



FACULTY OF
BUSINESS AND ECONOMICS

**MACQUARIE UNIVERSITY
DEPARTMENT OF BUSINESS LAW
UNIT OUTLINE**

Year and Semester: 2010 Semester 1

Unit convenors: Verity Greenwood and Andrew Dahdal

Prerequisites: 12 Credit Points or enrolment in Business Administration Degree

Students in this unit should read this unit outline carefully at the start of semester. It contains important information about the unit. If anything in it is unclear, please consult one of the teaching staff in the unit.

ABOUT THIS UNIT

- Credit Points: 3
- This is a foundation business law unit for students across the University, including those undertaking professional studies in the accounting and financial management areas. It is also a required unit for the Business Law major. The unit, through a range of assessment tasks, seeks to develop each student's knowledge of the Australian legal system and their ability to apply the legal problem-solving process. Subject areas include contract, tort, property, agency law and trade practices as it relates to consumers.

BUSL250 is significant because it introduces students to the study of the law, which is a foundational institution upon which successful businesses and societies are built. In completing this introductory unit, students will be taught a legal problem-solving methodology which is used in subsequent Business Law subjects, such as:

- BUSL201 - Law in Australian Society
- BUSL301 - Corporations Law
- BUSL304 - Business Ethics and Risk Management
- BUSL315 - Business Litigation
- BUSL320 - Revenue Law
- BUSL333 - Human Resources Law
- BUSL350 - Marketing and Management Law
- BUSL377 - Japanese Trade Law
- BUSL379 - European Trade Law
- BUSL388 - China Trade and Investment Law

TEACHING STAFF

Course Convenors and Lecturers

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Administrative Staff:

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Tutors: Tutor contact details will be provided by tutors in the first tutorial class.
Tutorials classes begin in the first week of semester (starting 22 Feb 2010).

CLASSES

The course will consist of 13 x 2 hour lectures beginning the first week of semester and 13 x 1 hour long tutorials beginning the first week of semester. The timetable for classes can be found on the University web site at: <http://www.timetables.mq.edu.au/>.

Students cannot change their allocated lecture or tutorial class without the permission of the Convenor.

REQUIRED AND RECOMMENDED TEXTS AND/OR MATERIALS

Prescribed Textbook (required):

James K. *Business Law*, Wiley Publishers, 2010, ISBN 9780455227412.
This text includes a free e- book.

Other recommended texts:

Latimer, P, *Australian Business Law* (29th ed, 2010) (ISBN 978-1-921223-17-4)
Gillies, P. *Business Law* (13th ed, 2005).
Villa, D. *Annotated Civil Liability Act 2002 NSW*
Krever, R. *Mastering Law Studies and Law Exam Techniques*, Butterworths, KU51.7.K74/2001
Crosling, GM and Murphy, HM. *How to Study Business Law*, Butterworths, KU856.C76/2000

Useful Resource Internet Sites:

Case Law and Legislation: www.austlii.edu.au
Australian Law Online: www.law.gov.au
NSW Legislation: www.legislation.nsw.gov.au

UNIT WEB PAGE

The website for this unit is available on Blackboard, which can be accessed at: <http://learn.mq.edu.au/>. Consult the web page frequently. You will find important information posted there.

LEARNING OUTCOMES

At the end of this unit, students should be able to:

- Appreciate the differences between legal systems around the world
- Understand how laws are made and enforced
- Know the legal principles that apply to business law in Australia
- Analyse the legal aspects of particular case studies relevant to business law
- Critically assess and make judgments on the merits of legal arguments
- Present a reasoned argument supporting a choice between alternative solutions to a business law problem
- Research business law related topics through using hard copy materials and electronic/online information retrieval systems
- Work in a team to solve legal problems likely to arise in a business setting
- Prepare footnotes in accordance with the *Australian Guide to Legal Citation*

In addition to the discipline-based learning objectives, all academic programs at Macquarie seek to develop students' generic skills in a range of areas. One of the aims of this unit is that students develop their skills in the following:

- Communication skills
- Critical analysis skills
- Problem-solving skills

TEACHING AND LEARNING STRATEGY

Students are expected to participate in the unit by attending lectures, participating in tutorials and completing assessment tasks on time. Students are required to complete the relevant readings and prepare answers to tutorial questions **in advance** of their lectures and tutorials. Students will work both individually and in small groups to prepare answers to questions in tutorials.

