



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: Project Legal Issues

| Subject | Cat-nbr | Class | Term | Mode | Units | Campus |
|---------|---------|-------|---------|------|-------|-----------|
| LAW | 8074 | 79430 | 2, 2008 | EXT | 1.00 | Toowoomba |

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

STAFFING

Moderator: Barrie Todhunter

OTHER REQUISITES

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

Australian business law provides a framework for all commercial transactions and relationships associated with projects across all disciplines and of all types. From the very first moment that a project is considered, the legal environment within which that project will be carried out is extremely complex. Each of the parties involved, including sponsors, staff, consultants, contractors, agents, individuals, companies, trusts, government bodies, etc are defined, and constrained, by the nature of their legal existence. Each of the explicit and implicit transactions that take place is governed by some aspect of law, creating a veritable minefield for the unwary. There are many courses on Australian business law, but this course takes a different perspective. It examines the role and application of law in the context of projects of all types - it steps back from a narrow focus on the legal principles and precedents per se, and considers the implications of those principles and precedents for practitioners involved in projects regardless of their role. The course examines the changing nature of the legal implications as projects move from the early conceptual stages through the planning and approval stages, the difficult procurement and implementation stages, to the final stages of transfer of responsibility and liability to the owners and end users.

SYNOPSIS

The course examines the following: (1) an introduction to law in the context of projects, (2) nature of the parties involved in projects, including individuals and incorporated bodies, (3) the nature of partnerships, joint ventures and other alliances, (4) the law of torts, (5) legal issues associated with tendering, (6) formation of contracts, (7) management of contracts, (8) resolution of contractual disputes, (9) intellectual property law, (10) consumer protection and trade practices, (11) property-related law including ownership and occupation, and (12) planning laws and building

legislation. The course is structured to provide a broad overview of the legal issues associated with a wide range of projects.

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. identify and explain the concepts of law as they relate to the various classes of projects (Assignment 1, Assignment 2)
2. identify, define and explain the legal nature of the respective parties involved in various classes of projects, and their roles and responsibilities in terms of law (Assignment 1, Assignment 2)
3. identify, define, document and justify the appropriate organisational structure for carrying out various classes of projects (Assignment 1, Assignment 2)
4. identify, define and explain any issues arising from the law of torts with respect to the management of various classes of projects (Assignment 1, Assignment 2)
5. select, define and justify appropriate tendering procedures for various classes of projects, and identify any legal issues arising from tendering processes and the appropriate means of responding to them (Assignment 1, Assignment 2)
6. select, define and justify the most appropriate form of contract for various classes of projects and how to bring the relevant parties into a contractual relationship (Assignment 1, Assignment 2)
7. identify, select and put in place appropriate procedures for the management of the respective types of project contracts (Assignment 1, Assignment 2)
8. identify, select and put in place the most appropriate form of dispute resolution for a range of contractual disputes (Assignment 1, Assignment 2)
9. identify and explain any intellectual property issues arising from a project environment and put in place appropriate arrangements for protection of those rights (Assignment 1, Assignment 2)
10. identify, select and put in place the necessary steps to protect the consumer rights of individuals and rights arising under the Trade Practices Act in a project environment (Assignment 1, Assignment 2).
11. identify and explain legal rights associated with the ownership, use and occupation of project deliverables, and put in place measures to protect those rights (Assignment 1, Assignment 2).
12. identify and explain the relevant environmental and planning laws and building legislation that impact on the various classes of projects, and put in place measures to comply with relevant legislation (Assignment 1, Assignment 2).
13. demonstrate satisfactory skills in communication (Assignment 1, Assignment 2).

TOPICS

| | Description | Weighting (%) |
|----|---|---------------|
| 1. | Law and its sources | 10.00 |
| 2. | The legal nature of individuals and organisations | 10.00 |
| 3. | Law of torts | 10.00 |
| 4. | Legal issues in tendering | 10.00 |

| | | |
|-----|---|-------|
| 5. | Formation of project-related contracts | 10.00 |
| 6. | Management of project-related contracts | 10.00 |
| 7. | Property | 10.00 |
| 8. | How the Trade Practices Act affects projects - Part 1 | 10.00 |
| 9. | How the Trade Practices Act affects projects - Part 2 | 10.00 |
| 10. | Other relevant legislation for projects | 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).

Griggs, L, Clark, E, & Iredale, I 2003, *Managers and the law: a guide for business decision makers*, Thomson Lawbook Co, Pyrmont, New South Wales.

Summers, J & Smith, B *Communication skills handbook: how to succeed in written and oral communication*, 2nd edn, John Wiley & Sons, Milton, Queensland.

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.

STUDENT WORKLOAD REQUIREMENTS

| ACTIVITY | HOURS |
|------------------------|-------|
| Assignments | 50.00 |
| Private Study | 67.00 |
| Tutorials or Workshops | 48.00 |

ASSESSMENT DETAILS

| Description | Marks out of | Wtg (%) | Due date |
|--------------|--------------|---------|-------------|
| ASSIGNMENT 1 | 100.00 | 30.00 | 08 Sep 2008 |
| ASSIGNMENT 2 | 100.00 | 70.00 | 27 Oct 2008 |

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, then a penalty of 5% of the total marks available for the assignment may 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 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 weighted aggregate of the marks obtained for each of the summative assessment items in the course.
 - 6 Examination information:
There is no examination in this course.
 - 7 Examination period when Deferred/Supplementary examinations will be held:
Not applicable.
 - 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) Assignments must be submitted electronically by 11.59pm (AEST) on the due date. (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) The examiner may grant an extension of the due date of an assignment in extenuating circumstances. If the required extension is less than seven days, there is no need to obtain prior approval. In such cases, submit your assignment as soon as possible after the due date together with any supporting documentation that might be required. The authority for granting extensions rests with the relevant examiner. (iv) The examiner will normally only accept assessments that have been prepared using electronic media. (v) The examiner will not accept submission of assignments by facsimile. (vi) Students who are 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 assessment.

- 3 Make-up work: Students who have undertaken all of the required assessments in a course but who have failed to meet some of the specified objectives of a course within the normally prescribed time may be awarded the temporary grade: IM (Incomplete - Make up). An IM grade will only be awarded when, in the opinion of the examiner, a student will be able to achieve the remaining objectives of the course after a period of non directed personal study.
- 4 Deferred work: Students who, for medical, family/personal, or employment-related reasons, are unable to complete an assignment may apply to defer an assessment in a course. Such a request must be accompanied by appropriate supporting documentation. A temporary grade of IDM (Incomplete Deferred Make-up) may be awarded.