



The University of Southern Queensland

## Course Specification

### Description: Introduction to Law

Subject	Cat-Nbr	Class	Term	Mode	Units	Campus
LAW	1101	10102	1, 2002	EXT	1.00	TWMBBA

<b>Academic Group:</b>	FOBUS
<b>Academic Org:</b>	FOB010
<b>HECS Band:</b>	3
<b>ASCED Code:</b>	090901

### STAFFING

Examiner: Michael Maguire

Moderator: Mark Tranter

### SYNOPSIS

This course is designed to introduce students to the impact of law on business. To do this it commences with a review of the components of the Australian legal system, the judicial process and the means by which disputes are resolved or litigated. Civil liability in contract law, negligence and other tortious actions are examined in some detail. Criminal law is also briefly covered as well as the law of agency.

### OBJECTIVES

Completion of this course should enable students to:

- describe the Australian legal system, its components and the way it operates;
- demonstrate basic skills in statutory interpretation;
- describe the role of precedent;
- outline the process of litigation and describe alternate methods of resolving disputes;
- demonstrate an understanding of selected principles of the law of contract, torts and criminal law and an ability to apply those principles to factual situations;
- describe the role of agency in business and understand the basic principles of agency law;
- demonstrate satisfactory skills in communication.

### TOPICS

Description	Weighting (%)
1. Introduction to the Australian legal system including Sources of law; Constitutional framework and Hierarchy of courts	14.00

2. Judicial Process (a) Statutory interpretation (b) Precedent (c) Litigation and alternate dispute resolution	14.00
3. Principles of legal liability (a) Criminal (5%) (b) Civil (i) Contract (40%) (ii) Torts (20%)	65.00
4. Agency	7.00

### **TEXT and MATERIALS required to be PURCHASED or ACCESSED:**

Books can be ordered by fax or telephone. For costs and further details use the 'Book Search' facility at <http://bookshop.usq.edu.au> by entering the author or title of the text.

LATEST EDITIONS OF TEXT IS REQUIRED.

Both of these are available from the USQ Bookshop, PO Darling Heights, Toowoomba, Q, 4350.

A video *Snakes in the Greenhouse*, which is incorporated into the CD Rom is also available.

Students may purchase a copy of the CD Rom - *Commercial Law: Much Ado About Something*. It covers contract law, consumer protection legislation and agency law.

Turner, C. *Australian Commercial Law*, Law Book Co.

### **REFERENCE MATERIALS**

Reference materials are materials that, if accessed by students, may improve their knowledge and understanding of the material in the course and enrich their learning experience.

LATEST EDITIONS OF THESE TEXTS ARE RECOMMENDED.

Anson, W. *Anson's Law of Contract*, Oxford.

Campbell, et al *Legal Research: Materials & Methods*, Law Book Co.

Carter & Harland *Contract Law in Australia*, Butterworths.

Derham, Maher & Waller *An Introduction to Law*, Law Book Company.

Enright, C. *Studying Law*, Braxton Press.

Evans, et al *Legal Studies for Queensland*, Butterworths.

Fleming *The Law of Torts*, Law Book Co.

Gardiner, D. *Outline of Torts*, Butterworths.

General Reference: Crosling & Murphy *How to Study Business Law*, Butterworths.

Gifford, D. *Our Legal System*, Law Book Co.

Gifford, D. *How to Understand an Act of Parliament*, Law Book Co.

Gillies *Business Law*, Federation Press.

Graw *Introduction to the Law of Contract*,

Griffiths, et al *Introducing the Law*, CCH.

Khoury & Yamouni *Understanding Contract Law*, Butterworths.

Latimer *Australian Business Law*, CCH.

MacAdam & Smith. *Statutes*, Butterworths.

McCrae, Nettheim & Beacroft *Aboriginal Legal Issues*, Law Book Co.

MODULE 4, Morris. et al *Laying Down the Law*, Butterworths.

MODULES 2 & 3 Chisholm & Nettheim *Understanding Law*, Butterworths.

MODULES 5-9, Vermeesch & Lindgren *Business Law of Australia*, Butterworths.

Morris. et al *Laying Down the Law*, Butterworths.

Pearce & Geddes *Statutory Interpretation in Australia*, Butterworths.

Seddon, N. *Cheshire & Fifoot's Law of Contract*, Butterworths.

Smith *Butterworths' Student Companions: Contracts*, Butterworths.

Smith & Pose Maher, Waller & Derham: *Legal Process: Commentary & Materials*, Law Book Co.

Terry, A. & Giugni, D. *Business, Society and the Law*, Harcourt Brace.

Terry & Giugni *Business, Society and the Law*, Harcourt Brace.

