

730-467 Agency

Credit Points:	12.50
Level:	4 (Undergraduate)
Dates & Locations:	This subject is not offered in 2009.
Time Commitment:	Contact Hours: One 2-hour seminar per week Total Time Commitment: 100 to 126 hours. (Non-contact commitment is estimated at 2-3 hours per week during the teaching period, and 40-72 hours in total during the non-teaching periods).
Prerequisites:	Legal Method and Reasoning; Principles of Public Law; Torts; Obligations; Contracts; Property 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><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> </p>
Contact:	Mr David Brennan
Subject Overview:	<p>Agency arises where one person (the agent) has the power to create legal relations between a person authorising that power (the principal) and another person (a third party). The law of agency plays a significant role throughout commercial law. The subject commences by situating agency both within the system of private law and within a framework of economic policy. From this foundation the subject allows students to develop an understanding of the fundamentals of the law of agency. Those fundamentals: how agency is established between principals and agents; what obligations arise between principals and agents; the nature relations between agents and third parties; the nature of relations between principals and third parties; the existence of prominent agency cases (such as those involving corporations and real estate) and the means by which agency is terminated.</p>
Objectives:	<p>A student who completes <i>Agency</i> should:</p> <ul style="list-style-type: none"> · Appreciate the nature and policy role of agency as a distinct legal institution within Private Law · Recognise the elements which create the existence of agency · Determine the legal obligations which arise from the existence of agency · Apply agency law in particular scenarios to resolve legal ambiguity and arrive at reasoned conclusions as to what legal outcomes may pertain · Evaluate such application of agency law in particular scenarios against its policy role
Assessment:	<p>(i) A 5,000 word written problem-solving task weighted at 100% (due a date to be fixed at the end of the semester); (ii) A hurdle requirement (that is a task which must be submitted prior to the submission of the 5,000 word assessment task) comprising the submission of a 500 word written outline of the proposed answer to the problem-solving task by the end of the tenth teaching week. For each task Faculty marking code 2 will apply in the following way: - In relation to the 5,000 word assessment task, work judged grossly in excess of the word limit may incur a</p>

	marking penalty: · In relation to the 500 word hurdle requirement work judged grossly in excess of the word limit may be returned for rewriting.
Prescribed Texts:	· Simon Fisher, <i>Agency Law</i> (2000, LexisNexis Butterworths) · Printed Materials available through the Faculty
Recommended Texts:	
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 <i>Agency</i>, students should have developed the following generic skills:</p> <ul style="list-style-type: none"> # The capacity for close reading of a range of sources # The capacity for critical and independent thought and reflection # The capacity for deductive analysis # The capacity to solve problems through the synthesis and evaluation of information <p>In addition, and more specific to the discipline of law, students should be able to:</p> <ul style="list-style-type: none"> # Assess the nature and role of a discrete Private Law legal institution # Analyse judgments, statutes and secondary materials which relate to a discrete Private Law legal institution, analysis which comprises: <ul style="list-style-type: none"> # extracting the relevant aspects # reconciling apparent conflicts and inconsistencies # Conduct legal research on issues relating to a discrete Private Law legal institution, research which comprises an ability to find, synthesise and analyse written material beyond that contained within the curriculum # Write legal opinions on particular scenarios, which comprises: <ul style="list-style-type: none"> # identifying legal issues # arriving at reasoned conclusions as to the rights and obligations of the parties # commenting on the desirability or otherwise of the application of the law