



BUSL250

Business Law

MQC1 Day 2014

Dept of Accounting & Corporate Governance

Contents

<u>General Information</u>	2
<u>Learning Outcomes</u>	2
<u>Assessment Tasks</u>	3
<u>Delivery and Resources</u>	6
<u>Unit Schedule</u>	8
<u>Learning and Teaching Activities</u>	10
<u>Policies and Procedures</u>	10
<u>Graduate Capabilities</u>	16
<u>Research and Practice</u>	18

Disclaimer

Macquarie University has taken all reasonable measures to ensure the information in this publication is accurate and up-to-date. However, the information may change or become out-dated as a result of change in University policies, procedures or rules. The University reserves the right to make changes to any information in this publication without notice. Users of this publication are advised to check the website version of this publication [or the relevant faculty or department] before acting on any information in this publication.

General Information

Unit convenor and teaching staff

Unit Convenor

Julian Dight

julian.dight@mq.edu.au

Contact via julian.dight@mq.edu.au

Moderator

Verity Greenwood

verity.greenwood@mq.edu.au

Contact via verity.greenwood@mq.edu.au

Credit points

3

Prerequisites

12cp

Corequisites

Co-badged status

Unit description

This unit introduces students to the Australian legal system and to essential legal principles and concepts that inform the way in which commercial activities are regulated. The unit prepares students for more advanced units such as BUSL301 and BUSL315. Studying this unit may also be of interest to students from varied disciplines as it provides them with a broad knowledge and understanding of how the laws apply to ordinary commercial transactions. A range of assessment tasks are used in the unit to monitor the progress of students and to develop important analytical and generic professional skills. Topics include: contract law, tort law (with a focus on negligence), property law (including intellectual property), consumer protection law, and the law of agency.

Important Academic Dates

Information about important academic dates including deadlines for withdrawing from units are available at <https://www.mq.edu.au/study/calendar-of-dates>

Learning Outcomes

On successful completion of this unit, you will be able to:

Understanding of how laws are made and enforced.

- Understanding of the legal principles that apply to business law in Australia.
- Ability to analyse the legal aspects of particular case studies relevant to business law.
- Ability to critically assess and make judgments on the merits of legal arguments.
- Ability to research business law related topics through using hard copy materials and electronic/online information retrieval systems.
- Ability to work in a team to solve legal problems likely to arise in a business setting.

Assessment Tasks

Name	Weighting	Due
<u>Mid-Session Exam</u>	35%	Week 7
<u>Class Participation</u>	20%	Weeks 3-13
<u>Final Examination</u>	45%	University Examination Period

Mid-Session Exam

Due: **Week 7**

Weighting: **35%**

This exam will consist of two parts. Part A is worth 15% and will consist of 30 multiple choice questions worth half a mark each and part B is worth 20% and will consist of a long response to a negligence question. The exam will be two hours and 10 minutes long. The exam is close book but a case list and a copy of the Civil Liability Act 2002 will be attached.

The only exception to not sitting an in-class test or examination at the designated time is because of documented illness or unavoidable disruption. In these circumstances you should consider applying for Special Consideration otherwise you will not receive any mark for this component of assessment.

On successful completion you will be able to:

- Understanding of how laws are made and enforced.
- Understanding of the legal principles that apply to business law in Australia.
- Ability to analyse the legal aspects of particular case studies relevant to business law.
- Ability to critically assess and make judgments on the merits of legal arguments.

Class Participation

Due: **Weeks 3-13**

Weighting: **20%**

Two Oral Presentations

Due Date: Beginning week 4

Weight: 10%

Each student will join a group of up to five students and work with that group for the whole semester. Each group will deliver two 10 minute presentations throughout the semester. The first presentation will be held in weeks 4-5 and the second, in weeks 10-12. Each member of their group must contribute to the presentation within the time allowed and will be graded on how well they can present their topic. Reading from a pre-prepared script will not be permitted and will be awarded low marks. Each student is expected to have prepared to such an extent that will allow them to address the class in their own words. Students are encouraged to use slides or you tube which may assist them in their presentation. Groups can even perform a piece of theatre and may even have this pre-recorded before class. Use of props and other aids is also encouraged.

