDINATOR: DR PETER LAWRENCE, PETER.LAWRENCE@UTAS.EDU.AU

WILL THE NEW HONOURS RULES APPLY TO ME?

If you were enrolled in a Level 200 LAWXXX unit in 2015 for the first time **and** enrolled in a law degree at that time (or in a later year), the new honours rules will apply. For example, if you were enrolled in law in 2015 or later and undertook Legal Reasoning and/or Foundations of Private Law in that year these rules will apply to you.

REQUIREMENTS

1. COMPLETION OF HONOURS RESEARCH METHODS (LAH401)

This unit is conducted online, sits outside of the degree structure (i.e. it does not take up an elective slot) and should be taken either the semester before or concurrently with the major research component. See below for more details.

2. ACHIEVEMENT OF GPA

Only law units are included (except for LAW121, LAW122, LAW455 and the major research component LAHXXX). First class Honours: 6; second uppers: 5.7; second lowers: 5.4.

3. COMPLETION OF A MINOR RESEARCH COMPONENT IN A LAWXXX UNIT

This is an elective unit taken in final or penultimate year that is identified as an honours unit. At least 50% of the assessment will be by assignment and the assignment will be at least 2,000 words.

4. COMPLETION OF A MAJOR RESEARCH COMPONENT IN A LAHXXX UNIT

This is an elective unit taken in final year only. First Class Honours students must take LAH679 Supervised Research Paper (see page 11 for details). Second Class Honours students must take an elective unit that has a 5000 word research paper: contact both the unit and Honours Coordinators to notify them of your intention and, upon acknowledgement from the Honours Coordinator, enroll in LAH6XX Honours Research Paper.

LAH401 HONOURS RESEARCH METHODS

This unit is conducted entirely online and is designed to assist students to advance an independent research project (either the 14,000 word paper for LAH679 or the 5000 word paper required for other LAHXXX units). The unit will:

- Introduce students to a range of different research paradigms and methodologies

- Encourage students to question the role and relevance of legal research and scholarship and how their project might add to the field
- Assist students to plan a strong research project and communicate that project clearly
- Provide practical tips on writing and advancing scholarly argument
- Help students identify potential ethical issues and possible publications and other dissemination outlets

Assessment Tasks:

- Research proposal
- Research journal

For more information contact Dr Susan Bartie: Susan.Bartie@utas.edu.au

ADMISSION INTO HONOURS

Students will be invited to participate in the honours program towards the end of the penultimate year of study. Because this only occurs at the end of the penultimate year, students will need to be aware of whether they are on track for honours before invitation and plan elective unit selection accordingly. Students with a GPA of 5.2 at the end of the penultimate year will be invited to join the Second Class Honours program, and those with 5.8 will be invited to join the First Class Honours program. These numbers are slightly lower than what is required to graduate with honours: the margin takes into account those students whose grades improve over their final year.

If you think you are on track to get honours, you must check your UTAS email in late November-December. If you don't receive an email and believe you are eligible, contact Law.Enquiries@utas.edu.au. Failure to be admitted will see you unable to participate in the honours program. You must initiate the admission process in the honours Degree Course. Once admitted, there will be some additional paperwork that must be completed, available through the Student eCentre.

HONOURS

OLD HONOURS SYSTEM

HONOURS COORDINATOR: DR PETER LAWRENCE, PETER.LAWRENCE@UTAS.EDU.AU

Unit Weight	Points Earned	Points Deducted for Failure
25% (full year)	HD = 6; DN = 4	-4
12.5% (one semester)	HD = 3; DN = 2	-2

CALCULATION OF HONOURS POINTS

Eight points must come from core units. LAW121 and LAW122 results are not included in calculating honours points. No excess electives will be counted.

FIRST CLASS HONOURS REQUIREMENTS

- 42 honours points in law units
- Minimum 6 HD results in law units
- 25% research component: two 12.5% research units, one of which must be LAW679
- DN grade average for research component

SECOND CLASS HONOURS - UPPER REQUIREMENTS

- 32 honours points in law units
- 25% research component: two 12.5% research units
- CR grade average for research component

SECOND CLASS HONOURS - LOWER REQUIREMENTS

- 24 honours points in law units
- 25% research component: two 12.5% research units
- CR grade average for research component