

## LAWS90055 Charity Law for the 21st Century

<b>Credit Points:</b>	12.5
<b>Level:</b>	9 (Graduate/Postgraduate)
<b>Dates &amp; Locations:</b>	2016, Parkville This subject commences in the following study period/s: November, Parkville - Taught on campus. This subject has a quota of 30 students. Please refer to the Melbourne Law Masters website for further information about the management of subject quotas and waitlists.
<b>Time Commitment:</b>	Contact Hours: 24-26 hours Total Time Commitment: 136-150 hours The pre-teaching period commences four weeks before the subject commencement date. From this time, students are expected to access and review the Reading Guide that will be available from the LMS subject page and the subject materials provided by the subject coordinator, which will be available from Melbourne Law School. Refer to the Reading Guide for confirmation of which resources need to be read and what other preparation is required before the teaching period commences.
<b>Prerequisites:</b>	Some knowledge of trusts law and tax law desirable but not essential.
<b>Corequisites:</b>	None
<b>Recommended Background Knowledge:</b>	Applicants without legal qualifications should note that subjects are offered in the discipline of law at an advanced graduate level. While every effort will be made to meet the needs of students trained in other fields, concessions will not be made in the general level of instruction or assessment. Most subjects assume the knowledge usually acquired in a degree in law (LLB, JD or equivalent). Applicants should note that admission to some subjects in the Melbourne Law Masters will be dependent upon the individual applicant's educational background and professional experience.
<b>Non Allowed Subjects:</b>	None
<b>Core Participation Requirements:</b>	The Melbourne Law Masters welcomes applications from students with disabilities. The inherent academic requirements for study in the Melbourne Law Masters are: The ability to attend a minimum of 75% of classes and actively engage in the analysis and critique 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 to 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 who feel their disability will inhibit them from meeting these inherent academic requirements are encouraged to contact Student Equity and Disability Support.
<b>Coordinator:</b>	Prof Matthew Harding
<b>Contact:</b>	<b>Lecturers</b> <b>Professor Matthew Harding</b> ( <a href="http://www.law.unimelb.edu.au/staff/Matthew%20Harding">http://www.law.unimelb.edu.au/staff/Matthew%20Harding</a> ) (Coordinator) <b>Ms Jennifer Batrouney QC</b> ( <a href="http://www.law.unimelb.edu.au/staff/Jennifer%20Batrouney">http://www.law.unimelb.edu.au/staff/Jennifer%20Batrouney</a> ) Email: <a href="mailto:law-masters@unimelb.edu.au">law-masters@unimelb.edu.au</a> ( <a href="mailto:law-masters@unimelb.edu.au">mailto:law-masters@unimelb.edu.au</a> ) Phone: +61 3 8344 6190 Website: <a href="http://www.law.unimelb.edu.au/masters">www.law.unimelb.edu.au/masters</a> ( <a href="http://www.law.unimelb.edu.au/masters">http://www.law.unimelb.edu.au/masters</a> )
<b>Subject Overview:</b>	The place of charity law in the life of the nation is a hot topic. As the government retreats from the direct provision of social welfare and public goods, and as charities seek as never before to integrate commerce and advocacy with their traditional purposes, much attention is being focused on charity law. These profound developments also suggest that charity law is becoming as important to contemporary societies as corporations law or administrative law. In this subject, we will look in depth at the key elements of this critical body of law. We will reflect on important

	<p>questions raised by charity law in its contemporary setting, questions relating to the definition of charity, the taxation of charities, and charity regulation. We will adopt comparative, theoretical and practical perspectives in working through these questions. The subject will be taught by two of Australia's leading charity law experts.</p> <p>Principal topics include:</p> <ul style="list-style-type: none"> <li># The legal definition of charity in Australia and other analogous jurisdictions</li> <li># The public benefit test and recent developments in the law of public benefit in Australia and abroad</li> <li># The extent to which charities can undertake for-profit activities and member benefit arrangements</li> <li># The treatment of religion in charity law</li> <li># The treatment of political advocacy in charity law</li> <li># The tax treatment of charities from a critical perspective</li> <li># Charities and discrimination on grounds like race, religion and sex</li> <li># A comparative examination of the regulation of the charity sector.</li> </ul>
<b>Learning Outcomes:</b>	<p>A student who has successfully completed this subject will:</p> <ul style="list-style-type: none"> <li># Have an advanced and integrated understanding of the legal principles of Australian charity law, including recent developments in this field of law and practice both in Australia and in other jurisdictions</li> <li># Be able to critically examine, analyse, interpret and assess legal rules, principles, policies and doctrines relating to charity</li> <li># Be an engaged participant in debate regarding emerging and contemporary issues in the field, such as the treatment of political advocacy in charity law, charities and discrimination, and the tax treatment of charities</li> <li># Have a sophisticated appreciation of the factors and processes driving charity law reform and regulation of the charity sector</li> <li># Have the cognitive and technical skills to generate critical and creative ideas relating to charity law and practice, and to critically evaluate existing legal theories, principles and concepts with creativity and autonomy</li> <li># Have the cognitive and technical skills to independently examine, research and analyse existing and emerging legal issues relating to charity law and practice.</li> </ul>
<b>Assessment:</b>	Take-home examination (5,000-6,000 words as specified in the subject reading guide) (100%) (9 - 12 December) A minimum of 75% attendance is a hurdle requirement.
<b>Prescribed Texts:</b>	Specialist printed materials will be made available free of charge from the Melbourne Law School prior to the pre-teaching period.
<b>Breadth Options:</b>	This subject is not available as a breadth subject.
<b>Fees Information:</b>	Subject EFTSL, Level, Discipline & Census Date, <a href="http://enrolment.unimelb.edu.au/fees">http://enrolment.unimelb.edu.au/fees</a>
<b>Links to further information:</b>	<a href="http://www.law.unimelb.edu.au/subject/LAWS90055/2016">www.law.unimelb.edu.au/subject/LAWS90055/2016</a>
<b>Related Course(s):</b>	<p>Graduate Diploma in Legal Studies  Graduate Diploma in Tax  Master of Commercial Law  Master of Laws  Master of Private Law  Master of Tax</p>