



The University of Southern Queensland

Course specification

The current and official versions of the course specifications are available on the web at <http://www.usq.edu.au/coursespecification/current>.
Please consult the web for updates that may occur during the year.

Description: Commercial Law

| Subject | Cat-nbr | Class | Term | Mode | Units | Campus |
|---------|---------|-------|---------|------|-------|-----------|
| LAW | 5201 | 74904 | 1, 2008 | ONC | 1.00 | Toowoomba |

| | |
|-----------------------------------|--------|
| Academic group: | FOBUS |
| Academic org: | FOB010 |
| Student contribution band: | 3 |
| ASCED code: | 090901 |

STAFFING

Examiner: Michael Maguire

OTHER REQUISITES

Pre-requisite: Enrolment in an approved postgraduate program. Students are required to have access to a personal computer, e-mail capabilities and Internet access to USQConnect. Current details of computer requirements can be found at <http://www.usq.edu.au/business/aboutfob.htm>

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

The course objectives define the student learning outcomes for a course. On successful completion of this course, students should be able 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.

The study package for this course is available in CD format ONLY. Students are required to have access to a personal computer, e-mail capabilities and Internet access to USQConnect. Current details of computer requirements can be found at <http://www.usq.edu.au/business/aboutfob.htm>

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 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)

Cane, P, Trindade, F & Lunney M 2006, *The law of torts in Australia*, 4th edn, Oxford University Press, South Melbourne, Victoria.

- 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)
- Ellis, E 2004, *Principles and practice of law*, Lawbook Co, Pyrmont, New South Wales.
- Evans, MJ, Woodgate, RW & Murphy, PJ *Legal studies for Queensland*, Butterworths, Sydney.
(Modules 2 & 3)
- 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)
- Keyzer, P 2003, *Legal problem solving: a guide for law students*, 2nd edn, Butterworths, Sydney, New South Wales.
- 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)
- Macken, CE 2006, *The law student survival guide: 9 steps to law study success*, Lawbook Co, Pyrmont, New South Wales.
- McCrae, H, Nettheim, G & Beacroft, L *Indigenous legal issues*, LBC Information Services, Pyrmont, 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, M *Butterworths' student companions: contracts*, Butterworths, Sydney.
(Modules 5-9)

Sweeney, B & O'Reilly, J *Law in commerce*, LexisNexis Butterworths, Chatswood, New South Wales.

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 |
|----------------|-------|
| Assessments | 22.00 |
| Directed Study | 52.00 |
| Private Study | 91.00 |

ASSESSMENT DETAILS

| Description | Marks out of | Wtg (%) | Due date |
|----------------------------|--------------|---------|-----------------------------|
| TUTORIAL PARTICIPATION | 10.00 | 10.00 | 05 Mar 2008 |
| ONLINE TEST 1 | 10.00 | 10.00 | 17 Mar 2008 (see note 1) |
| ONLINE TEST 2 | 10.00 | 10.00 | 25 Mar 2008 |
| ONLINE TEST 3 | 10.00 | 10.00 | 21 Apr 2008 |
| EXAM PART A (MULTI-CHOICE) | 10.00 | 10.00 | END S1 (see note 2) |
| EXAM PART B (WRITTEN) | 50.00 | 50.00 | END S1 |

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. Failure to submit the online test does not result in an automatic failure for the course but does result in the loss of marks for that item. Online tests assess Objectives 1 - 6.
2. 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 2 hours. This assessment item assesses Objectives 2, 3, and 5 - 7.

IMPORTANT ASSESSMENT INFORMATION

1 Attendance requirements:

It is the students' responsibility to attend and participate appropriately in all activities (such as lectures, tutorials, laboratories and practical work) scheduled for them, and 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:
To satisfactorily complete an individual assessment item a student must achieve at least 50% of the marks. (Depending upon the requirements in Statement 4 below, students may not have to satisfactorily complete each assessment item to receive a passing grade in this course.)
 - 3 Penalties for late submission of required work:
If students submit assignments after the due date without prior approval of the examiner, then a penalty of 5% of the total marks gained by the student for the assignment may apply for each working day late up to ten working days at which time a mark of zero may be recorded.
 - 4 Requirements for student to be awarded a passing grade in the course:
To be assured of receiving a passing grade a student must achieve at least 50% of the total weighted marks available for the course.
 - 5 Method used to combine assessment results to attain final grade:
The final grades for students will be assigned on the basis of the aggregate of the weighted 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 Student Academic Misconduct for further information and to avoid actions which might contravene university regulations. These regulations can be found at <http://www.usq.edu.au/corporateservices/calendar/part5.htm>. Students should also read the Faculty of Business Policies and Procedures which can be found at <http://www.usq.edu.au/business/aboutfob.htm>.

ASSESSMENT NOTES

- 1 Assignments: (i) The due date for an assignment is the date by which a student must submit the assignment to the USQ. (ii) Students must retain a copy of each item submitted for assessment. This must be produced within 24 hours if required by the examiner. (iii) In accordance with university policy, the examiner may grant an extension of the due date of an assignment in extenuating circumstances. (iv) Assignments are to be submitted with the appropriate assignment cover. (v) The examiner will normally only accept assessments that have been written, typed or printed on paper-based media. (vi) 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, that is, 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).