



LAWS582

Special Seminar 2

S3 External 2019

Macquarie Law School

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General Information

Unit convenor and teaching staff John Gooley john.gooley@mq.edu.au Lise Barry lise.barry@mq.edu.au
Credit points 3
Prerequisites 39cp in LAW or LAWS units
Corequisites
Co-badged status
Unit description This unit accommodates the special skills and expertise of visitors to Macquarie Law School or accommodates a unit of study in developmental mode according to the teaching plans of the School. The unit is designed to capture particular expertise and interest of colleagues, both professional and academic. The particular subject area of the unit will change from year to year.

Important Academic Dates

Information about important academic dates including deadlines for withdrawing from units are available at <https://www.mq.edu.au/study/calendar-of-dates>

Learning Outcomes

On successful completion of this unit, you will be able to:

Demonstrate a detailed and thorough knowledge of legal principles relating to insolvency.

Interpret and transmit knowledge, skills and concepts to specialist and non-specialist audiences

Analyse complex factual situations involving insolvency law and apply relevant legal principles

Formulate, present and evaluate oral and written arguments on complex insolvency problems and principles, drawing upon relevant legal authority and policy considerations.

Apply advanced research skills

Assume responsibility for one's own learning by managing one's time effectively so as to complete and submit assessment items on time.

General Assessment Information

Detailed marking rubrics will be made available in iLearn.

Assessment Tasks

Name	Weighting	Hurdle	Due
<u>Problem Question</u>	50%	No	5 pm, 30 December 2019
<u>Final Examination (Take Home)</u>	50%	No	3 pm, 19 January 2020

Problem Question

Due: **5 pm, 30 December 2019**

Weighting: **50%**

This assignment will require students to answer a problem question or questions. This assignment will be marked out of 100 and accounts for 50% of the final mark in this unit. Students will be expected to prepare a draft answer in advance of the OCS/Block session where the topics covered in this Problem Question or questions will be covered in more detail. Further details of this assessment will be released on iLearn in week 1.

The Problem Question must be a properly referenced formal response with appropriate analysis and argument supported by relevant authoritative cases and commentary. The Problem Question must be typed and must be kept to a maximum 1,500 words (including footnotes). A bibliography is not required for this assignment. The word limit will be strictly applied and work above the word limit will not be marked.

The Problem Question must be submitted electronically through Turnitin. Plagiarism software is used in this unit.

In completing the Problem Question, students must comply with the *Australian Guide to Legal Citation*, compiled by the Melbourne University Law Review. The guide is available for download free online.

Further instructions in relation to the Problem Question, including rubrics, will be posted on iLearn.

Any response to the Problem Question that is submitted after the due date and time without an approved Special Consideration Application will attract a 2% per day penalty. Any Problem Question that is submitted beyond 7 days of the due date and time will not be graded and will receive a zero mark.

On successful completion you will be able to:

- Demonstrate a detailed and thorough knowledge of legal principles relating to insolvency.
- Interpret and transmit knowledge, skills and concepts to specialist and non-specialist audiences
- Analyse complex factual situations involving insolvency law and apply relevant legal principles
- Formulate, present and evaluate oral and written arguments on complex insolvency problems and principles, drawing upon relevant legal authority and policy considerations.
- Apply advanced research skills
- Assume responsibility for one's own learning by managing one's time effectively so as to complete and submit assessment items on time.

Final Examination (Take Home)

Due: **3 pm, 19 January 2020**

Weighting: **50%**

The final examination in this unit will be a take home examination. The final examination will be marked out of 100 and accounts for 50% of the final mark in this unit.

The final examination will be based on material covered in the unit, ie all topics and materials covered in the unit.

The final examination will be in the form of a number of problem style questions. All questions will have to be answered.

Students will be able to access the final examination paper on iLearn from 10 am on Sunday, 19 January 2020 and must submit their answers to the final examination paper by 3 pm on Sunday, 19 January 2020.

A student's answers to the final examination paper's questions cannot exceed 2,500 words (inclusive of footnotes). This is an upper word limit and a student need not write 2,500 words if he or she can answer the questions in less than 2,500 words. A bibliography is not required. The word limit will be strictly applied and work above the word limit will not be marked.

The take home examination must be submitted electronically through Turnitin. Plagiarism detection software is used in this unit.

Further instructions and information in relation to the Take Home Examination, including rubrics, will be made available on iLearn.

If, for justifiable reasons, a student is unable to do the take home examination at the above time, he or she should submit an application for special consideration in accordance with the University's Special Consideration Policy, which, if granted, will enable the student to complete an alternative assessment. The alternative assessment may not be in the form of a

take home examination - it may take some other form such as a formal sit down examination.

Any take home examination that is submitted after the stipulated time on the due date will not be graded and will receive a zero mark.