Two Panel Discussion groups

Due Date: Beginning Week 4

Weight: 10%

Each group will sit on two panels throughout the semester and critique a presentation delivered by another group. The time allowed for this is 10 minutes for the whole group. The panel is given the same questions as the presenters and must research the topic in a lot of detail to equip them with the knowledge to ask the presenters questions, make comments and suggestions or even disagree with what the presenters have said, The panellists are awarded marks for how well they can demonstrate their knowledge of the subject under discussion. Each member is expected to make at least two comments or questions. If a member makes no statement or comment they will receive no marks. More marks are awarded for the more insightful comments or questions.

On successful completion you will be able to:

- Understanding of the legal principles that apply to business law in Australia.
- Ability to analyse the legal aspects of particular case studies relevant to business law.
- Ability to critically assess and make judgments on the merits of legal arguments.
- Ability to research business law related topics through using hard copy materials and electronic/online information retrieval systems.
- Ability to work in a team to solve legal problems likely to arise in a business setting.

Final Examination

Due: University Examination Period

Weighting: 45%

Final examination

Due Date: Final Examination

Weight: 45%

The final exam will consist of two parts. Part A will consist of 30 multiple choice questions worth half a mark each and Part B will consist of written responses to legal problems and will be worth 30%. Each student will receive two crib sheets in week 12 which they can take into the exam but are only permitted to hand write notes on these sheets. The topics covered in this exam are contract law, consumer protection and agency law. The material covered in the first 6 weeks is *not* re-examined again in the final exam. The exam will be 3 hours and 10 minutes in duration.

Irrespective of the total marks scored in the unit, students MUST PASS THE FINAL EXAMINATION and achieve an overall pass mark to gain a passing grade in this unit.

You are expected to present yourself for examination at the time and place designated in the Final Examination Timetable. The timetable will be available in Provisional form approximately in week ten of this Session. You will have 1 week to give feedback to the Student Administration Manager. Prior to the examination period, you should ensure that you are familiar with the Examination Regulations. You can find these under *Exam Information* on the [Student Portal Noticeboard](#).

The examination timetable is produced to provide the maximum number of students with the least number of consecutive examinations. It is not uncommon for students of Macquarie University at both the City and North Ryde Campuses to be required to sit two consecutive examinations. A maximum of three consecutive exams is also permitted (for example, two on one day, and one the following morning). However no student is required to sit four consecutive exams and if any student discovers their examination timetable contains four consecutive exams, they should immediately contact the [Student Administration Manager](#) to have an exam rescheduled.

Students who have not sat for the exam will be awarded a mark of 0 for the task, except for cases in which an application for special consideration is made and approved. The University's policy on the special consideration process [is available online](#).

You will need to lodge your request for special consideration by logging into <http://ask.mq.edu.au> with your OneID.

If a supplementary examination is granted as a result of the special consideration process, the examination will be scheduled after the conclusion of the official examination period.

Examination conditions Formal written exam based on Weeks 7 (Part 2) -13. Exam length: Three

hours plus ten minutes reading time. Two double sided A4 handwritten 'cheat sheets' allowed (written in English). No typed or photocopied sheets allowed.

Supplementary Examination If a supplementary examination is granted as a result of the Special Consideration process the examination will be scheduled after the conclusion of the official examination period as per the Supplementary examination timetable of the Faculty. Please note the supplementary examination will be in a similar format as the final examination. No deferred supplementary examination will be offered.

What is required to complete the unit satisfactorily

There is a requirement to pass the final examination to be awarded a final grade of a Pass or a higher grade.

On successful completion you will be able to:

- Understanding of how laws are made and enforced.
- Understanding of the legal principles that apply to business law in Australia.
- Ability to analyse the legal aspects of particular case studies relevant to business law.
- Ability to critically assess and make judgments on the merits of legal arguments.

Delivery and Resources

Classes

There are thirteen classes this semester. Each class consists of a two hour lecture and a one hour tutorial.

The timetable for classes can be found on the MQC Student Portal at: _

<http://student.mqc.edu.au/>

It is an assessment requirement that all students attend class at both the lecture and the tutorial each week.

