

LAWS70191 Charity and Not-for-Profit Law

Credit Points:	12.5
Level:	7 (Graduate/Postgraduate)
Dates & Locations:	This subject is not offered in 2015.
Time Commitment:	Contact Hours: The total class time is between 24 and 26 hours. Total Time Commitment: The pre-teaching period commences four weeks before the subject commencement date. From this time, students are expected to access and review the Reading Guide that will be available from the LMS subject page and the subject materials provided by the subject coordinator, which will be available from Melbourne Law School. Refer to the Reading Guide for confirmation of which resources need to be read and what other preparation is required before the teaching period commences.
Prerequisites:	None
Corequisites:	None
Recommended Background Knowledge:	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.
Non Allowed Subjects:	None
Core Participation Requirements:	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 and critique 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 to 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: www.services.unimelb.edu.au/disability/
Contact:	For more information: Email: law-masters@unimelb.edu.au (mailto:law-masters@unimelb.edu.au) Phone: +61 3 8344 6190 Website: www.law.unimelb.edu.au/masters (http://www.law.unimelb.edu.au/masters)
Subject Overview:	<p>Note</p> <p>This subject will be taught with the assistance of staff from PilchConnect, a specialist legal service for community organisations.</p> <p>About the Subject</p> <p>The legal framework underpinning Australia's not-for-profit and charity sector has recently been the subject of unprecedented reform.</p> <p>Until 2013 the meaning of 'charity' and 'charitable purpose' in Australia had been based on over 400 years of common law. In June 2013, the Federal Government passed the <i>Charities Act 2013</i> (Cth) introducing a statutory definition of charity for the first time in Australia. This followed soon after the passage of the <i>Australian Charities and Not-for-profits Commission Act 2012</i> (Cth) in late 2012—legislation which establishes a new regulatory framework and a national regulator for charities in Australia.</p> <p>In addition to these significant reforms, there are proposals to update the tax concessions available to the sector. Changes have been made to the various incorporated legal structures</p>

	<p>for not-for-profits, there has been a rise in the number of social enterprises and new social investment models and a renewed interest in the legal status of unincorporated bodies.</p> <p>This subject explores the current legal issues faced by Australia's socially and economically significant not-for-profit sector. It will examine current legislative and case law developments and draw on the knowledge of several expert lawyers in this specialist area.</p> <p>Principal topics will include:</p> <ul style="list-style-type: none"> # The legal and historical context of the not-for-profit environment in Australia, including current trends such as the growing social enterprise sector # The complexities involved in defining 'not-for-profit' and 'charity', as well as other sub-types such as public benevolent institutions and health promotion charities # The range of State and Federal incorporated legal structures available to not-for-profit organisations and the benefits and consequences of advising on a particular structure, including the legal status of unincorporated organisations # The new regulatory environment for the not-for-profit sector in Australia including the role and powers of the Australian Charities and Not-for-profits Commission, the Australian Taxation Office, and the Australian Securities and Investments Commission as well as the various State-based regulators for incorporation, fundraising and taxation law # A review of the complex regulatory environment in which not-for-profit organisations across Australia operate, including a look at governance issues, taxation, fundraising, health and safety, insurance, employment and workplace relations issues and legal issues in managing volunteers.
Learning Outcomes:	<p>A student who has successfully completed this subject should:</p> <ul style="list-style-type: none"> # Have a good understanding of the role and diversity of the not-for-profit sector as a third sector in the Australian economy # Have a sound understanding of the existing regulatory framework for not-for-profit organisations, particularly their legal structures # Have an appreciation of unique challenges facing those who govern not-for-profit organisations, compared with for-profit organisations # Have a good understanding of the regulatory challenges for the not-for-profit sector, including the policy elements for a better regulatory environment that supports both accountability and innovation by the sector.
Assessment:	<p>Class presentation (30%) Take-home examination (70%) or 8,000 word research paper (70%) on a topic approved by the subject coordinator</p>
Prescribed Texts:	<p>Core subject materials will be provided free of charge to all students. Some subjects require further texts to be purchased. Details regarding any prescribed texts will be provided prior to the commencement of the subject.</p>
Breadth Options:	<p>This subject is not available as a breadth subject.</p>
Fees Information:	<p>Subject EFTSL, Level, Discipline & Census Date, http://enrolment.unimelb.edu.au/fees</p>
Links to further information:	<p>www.law.unimelb.edu.au/subject/LAWS70191/2014</p>
Notes:	<p>This subject has a quota of 30 students. Please refer to the website www.law.unimelb.edu.au/masters/courses-and-subjects/subjects/subject-timing-and-format (http://www.law.unimelb.edu.au/masters/courses-and-subjects/subjects/subject-timing-and-format) for further information about the management of subject quotas and waitlists.</p>