

## LAWS70036 Superannuation Law

<b>Credit Points:</b>	12.50
<b>Level:</b>	7 (Graduate/Postgraduate)
<b>Dates &amp; Locations:</b>	2012, Parkville This subject commences in the following study period/s: August, Parkville - Taught on campus.
<b>Time Commitment:</b>	Contact Hours: The total class time is between 24 and 26 hours. Total Time Commitment: Not available
<b>Prerequisites:</b>	None.
<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 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 who feel their disability will inhibit them from meeting these inherent academic requirements are encouraged to contact the Disability Liaison Unit: <a href="http://www.services.unimelb.edu.au/disability/">www.services.unimelb.edu.au/disability/</a>
<b>Contact:</b>	For more information, contact the Melbourne Law Masters office. 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> ) or phone +61 3 8344 6190. Alternatively, visit our 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>	Few areas of law offer the variety and dynamic reform agenda that is encountered with superannuation law. Superannuation law draws together traditional corporate, equitable and trust principles with modern legislative initiatives to achieve Australia's retirement incomes objectives. The superannuation industry is heavily influenced by public policy, is governed by multiple regulators and a variety of legislation. The industry is characterised by an array of different stakeholders, ranging from peak industry bodies to the Commonwealth Government. A practice in superannuation law therefore requires a truly holistic approach and a willingness to tackle relevant aspects of other laws, including employment law, family law, contracts, insurance and financial services laws generally. This subject examines the development of superannuation in Australia, the interaction between statutory and general law principles, the role played by various entities in the industry, the licensing, conduct and disclosure obligations and recent reforms, such as Stronger Super.  Principal topics will include:  # Development and history of superannuation in Australia

	<ul style="list-style-type: none"> <li># Characteristics of the superannuation industry (e.g. the type of funds that exist)</li> <li># Regulatory environment for superannuation and the role of key regulators: Australian Securities and Investments Commission (ASIC), Australian Prudential Regulation Authority (APRA) and the Australian Taxation Office (ATO)</li> <li># Interaction of general law and statute in relation to trustee duties, rights and powers</li> <li># The trust instrument and key service provider contracts (e.g. investment management, group insurance, administration and custody agreements)</li> <li># Trustee decisions, complaints handling and the role of the Superannuation Complaints Tribunal (SCT)</li> <li># Taxation of superannuation</li> <li># Licensing, conduct and disclosure obligations in the superannuation industry</li> <li># Superannuation guarantee and other employer obligations</li> <li># Recent reforms and reform proposals.</li> </ul>
<b>Objectives:</b>	<p>A student who has successfully completed this subject should understand:</p> <ul style="list-style-type: none"> <li># The development and role of superannuation in Australia as part of the Federal Government's retirement incomes policy</li> <li># The statutory and general law principles governing superannuation in Australia</li> <li># The practical role played by various entities in relation to superannuation funds, including the Federal Government, regulators, industry associations and service providers</li> <li># The wide scope of the practice of superannuation law and how it interacts with other areas of law including family law, privacy, contracts, insurance, succession law and financial services laws generally</li> </ul>
<b>Assessment:</b>	Class participation (20%) 8,000 word research paper on a topic approved by the subject coordinator (80%) (3 December)
<b>Prescribed Texts:</b>	Core subject materials will be provided free of charge to all students. Some subjects require further texts to be purchased. Visit the Melbourne Law Masters website for more information about this subject.
<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/masters/courses-and-subjects/subject-details/sid/5251">http://www.law.unimelb.edu.au/masters/courses-and-subjects/subject-details/sid/5251</a>