

LAWS90059 Commercial Law in Practice

Credit Points:	12.5																		
Level:	9 (Graduate/Postgraduate)																		
Dates & Locations:	2016, Parkville This subject commences in the following study period/s: Semester 2, Parkville - Taught on campus. This subject has a quota of 60 students. Please refer to the Melbourne Law JD website for further information about subject quotas																		
Time Commitment:	Contact Hours: 36 hours Total Time Commitment: 144 hours																		
Prerequisites:	Successful completion of all the below subjects: <table border="1"> <thead> <tr> <th>Subject</th> <th>Study Period Commencement:</th> <th>Credit Points:</th> </tr> </thead> <tbody> <tr> <td>LAWS50023 Legal Method and Reasoning</td> <td>February</td> <td>12.5</td> </tr> <tr> <td>LAWS50025 Torts</td> <td>November, Semester 2</td> <td>12.5</td> </tr> <tr> <td>LAWS50026 Obligations</td> <td>Semester 1</td> <td>12.5</td> </tr> <tr> <td>LAWS50029 Contracts</td> <td>Semester 2</td> <td>12.5</td> </tr> <tr> <td>LAWS50030 Property</td> <td>Semester 1</td> <td>12.5</td> </tr> </tbody> </table>	Subject	Study Period Commencement:	Credit Points:	LAWS50023 Legal Method and Reasoning	February	12.5	LAWS50025 Torts	November, Semester 2	12.5	LAWS50026 Obligations	Semester 1	12.5	LAWS50029 Contracts	Semester 2	12.5	LAWS50030 Property	Semester 1	12.5
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Corequisites:	None																		
Recommended Background Knowledge:	None																		
Non Allowed Subjects:	None																		
Core Participation Requirements:	The Melbourne Law School welcomes applications from students with disabilities. It is University and Law School policy to take all reasonable steps to enable the participation of students with disabilities, and reasonable adjustments will be made to enhance a student's participation in the School's programs. The inherent academic requirements for the study in the Melbourne Law School are: The ability to attend classes and actively engage in the analysis 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 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 must possess behavioural and social attributes that enable them to participate in a complex learning environment. Students are required to take responsibility for their own participation and learning. They also contribute to the learning of other students in collaborative learning environments, demonstrating interpersonal skills and an understanding of the needs of other students. Assessment may include the outcomes of tasks completed in collaboration with other students. Students who feel their disability will inhibit them from meeting these inherent academic requirements are encouraged to contact Student Equity and Disability Support.																		
Coordinator:	Assoc Prof Jeannie Paterson																		
Contact:	Email: law-aso@unimelb.edu.au (mailto:law-aso@unimelb.edu.au) Phone: +61 3 8344 4475 Website: www.law.unimelb.edu.au/jd (http://www.law.unimelb.edu.au/jd)																		
Subject Overview:	This subject will examine, from an advanced and specialist point of view, the rules, principles and practices of commercial law. An underlying theme will be the way in which different legal																		

	<p>forms can be used to obtain similar commercial outcomes, and the legal, regulatory and commercial considerations that influence the choice of legal form.</p> <p>Topics covered include:</p> <ul style="list-style-type: none"> # The commercial regulatory landscape; # The legal building blocks of commercial law – for example sale of goods, loans, hire, assignment of contractual rights; # The practical building blocks of commercial law – for example money, payment and payment systems; # Standard and alternative financing techniques; # Issues of substance and form in commercial transactions, including the Personal Property Securities Act; # Practical aspects of executing commercial transactions; # How corporate insolvency influences the structure of commercial transactions. <p>This subject aims to equip students with an expert knowledge of the major areas of law within the field as well as integrating new practical skills, including those involved in planning a transaction, reviewing documents, assessing the interplay and implications of common law and statutory regimes.</p> <p>Within the various topics, students will also consider a comparative law analysis.</p>
Learning Outcomes:	<p>Students who successfully complete this subject will have developed a solid grounding in the building blocks of commercial law, and will understand the various competing interests and issues that drive the way in which commercial transactions are structured and implemented.</p> <p>Students will also gain experience in how case law, legislation, contractual terms, regulator guidance and commentary, and legal market practice can combine to influence the terms and structuring of commercial transactions. In particular, students will:</p> <ul style="list-style-type: none"> # Have training in areas they will encounter in commercial legal practice in Australia, including in identifying legal and commercial risk and drafting and critiquing complex commercial documents ; # Understand the interplay of commercial, legal and regulatory considerations involved in assessing the issues and risks in a commercial transaction; # Have a detailed understanding of financing and commercial structuring techniques that are used not just in Australia but in the international commercial markets generally; # Learn how to analyse case law, regulator guidance and commentary, and market practice.
Assessment:	2,000 word written advice / transaction review (40%); 2 hour open book exam (60%). The due date of the above assessment will be available to students via the LMS.
Prescribed Texts:	Australian Finance Law 7th Ed, King & Wood Mallesons, Thomson Reuters. Specialist printed materials will also be made available from the Melbourne Law School.
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
Generic Skills:	<p>On completion of the subject students should have developed and demonstrated their skills as follows:</p> <ul style="list-style-type: none"> # Cognitive skills to demonstrate mastery of theoretical knowledge and to apply that knowledge (including core legal principles and concepts studied in compulsory JD subjects) in the context of the practice of commercial law; # # Specialist understanding, interpretation, critical reflection and synthesis of legislation and cases relating to commercial law in Australia; # # Technical skills in relation to designing and analysing complex legal structures and issues, as well as communication skills in relation to advising legal and non-legal audiences on such structures and issues, as demonstrated in the interim assessment task; # # Technical skills in relation to analyzing the elements and competing legal and commercial imperatives in complex commercial transactions, as demonstrated in the problem solving exercises in the examination; and # Communication skills effective for the delivery of complex concepts to a diversity of specialist and non-specialist audiences.

Related Course(s):	Juris Doctor
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