



# BUSL250

## Business Law

S2 Day 2016

*Dept of Accounting & Corporate Governance*

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#### **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

Lecturer

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Monday 2.00pm - 3.00pm or by appointment

Teaching Assistant

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Unit Convenor and Lecturer

John Selby

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Rahat Munir

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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, property law (including intellectual property), consumer protection law, e-commerce 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 critically assess and make judgements on the merits of legal arguments
- Ability to research business law related topics through using hard copy materials and electronic/online information systems
- Ability to work in a team to solve legal problems likely to arise in a business setting

## Assessment Tasks

| Name                                       | Weighting | Due               |
|--|-----------|-------------------|
| <a href="#">Online Quizzes</a>             | 30%       | Weeks 4, 8 and 12 |
| <a href="#">Class Participation</a>        | 10%       | Weeks 2-13        |
| <a href="#">Contract Law In Class exam</a> | 15%       | Week 9            |
| <a href="#">Final Exam</a>                 | 45%       | Final Exam Period |

### Online Quizzes

Due: **Weeks 4, 8 and 12**

Weighting: **30%**

**Quiz 1 (week 4):**

*Quiz opens:* 12.01am Tuesday 23 August

*Quiz closes:* 11.59pm Thursday 25 August

Materials covered:

*Chapters 1-4*

(Legal foundations, Origins of Australian Law, Legal Systems, How Law is Made: Precedent and Statute Law) and

*Chapters 7-10 and 12*

(Introduction to Contracts, Agreement Between the Parties, Intention to Create Legal Relations, Consideration, Genuine Consent)

**Quiz 2 (week 8):**

*Quiz opens:* 12.01am Tuesday 4 October

*Quiz closes:* 11.59pm Thursday 6 October

Materials covered:

*Chapters 5-6*

(Introduction to the Law of Torts, The Tort of Negligence, Applications of Negligence to Business)

*Chapters 11, 13-16 and 8 (e-commerce)*

(Capacity of the Parties, Legality of Object, Construction of the Contract, Rights of the Parties and Discharge; Remedies in Contract; Electronic Commerce)

**Quiz 3 (Week 12):**

*Quiz opens:* 12.01am Tuesday 1 November

*Quiz closes:* 11.59pm Thursday 3 November

Materials covered:

*Chapters 17-18*

(Consumer Guarantees Implied into Contract; Australian Consumer Law)

*Chapter 19*

(Agency)

*Chapter 20*

(Other Business Related Torts)

Submission via BUSL250 unit iLearn portal.

Each quiz contains 10 questions.

The time limit for each quiz is 40 minutes (4 minutes per question).

Once the quiz is open the timer cannot be stopped - even if you log out.

At the conclusion of the quiz period, general feedback will be given based on the results.

**Weight of each quiz:** 10% of final assessment mark (30% total).

No extensions will be granted. Students who miss this assessment will be awarded a mark of 0, except for cases in which an application for disruption to studies is made and approved.

The quiz will not be re-opened.

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 critically assess and make judgements on the merits of legal arguments
- Ability to research business law related topics through using hard copy materials and electronic/online information systems

## Class Participation

Due: **Weeks 2-13**

Weighting: **10%**

**Class presentation (5%):**

- Student class presentations are held in Tutorials 3-13
- Presentation topic list for each week will be posted on the BUSL250 unit iLearn portal (commencing Week 2 for presentation in Week 3)
- One week's notice will be given for the weekly presentation topics
- Presentation should be timed to be completed within three (3) minutes
- Presentation marking criteria and the presentation marking sheet is listed under the heading 'Presentations' on the BUSL250 unit iLearn portal.
- Students must bring a presentation marking sheet (complete with name and student number) and give it to their tutor on the date of their tutorial presentation.
- It is the responsibility of the student to ensure that they have been allotted a tutorial date/ topic number for their presentation during the session.
- No extensions will be granted. Students who fail to complete a presentation at their allotted tutorial time/date will be awarded a mark of 0, except for cases in which an application for disruption to studies is made and approved.

### Class participation (5%)

- The BUSL250 student workbook is available on the BUSL250 iLearn portal. It is suggested that students use this book as both preparation and for notes in the tutorials.
- The mark will be awarded based on the following criteria:
  - Class participation assessed throughout session
  - The extent to which each student has prepared for each class.
  - The ability of students to complete set tasks during classes.
  - The ability of students to actively participate in group discussions.
  - The willingness of students to co-operate with and assist other students in their learning.
  - The willingness of students to express their ideas in class.
  - The ability of students to articulate their thoughts.
  - The performance of students on tasks completed during class.