The midterm exam will be held in week 7. Time and Day to be advised

Required and Recommended Texts and/or Materials

The prescribed text is the 2nd edition of the custom book that will be published in July 2013 and is compiled by Dr Verity Greenwood and Julian Dight and is titled “Business Law” BUSL250

This text is based on a book by “Andy Gibson & Douglas Fraser”, *Business Law*, (7th Ed), 2013, Pearson, Prentice Hall, Australia

All students must have a copy of this text because all the lecturers and tutorial questions will be taken from this book.

Recommended texts:

Davenport, S. and Parker, D. *Business and Law in Australia* (2012) Lawbook Co., Sydney (ISBN9780455229591)

Barron, M.L. *Fundamentals of Business Law* (7th ed. 2012) McGraw-Hill Australia

Villa, D., *Annotated Civil Liability Act 2002* NSW

Krever, R., *Mastering Law Studies and Law Exam Techniques*, Butterworths, KU51.7.K74/2001

Crosling, G.M., and Murphy, H.M., *How to Study Business Law*, Butterworths, KU856.C76/2000

All prescribed textbooks will be made available to students to purchase at the Phillip Street Coop Bookshop. Students will be able to view a full list of textbooks for all units on the Noticeboard link on the Student Portal at <http://student.mqc.edu.au/>

Useful Internet Sites:

Finding case law and legislation: www.austlii.edu.au

Australian Law Online: www.law.gov.au

NSW Legislation: www.legislation.nsw.gov.au

Other references: CCH Macquarie Dictionary of Business (contains legal terms as well as other business terms).

The Macquarie University library's Information and Technology Training Unit (ITTU) provides a range of computing and library research skills. ITTU web page: <http://www.lib.edu.au/support> or phone 9850-7399.

Unit Schedule

Unit Schedule

Week	Topic	Readings
Beginning:		
Week 1	What is Law? Introduction to course, including discussion of assessment, study skills and Legal & Business Ethics. Discussion of two cases on Insider Trading	TWO CASE STUDIES
Week 2	Australian Legal System; Statute law, Common law, Role of Courts, Legal profession, Separate of Powers, Court Hierarchy and the role of the High Court of Australia	Chapters 1, 2, 3, 4 & 5
Week 3	Introduction to the law of torts; direct and Indirect Torts Tort of Negligence including the 5 step process on how to answer a negligence problem, Civil Liability Act 2002.	Chapters 6 & 7
Week 4	Application of Negligence to Business, Intentional Torts.	Chapters 8 & 9
Week 5	Introduction to Property Law; Differences between land and goods, concept of possession, choses in action, choses in possession, land ownership, mortgages, leases & licenses, Residential Tenancy Legislation.	Chapter 23
Week 6	Introduction to Intellectual Property: Patents, Copyright, Trademarks and Confidential Information	Chapter 24
Week 7	*Mid-session Exam* to be confirmed in Week 2, exam will be outside of normal class time. Introduction to Contract Law; Intention, Agreement & Consideration	Chapters 11, 12, 13
Week 8	Genuine Consent: including Mistake, Misrepresentation, Undue influence, Duress and Unconscionability	Chapter 15

Week 9	Legality and object of form, Construction of the contract	Chapters 16, 17
Week 10	Discharge and Remedies for Breach of contract	Chapters 18, 19
Week 11	Competition and Consumer Act 2010 (Cth), Sections S18, S20-22, S29, S35, S44-46, S207, S208, S209, S212, S218, S223, S232, S236, S237, S239, S246.	Chapter 21
Week 12	Law of Agency; Principle and Agent	Chapter 22
Week 13	PRACTICE FINAL EXAM IN CLASS	

Learning and Teaching Activities

Learning & Teaching Activities

See under unit guide 'Delivery and Resources'

Policies and Procedures

Macquarie University policies and procedures are accessible from [Policy Central](#). Students should be aware of the following policies in particular with regard to Learning and Teaching:

Academic Honesty Policy http://mq.edu.au/policy/docs/academic_honesty/policy.html

Assessment Policy <http://mq.edu.au/policy/docs/assessment/policy.html>

Grading Policy <http://mq.edu.au/policy/docs/grading/policy.html>

Grade Appeal Policy <http://mq.edu.au/policy/docs/gradeappeal/policy.html>

Grievance Management Policy http://mq.edu.au/policy/docs/grievance_management/policy.html

Disruption to Studies Policy http://www.mq.edu.au/policy/docs/disruption_studies/policy.html *The Disruption to Studies Policy is effective from March 3 2014 and replaces the Special Consideration Policy.*

In addition, a number of other policies can be found in the [Learning and Teaching Category](#) of Policy Central.