## STUDENT WORKLOAD REQUIREMENTS

ACTIVITY	HOURS
Assessment	22
Directed Study	52
Private Study	91

## ASSESSMENT DETAILS

Description	Marks Out of	Wtg(%)	Required	Due Date
ASSIGNMENT	30.00	30.00	Y	04 Mar 2002
CMA TEST	10.00	10.00	Y	04 Mar 2002
EXAMINATION (3 HOURS)	60.00	60.00	Y	END S1 (see note 3)

### NOTES:

3. Students will be advised of the official examination date after the timetable has been finalised.

## OTHER REQUIREMENTS

- 1 To be assured of achieving a passing grade in this course, students must attempt all of the assessments, achieve 50% in the examination and 50% of the available marks for the course. Final grades for the course will be determined by the addition of the marks obtained in each assessment item, weighted as in the Assessment

- Details and by considering the student's level of achievement of the objectives of the course.
- 2 Students must retain a copy of all pieces of assessment which must be produced if/when required by the lecturer.
  - 3 **LATE ASSIGNMENTS** (i) All assessments submitted after the due date (and not approved for extension) in accordance with university policy will be penalised 20% per working day. (ii) If students submit assignments after the due date and wish to claim extenuating circumstances then they shall provide validated documentary evidence with the assignment, explaining the circumstances. (iii) The course examiner shall consider the statement accompanying a late assignment and decide on the outcome.
  - 4 Assignments not submitted in the appropriate assignment folders will be deemed as not being received.
  - 5 **DISHONEST ACTIONS** (i) Any student who is alleged to having performed a dishonest action relating to any assessment in the course will have a course of action taken against him/her as outlined in the Academic Regulations. (ii) Pieces of assessment should be the work of individual students. Joint pieces of assessment are not permitted unless written approval has been obtained from the course leader. (iii) Dishonest action in relation to assessment includes: - copying or attempting to copy the work of others; - use of or attempting to use information prohibited from use in that form of assessment; - submitting the work of another as your own; - consciously committing acts of plagiarism, ie taking and using another's thoughts or writings as one's own with intent to deceive, which occurs when paragraphs, sentences, a single sentence or significant parts of a sentence which are copied directly, are not enclosed in quotation marks and appropriately footnoted or referenced in the text .direct quotations are not used, but text is paraphrased or summarised, and the source of the material is not acknowledged by footnoting or other reference in the text.
  - 6 **DEFERRED EXAMINATIONS** (i) Deferred examinations will be granted at the Dean's discretion based on non-attendance for medical, compassionate or employment-related reasons having regard to item 1. If a deferred examination is granted students shall sit the deferred examination in the next semester examination period. If, for whatever reason, this deferred examination is not taken then the student will be graded 'F'. (ii) To be eligible for consideration for a deferred examination, students must have submitted a genuine attempt at all mandatory assessment items. (iii) Deferral of an examination CANNOT be granted on an existing deferral in that course. (iv) Requests must be in writing to the Faculty Operations Manager clearly stating student name, student number, current address, course alpha-numeric identifier and name for the examination not attended. (v) Requests MUST BE supported by original or suitably authenticated documentation. (vi) Requests and documentation must be submitted to the Faculty Operations Manager within ten (10) calendar days of the missed examination date. (vii) Requests based on medical reasons must be supported by medical evidence on the appropriate University of Southern Queensland medical certificate or doctor's certificate. A medical certificate must be dated with the same date as the period of illness for which the absence from examination is being sought and clearly indicate the student's name and, if possible, student number (retrospective medical

certificates will not be accepted for either assignment work or examinations). Only original or authenticated medical certificates will be accepted. A student's medical condition must be stated clearly (IN ENGLISH). (Certificates stating a student has a 'medical condition' may not be sufficient grounds for deferment of examination). Medical evidence must cover the student for the day(s) of the missed examination(s). (viii) Requests based on family/personal reasons must be supported by a clear statement (IN ENGLISH) from a medical practitioner, counsellor or independent member of the community. (ix) Requests based on employment-related reasons must be supported by a clear statement (IN ENGLISH) from the student's employer. (x) Students who have a medical condition or genuine compassionate or employment-related problems on the day of the examination are advised to obtain the relevant documentary evidence and NOT attempt the examination. If a student makes an attempt at the examination, the assessment item will be marked and a grade awarded. In these cases, a student cannot, after receiving a 'fail' grade, request a deferred examination or special consideration. (xi) Students who have been granted deferred examinations will not be granted a waiver of prerequisites, without the permission of the Heads of Department, in subsequent semesters (if they do not have a passing grade).

- 7 Course weightings of topics should not be interpreted as applying to the number of marks allocated to questions testing those topics in an examination paper. The examination may test material already tested in assignments.
  - 8 Mechanised erasers are not permitted in exam venues.
  - 9 The examination will be OPEN.
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