



## UNSW Course Outline

# LAWS8095 Corporate Insolvency - 2024

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## General Course Information

**Course Code :** LAWS8095

**Year :** 2024

**Term :** Term 2

**Teaching Period :** T2

**Is a multi-term course? :** No

**Faculty :** Faculty of Law and Justice

**Academic Unit :** School of Private and Commercial Law

**Delivery Mode :** In Person

**Delivery Format :** Standard

**Delivery Location :** See School

**Campus :** Sydney

**Study Level :** Postgraduate

**Units of Credit :** 6

### Useful Links

[Handbook Class Timetable](#)

## Course Details & Outcomes

### Course Description

This course covers the law and practice relating to the insolvency of corporations. It encourages a critical appreciation of the nature, philosophy and interrelationship of each insolvency administration regime including recent and proposed reforms. Students will explore the rights

and obligations of various stakeholders including directors, employees, secured and unsecured creditors, shareholders and insolvency practitioners. Some well-known insolvency practitioners will deliver guest lectures with practical reflections. Emphasis will also be placed on understanding Australian insolvency laws in the global context, featuring classes on cross-border insolvency including EU and US experiences.

## **Main Topics**

- Philosophy of modern insolvency law
- Compulsory and voluntary winding up
- Directors' duties at or near insolvency
- Voidable transactions
- Voluntary administration
- Receivership and security interests
- Restructuring and work-outs
- Comparative insolvency law
- Cross-border insolvency

## **Course Aims**

The aims of the course are to ensure that you are familiar with the central theories and principles of corporate restructuring and insolvency law.

# Course Learning Outcomes

Course Learning Outcomes
CL01 : Demonstrate effective oral communication and collaboration through class discussion of complex legal, theoreticaland/or professionally relevant subject matter in a scholarly and insightful manner (PLOs 1a, 3a & 3b)
CL02 : Show a practical, client-centred approach to creative problem solving by advising on options for corporate insolvency and evaluating possible client choices (PLOs 1a, 2a & 3a)
CL03 : Develop an advanced awareness of the principles of corporate insolvency and demonstrate an ability to critically analyse, using research principles and methodologies, a capacity to apply them in a corporate law setting by way of an extended research essay (PLOs 1a, 1b, 2a, 2b, 3a & 4)

Course Learning Outcomes	Assessment Item
CL01 : Demonstrate effective oral communication and collaboration through class discussion of complex legal, theoreticaland/or professionally relevant subject matter in a scholarly and insightful manner (PLOs 1a, 3a & 3b)	<ul style="list-style-type: none"><li>• Class Participation</li></ul>
CL02 : Show a practical, client-centred approach to creative problem solving by advising on options for corporate insolvency and evaluating possible client choices (PLOs 1a, 2a & 3a)	<ul style="list-style-type: none"><li>• Exam (take-home) (3000 words)</li><li>• Class Test</li></ul>
CL03 : Develop an advanced awareness of the principles of corporate insolvency and demonstrate an ability to critically analyse, using research principles and methodologies, a capacity to apply them in a corporate law setting by way of an extended research essay (PLOs 1a, 1b, 2a, 2b, 3a & 4)	<ul style="list-style-type: none"><li>• Exam (take-home) (3000 words)</li><li>• Class Test</li></ul>

## Learning and Teaching Technologies

Moodle - Learning Management System

# Assessments

## Assessment Structure

Assessment Item	Weight	Relevant Dates
Exam (take-home) (3000 words) Assessment Format: Individual	60%	
Class Participation Assessment Format: Individual	20%	
Class Test Assessment Format: Individual	20%	

## Assessment Details

### Exam (take-home) (3000 words)

#### Assessment Overview

Feedback includes formative feedback, peer feedback in class, online and the use of rubric.

#### Course Learning Outcomes

- CL02 : Show a practical, client-centred approach to creative problem solving by advising on options for corporate insolvency and evaluating possible client choices (PLOs 1a, 2a & 3a)
- CL03 : Develop an advanced awareness of the principles of corporate insolvency and demonstrate an ability to critically analyse, using research principles and methodologies, a capacity to apply them in a corporate law setting by way of an extended research essay (PLOs 1a, 1b, 2a, 2b, 3a & 4)

### Class Participation

#### Assessment Overview

Feedback includes formative feedback, peer feedback in class, online and the use of rubric.

#### Course Learning Outcomes

- CL01 : Demonstrate effective oral communication and collaboration through class discussion of complex legal, theoretical and/or professionally relevant subject matter in a scholarly and insightful manner (PLOs 1a, 3a & 3b)

### Class Test

#### Assessment Overview

Feedback includes formative feedback, peer feedback in class, online and the use of rubric.

#### Course Learning Outcomes

- CL02 : Show a practical, client-centred approach to creative problem solving by advising on

options for corporate insolvency and evaluating possible client choices (PLOs 1a, 2a & 3a)

- CLO3 : Develop an advanced awareness of the principles of corporate insolvency and demonstrate an ability to critically analyse, using research principles and methodologies, a capacity to apply them in a corporate law setting by way of an extended research essay (PLOs 1a, 1b, 2a, 2b, 3a & 4)

#### Detailed Assessment Description

Class test week 4 29

## General Assessment Information

### Grading Basis

Standard

## Course Schedule

### Attendance Requirements

Please see information about attendance requirements in **Law & Justice Assessment Procedure and Student Information** located in the Other Useful Information tab in the Academic Information field.

Please be advised there will be no classes on public holidays. If your class falls on a public holiday, alternative arrangements will be made by the course convenor to make up the missed class.

### General Schedule Information

This is a course devoted to reading and analysis. The literature has been chosen to deepen and inform your knowledge of the topics in the course by exposing you to the ideas of those who lead the thinking in the area.