Student Code of Conduct

Macquarie University students have a responsibility to be familiar with the Student Code of Conduct: https://students.mq.edu.au/support/student_conduct/

Grades

Macquarie University uses the following grades in coursework units of study:

- HD - High Distinction
- D - Distinction
- CR - Credit
- P - Pass
- F – Fail

Grade descriptors and other information concerning grading are contained in the Macquarie University Grading Policy which is available at:

<http://www.mq.edu.au/policy/docs/grading/policy.html>

For further information, please refer to the following link:

<http://universitycouncil.mq.edu.au/legislation.html>

Grade Appeals and Final Examination Script Viewing

If, at the conclusion of the unit, you have performed below expectations, and are considering lodging an appeal of grade and/or viewing your final exam script please refer to the following website which provides information about these processes and the cut off dates in the first instance. Please read the instructions provided concerning what constitutes a valid grounds for appeal before appealing your grade.

<http://www.city.mq.edu.au/reviews-appeals.html>

Special Consideration Policy

The University is committed to equity and fairness in all aspects of its learning and teaching. In stating this commitment, the University recognises that there may be circumstances where a student is prevented by unavoidable disruption from performing in accordance with their ability. A special consideration policy exists to support students who experience serious and unavoidable disruption such that they do not reach their usual demonstrated performance level. The policy is available at: http://www.mq.edu.au/policy/docs/special_consideration/policy.html

The University defines serious and unavoidable disruption to studies as resulting from an event or set of circumstances that:

- could not have reasonably been anticipated, avoided or guarded against by the student; **and**
- was beyond the student's control; **and**
- caused substantial disruption to the student's capacity for effective study and/or the completion of required work; **and**
- substantially interfered with the otherwise satisfactory fulfilment of unit or course requirements; **and**
- was of at least three (3) consecutive days duration within a study period and/or prevented completion of the final examination.

A Special Consideration application is deemed to be valid if all the following criteria have been satisfied:

- The Special Consideration application is completed by the student and submitted online through www.ask.mq.edu.au within five (5) working days after the due date of the associated assessment task / final examination.
- The application contains supporting evidence to demonstrate the severity of the circumstance(s) and that substantial disruption has been caused to the student's capacity for effective study. (The University will not follow up on outstanding evidence, nor contact any person or body on behalf of the student. The application will be considered as submitted.)
- The original supporting documentation has been sighted by MQC reception staff within five (5) working days after the due date of the associated assessment task.
- Where the particular circumstances are medical in nature, a *Professional Authority Form* including the health professional's Medicare Provider Number is included. (If a *Professional Authority Form* cannot be obtained, an original medical certificate indicating the severity (serious / not serious) and impact of the circumstances must be included with the application.)
- Where the particular circumstances are non-medical in nature, appropriate supporting evidence indicating the severity (serious / not serious) and impact of the circumstances is included with the application.

The student was performing satisfactorily in the unit up to the date of the unavoidable disruption. (If a student's work in the unit was previously unsatisfactory, subsequent unavoidable disruption will not overcome the fact that the earlier work was unsatisfactory).

Unacceptable grounds for Special Consideration

The University has determined that some circumstances are not acceptable grounds for claiming Special Consideration. These grounds include, but are not limited, to:

- routine demands of employment
- routine family problems such as tension with or between parents, spouses, and other people closely involved with the student
- difficulties adjusting to university life, to the self-discipline needed to study effectively, and the demands of academic work
- stress or anxiety associated with examinations, required assignments or any aspect of academic work
- routine need for financial support
- routine demands of sport, clubs and social or extra-curricular activities.

