

LAWS50026 Obligations

Credit Points:	12.50
Level:	5 (Graduate/Postgraduate)
Dates & Locations:	2011, Parkville This subject commences in the following study period/s: Semester 1, Parkville - Taught on campus. Seminars.
Time Commitment:	Contact Hours: Two 2-hour seminars per week. Total Time Commitment: 144 hours.
Prerequisites:	LAWS50023 Legal Method and Reasoning.
Corequisites:	None.
Recommended Background Knowledge:	None.
Non Allowed Subjects:	None.
Core Participation Requirements:	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/ .
Coordinator:	Ms Anna Chapman
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:	This subject considers the nature and foundations of the law of obligations through the study of four different categories of obligation: <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); # The obligation to restore unjust gains (restitution or unjust enrichment). Topics will include: <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;

	<ul style="list-style-type: none"> # 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); # The law of 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 nature and structure of the law of obligations and be able to:</p> <ul style="list-style-type: none"> # Analyse and challenge the basis of decisions recognising or denying private law obligations; # Identify relevant principles in cases and statutes; # Apply those principles to particular fact situations to reach well-reasoned conclusions about the rights and obligations of the parties in those fact situations; # Develop creative arguments as to ways in which the relevant principles could be applied to novel fact situations; and # Evaluate relevant legal and equitable principles and statutory obligations and analyse particular problems from a range of theoretical and/or comparative perspectives.
Assessment:	1,500 word reflective essay - due during semester in accordance with a coordinated assessment schedule (30%);Supervised 3-hour (open book) examination during the University exam period (70%).
Prescribed Texts:	Paterson, Robertson, and Duke, Contract: Cases and Materials (11th ed, 2009);Printed materials will be available 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.
Related Course(s):	Juris Doctor