



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	90642	2, 2009	EXT	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: Anthony Gray  
Moderator: Reid Mortensen

### 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 UConnect. Current details of computer requirements can be found at <http://www.usq.edu.au/ict/students/standards/default.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

On successful completion of this course, students should be able to:

1. have a basic understanding of important families of legal systems, and how they compare and contrast with each other
2. have some understanding of the commercial laws of countries that represent different families of legal systems
3. understand how the law of different countries may apply to an international business transaction, and the implications of this for conducting business.

## TOPICS

	Description	Weighting (%)
1.	Introduction to comparative law	25.00
2.	Legal research	10.00
3.	Contractual obligations	15.00
4.	Non-contractual commercial obligations	15.00
5.	Corporations	10.00
6.	Transnational transaction planning	15.00
7.	Reconciling legal traditions	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).

Glenn, HP 2007, *Legal traditions of the world: sustainable diversity in law*, 3rd edn, Oxford University Press, Oxford, UK.

## 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.

Glenn, HP 2007, *Legal traditions of the world: sustainable diversity in law*, 3rd edn, Oxford University Press, Oxford, UK.

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	50.00
Directed Study	36.00
Private Study	79.00

## ASSESSMENT DETAILS

Description	Marks out of	Wtg (%)	Due date	Objectives assessed	Graduate skill	Level assessed
ONLINE TEST 1	30.00	30.00	07 Sep 2009	All		
ESSAY	40.00	40.00	19 Oct 2009	All		
ONLINE TEST 2	30.00	30.00	02 Nov 2009	All		

## IMPORTANT ASSESSMENT INFORMATION

- Attendance requirements:**

If you are an international student in Australia, you are advised to attend all classes at your campus. 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.
- 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.)
- 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.
- 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.
- 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.
- Examination information:**

There is no examination in this course.
- Examination period when Deferred/Supplementary examinations will be held:**

Not applicable.
- 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 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) 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 Referencing in assignments: Students studying this course as part of a Juris Doctor must use the Australian Guide to Legal Citation (AGLC) style. Students who are not enrolled in the Juris Doctor may use either Harvard (AGPS) or the Australian Guide to Legal Citation (AGLC) in their assignments to format details of the information sources they have cited in their work. For AGLC style guide enquiries, consult the AGLC manual from the USQ Library's referencing guide at <http://www.usq.edu.au/library/help/referencing/default.htm>, or contact the Law librarian. The Harvard (AGPS) style to be used is defined by the USQ Library's referencing guide at <http://www.usq.edu.au/library/help/referencing/default.htm>.
- 4 Deferred work: Students who, for medical, family/personal, or employment-related reasons, are unable to complete an assessment item by the due date may apply to defer an assessment in a course. Such a request must be accompanied by appropriate supporting documentation. The temporary grade IDM (Incomplete Deferred Make-up) may be awarded.

## 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.
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