Acute Problems

The University defines acute problems as those involving fewer than three (3) consecutive days within a study period. In these cases, students should not apply for special consideration via ask.mq.edu.au, but contact their Unit Convenor within 5 working days of the assessment due date so that a local solution may be discussed, except where the disruption affects completion of a final examination. (If a final examination is affected, the student should submit a special consideration application via ask.mq.edu.au.)

Prior Conditions Conditions existing prior to commencing a unit of study are not grounds for Special Consideration, except in the event of unavoidable deterioration of the condition. The student is responsible for managing their workload in light of any known or anticipated problems. Students with a pre-existing disability/ chronic health condition may contact the [Disability Service](#) for information on available support.

In submitting a request for Special Consideration, the student is acknowledging that they may be required to undertake additional work and agreeing to hold themselves available so that they can complete any extra work as required. The time and date, deadline or format of any required extra assessable work as a result of an application for Special Consideration is not negotiable.

Attendance at Macquarie City Campus

All Students are required to attend at least 80% of the scheduled course contact hours each Session. Additionally Macquarie City Campus monitors the course progress of international

students to ensure that the student complies with the conditions of their visa relating to attendance.

This minimum level of attendance includes all lectures and tutorials. Tutorial attendance will be recorded weekly. If any scheduled class falls on a public holiday this will be rescheduled as advised by your Lecturer. Attendance at any mid-Session or in-class test is compulsory unless otherwise stated.

Unavoidable non-attendance due to illness or circumstances beyond your control must be supported by appropriate documentation to be considered for a supplementary test. Other non-attendance will obtain zero for the test. You should refer to the section above on Special Consideration for more details about this.

Student Support

Macquarie University provides a range of support services for students. For details, visit <http://students.mq.edu.au/support/>

Learning Skills

Learning Skills (mq.edu.au/learningskills) provides academic writing resources and study strategies to improve your marks and take control of your study.

- [Workshops](#)
- [StudyWise](#)
- [Academic Integrity Module for Students](#)
- [Ask a Learning Adviser](#)

Student Services and Support

Students with a disability are encouraged to contact the [Disability Service](#) who can provide appropriate help with any issues that arise during their studies.

Student Enquiries

For all student enquiries, visit Student Connect at ask.mq.edu.au

Student Support at Macquarie City Campus

Students who require assistance are encouraged to contact the Student Services Manager at Macquarie City Campus. Please see reception to book an appointment.

Macquarie University provides a range of Academic Student Support Services. Details of these services can be accessed at <http://students.mq.edu.au/support/>

At any time students (or groups of students) can book our Student Advising rooms on Level 6 by emailing info@city.mq.edu.au with a day and time and nominated contact person. There are additional student study spaces available on Level 1.

Macquarie University Campus Wellbeing also has a presence on the City Campus each week. If you would like to make an appointment, please email info@city.mq.edu.au or visit their website at:

<http://www.campuslife.mq.edu.au/campuswellbeing>

StudyWISE provides:

- Online learning resources and academic skills workshops http://www.mq.edu.au/learning_skills
- Personal assistance with your learning & study related questions

IT Help

For help with University computer systems and technology, visit <http://informatics.mq.edu.au/help/>.

When using the University's IT, you must adhere to the [Acceptable Use Policy](#). The policy applies to all who connect to the MQ network including students.

IT Help at Macquarie City Campus

If you wish to receive IT help, we would be glad to assist you at <http://informatics.mq.edu.au/help/> or call 02 9850-4357.

When using the university's IT, you must adhere to the Acceptable Use Policy. The policy applies to all who connect to the MQ network including students and it outlines what can be done.

Students must use their Macquarie University email addresses to communicate with staff as it is University policy that the University issued email account is used for official University communication.

Students are expected to act responsibly when utilising Macquarie City Campus IT facilities. The following regulations apply to the use of computing facilities and online services:

- Accessing inappropriate web sites or downloading inappropriate material is not permitted.
- Material that is not related to coursework for approved unit is deemed inappropriate.
- Downloading copyright material without permission from the copyright owner is illegal, and strictly prohibited. Students detected undertaking such activities will face disciplinary action, which may result in criminal proceedings.

Non-compliance with these conditions may result in disciplinary action without further notice.