Students should attend consultations if something is not understood.

Students should remember that in Law subjects, the final answer is less important than the process of legal thinking, reasoning and argument which has been employed to arrive at the final answer. In many of the problems students will study, there may be no *single* right answer and students are expected to be able to develop arguments to support both sides to a dispute.

LECTURE AND TUTORIAL SCHEDULE

Week 1 (Commencing Monday 22 February)	
Lecture 1	Introduction to Business Law(<i>Reading</i> - Chapter 1)
Tutorial 1	Exercising Legal Skills
	<i>Readings and Questions</i> – Chapter 3 Page 107 questions 3.1-3.12; Page 131 question 3.29

Week 2 (Commencing Monday 1 March)	
Lecture 2	The Australian Legal System(<i>Reading</i> - Chapter 2)
Tutorial 2	Introduction to Business Law
	<i>Reading and Questions</i> – Chapter 1 Page 39 questions 1.33, 1.36-1.45 Complete the Footnoting Exercise (in accordance with the reference guide on Blackboard which is based on the <i>Australian Guide to Legal Citation</i>) and hand it in to your tutor in the <u>NEXT</u> tutorial (tutorial 3)

Week 3 (Commencing Monday 8 March)	
Lecture 3	Torts – Negligence (<i>Reading</i> - Chapter 4 pages 146-185)
Tutorial 3	The Australian Legal system (Chapter 2)
	Page 55 questions 2.3-2.6, 2.8, 2.10-2.11; Page 70 questions 2.29, 2.33, 2.34, 2.36. Page 92 questions 2.37-2.44, 2.47, 2.50, 2.54-2.55 Footnoting Exercise due in tutorials <u>THIS</u> week.

Week 4 (Commencing Monday 15 March)	
Lecture 4	Negligence and the <i>Civil Liability Act 2001</i> (NSW) (<i>Reading</i> - Chapter 4 pages 186-190)
Tutorial 4	Torts - Negligence
	<i>Readings and Questions</i> – Chapter 4 pages 146-185 Page 150 question 4.6; Page 181 questions 4.49 - 4.50, 4.57; Page 198 Exercises 4.6 - 4.9

Week 5 (Commencing Monday 22 March)	
Lecture 5	Property Law – Intellectual Property (<i>Readings</i> – Chapters 8 & 9 pages 442-454)
Tutorial 5	Negligence – <i>Civil Liability Act 2002</i> (NSW) - Financial Harm
	<i>Readings and Questions</i> – Chapter 4 pages 186-190 Page 189 questions 4.76-4.82; page 193 questions 4.83 - 4.92; page 198 Exercise 4.10

MID SEMESTER BREAK 5 April – 16 April

Week 6 (Commencing Monday 19 April)	
Lecture 6	Introduction to Contract Law – Intention and Agreement (<i>Reading</i> - Chapter 5 pages 202-216)
Tutorial 6	Property Law – Intellectual Property
	<i>Readings and Questions</i> – Chapters 8 & 9 pages 442-452) Page 415 Exercises 8.1-8.3, 8.6,8.8; Page 470 Exercises 9.5-9.9

Week 7 (Commencing Monday 26 April)	
Lecture 7	Contract Law – Consideration and Real or Genuine Consent (Chapter 5 pages 217-234)
Tutorial 7	1. Intention to Create Legal Relations (p213-216) 2. Agreement between the parties (p203-212) (Recognising the requirements of a valid Offer and Acceptance)
	<i>Readings and Questions</i> – Chapter 5 pages 202-216 Page 252 – Exercises 5.1-5.2

Week 8 (Commencing Monday 3 May)	
Lecture 8	Contract Law – Capacity, Illegality and Form (<i>Reading</i> – Chapter 5 pages 235-240)
Tutorial 8	3. Consideration (p217-222) 4. Real or Genuine Consent (227-232)
	<i>Readings and Questions</i> – (Chapter 5 pages 217-232) Page 225 questions 5.31-5.33; Page 252 Exercises 5.4-5.5

