

## Legal studies

The Legal studies subjects listed below may only be undertaken by those students enrolled in an Arts degree. The following subjects are offered to Bachelor of Arts students at first year and second year only, with the exception of 733-213 Legal Studies:Environmental Law (p.265), which may be undertaken by Faculty of Science and Faculty of Engineering students in 2001. It is not possible to major in legal studies, but completing a two-year sequence of 25 points of first year and 37.5 points of second year legal studies is considered a 'sub-major' in the area of study for graduate teaching qualifications.

### Faculty of Arts requirements

Students undertaking the Bachelor of Arts are permitted to enrol in a range of subjects offered by other faculties, however students must complete a minimum of 50 points of first year and 100 points of second /third year subjects in areas of study approved by the Faculty of Arts. See *Arts-approved subject requirement* (p.37) for more information.

Combined course students will not *usually* be eligible to enrol in these subjects. Please consult a Faculty of Arts course adviser for more information.

### For more information

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### First year subjects

#### 733-102 LSA1: Democracy & the Aust. Legal System

**Credit points:** 12.5

**HECS-band:** 1

**Coordinator:** TBA

**Contact:** Two 1-hour lectures and a 1-hour tutorial per week (*Semester 1*).

**Description:** In this subject students will explore the origin and structure of the Australian legal system and Australian common law as a form of cultural organisation, with its own legal sub-culture, rituals and customs. Students will also encounter the Australian Constitution; law-making by parliament and the courts; the contradictions and limitations of law, reflected in primary and secondary legal materials; law-making by judges and its intersection with community values, gender and multiculturalism; the role of the High Court; legal reasoning and legal language; the organisation and culture of the legal profession. Students have the opportunity to acquire and practice legal research and writing skills, and to develop an insider/outsider perspective on the culture and practices of Australian law. No previous knowledge of legal studies is assumed.

**Assessment:** Written work totalling 2000 words and a 2-hour final exam.

**Prescribed texts:** Laster, Flutter, Taylor & Willis, *Law as Culture*, (2nd ed) Federation Press, 2001. • *Prostitution Control Act 1994*, (Vic). • *Commonwealth Constitution*.

#### 733-103 LSA2: The Civil Law - Rights and Duties

**Credit points:** 12.5

**HECS-band:** 1

**Coordinator:** TBA

**Contact:** Two 1-hour lectures and a 1-hour tutorial per week (*Semester 2*).

**Description:** This subject involves an examination of the civil rights, obligations and duties which arise through daily interaction as a member of a community. The subject will also evaluate the role of case and statute law in the development of obligations. It will focus on a number of specific rights and duties - such as freedom of speech and the right to equality - and will consider their respective limitations in law. Topics include defamation, anti-discrimination law, negligence and contract law. On completion of the subject, students should understand the complexities involved in the conflicting rights between individuals and society.

**Assessment:** Written work totalling 2000 words and a 2-hour final exam.

**Prescribed texts:**

Materials will be available from the Law School.  
*Equal Opportunity Act 1995*, (Vic).

### Second year subjects

#### 733-212 LSB2: Law and Cultural Diversity

**Credit points:** 12.5

**HECS-band:** 1

**Coordinator:** TBA

**Prerequisites:** 733-102 LSA1: Democracy & the Aust. Legal System (p.265) or equivalent.

**Contact:** Three 1-hour lectures/seminars per week (*Semester 2*).

**Description:** This subject is a study of how Australian law has dealt with a culturally diverse population and the influence which the cultural mix has had on the development of Australian law. The focus of the subject is on the legal aspects of ethnic, racial, religious and sexual diversity. The subject seeks to expose students to a wide range of topics, while providing opportunity for in-depth research of selected issues. Topics are considered in the context of current issues and from a variety of perspectives including human rights, feminist, Aboriginal, lesbian, gay men as well as those of various racial, ethnic and religious minorities.

**Assessment:** Written work totalling 2000 words and a 2-hour final exam.

**Prescribed texts:**

Materials will be available from the Law School.

#### 733-213 Legal Studies:Environmental Law

**Note:** Students enrolled in Faculty of Science and Faculty of Engineering courses may enrol in this subject in 2001.

**Credit points:** 12.5

**HECS-band:** 1

**Coordinator:** Dr M Raff

**Contact:** A 2-hour lecture/seminar per week (*Semester 1*).

**Description:** This subject familiarises students with the increasingly important and topical area of environmental law. Legal concepts necessary for studying the subject are introduced through an examination of the nature and sources of law. The approach of the common law to environmental issues is examined critically. The particular environmental objectives of the public land-use planning system are studied with particular attention to the rights of objection and appeal. The preservation of heritage and conservation of nature are also dealt with in a planning context. Pollution discharge licensing and appeals are also examined. International environmental commitments are also dealt with at relevant points. The complex interrelationships of these fields of law are traced in the integrated environmental legal problems and legal policy issues encountered in urban transport planning.

**Assessment:** A 2000 word assignment and a 2-hour examination.

**Prescribed texts:** Loorham et al, *Introduction to Victoria's Key Environment and Planning Law*, (2nd ed) Environment Defenders Office. • Eccles and Bryant, *Statutory Planning in Victoria*, (2nd ed) Federation Press, 1999. • G M Bates, *Environmental Law in Australia*, (5th ed) Butterworths.

#### 733-214 LSB3: High Court, Human Rights & Justice

**Credit points:** 12.5

**HECS-band:** 1

**Coordinator:** Ms B Bartal

**Prerequisites:** 733-102 LSA1: Democracy & the Aust. Legal System (p.265) or equivalent.

**Contact:** Two 1-hour lectures and a 1-hour tutorial per week (*Not Offered*).

**Description:** This subject aims to evaluate the role of the High Court in the development and recognition of human rights in Australia. Principles of justice, judicial independence and the doctrine of precedent will be considered. Individual judges, their judgements and their influence on the law in this area will be examined and critiqued. Theories of legal reasoning will be analysed, and the transition in the High Court from legal formalism to judicial activism will be evaluated. Students will study landmark cases in areas such as freedom of political speech, Aboriginal native title, freedom of assembly, and the implementation of our international human rights obligations. On completion of the subject students should understand the principles and politics of the High Court and judicial reasoning, and be able to critically analyse the development of human rights law in Australia.

**Assessment:** Written work totalling 2000 words and a 2-hour final exam.

**Prescribed texts:** Williams, *Human Rights Under the Australian Constitution*, Oxford University Press, 1999.

### Subjects not offered in 2001

#### 733-211 LSB1: Family, Society and the Law

**Credit points:** 12.5

**HECS-band:** 1

**Prerequisites:** 733-102 LSA1: Democracy & the Aust. Legal System (p.265) or equivalent.

**Semester:** Not Offered

**Description:** This subject examines the changing nature of family relationships, legal intervention in families, the formation and termination of marital status, and the legal consequences of marriage and divorce. It also examines legal recognition of other relationships such as Aboriginal customary marriages, same-sex and de facto relationships. The rights of parents and children are also considered, particularly in the area of artificial conception proce-

dures. Students should complete the subject with the ability to: explain the general legal framework which regulates the rights and duties of parents and children and other family members in Australian society; discuss moral, social, legal and policy dilemmas that arise from family relationships; and discuss the legal and social issues that arise from family law.