If you would like to borrow headphones for use in the Macquarie City Campus computer labs (210, 307, 311, 608) at any point, please ask at Level 2 Reception. You will be required to provide your MQC Student ID card. This will be held as a deposit while using the equipment.

For assistance in the computer labs, please see a Lab Demonstrator (usually they can be found in Lab 311, otherwise ask at Level 2 Reception).

Graduate Capabilities

Discipline Specific Knowledge and Skills

Our graduates will take with them the intellectual development, depth and breadth of knowledge, scholarly understanding, and specific subject content in their chosen fields to make them competent and confident in their subject or profession. They will be able to demonstrate, where relevant, professional technical competence and meet professional standards. They will be able to articulate the structure of knowledge of their discipline, be able to adapt discipline-specific knowledge to novel situations, and be able to contribute from their discipline to inter-disciplinary solutions to problems.

This graduate capability is supported by:

Learning outcomes

- Understanding of how laws are made and enforced.
- Understanding of the legal principles that apply to business law in Australia.
- Ability to analyse the legal aspects of particular case studies relevant to business law.
- Ability to research business law related topics through using hard copy materials and electronic/online information retrieval systems.
- Ability to work in a team to solve legal problems likely to arise in a business setting.

Assessment tasks

- Mid-Session Exam
- Class Participation
- Final Examination

Learning and teaching activities

- See under unit guide 'Delivery and Resources'

Critical, Analytical and Integrative Thinking

We want our graduates to be capable of reasoning, questioning and analysing, and to integrate and synthesise learning and knowledge from a range of sources and environments; to be able to

critique constraints, assumptions and limitations; to be able to think independently and systemically in relation to scholarly activity, in the workplace, and in the world. We want them to have a level of scientific and information technology literacy.

This graduate capability is supported by:

Learning outcomes

- Understanding of how laws are made and enforced.
- Understanding of the legal principles that apply to business law in Australia.
- Ability to critically assess and make judgments on the merits of legal arguments.
- Ability to research business law related topics through using hard copy materials and electronic/online information retrieval systems.

Assessment task

- Final Examination

Learning and teaching activity

- See under unit guide 'Delivery and Resources'

Effective Communication

We want to develop in our students the ability to communicate and convey their views in forms effective with different audiences. We want our graduates to take with them the capability to read, listen, question, gather and evaluate information resources in a variety of formats, assess, write clearly, speak effectively, and to use visual communication and communication technologies as appropriate.

This graduate capability is supported by:

Learning outcomes

- Ability to analyse the legal aspects of particular case studies relevant to business law.
- Ability to critically assess and make judgments on the merits of legal arguments.
- Ability to research business law related topics through using hard copy materials and electronic/online information retrieval systems.
- Ability to work in a team to solve legal problems likely to arise in a business setting.

Assessment tasks

- Mid-Session Exam
- Class Participation
- Final Examination

Learning and teaching activities

- See under unit guide 'Delivery and Resources'

Socially and Environmentally Active and Responsible

We want our graduates to be aware of and have respect for self and others; to be able to work with others as a leader and a team player; to have a sense of connectedness with others and country; and to have a sense of mutual obligation. Our graduates should be informed and active participants in moving society towards sustainability.

This graduate capability is supported by:

Learning outcomes

- Understanding of how laws are made and enforced.
- Understanding of the legal principles that apply to business law in Australia.
- Ability to analyse the legal aspects of particular case studies relevant to business law.
- Ability to work in a team to solve legal problems likely to arise in a business setting.

Assessment task

- Class Participation

Research and Practice

This Unit has been designed as a 3 credit point undergraduate Unit, requiring the equivalent of 13 weeks of work over one session. Being a three credit-points Unit you should expect to spend a minimum of 9 hours per week to meet the requirements of the Unit.

As you work through the Unit, try to:

- share your insights with others in your tutorial group
- contribute to critical analysis and debate of business law concepts and the views of other class members.

In completing the Unit, you are expected to:

- participate fully in tutorial classes
- complete all three online quizzes
- pre-read and prepare all compulsory tutorial questions prior to attending tutorial classes
- research, prepare and present to the tutorial class a selected business law case or topic.