Information concerning each student's final participation mark will be made available on the subject website prior to the date of the final examination.

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 critically assess and make judgements on the merits of legal arguments
- Ability to research business law related topics through using hard copy materials and electronic/online information systems
- Ability to work in a team to solve legal problems likely to arise in a business setting

## Contract Law In Class exam

Due: **Week 9**

Weighting: **15%**

Contract law In-class written exam. Exam will be have two parts (A and B).

- Based on Lectures 2 (Part 2)- Lecture 5 and Tutorials 3 - 6 (Contract Law topics **ONLY**).
- Will be held during Lecture 9 in Week 9 (Monday 6.00pm-8.00pm and Tuesday 8.00am-10.00am) in the normal timetabled lecture theatre.
- Exam will be in two parts (A and B)
- One (1) A4 back-to-back handwritten pages (written in English) is allowed in this assessment. No other materials allowed.

- **Important Note:** Enrolled iletecture students must physically attend one of the in-campus lecture 9 and sit this exam. These students must register to sit the exam in one of the two Week 9 lectures available via the BUSL250 'Contract Law exam registration' link on the iLearn website which will be available in Week 6.
- Students already enrolled in either BUSL250 lecture must sit the exam in the lecture in which they are enrolled.

No extensions will be granted. Students who miss this assessment will be awarded a mark of 0, except for cases in which an application for disruption to studies is made and approved.

On successful completion you will be able to:

- Understanding of the legal principles that apply to business law in Australia
- Ability to critically assess and make judgements on the merits of legal arguments

## Final Exam

Due: **Final Exam Period**

Weighting: **45%**

Formal written exam based on Weeks 6 - Week 12 (Contract Law is **NOT** in the final exam).

Final exam covers Tort law (Parts A and B), Agency Law, Consumer Protection Law and Property Law (including Intellectual Property).

**Exam length:** Two hours and thirty minutes plus ten minutes reading time. Two double sided A4 handwritten pages allowed (written in English). No typed or photocopied sheets allowed.

**Supplementary Examination:** If a supplementary examination is granted as a result of a 'Disruption to Studies' 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 similiar format as the final examination.

There is a requirement to in order to at pass this course **you must also pass the final exam.**

On successful completion you will be able to:

- Understanding of the legal principles that apply to business law in Australia
- Ability to critically assess and make judgements on the merits of legal arguments

## Delivery and Resources

### Required textbook:

*Business Law BUSL250* (compiled by Dr Verity Greenwood and Julian Dight) (4th Edition, Pearson Publishing) (ISBN: 978488613197).

The book can be purchased from the Macquarie University Co-Op Bookshop. This is a custom book compiled from Andy Gibson and Douglas Fraser, *Business Law* (9th ed, 2015). The pack includes a 'MyLawLab' access card providing access to a variety of online resources.

### Recommended texts:

#### Business Law

- Miles, C. and Dowler, W. (2015) *A Guide to Business Law*, Thomson Reuters.
- Davenport, S. and Parker, D. (2nd ed. 2015) *Business and Law in Australia*, Lawbook Co., Sydney.
- Latimer, P. *Australian Business Law* (33rd ed., 2014) CCH, Australia.
- James, N. *Business Law* (3rd ed., 2014) Wiley Publishers, Queensland.

#### Studying Law

- Krever, R., *Mastering Law Studies and Law Exam Techniques* (8th ed., 2013) LexisNexis Butterworths.
- Crosling, G. M., and Murphy, H. M., *How to Study Business Law* (4th ed., 2009) LexisNexis Butterworths.

## Unit Structure and Requirements

- The course will consist of 13 x 2 hour lectures beginning in week one (1); and
- 12 x 1 hour tutorials beginning in week two (2). (The timetable for classes can be found on the University web site at: <http://www.timetables.mq.edu.au/>).
  - Students can only change their lecture or tutorials in the first three (3) weeks through the eStudent system and only when there is space in another tutorial or lecture.
  - All lectures are available on ECHO as recorded audio and screen-capture video.
  - If a student changes tutorials in the first 3 weeks it is their responsibility to inform both their former and new tutor.
  - Failure to inform tutors about changing tutorials may result in a student missing out on eligible participation marks.
  - It is strongly advised that students attend all lectures and tutorials with their BUSL250 student workbook (available on the BUSL250 iLearn portal). Tutorials are not compulsory but failure to attend tutorials will mean that students will not be awarded any tutorial participation marks.
  - Medical certificates must be provided justifying tutorial absence and in order to avoid the deduction of tutorial participation marks.
  - If you have a recurring problem that makes you late, or forces you to leave early,



please discuss this with your lecturer/tutor.

