

LAWS70336 Commercial Law: Issues and Policies

Credit Points:	12.5
Level:	7 (Graduate/Postgraduate)
Dates & Locations:	2016, Parkville This subject commences in the following study period/s: September, 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.
Time Commitment:	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.
Prerequisites:	Prior study in contract, trust and equity is required.
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 Student Equity and Disability Support.
Coordinator:	Prof Michael Bryan
Contact:	Lecturers Professor Emeritus Michael Bryan (http://www.law.unimelb.edu.au/staff/Michael%20Bryan) (Coordinator) Professor Sarah Worthington QC(Hon) FBA (http://www.law.unimelb.edu.au/staff/Sarah%20Worthington) 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 subject examines the building-blocks of commercial law and practice and the role they play in solving commercial disputes. These include a study of the commercial structures adopted by commercial parties, such as agency, joint ventures and other fiduciary relationships; the principles for passing title to tangible and intangible commercial property, including the rules governing assignments; the different kinds of security taken by commercial parties, as well

	<p>as the principles governing the creation and protection of security interests. It also examines issues relating to the legal characterisation of commercial transactions; commercial litigation, with special reference to the remedies awarded; the role of proprietary remedies in protecting a claimant against defendant insolvency and, how general law concepts apply to banks in commerce.</p> <p>Students taking this subject will be assumed to have a basic knowledge of the principles of contract law, property law, equity and trusts, as applied in Australia or other legal jurisdiction</p> <p>Principal topics include:</p> <ul style="list-style-type: none"> # The construction of commercial contracts # Structuring commercial activity, with special reference to agency, joint ventures and other fiduciary relationships # Sales contracts, with special references governing the passing of title # Assignments # The creation and protection of security interests # Commercial litigation, with special reference to remedies # Proprietary remedies and their impacts in commercial insolvency # The application of general law concepts to banks in commerce.
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 role played by legal concepts in structuring commercial transactions # Be able to examine, analyse and assess the effectiveness of legal rules applicable to commercial transactions # Be an engaged participant in debate regarding the operation and effectiveness of those legal rules and be able to make an informed contribution to debate about the reform of commercial law # Have a sophisticated appreciation of the considerations driving the development of the law in this field # Have the communication skills to articulate and convey complex information regarding the relevant legal principles and the authorities on which the principles are based to relevant specialist and non-specialist audiences # Have the cognitive and technical skills to be able to solve complex legal problems occurring in commercial practice.
Assessment:	<p>Seminar paper presentation (10%) 3-hour examination (90%) (4 November) or 10,000 word research paper (90%) (14 December) on a topic approved by the subject coordinator A minimum of 75% attendance is a hurdle requirement.</p>
Prescribed Texts:	<p>Specialist printed materials will be made available free of charge from the Melbourne Law School prior to the pre-teaching period.</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/LAWS70336/2016</p>
Related Course(s):	<p>Graduate Diploma in Corporations and Securities Law Graduate Diploma in Legal Studies Master of Commercial Law Master of Laws Master of Private Law</p>