You should expect to be called on to discuss questions in every class and to participate in online discussions, and to do so with reference to the material on the reading list. You will be given a mark at the end of the semester which reflects how ready and able you were to respond and to lead discussion generally. Obviously the more you read, the more valuable your contributions will be; and consequently the higher the mark you can expect to receive.

## Course Resources

### Prescribed Resources

Corporations Act 2001

Course materials (available online linked to Course Outline on Moodle)

## Recommended Resources

### Optional Texts:

- Michael Murray & Jason Harris, *Keay's Insolvency: Personal and Corporate Law and Practice* (Thomson Reuters, 11th ed., 2022)
- Christopher Symes, David Brown & Sulette Lombard, *Australian Insolvency Law* (Sydney: LexisNexis, 5<sup>th</sup> ed. 2023).
- David Brown & Christopher Symes, *Australian Insolvency Law Cases and Materials* (Sydney: LexisNexis 2nd ed., 2023)

### Useful websites:

- <https://australianinsolvencylaw.com> (maintained by Prof. Jason Harris)
- <https://murrayslegal.com.au/> (maintained by Michael Murray)

## Course Evaluation and Development

UNSW Course evaluation process. Course materials have been reduced following previous comments.

## Staff Details

Position	Name	Email	Location	Phone	Availability	Equitable Learning Services Contact	Primary Contact
	Deborah Healey					No	Yes

## Other Useful Information

### Academic Information

Upon your enrolment at UNSW, you share responsibility with us for maintaining a safe, harmonious and tolerant University environment.

You are required to:

- Comply with the University's conditions of enrolment.
- Act responsibly, ethically, safely and with integrity.
- Observe standards of equity and respect in dealing with every member of the UNSW community.

- Engage in lawful behaviour.
- Use and care for University resources in a responsible and appropriate manner.
- Maintain the University's reputation and good standing.

For more information, visit the [UNSW Student Code of Conduct Website](#).

## UNSW Law & Justice Assessment Policy

It is essential that all students undertaking this course read and abide by the [UNSW Law & Justice Assessment Policy & Student Information](#). This document includes information on Class Attendance, Late Work, Word Limits, Marking, Special Consideration, Workload, and Academic Misconduct & Plagiarism. More information can also be found at [Assessment & Exam Information](#).

Information regarding Course Outlines are subject to change and students are advised to check updates. If there is a discrepancy between the information posted here and the handbook or the UNSW Law & Justice website, please contact [Student Services via The Nucleus Hub](#) for advice. UNSW Law & Justice reserves the right to discontinue or vary such courses or staff allocations at any time. If your course is not here, please visit [Handbook](#) for information.

## Academic Honesty and Plagiarism

As a student at UNSW you are expected to display [academic integrity](#) in your work and interactions. Where a student breaches the [UNSW Student Code](#) with respect to academic integrity, the University may take disciplinary action under the Student Misconduct Procedure. To assure academic integrity, you may be required to demonstrate reasoning, research and the process of constructing work submitted for assessment.

To assist you in understanding what academic integrity means, and how to ensure that you do comply with the UNSW Student Code, it is strongly recommended that you complete the [Working with Academic Integrity](#) module before submitting your first assessment task. It is a free, online self-paced Moodle module that should take about one hour to complete.

## Submission of Assessment Tasks

Before submitting assessment items all students must read and abide by the [UNSW Law & Justice Assessment Policy & Student Information](#).

## Special consideration

Special consideration is primarily intended to provide you with an extra opportunity to demonstrate the level of performance of which you are capable. To apply, and for further information, see Special Consideration on the UNSW [Current Students](#) page.

## Feedback

UNSW Law & Justice appreciates the need for students to have feedback on their progress prior to the last date for withdrawal without failure. All courses will therefore provide feedback to students prior to this date, as well as throughout the course. However, students should note that feedback does not take the form only of formal grades and written comments on written assessments. Rather, formative feedback, which helps students to self-assess, to identify misunderstandings, and to identify areas requiring further work, will occur during class and possibly online. For example, where a teacher asks the class a question, all students should think about how they might answer. Even though not all students will necessarily be able to respond orally, everyone can reflect on their tentative answer in light of the teacher's response and subsequent class discussion. If you are struggling to understand what is being asked in class, or if your tentative answers prove incorrect and subsequent discussion does not clear things up, then you should continue to ask questions (of yourself, your peers or your teacher). Similarly, you can get a sense of your ability in a course through peer feedback during group work, your teacher's responses to your in-class contributions, and your own response to in-class problems and examples (whether or not you are called on to relay your answer to the class) and also your online activities and responses by others to those activities. Students enrolled in this course may check their Moodle course page for details on the specific feedback used in this course.

## Faculty-specific Information

### Additional support for students

- Student support: <https://www.student.unsw.edu.au/support>
- Academic Skills and Support: <https://student.unsw.edu.au/academic-skills>
- Student Wellbeing, Health and Safety: <https://student.unsw.edu.au/wellbeing>
- Equitable Learning Services: <https://student.unsw.edu.au/els>
- UNSW IT Service Centre: <https://www.myit.unsw.edu.au>

### Course improvement

Student feedback is very important to continual course improvement. This is demonstrated within the Faculty of Law & Justice by the implementation of the UNSW online student survey myExperience, which allows students to evaluate their learning experiences in an anonymous



way. myExperience survey reports are produced from each survey. They are released to staff after all student assessment results are finalised and released to students. Course convenors will use the feedback to make ongoing improvements to the course. Students enrolled in this course may check their Moodle course page for details on the actions taken in response to evaluation feedback in Student Survey.

## **School Contact Information**

Please contact [Nucleus Student Hub](#) for all enquiries. The Nucleus acts as a central communications hub for UNSW and will distribute your enquiry to the best person to respond.