- Mobile phone should not be used in lectures or tutorials.
- Laptops can be used in tutorials only if prior arrangements have been made with the tutor.
- Students who disturb or disrupt in lectures and tutorial class will be asked to leave.
- As a guide the workload for the semester 150 hours should be allocated for BUSL250. This includes all classes, assessments, personal study and other learning activities.
  - sample breakdown of workload

| Activities | Hours   |            |
|------------|---|------------|
| 1          | Weekly Seminars/Lectures/Tutorials (3 hours x 13) (minus no tutorial in week 1) | 38         |
| 2          | Assessment Task 1 (Online Quizzes + preparation for each quiz)                  | 12         |
| 3          | Assessment Task 2 (Contract Law exam)   | 15         |
| 4          | Assessment Task 3 (Class Presentation)  | 5          |
| 6          | Assessment Task 4 (Final exam)  | 30         |
| 6          | Readings/self-study   | 50         |
|            | <b>TOTAL</b>  | <b>150</b> |

## Unit Schedule

| Date   | Lecture Topic   | Tutorial                 |
|--------|---|--------------------------|
| Week 1 | Lecture 1<br>Introduction to the legal framework  | Tutorial 1 (No tutorial) |
| Week 2 | Lecture 2<br>Introduction to the judicial system +<br>Contracts law (Intention and Agreement)/ E-commerce | Tutorial 2               |
| Week 3 | Lecture 3<br>Contract law (Consideration and consent)   | Tutorial 3               |

|                          |  |   |                                   |                   |                           |  |
|--------------------------|--|---|-----------------------------------|-------------------|---------------------------|--|
| Week 4                   | Lecture 4<br>Contract law (Capacity, Legality, Form and Construction of a contract)  | Tutorial 4<br><b>(online quiz 1 open this week)</b>   |                                   |                   |                           |  |
| Week 5                   | Lecture 5<br>Contract Law (Termination)  | Tutorial 5  |                                   |                   |                           |  |
| Week 6                   | Lecture 6<br>Introduction to Torts   | Tutorial 6  |                                   |                   |                           |  |
| Week 7                   | Lecture 7<br>The Tort of Negligence  | Tutorial 7  |                                   |                   |                           |  |
|                          | <table border="1"> <tr> <td><b>Mid-session break</b></td> <td><b>(19 September - 3 October)</b></td> </tr> <tr> <td><b>Recommence</b></td> <td><b>(Week 8 4 October)</b></td> </tr> </table> | <b>Mid-session break</b>  | <b>(19 September - 3 October)</b> | <b>Recommence</b> | <b>(Week 8 4 October)</b> |  |
| <b>Mid-session break</b> | <b>(19 September - 3 October)</b>  |   |                                   |                   |                           |  |
| <b>Recommence</b>        | <b>(Week 8 4 October)</b>  |   |                                   |                   |                           |  |
| Week 8                   | Lecture 8<br>Business Related Torts  | Tutorial 8<br><b>(NB: No class on Monday, 3 October, 2016 due to Public Holiday - Labour Day. Students enrolled in Monday's lecture/tutorial should attend the Friday lecture/listen to the ilecture and attend another tutorial of the unit during that week)</b><br><b>(online quiz 2 open this week)</b> |                                   |                   |                           |  |
| Week 9                   | Lecture 9<br>Agency Law<br><b>Contract Law in-class exam held during Lecture</b>   | Tutorial 9  |                                   |                   |                           |  |
| Week 10                  | Lecture 10<br>Consumer Protection  | Tutorial 10   |                                   |                   |                           |  |
| Week 11                  | Lecture 11<br>Consumer Protection  | Tutorial 11   |                                   |                   |                           |  |
| Week 12                  | Lecture 12<br>Property   | Tutorial 12<br><b>(online quiz 3 open this week)</b>  |                                   |                   |                           |  |
| Week 13                  | Lecture 13<br>Revision   | Tutorial 13   |                                   |                   |                           |  |

## 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](http://mq.edu.au/policy/docs/academic_honesty/policy.html)

**New Assessment Policy in effect from Session 2 2016** [http://mq.edu.au/policy/docs/assessment/policy\\_2016.html](http://mq.edu.au/policy/docs/assessment/policy_2016.html). For more information visit [http://students.mq.edu.au/events/2016/07/19/new\\_assessment\\_policy\\_in\\_place\\_from\\_session\\_2/](http://students.mq.edu.au/events/2016/07/19/new_assessment_policy_in_place_from_session_2/)

