



The University of Southern Queensland

## Course specification

<b>Description: Commercial Law</b>						
Subject	Cat-nbr	Class	Term	Mode	Units	Campus
LAW	5201	40945	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: Michael Maguire

Moderator: Pauline Collins

### OTHER-REQUISITES

Pre-requisite: Enrolment in an approved postgraduate program

### RATIONALE

Law provides the framework within which commerce operates. An appreciation of the legal system and the judicial process is necessary for those involved in the commercial world. This applies particularly to accountants in that the law impacts on so many areas in which they must work.

### 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:

1. describe, explain, illustrate, and critique the Australian legal system;
2. describe, interpret, explain, demonstrate, and assess the role and application of precedent;
3. describe, interpret, explain and demonstrate the role and application of the rules of statutory interpretation;
4. describe, compare, evaluate and demonstrate knowledge of the processes of dispute resolution;
5. describe, interpret, explain, illustrate and assess the role and application of the criminal law; torts; the law of contract; and the law of agency;

6. provide appropriate illustrations of the principles of law dealt with in this course and the ability to apply those principles to factual scenarios;
7. illustrate an ability to communicate in a legal context.

## 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 (7%); (b) Civil (i) Contract (35%) (ii) Torts (20%)	62.00
4.	Agency	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).

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. 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 for separate purchase from the USQ Bookshop, PO Darling Heights, Toowoomba, Q, 4350.

The study package for this course is available in CD format ONLY. Students may purchase a printed version of the study materials from the USQ Bookshop. All students are expected to have access to an IBM or equivalent computer. Details of computer requirements for the Faculty of Business can be found at the URL: <http://www.usq.edu.au/handbook/current/busgeninfo.html>.

Ipp, I & Weerasooria, WS (eds) 2002, *Butterworths business and law dictionary*, 2nd edn, LexisNexis Butterworths, Chatswood, New South Wales.

Turner, C *Australian commercial law*, Lawbook Company, Sydney.

(latest edition of text is required)

## 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.

Beatson, J *Anson's law of contract*, Oxford University Press, Oxford.

(Modules 5-9)

Campbell, EM, Poh-York, L & Tooher, J *Legal research: materials and methods*, LBC Information Services, Sydney.  
(Module 4)

Carter, JW & Harland, DJ *Contract law in Australia*, Butterworths, Sydney.  
(Modules 5-9)

Chisholm, R & Nettheim, G *Understanding law: an introduction to Australia's legal system*, Butterworths, Sydney.  
(Modules 2 & 3)

Cook, C, Creyke, R, Geddes, R & Holloway, I *Laying down the law*, Butterworths, Sydney.  
(Modules 2-4)

Crosling, GM & Murphy, HM *How to study business law: reading, writing and exams*, Butterworths, Sydney.  
(General reference)

Enright, C *Studying law*, Federation Press, Annandale, New South Wales.  
(Module 4)

Evans, MJ, Woodgate, RW & Murphy, PJ *Legal studies for Queensland*, Butterworths, Sydney.  
(Modules 2 & 3)

Fleming, JG *The law of torts*, LBC Information Services, North Ryde, New South Wales.  
(Modules 5-9)

Gardiner, D *Outline of torts*, Butterworths, Sydney.  
(Modules 5-9)

Gifford, DJ *Our legal system*, Law Book Co, North Ryde, New South Wales.  
(Modules 2 & 3)

Gifford, DJ & Gifford, KH *How to understand an act of parliament*, Law Book Co, Sydney.  
(Module 4)

Gillies, P *Business law*, Federation Press, Sydney.  
(Modules 5-9)

Graw, S *Introduction to the law of contract*, LBC Information Services, North Ryde, New South Wales.  
(Modules 5-9)

Griffiths, L, Heilbronn, GN, Kovacs, D, Latimer, P, Pagone, T & Tucker, R *Introducing the law*, CCH Australia Ltd, North Ryde, New South Wales.  
(Modules 2 & 3)

Khoury, D & Yamouni, YS *Understanding contract law*, Butterworths, Sydney.  
(Modules 5-9)

Latimer, PS *Australian business law*, CCH Australia Ltd, North Ryde, New South Wales.  
(Modules 5-9)

MacAdam, AI & Smith, TM *Statutes: rules and examples*, Butterworths, Sydney.  
(Module 4)

McCrae, H, Nettheim, G & Beacroft, L *Indigenous legal issues*, LBC Information Services, Pymont, New South Wales.

(Modules 2 & 3)

Pearce, DC & Geddes, RS *Statutory interpretation in Australia*, Butterworths, Sydney.

(Module 4)

Seddon, N *Cheshire & Fifoot's law of contract*, LexisNexis Butterworths, Sydney.

(Modules 5-9)

Smith, FKH, Bryant, TL, Pose, KS, Maher, D, Waller, L & Derham, DP *Legal process: commentary and materials*, Law Book Co, North Ryde, New South Wales.

(Module 4)

Smith, M *Butterworths' student companions: contracts*, Butterworths, Sydney.

(Modules 5-9)

Terry, A & Giugni, D *Business, society and the law*, Thomson Learning Australia, South Melbourne.

(Modules 4-9)

Vermeesch, RB & Lindgren, KE *Business law of Australia*, Butterworths, Sydney.

(Modules 5-9)

Waller, L, Derham, DP & Maher, FKH *Derham, Maher and Waller: an introduction to law*, LBC Information Services, North Ryde, New South Wales.

(Modules 2 & 3)

## STUDENT WORKLOAD REQUIREMENTS

ACTIVITY	HOURS
Assessment	22.00
Directed Study	52.00
Private Study	91.00

## ASSESSMENT DETAILS

Description	Marks out of	Wtg(%)	Due date
ONLINE TEST 1	10.00	10.00	15 Apr 2005 (see note 1)
ASSIGNMENT	10.00	10.00	18 Apr 2005 (see note 2)
ONLINE TEST 2	10.00	10.00	29 Apr 2005
ONLINE TEST 3	10.00	10.00	13 May 2005
COURSE OVERVIEW TEST (CMA)	10.00	10.00	10 Jun 2005
3 HOUR EXAMINATION	50.00	50.00	END S1 (see note 3)

### NOTES

1. Students are required to complete each Online Test by the due date. Each Online Test will be available from the USQConnect Study Desk. Students will not be permitted to attempt any Online Test after its respective due date.

2. Online Tests and Course Overview Test (CMA) are for summative assessment, but students may choose not to submit them. The Assignment and Examination are compulsory.
3. The Examination is scheduled to be held in the end-of-semester Examination period. Students will be advised of the official Examination date after the timetable has been finalised.

## **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 an Assignment that represents 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 submit an Assignment that represents a reasonable attempt as determined by the Examiner, 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. NOTE: Online Tests and Course Overview Test (CMA) are for summative assessment, but students may choose not to submit them. The Assignment and Examination are compulsory.
- 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 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 electronic communication devices or devices requiring power.
- 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) In accordance with University's Assignment Extension Policy (Regulation 5.6.1), 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) 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. (vii) 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 Dishonest Actions: (i) Any student who is alleged to have 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 Examiner. (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.
- 4 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).