



The University of Southern Queensland

## Course specification

<b>Description: Law of Business Organisations</b>						
Subject	Cat-nbr	Class	Term	Mode	Units	Campus
LAW	2106	41327	1, 2005	EXT	1.00	Toowoomba

<b>Academic group:</b>	FOBUS
<b>Academic org:</b>	FOB010
<b>Student contribution band:</b>	3
<b>ASCED code:</b>	090901

### STAFFING

Examiner: Mark Byrne  
Moderator: James Mayanja

### REQUISITES

Pre-requisite: LAW1101

### SYNOPSIS

The objective of this course is to introduce students to the legal principles associated with partnerships, associations, trusts and corporations. In particular, students will be exposed to the Partnership Act and Corporations Act in detail and shall be required to be able to describe all appropriate legal principles dealing with such entities and the internal and external relationships thereof.

### OBJECTIVES

On completion of this course students will be able to:

1. define, analyse, illustrate and apply principles of partnership law;
2. describe, analyse and apply the basic principles of law affecting trusts;
3. identify problem areas of the law affecting unincorporated bodies and the consequences of having incorporated associations;
4. define, illustrate and apply principles of corporations law including those applicable to: the incorporation of companies; relations with third parties; membership; corporate governance meetings; and procedures of companies; finance of companies; external administration of companies;
5. demonstrate satisfactory skills in communication.

### TOPICS

Description	Weighting (%)
1. Partnerships	10.00

2.	Trusts	10.00
3.	Associations	5.00
4.	Incorporation of Companies (background, significance, procedure)	10.00
5.	Relation with Outsiders	10.00
6.	Membership (including shareholders rights and minority protection)	10.00
7.	Corporate Governance	15.00
8.	The Life Cycle of the Company (meetings, reporting)	10.00
9.	Finance	10.00
10.	External Administration	10.00

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

ALL textbooks and materials are available for purchase from USQ BOOKSHOP (unless otherwise stated). Orders may be placed via secure internet, free fax 1800642453, phone 07 46312742 (within Australia), or mail. Overseas students should fax +61 7 46311743, or phone +61 7 46312742. For costs, further details, and internet ordering, use the 'Textbook Search' facility at <http://bookshop.usq.edu.au> click 'Semester', then enter your 'Course Code' (no spaces).

1994, *Partnership Act 1891 (Qld)*, Government Printer, Queensland.

2004, *Australian corporations legislation*, LexisNexis Butterworths/CCH, Vol 1.

Lipton, P & Herzberg, A 2003, *Understanding company law*, 11th edn, Lawbook Co, Sydney.

### **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.

Fletcher, KL 1986, *The law relating to non-profit associations in Australia and New Zealand*, The Law Book Co, North Ryde, New South Wales.

Fletcher, KL 2001, *Higgins and Fletcher the law of partnership in Australia and New Zealand*, 8th edn, LBC Information Services, Pyrmont, New South Wales.

Ford, HAJ, Austin, RAP & Ramsay, IM 2003, *Ford's principles of corporations law*, 11th edn, LexisNexis Butterworths, Chatswood, New South Wales.

Hanrahan, P, Ramsay, I & Stapledon, G 2004, *Commercial applications of company law*, 5th edn, CCH Australia, North Ryde, New South Wales.

Sievers, AS 1996, *Associations and clubs law in Australia and New Zealand*, 2nd edn, The Federation Press, Leichhardt, New South Wales.

## STUDENT WORKLOAD REQUIREMENTS

ACTIVITY	HOURS
Assessment	20.00
Directed Study	52.00
Private Study	93.00

## ASSESSMENT DETAILS

Description	Marks out of	Wtg(%)	Due date
ASSIGNMENT	20.00	20.00	14 Dec 2004
PART A EXAM (MULTI-CHOICE)	20.00	20.00	END S1 (see note 1)
PART B EXAM (THEORY)	60.00	60.00	END S1

### NOTES

1. The examination is scheduled to be held in the end-of-semester examination period. Students will be advised of the official examination date for Exam (Parts A and B) after the timetable has been finalised. The total working time for Exam (Parts A and B) is 3 hours.

## IMPORTANT ASSESSMENT INFORMATION

- 1 Attendance requirements:  
If you are an international student in Australia you are advised to attend all classes at your campus. Failure to attend may infringe the conditions of your student visa. For all other students, there are no attendance requirements for this course. However, it is the students' responsibility to study all material provided to them or required to be accessed by them to maximise their chance of meeting the objectives of the course and to be informed of course-related activities and administration.
- 2 Requirements for students to complete each assessment item satisfactorily:  
Students must submit assignments that represent a reasonable attempt as determined by the Examiner. Students must obtain at least 50% of the marks available for the examination.
- 3 Penalties for late submission of required work:  
If students submit assignments after the due date without prior approval then a penalty of 20% of the total marks gained by the student for the assignment will apply for each working day late.
- 4 Requirements for student to be awarded a passing grade in the course:  
To be assured of receiving a passing grade a student must attempt all of the summative assessment items, achieve at least 50% in the examination and achieve an aggregated mark of at least 50% of the available weighted marks for the summative assessment items.
- 5 Method used to combine assessment results to attain final grade:  
The final grades for students will be assigned on the basis of the weighted aggregate of the marks obtained for each of the summative assessment items in the course.
- 6 Examination information:

This is an open examination. Candidates may have access to any material during the examination except the following: electronic communication devices (eg mobile telephones, pagers), bulky materials, devices requiring mains power and material likely to disturb other students.

- 7 Examination period when Deferred/Supplementary examinations will be held:  
Any Deferred or Supplementary examinations for this course will be held during the next examination period.
- 8 University Regulations:  
Students should read USQ Regulations 5.1 Definitions, 5.6. Assessment, and 5.10 Academic Misconduct for further information and to avoid actions which might contravene University Regulations. These regulations can be found at the URL <http://www.usq.edu.au/corporateservices/calendar/part5.htm>. Students should also read the Faculty of Business Guide to Policies and Procedures of the Faculty which can be found at the URL <http://www.usq.edu.au/handbook/current/buspolproc.html>.

## **ASSESSMENT NOTES**

- 1 Assignments: (i) The due date for an assignment is the date by which a student must despatch the assignment to the USQ. The onus is on the student to provide proof of the despatch date, if requested by the Examiner. (ii) Students must retain a copy of each item submitted for assessment. This must be produced within five days if required by the Examiner. (iii) The Examiner may grant an extension of the due date of an assignment in extenuating circumstances. 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. The Examiner shall consider the statement accompanying a late assignment and decide on the outcome. (iv) Assignments are to be submitted in the appropriate assignment folders. (v) The Examiner will normally only accept assessments that have been written, typed or printed on paper-based media. (vi) The Examiner will not accept submission of assignments by facsimile. (vii) Students who do not have regular access to postal services or who are otherwise disadvantaged by these regulations may be given special consideration. They should contact the Examiner to negotiate such special arrangements. (viii) In the event that a due date for an assignment falls on a local public holiday in their area, such as a Show holiday, the due date for the assignment will be the next day. Students are to note on the assignment cover the date of the public holiday for the Examiner's convenience.
- 2 Course Weightings: 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.
- 3 Deferred Work: Students who, for medical, family/personal, or employment-related reasons, are unable to complete an assignment or to sit for an examination at the scheduled time may apply to defer an assessment in a course. Such a request must be accompanied by appropriate supporting documentation. One of the following temporary grades may be awarded: IDS (Incomplete - Deferred Examination); IDM (Incomplete Deferred Make-up); IDB (Incomplete - Both Deferred Examination and Deferred Make-up).