

730-213 Obligations

Credit Points:	12.50
Level:	2 (Undergraduate)
Time Commitment:	Contact Hours: Two 2-hour seminars per week Total Time Commitment: 144 hours
Prerequisites:	Legal Method and Reasoning; Torts or in each case their equivalents.
Corequisites:	None
Recommended Background Knowledge:	None
Non Allowed Subjects:	None
Core Participation Requirements:	<p><p>For the purposes of considering request for Reasonable Adjustments under the Disability Standards for Education (Cwth 2005), and Student Support and Engagement Policy, academic requirements for this subject are articulated in the Subject Overview, Learning Outcomes, Assessment and Generic Skills sections of this entry.</p> <p>It is University policy to take all reasonable steps to minimise the impact of disability upon academic study, and reasonable adjustments will be made to enhance a student's participation in the University's programs. Students who feel their disability may impact on meeting the requirements of this subject are encouraged to discuss this matter with a Faculty Student Adviser and Student Equity and Disability Support: http://services.unimelb.edu.au/disability</p></p>
Subject Overview:	<p>The subject involves a study of the foundations of the law of obligations, structured around the organising principles of consent, wrongs and unjust enrichment. Topics 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; # privity (by whom and against whom contractual obligations are enforceable); # statutory wrongs (focusing on misleading or deceptive conduct in trade or commerce); # equitable wrongs (the nature of equity, the principles of estoppel and fiduciary obligations and the creation of equitable interests in property); and # unjust enrichment (the nature of the law of restitution, money claims, claims in respect of services and defences)
Objectives:	<p>The aim of this subject is for students to develop an understanding of the foundations of the law of obligations through close reading of cases, statutes and scholarly writing and through participation in class discussion. It is expected that on completion of the subject students should understand the structure of the law of obligations and the relationship between different private law obligations, and be able to:</p> <ul style="list-style-type: none"> • identify, analyse and challenge decisions recognising or denying private law obligations; • apply relevant principles to particular fact situations and develop creative arguments as to ways in which those principles could be applied to novel fact situations; • evaluate relevant legal and equitable principles and analyse particular problems from a range of theoretical perspectives; and • utilise comparisons with other legal systems to analyse and evaluate the way in which particular problems are addressed by Australian private law.
Assessment:	Reflective essay. Word limit 1,500 words. Worth 30%. Due Week 12 of semester. Final examination: open book. Two hours writing time plus 30 minutes reading time. Worth 70% of the final mark in the subject.

Prescribed Texts:	Paterson, Robertson & Heffey, Contract: Cases and Materials (10th ed, 2005) Printed materials to be purchased from Melbourne Law School
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 should have developed the following generic skills:</p> <ul style="list-style-type: none"> # attitudes towards knowledge that include valuing truth, openness to new ideas and ethics associated with knowledge creation and usage # the capacity for close reading and analysis of a range of sources # the capacity for critical and independent thought and reflection # the capacity to solve problems, including through the collection and evaluation of information # the capacity to communicate, both orally and in writing # the capacity to plan and manage time # the capacity to participate as a member of a team # intercultural sensitivity and understanding <p>In addition, on completion of the subject, students should have developed the following skills specific to the discipline of law:</p> <ul style="list-style-type: none"> # case reading and analysis, including an ability to: <ul style="list-style-type: none"> - extract important features from judgments - reconcile judgments - evaluate the development of legal principles - apply legal principles arising from case law to new situations # reading, interpreting and analysing statutes # hypothetical problem solving, including an ability to: <ul style="list-style-type: none"> - identify legal issues arising in complex fact situations; - identify and apply relevant legal, equitable and statutory principles; and - provide advice as to the rights and obligations of the parties
Related Course(s):	Bachelor of Music and Bachelor of Laws