

# LAWS70036 Superannuation Law

<b>Credit Points:</b>	12.5						
<b>Level:</b>	7 (Graduate/Postgraduate)						
<b>Dates &amp; Locations:</b>	2016, Parkville This subject commences in the following study period/s: February, Parkville - Taught on campus. This subject has a quota of 30 students. Please refer to the Melbourne Law Masters website for further information about the management of subject quotas and waitlists.						
<b>Time Commitment:</b>	Contact Hours: 24-26 hours Total Time Commitment: 136-150 hours 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.						
<b>Prerequisites:</b>	<p><b>Melbourne Law Masters Students:</b> None</p> <p><b>JD Students:</b> Successful completion of the below subject:</p> <table border="1"> <thead> <tr> <th>Subject</th> <th>Study Period Commencement:</th> <th>Credit Points:</th> </tr> </thead> <tbody> <tr> <td>LAWS50035 Corporations Law</td> <td>Semester 2</td> <td>12.5</td> </tr> </tbody> </table>	Subject	Study Period Commencement:	Credit Points:	LAWS50035 Corporations Law	Semester 2	12.5
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LAWS50035 Corporations Law	Semester 2	12.5					
<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 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 Student Equity and Disability Support.						
<b>Coordinator:</b>	Mr Michael Chaaya						
<b>Contact:</b>	<p><b>Lecturers</b></p> <p><b>Mr Michael Chaaya</b> (<a href="http://www.law.unimelb.edu.au/staff/Michael%20Chaaya">http://www.law.unimelb.edu.au/staff/Michael%20Chaaya</a>) (Coordinator)</p> <p>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>) Phone: +61 3 8344 6190 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>)</p>						

<b>Subject Overview:</b>	<p>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 those proposed by the Financial System Inquiry.</p> <p>Principal topics include:</p> <ul style="list-style-type: none"> <li># Development and history of superannuation in Australia</li> <li># Characteristics of the superannuation industry (eg the types 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 (eg 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># Self-managed superannuation funds and their regulation</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>Learning Outcomes:</b>	<p>A student who has successfully completed this subject will:</p> <ul style="list-style-type: none"> <li># Have an advanced and integrated understanding of the legal principles of Australian superannuation law, including recent developments in this field of law and practice.</li> <li># Be able to critically examine, analyse, interpret and assess the effectiveness of the regulatory regime for superannuation law in Australia.</li> <li># Be an engaged participant in debate regarding emerging and contemporary issues in the field, such as insurance and longevity risk, the role and regulation of financial advisers, tax concessions associated with superannuation, and the role of superannuation in Australia's infrastructure debate.</li> <li># Have a sophisticated appreciation of the factors and processes driving parliamentary revision of the legal framework for superannuation and the various stakeholders, including the Federal Parliament, regulators, industry associations and service providers.</li> <li># Have the cognitive and technical skills to independently examine, research and analyse existing and emerging legal reforms relating to superannuation.</li> <li># Have an appreciation of 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> <li># Have the communication skills to clearly articulate and convey complex information regarding superannuation law to relevant specialist and non-specialist audiences</li> <li># Be able to demonstrate autonomy, expert judgment and responsibility as a practitioner and learner in the field of superannuation law.</li> </ul>
<b>Assessment:</b>	<p>Class participation (20%) 8,000 word research paper (80%) (25 May) on a topic approved by the subject coordinator A minimum of 75% attendance is a hurdle requirement.</p>
<b>Prescribed Texts:</b>	<p>Specialist printed materials will be made available free of charge from the Melbourne Law School prior to the pre-teaching period.</p>
<b>Breadth Options:</b>	<p>This subject is not available as a breadth subject.</p>
<b>Fees Information:</b>	<p>Subject EFTSL, Level, Discipline &amp; Census Date, <a href="http://enrolment.unimelb.edu.au/fees">http://enrolment.unimelb.edu.au/fees</a></p>

<b>Links to further information:</b>	<a href="http://www.law.unimelb.edu.au/subject/LAWS70036/2016">www.law.unimelb.edu.au/subject/LAWS70036/2016</a>
<b>Related Course(s):</b>	Graduate Diploma in Banking and Finance Law Graduate Diploma in Corporations and Securities Law Graduate Diploma in Legal Studies Juris Doctor Master of Banking and Finance Law Master of Commercial Law Master of Employment and Labour Relations Law Master of Laws