Assessment Policy prior to Session 2 2016 <http://mq.edu.au/policy/docs/assessment/policy.html>

Grading Policy prior to Session 2 2016 <http://mq.edu.au/policy/docs/grading/policy.html>

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

Complaint Management Procedure for Students and Members of the Public [http://www.mq.edu.au/policy/docs/complaint\\_management/procedure.html](http://www.mq.edu.au/policy/docs/complaint_management/procedure.html)

Disruption to Studies Policy [http://www.mq.edu.au/policy/docs/disruption\\_studies/policy.html](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/](https://students.mq.edu.au/support/student_conduct/)

## Results

Results shown in *iLearn*, or released directly by your Unit Convenor, are not confirmed as they are subject to final approval by the University. Once approved, final results will be sent to your student email address and will be made available in [eStudent](#). For more information visit [ask.mq.edu.au](http://ask.mq.edu.au).

**In addition, there is a requirement to pass the final examination to be awarded a final grade of a Pass or a higher grade.**

## 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](http://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](http://ask.mq.edu.au)

## IT Help

For help with University computer systems and technology, visit [http://www.mq.edu.au/about\\_us/offices\\_and\\_units/information\\_technology/help/](http://www.mq.edu.au/about_us/offices_and_units/information_technology/help/).

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

## 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 research business law related topics through using hard copy materials and electronic/online information systems
- Ability to work in a team to solve legal problems likely to arise in a business setting

### Assessment tasks

- Online Quizzes
- Class Participation

- Contract Law In Class exam
- Final Exam

## 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.
- Ability to critically assess and make judgements on the merits of legal arguments
- Ability to work in a team to solve legal problems likely to arise in a business setting

### Assessment tasks

- Online Quizzes
- Class Participation
- Contract Law In Class exam
- Final Exam

## Problem Solving and Research Capability

Our graduates should be capable of researching; of analysing, and interpreting and assessing data and information in various forms; of drawing connections across fields of knowledge; and they should be able to relate their knowledge to complex situations at work or in the world, in order to diagnose and solve problems. We want them to have the confidence to take the initiative in doing so, within an awareness of their own limitations.

This graduate capability is supported by:

### Learning outcomes

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

### Assessment tasks

- Online Quizzes
- Class Participation

- Contract Law In Class exam
- Final Exam

## 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

- 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 judgements on the merits of legal arguments

### Assessment tasks

- Online Quizzes
- Class Participation
- Contract Law In Class exam
- Final Exam

## Changes from Previous Offering

There is a new Unit Convenor this Session: Dr John Selby

## Research and Practice, Global and Sustainability

This unit addresses global and sustainability issues as direct areas of study and as necessary implications arising from the materials, assessment and academic discussion and debate in classes. We promote sustainability by developing ability in students to research and locate information within accounting discipline. We aim to provide students with an opportunity to obtain skills which will benefit them throughout their career.

The unit uses research by one of the Lecturers:

Greenwood, V and Larry Dwyer (2014) 'Challenges to Consumer Protection Legislation in Tourism Contexts' *Journal of Tourism Consumption and Practice*, Vol. 6, 2.  
<http://www.tourismconsumption.org/current.htm>

Greenwood, V and Larry Dwyer (2015) Consumer protection legislation: A neglected determinant of destination competitiveness? *Journal of Hospitality and Tourism Management*, Vol. 24, September, 2015.

V.A.Greenwood and Larry Dwyer 'Chinese 'hot money' junkets and its impact on Macau

destination competitiveness' (under revision).

The convenor/lecturer is affiliated with the following organisations:

- the Australian Domain Name Administrator, (auDA)
- the International Society for New Institutional Economics (ISNIE)
- the Internet Society (ISOC)
- the Society for Empirical Legal Studies (SELS)

One of the lecturers is affiliated with the following organisations:

- The Association of Certified Fraud Examiners (ACFE) (Director, Sydney Chapter)
- The Australian Legal Teacher's Association (ALTA).
- Transparency International

This unit uses research from external sources:

See the prescribed and recommended reading list and tutorial readings instructions in the BUSL250 student workbook..

## Changes since First Published

| Date       | Description  |
|------------|--|
| 03/08/2016 | Catriona - an eagle-eyed student identified an error in the dates for an assessment task, so I have corrected that so as to avoid any confusion. |