

LAWS90012 Comparative Superannuation Law

Credit Points:	12.5
Level:	9 (Graduate/Postgraduate)
Dates & Locations:	2015, Parkville This subject commences in the following study period/s: October, 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/
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:	The Australian superannuation system has become a world-wide model for occupational pension plans for other countries to emulate, especially as many countries face increasingly-ageing populations and the need to develop effective retirement-saving systems. The Australian system's mandatory, defined contribution plan model, coupled with its use of stand-alone pension funds, provides an innovative system for guaranteeing retirement security for its citizens. After studying the Australian superannuation system, a number of other country workplace pension models will be explored, such as the United States, Canada, the United Kingdom, France, Germany, the Netherlands, and Japan. The subject will not only seek to determine the benefits and disadvantages of the various workplace pension systems, but also ask what role occupational pensions should play in the larger provision of retirement to the elderly, and what should happen to employee occupational pension claims where the employer becomes insolvent. Principal topics include:

	<ul style="list-style-type: none"> # The Australian superannuation system, including the history of its development, its current form, and prospects for future modification # Other forms of occupational pension schemes throughout the industrial world, with emphasis on the systems utilised by the United States, Canada, the United Kingdom, France, Germany, the Netherlands and Japan # Discussion of the major policy issues surrounding the development of workplace pensions, including the ageing of the population, the recent financial difficulties faced by many governments, the choice between defined benefit pension plans and defined contribution pension plans, and the choice between governmental pension plans and occupational pension plans # Exploration of the insolvency system in Australia and in other countries to examine how pension claims are treated during an employer's insolvency.
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 legal principles of Australian superannuation law, including recent developments in this field of law and practice # Be able to critically examine, analyse, interpret and assess the effectiveness of these legal rules in comparison to legal regimes established in other countries for occupational pension plans # Be an engaged participant in debate regarding emerging and contemporary issues in the field, such as the mandatory nature of such plans, whether such plans should adopt the defined benefit plan or defined contribution plan model, the use of such plans as part of the larger retirement system, and issues surrounding employee pension claims when employers become insolvent # Have a sophisticated appreciation of the factors and processes driving revision of pension legal frameworks in different countries # Have an advanced understanding of situations in which pension funding, accessibility, and governance issues may arise in the operation of superannuation and other types of occupational pension plans # Have a detailed understanding of occupational pension plans legal regimes in an international and comparative context # Have the cognitive and technical skills to generate critical and creative ideas relating to occupational pension plans, and to critically evaluate existing legal theories, principles and concepts with creativity and autonomy concerning these pension plans # Have the communication skills to clearly articulate and convey complex information regarding the Australian superannuation system and other countries' occupational pension systems to relevant specialist and non-specialist audiences # Be able to demonstrate autonomy, expert judgment and responsibility as a practitioner and learner in the field of workplace pension law.
Assessment:	Take-home examination (100%) (11-14 December) or 10,000 word research paper (100%) (18 January 2016) on a topic approved by the subject coordinator A minimum of 75% attendance is a hurdle requirement.
Prescribed Texts:	Specialist printed material will be made available from Melbourne Law School Paul Secunda et al., Global Issues in Employee Benefits Law (West 2009)
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/LAWS90012/2015
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.