



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: Comparative Law and Business

Subject	Cat-nbr	Class	Term	Mode	Units	Campus
LAW	5504	78766	2, 2008	WEB	1.00	Toowoomba

<b>Academic group:</b>	FOBUS
<b>Academic org:</b>	FOB010
<b>Student contribution band:</b>	3
<b>ASCED code:</b>	090900

### STAFFING

Examiner: Reid Mortensen  
Moderator: Pauline Collins

### OTHER REQUISITES

Pre-requisite: Enrolment in a 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

It is essential that all business people have some awareness of the legal regulatory environment in which they operate. Globalisation has created the need for business people in one jurisdiction to have some awareness of different legal cultures and systems in other countries, in order to conduct transactions and business effectively with organisations worldwide.

### SYNOPSIS

Students will gain an overview of similarities and differences between selected legal systems, in so far as these impact on business transactions. Particular issues to be discussed include the law of contracts, business structures and legal liability in a variety of legal systems.

### OBJECTIVES

The course objectives define the student learning outcomes for a course. The assessment item/s that may be used to assess student achievement of an objective is/are shown in parentheses after each objective. On successful completion of this course, students should be able to:

1. have a basic understanding of the Australian legal system and how it functions (Assignment, Examination)
2. have some understanding of the main similarities and differences between the Australian legal system and other selected legal systems (Assignment, Examination)
3. acquire some detailed knowledge of significant areas of business law in Australia and other countries (Assignment, Examination)

4. understand how the law of different countries may apply to an international business transaction, and the implications of this for conducting business (Assignment, Examination).

## TOPICS

Description	Weighting (%)
1. Introduction to comparative law	20.00
2. Issues in comparative law	5.00
3. Regulation of obligations - part I contracts	30.00
4. Regulation of obligations - part II compensation for loss	15.00
5. Regulation of business organisations	20.00
6. Regulation of property	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).

## 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.

Crosling, GM & Murphy, HM 2000, *How to study business law: reading, writing and exams*, 3rd edn, Butterworths, Sydney, New south Wales.

De Cruz, P 2007, *Comparative law in a changing world*, 3rd edn, Routledge-Cavendish, New York.

Ebke, WF & Finkin, MW (eds.) 1996, *Introduction to German law*, Kluwer Law, Boston, Massachusetts.

Guiguo, W & Mo, J (eds.) 1999, *Chinese law*, Kluwer Law, The Hague.

Pentony, B, Graw, S, Lennard, J & Parker, D 2003, *Understanding business law*, 3rd edn, LexisNexis Butterworths, Sydney, New South Wales.

Vermeesch, RB & Lindgren, KE 2005, *Business law of Australia*, 11th edn, LexisNexis/Butterworths, Chatswood, New South Wales.

Zweigert, K & Kotz, H 1998, *Introduction to comparative law*, 3rd edn, Clarendon Press, Oxford, UK.

(revised edition)

## STUDENT WORKLOAD REQUIREMENTS

ACTIVITY	HOURS
Assessments	17.00
Directed Study	84.00
Private Study	64.00

## ASSESSMENT DETAILS

Description	Marks out of	Wtg (%)	Due date
ASSIGNMENT	50.00	50.00	29 Sep 2008
PART A OF 2-HOUR EXAM	20.00	20.00	END S2 (see note 1)
PART B OF 2-HOUR EXAM	30.00	30.00	END S2

### 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 after the timetable has been finalised.

## IMPORTANT ASSESSMENT INFORMATION

- 1 Attendance requirements:  
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:  
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 electronic communication devices.

- 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 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 assignment 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) 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).

## OTHER REQUIREMENTS

- 1 It is expected by the examiner that all students in this course will have Internet access, and can access materials on the course home page, as well as the course discussion group.