

## LAWS70336 Commercial Law: Principles and Policies

<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>	Undergraduate degree in law, or appropriate practical experience
<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>Coordinator:</b>	Prof Michael Bryan
<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>	This subject examines the building blocks of commercial law and practice, emphasising the common legal problems that plague successful commercial relationships. These range from the typical styles of commercial engagement, including agency, joint ventures and fiduciary relationships; the practical difficulties in ensuring that property assignments are successful; and the various means of financing commercial deals, including how courts distinguish between legal form and commercial substance in characterising security interests. The subject includes a brief examination of the general law as it applies to banks in commerce. Throughout, special attention will be paid to the different types of personal and proprietary remedies awarded for breach of commercial contracts, including the role of constructive trusts in a commercial context. All these issues are explored within the framework of typical commercial contracts and

	<p>in the context of an assessment of the policies being pursued by the courts in enforcing the commercial deal. Both teachers have written and taught extensively.</p> <p>Principal topics will include:</p> <ul style="list-style-type: none"> <li># Personal property in commercial law</li> <li># Issues of contractual doctrine and interpretation in commercial contracts</li> <li># Issues in domestic and international sales</li> <li># Money and payment systems</li> <li># Secured financing</li> <li># Specific forms of secured business finance</li> <li># Commercial litigation.</li> </ul>
<b>Objectives:</b>	<p>A student who has successfully completed this subject should:</p> <ul style="list-style-type: none"> <li># Understand the application of basic common law and equitable doctrines to common contemporary commercial transactions</li> <li># Understand the interaction of doctrine and statute in resolving commercial disputes</li> <li># Appreciate the significance of recent statutory and case law developments to commercial practice</li> <li># Be aware of the main international developments in commercial law.</li> </ul>
<b>Assessment:</b>	Seminar paper presentation (10%) 3-hour examination (90%) (5 October) or 10,000 word research paper (90%) (22 November) on a topic approved by the subject coordinator
<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/5144">http://www.law.unimelb.edu.au/masters/courses-and-subjects/subject-details/sid/5144</a>