

LAWS70385 Criminal Law: Business and Organisations

Credit Points:	12.5
Level:	7 (Graduate/Postgraduate)
Dates & Locations:	2015, Parkville This subject commences in the following study period/s: February, Parkville - Taught on campus.
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/
Coordinator:	Prof Jeremy Gans
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:	Business and organisational crimes differ from the popular conception of 'crime' as involving the most unambiguously blameworthy sorts of conduct in which citizens can engage. This subject will examine how these crimes are dealt with under Australian rules on criminal responsibility, procedure, proof and punishment. It will also address, from a comparative perspective (including both Australian state systems and relevant overseas ones), the underlying legal, moral and policy concerns that distinguish fraud, dishonesty and organisational crimes (including regulatory offences by corporations) from 'merely aggressive business behaviour.' The subject will be of interest to government lawyers, corporate counsel and litigators – anyone who is interested in the often blurry lines that distinguish criminal from non-criminal behaviour.

	<p>Note that this subject includes an advanced analysis of aspects of Australian criminal law. The classes and the take-home exam assume a prior knowledge of Australian criminal law as taught in the core curriculum of Australian law degrees.</p> <p>Principal topics include:</p> <ul style="list-style-type: none"> # The concept of dishonesty and the boundaries of fraud # Corporate criminality and individual liability in an organisational setting # Processes, proof and sentencing for business and organisational crime # Examinations of particular offences in the context of one or more of the above topics.
Learning Outcomes:	<p>A student who has successfully completed this subject will:</p> <ul style="list-style-type: none"> # Have an advanced and integrated understanding of the operation of the criminal law in business and organisational settings # Be able to critically examine, analyse, interpret and assess statutory and common law rules regulating fraudulent and organisational crimes # Be an engaged participant in debate regarding the proper boundaries of the criminal law and the criminal justice system in business and regulatory settings # Have a sophisticated appreciation of comparative approaches to the investigation, prosecution and punishment of crimes in business and organisational settings # Have the cognitive and technical skills to independently examine, research and analyse statutory and common law rules and offences in business and regulatory settings.
Assessment:	Take-home examination (100%) (10-13 April) or 10,000 word research paper (100%) (27 May) on a topic approved by the subject coordinator
Prescribed Texts:	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.
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
Links to further information:	www.law.unimelb.edu.au/subject/LAWS70385/2015
Notes:	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.