On successful completion you will be able to:

- Demonstrate a detailed and thorough knowledge of legal principles relating to insolvency.
- Interpret and transmit knowledge, skills and concepts to specialist and non-specialist audiences
- Analyse complex factual situations involving insolvency law and apply relevant legal principles
- Formulate, present and evaluate oral and written arguments on complex insolvency problems and principles, drawing upon relevant legal authority and policy considerations.
- Apply advanced research skills
- Assume responsibility for one's own learning by managing one's time effectively so as to complete and submit assessment items on time.

Delivery and Resources

DELIVERY OF THE UNIT

To complete this unit students will need the use a computer and have access to the Internet.

The OCS/Block will be delivered on Wednesday, 18 December and Thursday, 19 December 2019 (9 am-Noon, 1 pm-4 pm).

For class times and classrooms, students will need to attend 4 Western Road, Tutorial Room 220.

RESOURCES

The prescribed materials for this unit are:

1. M Murray & J Harris, *Keay's Insolvency: Personal and Corporate Law & Practice*, 10th ed, Thompson Reuters Law Book Co, 2018
2. C Symes, D Brown & M Wellard, *Australian Insolvency Law, Cases & Materials*, LexisNexis, 2016

Other reference material:

1. Gooley, Zammit, Dicker & Russell, *Corporations and Associations: Principles and Issues*, 6th ed, LexisNexis, 2015

2. Gooley & Gooley, *Insolvent Trading and Fraudulent Trading in Australia: Regulation and Context*, LexisNexis, 2016

Unit Schedule

TOPICS STUDIED IN THIS UNIT

- 1. Personal Insolvency: introduction, acts of bankruptcy, bankruptcy notices, creditors' petitions, debtors' petitions, course of a hearing, effects of bankruptcy, administration of the estate, exempt transactions, void transactions, termination of bankruptcy, personal insolvency agreements, and debt agreements.
- 2. Corporate Insolvency: introduction, compulsory winding-up, winding-up procedures, voluntary winding-up, provisional liquidation, administration of liquidations, the liquidator, administration of the winding-up, effects of winding-up, termination of winding-up, assets available to liquidator, receivership, voluntary administration, and deeds of company arrangement.
- 3. Corporate Insolvency - Insolvent & Fraudulent Trading: indicators of insolvency, statutory defences, forgiveness, criminal and civil consequences

The required readings for the above topics are set out in detail on iLearn.

Policies and Procedures

Macquarie University policies and procedures are accessible from [Policy Central](https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central) (<https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central>). Students should be aware of the following policies in particular with regard to Learning and Teaching:

- [Academic Appeals Policy](#)
- [Academic Integrity Policy](#)
- [Academic Progression Policy](#)
- [Assessment Policy](#)
- [Fitness to Practice Procedure](#)
- [Grade Appeal Policy](#)
- [Complaint Management Procedure for Students and Members of the Public](#)
- [Special Consideration Policy](#) (**Note:** *The Special Consideration Policy is effective from 4 December 2017 and replaces the Disruption to Studies Policy.*)

Undergraduate students seeking more policy resources can visit the [Student Policy Gateway](https://students.mq.edu.au/support/study/student-policy-gateway) (<https://students.mq.edu.au/support/study/student-policy-gateway>). It is your one-stop-shop for the key policies you need to know about throughout your undergraduate student journey.

If you would like to see all the policies relevant to Learning and Teaching visit [Policy Central](https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central) (<https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central>).

Student Code of Conduct

Macquarie University students have a responsibility to be familiar with the Student Code of Conduct: <https://students.mq.edu.au/study/getting-started/student-conduct>

Results

Results published on platform other than [eStudent](#), (eg. iLearn, Coursera etc.) or released directly by your Unit Convenor, are not confirmed as they are subject to final approval by the University. Once approved, final results will be sent to your student email address and will be made available in [eStudent](#). For more information visit ask.mq.edu.au or if you are a Global MBA student contact globalmba.support@mq.edu.au

Student Support

Macquarie University provides a range of support services for students. For details, visit <http://students.mq.edu.au/support/>

Learning Skills

Learning Skills (mq.edu.au/learningskills) provides academic writing resources and study strategies to improve your marks and take control of your study.

- [Workshops](#)
- [StudyWise](#)
- [Academic Integrity Module for Students](#)
- [Ask a Learning Adviser](#)

Student Services and Support

Students with a disability are encouraged to contact the [Disability Service](#) who can provide appropriate help with any issues that arise during their studies.

Student Enquiries

For all student enquiries, visit Student Connect at ask.mq.edu.au

If you are a Global MBA student contact globalmba.support@mq.edu.au

IT Help

For help with University computer systems and technology, visit http://www.mq.edu.au/about_us/offices_and_units/information_technology/help/.

When using the University's IT, you must adhere to the [Acceptable Use of IT Resources Policy](#). The policy applies to all who connect to the MQ network including students.

