

LAWS 3031 INSOLVENCY LAW AND POLICY

Credit Points 10

Legacy Code 200659

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Description The laws regulating insolvency administration have developed over time into an integral component of the legal system, domestic and international. By purposive analysis of the Australian and cross-border legislative provisions, this unit introduces the law and public policies by which regulators administer insolvent corporate entities and persons, and examines potential outcomes, including restructuring proposals.

School Law

Student Contribution Band HECS Band 4 10cp

Check your HECS Band contribution amount via the Fees (https://www.westernsydney.edu.au/currentstudents/current_students/fees/) page.

Level Undergraduate Level 3 subject

Pre-requisite(s) LAWS 3045

Learning Outcomes

On successful completion of this subject, students should be able to:

1. assess the principles, rationale and objectives applicable to insolvency law and other areas of law relevant to the management of personal or corporate financial distress, including the duties of administrators and corporate officers.
2. discuss the principles applicable to the obligations of companies relevant to insolvency practice, both domestic and international, including alternative administration procedures and the duties of directors and officers.
3. critically analyze, apply and comment on areas of law and policy relating to personal and corporate insolvency and the interrelationship between economic theories and insolvency law.
4. debate the investigative and enforcement procedures of the regulators and the principles of law and practice relating to claims, civil and criminal, against insolvent individuals and corporate insolvents, their property and agreements.
5. formulate issues, theoretical and practical, relating to law reform, international treaties, resolutions and trends in insolvency law and policy.

Subject Content

Policies Historical Aspects
 Courts Administration
 Concepts Insolvency
 Directors' Duties
 Personal Insolvency
 Corporate Administration
 Mediation Aspects
 Regulators Remedies
 Receivership
 Charges Trading
 Liquidation
 Employee Entitlements
 Pooling Arrangements

Global Cross-border aspects

Assessment

The following table summarises the standard assessment tasks for this subject. Please note this is a guide only. Assessment tasks are regularly updated, where there is a difference your Learning Guide takes precedence.

| Item | Length | Percent | Threshold | Individual/ Group Task |
|--|---|---------|-----------|---------------------------|
| Class Participation - active participation in group discussion | 80% attendance is required, any absence must be reasonably explained. | 10 | Y | Individual |
| Research Assignment | 2,500 words | 30 | N | Individual |
| Final Examination | 2 hours | 60 | N | Individual |

Prescribed Texts

- Murray, Michael and Jason Harris, Keay's Insolvency: Personal and Corporate Law (Thomson Reuters, 9th ed, 2016).

Teaching Periods