

LAWS50026 Obligations

Credit Points:	12.50								
Level:	5 (Graduate/Postgraduate)								
Dates & Locations:	2012, Parkville This subject commences in the following study period/s: Semester 1, Parkville - Taught on campus. Two 2-hour seminars per week.								
Time Commitment:	Contact Hours: 48 hours. Total Time Commitment: 144 hours.								
Prerequisites:	<table><tr><th>Subject</th><th>Study Period Commencement:</th><th>Credit Points:</th></tr><tr><td>LAWS50023 Legal Method and Reasoning</td><td>February</td><td>12.50</td></tr></table>			Subject	Study Period Commencement:	Credit Points:	LAWS50023 Legal Method and Reasoning	February	12.50
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LAWS50023 Legal Method and Reasoning	February	12.50							
Corequisites:	None.								
Recommended Background Knowledge:	None.								
Non Allowed Subjects:	None.								
Core Participation Requirements:	<p>The Melbourne Law School welcomes applications from students with disabilities. It is University and Law School policy to take all reasonable steps to enable the participation of students with disabilities, and reasonable adjustments will be made to enhance a student's participation in the School's programs. The inherent academic requirements for the study in the Melbourne Law School are: The ability to attend classes and actively engage in the analysis of complex materials and debate; The ability to read, analyse and comprehend complex written legal materials and complex interdisciplinary materials; The ability to clearly and independently communicate in writing a knowledge and application of legal principles and interdisciplinary materials and critically evaluate these; The ability to clearly and independently communicate orally a knowledge and application of legal principles and interdisciplinary materials and critically evaluate these; The ability to work independently and as a part of a group; The ability to present orally and in writing legal analysis to a professional standard. Students must possess behavioural and social attributes that enable them to participate in a complex learning environment. Students are required to take responsibility for their own participation and learning. They also contribute to the learning of other students in collaborative learning environments, demonstrating interpersonal skills and an understanding of the needs of other students. Assessment may include the outcomes of tasks completed in collaboration with other students. Students who feel their disability will prevent them from participating in tasks involving these inherent academic requirements are encouraged to contact the Disability Liaison Unit: http://www.services.unimelb.edu.au/disability/.</p>								
Coordinator:	Mr Arlen Duke								
Contact:	Melbourne Law School Student Centre Email: law-studentcentre@unimelb.edu.au (mailto:law-studentcentre@unimelb.edu.au) Tel: +61 3 8344 4475								
Subject Overview:	<p>This subject builds upon skills introduced in the foundation subject Legal Method and Reasoning, both in continuing to develop skills in the close reading and critical analysis of cases and in the interpretation of legislation. The substantive content of the subject considers the nature and foundations of the law of obligations through the study of four different categories of private law obligation:</p> <ul style="list-style-type: none"># Obligations arising from exchange transactions (contracts);# The obligation not to mislead or deceive in trade or commerce (misleading conduct);# The obligation not to cause harm through inconsistent conduct (estoppel); and								

	<p># The obligation to restore unjust gains (restitution or unjust enrichment).</p> <p>Topics to be examined in detail will include:</p> <ul style="list-style-type: none"> # The nature of private law obligations and the relationship between obligations and property; # The nature and foundations of contractual obligations; # The formation of contracts (the requirements of agreement, consideration, intention to create legal relations, certainty and capacity); # Formalities and the creation of equitable interests in property; # The doctrine of privity (by whom and against whom contractual obligations are enforceable); # The statutory wrong of misleading or deceptive conduct in trade or commerce; # The principles of estoppel (the nature of equity, equitable and common law estoppel and the creation of property interests by way of estoppel); and # The law of unjust enrichment (the nature of the law of restitution, money claims, claims in respect of services and defences).
Objectives:	<p>The purpose of this subject is to instill the technical skills and foundational substantive knowledge required for the development of an advanced and integrated understanding of four different categories of private law obligation, and their interconnections and disjunctions, through close reading of and analysis of cases, statutes and scholarly writing and through participation in class discussion. In this way the subject establishes the critical foundations for further specialised study in private law obligations. It is expected that on completion of the subject students will have developed an integrated understanding of the nature and structure of the law of obligations and be able to:</p> <ul style="list-style-type: none"> # Critically analyse and evaluate the basis of decisions recognising or denying private law obligations; # Identify relevant principles in cases and statutes and apply those principles to particular fact situations in order to reach well-reasoned conclusions about the rights and obligations of the parties in those fact situations; # Develop creative, sophisticated and well-founded arguments as to ways in which the relevant principles could be applied to novel fact situations; and # Critically analyse and evaluate relevant legal and equitable principles and statutory provisions and analyse particular problems from a range of theoretical and/or comparative perspectives.
Assessment:	1,000 word take home hypothetical feedback exercise, to be completed in pairs. This is a hurdle requirement, and will be marked on a pass/fail basis. The exercise will be released during the first half of semester and is to be completed over a weekend. Supervised 3-hour (open book) examination during the University exam period (100%).
Prescribed Texts:	Paterson, Robertson, and Duke, Contract: Cases and Materials (latest edition); Specialist printed materials will also be made available from Melbourne Law School.
Recommended Texts:	Paterson, Robertson and Duke, Principles of Contract Law (latest edition)
Breadth Options:	This subject is not available as a breadth subject.
Fees Information:	Subject EFTSL, Level, Discipline & Census Date, http://enrolment.unimelb.edu.au/fees
Generic Skills:	<p>On completion of the subject, students will have developed the following integrated cognitive, technical and creative skills:</p> <ul style="list-style-type: none"> # The capacity for close reading and critical analysis of a range of sources; # The capacity for critical, independent and creative thought and reflection on the role and functioning of the law of obligations; # The capacity to think across boundaries of private law subjects and to appreciate the need for and consequences of integrated legal knowledge; # An approach to problem solving that is both well-founded in existing legal methodology and thinking, and is sufficiently creative to allow for the existing boundaries to be pushed; # The capacity to communicate appropriately and in a convincing manner, both orally and in writing to defined audiences; and

	# Attitudes towards knowledge that include valuing truth, openness to new ideas and ethics associated with knowledge creation and usage.
Related Course(s):	Juris Doctor