Graduate Capabilities

Creative and Innovative

Our graduates will also be capable of creative thinking and of creating knowledge. They will be imaginative and open to experience and capable of innovation at work and in the community. We want them to be engaged in applying their critical, creative thinking.

This graduate capability is supported by:

Learning outcomes

- Formulate, present and evaluate oral and written arguments on complex insolvency problems and principles, drawing upon relevant legal authority and policy considerations.
- Apply advanced research skills

Assessment tasks

- Problem Question
- Final Examination (Take Home)

Capable of Professional and Personal Judgement and Initiative

We want our graduates to have emotional intelligence and sound interpersonal skills and to demonstrate discernment and common sense in their professional and personal judgement. They will exercise initiative as needed. They will be capable of risk assessment, and be able to handle ambiguity and complexity, enabling them to be adaptable in diverse and changing environments.

This graduate capability is supported by:

Learning outcome

- Assume responsibility for one's own learning by managing one's time effectively so as to complete and submit assessment items on time.

Commitment to Continuous Learning

Our graduates will have enquiring minds and a literate curiosity which will lead them to pursue knowledge for its own sake. They will continue to pursue learning in their careers and as they participate in the world. They will be capable of reflecting on their experiences and relationships with others and the environment, learning from them, and growing - personally, professionally and socially.

This graduate capability is supported by:

Learning outcome

- Assume responsibility for one's own learning by managing one's time effectively so as to complete and submit assessment items on time.

Discipline Specific Knowledge and Skills

Our graduates will take with them the intellectual development, depth and breadth of knowledge, scholarly understanding, and specific subject content in their chosen fields to make them competent and confident in their subject or profession. They will be able to demonstrate, where relevant, professional technical competence and meet professional standards. They will be able to articulate the structure of knowledge of their discipline, be able to adapt discipline-specific knowledge to novel situations, and be able to contribute from their discipline to inter-disciplinary solutions to problems.

This graduate capability is supported by:

Learning outcomes

- Demonstrate a detailed and thorough knowledge of legal principles relating to insolvency.
- Analyse complex factual situations involving insolvency law and apply relevant legal principles

Assessment task

- Final Examination (Take Home)

Critical, Analytical and Integrative Thinking

We want our graduates to be capable of reasoning, questioning and analysing, and to integrate and synthesise learning and knowledge from a range of sources and environments; to be able to critique constraints, assumptions and limitations; to be able to think independently and systemically in relation to scholarly activity, in the workplace, and in the world. We want them to have a level of scientific and information technology literacy.

This graduate capability is supported by:

Learning outcomes

- Interpret and transmit knowledge, skills and concepts to specialist and non-specialist audiences
- Analyse complex factual situations involving insolvency law and apply relevant legal principles

Assessment task

- Problem Question

Problem Solving and Research Capability

Our graduates should be capable of researching; of analysing, and interpreting and assessing data and information in various forms; of drawing connections across fields of knowledge; and they should be able to relate their knowledge to complex situations at work or in the world, in order to diagnose and solve problems. We want them to have the confidence to take the initiative in doing so, within an awareness of their own limitations.

This graduate capability is supported by:

Learning outcomes

- Demonstrate a detailed and thorough knowledge of legal principles relating to insolvency.
- Analyse complex factual situations involving insolvency law and apply relevant legal principles
- Formulate, present and evaluate oral and written arguments on complex insolvency problems and principles, drawing upon relevant legal authority and policy considerations.
- Apply advanced research skills

Assessment tasks

- Problem Question

- Final Examination (Take Home)

Effective Communication

We want to develop in our students the ability to communicate and convey their views in forms effective with different audiences. We want our graduates to take with them the capability to read, listen, question, gather and evaluate information resources in a variety of formats, assess, write clearly, speak effectively, and to use visual communication and communication technologies as appropriate.

This graduate capability is supported by:

Learning outcome

- Interpret and transmit knowledge, skills and concepts to specialist and non-specialist audiences

Assessment task

- Problem Question

Engaged and Ethical Local and Global citizens

As local citizens our graduates will be aware of indigenous perspectives and of the nation's historical context. They will be engaged with the challenges of contemporary society and with knowledge and ideas. We want our graduates to have respect for diversity, to be open-minded, sensitive to others and inclusive, and to be open to other cultures and perspectives: they should have a level of cultural literacy. Our graduates should be aware of disadvantage and social justice, and be willing to participate to help create a wiser and better society.

This graduate capability is supported by:

Learning outcome

- Apply advanced research skills

Assessment task

- Final Examination (Take Home)

Changes from Previous Offering

There are changes to the assessment regime for the unit

Changes since First Published

Date	Description
16/12/2019	Due date for exam incorrectly listed as 19 January 2019. Corrected to 19 January 2020

Date	Description
16/12/ 2019	updated due date for assessment 1