Week 9 (Commencing Monday 10 May)	
Lecture 9	Contract Law –Terms,Discharge of Contracts and Remedies for Breach of Contract (Chapter 6 pages 256-297)
Tutorial 9	5. Capacity (p235-237) 6. Illegality (p238-239) 7. Form (p240)
	<i>Readings and Questions</i> – Chapter 5 pages 235-234; Chapter 6 pages 256-276 Page 239 questions 5.55-5.57; Page 241questions 5.58-5.59; Page 253 Exercises 5.6-5.8

Week 10 (Commencing Monday 17 May)	
Lecture 10	Agency Law (Chapter 5 pages 241-247)
Tutorial 10	8. Terms 9. Discharge of Contracts 10. Remedies for Breach of Contract
	<i>Readings and Questions</i> – Chapter 6 pages 256-295 Page 301 Exercises 6.1, 6.2, 6.6-6.10

Week 11 (Commencing Monday 24 May)	
Lecture 11	Consumer Protection (<i>Readings</i> - Chapter 7)
Tutorial 11	Agency Law
	<i>Readings and Questions</i> – Chapter 5 pages 241-247 Page 247 questions 5.60 – 5.71; Page 253 Exercises 5.9-5.10

Week 12 (Commencing Monday 31 May)	
Lecture 12	An Introduction to Business Organisations (Chapter 9 pages 425-437 & Chapter 11 pages 520 - 540)
Tutorial 12	Consumer Protection
	<i>Readings and Questions</i> – No Readings <u>TUTORIAL QUIZ COVERING WEEKS 6 - 10</u> Page 308 questions 7.1 - 7.3; Page 331 questions 7.6-7.10, 7.14 -7.16; Page 356 Exercises 7.2-7.3

Week 13 (Commencing Monday 7 June)	
Lecture 13	Revision
Tutorial 13	Revision
	<i>Readings</i> – Chapter 9&Chapter 11

RELATIONSHIP BETWEEN ASSESSMENT AND LEARNING OUTCOMES

Assessment Summary

Item	Description	Value	Date due
1	Footnoting exercise	5%	Due in Tutorial 3
2	Mid semester exam	30%	Held 10am 1 May 2010
3	Tutorial quiz	5%	Held in tutorial in Week 11
4	Tutorial participation	10%	Assessed throughout semester (2% attendance, 3% participation and 5% oral class presentation)
5	Final examination	50%	
Total		100%	

Students will undertake **three** assessment pieces during the semester:

1. Footnoting Exercise worth 5%. This exercise is designed to introduce students to the proper method of legal citation using footnotes. This can be contrasted to the 'in text' method of citation used in some other disciplines. This exercise is important because it introduces students to a method of citation required for subsequent business law units (i.e. BUSL350, BUSL 388, BUSL 377).

The footnoting exercise is posted on unit website with full instructions. It must be handed in to the unit tutors during a student's assigned tutorial in week 3. If the footnoting exercise is not handed in to tutors in a student's assigned tutorial a mark of zero (0) will be awarded.

2. Mid-semester exam worth 30%. This 30-question assessment task will be a multiple choice exam covering the first 4 weeks of the course. This will be a closed book exam.

This assessment task requires students to select from pre-written answers to demonstrate the extent to which they:

- can appreciate the differences between legal systems around the world,
- understand how laws are made and enforced,
- know the legal principles that apply to business law topics,
- analyse the legal aspects of particular case studies relevant to business law, and
- critically assess and make judgments about the merits of legal arguments

This assessment task will occur at 10am Saturday 1 May 2010. Each student must attend and complete this assessment task on the specified date.

3. Tutorial Quiz worth 5%. This will be an in-class assessment held during tutorial classes in week 11. It will be one short answer question requiring students to use the legal problem solving method as will be required in the final exam. Tutors will mark the assessment and have it returned in week 13 (revision class) and discuss the solution with their students.

Students will also be assessed on their tutorial participation and final exam:

1. Tutorial participation mark worth 10%. This mark is not given for mere attendance at tutorials. Students will be assessed on the quality of their participation, their individual presentations and the extent to which their contributions progress the learning of the class and their ability to work together in small groups (where appropriate).

The assessable weekly student presentations are from week two to week thirteen. The presentations will indicate a student's basic understanding of the topic area and enhance research skills. The feedback from these presentations should guide students into seeking additional help if required. The students select their topic and are advised of their presentation date in Tutorial 1.

This assessment task is designed to allow each student to demonstrate the extent they:

- know the legal principles that apply to business law topics,
 - can analyse the legal aspects of particular case studies relevant to business law,
 - can critically assess and make judgments about the merits of legal arguments,
 - can work in a team to solve legal problems likely to arise in a business setting,
 - can present a reasoned argument supporting a choice between alternative solutions to business law problems, and
 - Can research business law related topics through using hard copy materials and electronic/online information retrieval systems.
2. Final exam worth 50%. This will be an open book exam held during the official examination period. It will be a problem style exam requiring students to analyse and present solutions to various business law problems.

This exam builds upon the previous assessments by requiring each student to apply the legal problem-solving process they have been taught in tutorials to construct their own answers which demonstrates the extent to which they:

- Can identify relevant laws
- know the legal principles that apply to business law topics,
- analyse the legal principles that apply to business law topics,
- analyse the legal aspects of particular case studies relevant to business law,
- can critically assess and make judgments about the merits of legal arguments,
- can present a reasoned argument supporting a choice between alternative solutions to a business law problem,

Instructions for the footnoting exercise, mid-semester examination and tutorial quiz are or will be available on the unit website.

Final Grades

The final grade will be determined after consideration of performance in all aspects of the course. Students must attempt all assessment tasks for performance to be satisfactory.

You are expected to present yourself for examination at the time and place designated in the University Examination Timetable. The timetable will be available in Draft form approximately eight weeks before the commencement of the examinations and in final form approximately four weeks before the commencement of the examinations: <http://www.timetables.mq.edu.au/exam>

The only exception to not sitting an examination at the designated time is because of documented illness or unavoidable disruption. In these circumstances you may wish to consider applying for Special Consideration. Information about unavoidable disruption and the special consideration process is available at <http://www.reg.mq.edu.au/Forms/APSCon.pdf>

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.

The University's special consideration policy can be found at http://www.mq.edu.au/policy/docs/special_consideration/procedure.html

Extensions are only granted by the unit convenor(s) before the assessment task is due. If the student is not in class on their selected presentation date, marks will not be allocated.

You are advised that it is Macquarie University policy not to set early examinations for individuals or groups of students. All students are expected to ensure that they are available until the end of the teaching semester which is the final day of the official examination period.

The University Examination period in the First Half Year 2010 commences 7 June 2010.

PLAGIARISM

The University defines plagiarism in its rules as: "Plagiarism involves using the work of another person and presenting it as one's own." Plagiarism is a serious breach of the University's rules and carries significant penalties. You must read the University's practices and procedures on plagiarism. These can be found in the *Handbook of Undergraduate Studies* or on the web at: <http://www.student.mq.edu.au/plagiarism/>

The policies and procedures explain what plagiarism is, how to avoid it, the procedures that will be taken in cases of suspected plagiarism, and the penalties if you are found guilty. Penalties may include a deduction of marks, failure in the unit, and/or referral to the University Discipline Committee.

The key principles of the University academic honesty policy can be found at http://www.mq.edu.au/policy/docs/academic_honesty/policy.htm

DETERMINATION OF OVERALL GRADING

You will be given a numerical mark (or a grade signifying a range of numerical marks) for each of your assessment tasks. Your final grade will be determined having regard to your results in each of your assessment tasks subject to any requirements, procedures or practices (including scaling) relevant to the unit.

Grade categories (HD, D, Cr, P, PC and F) are explained in the Handbook of Undergraduate Studies which can be found at <http://www.handbook.mq.edu.au/2010/>. Knowledge of the law, the ability to apply this knowledge and the ability to analyse the relevant issues are key determinates of your performance.

RIGHTS AND RESPONSIBILITIES OF STUDENTS

Students have the responsibility to:

1. be aware that the major objective of assessment is to aid learning rather than the achievement of grades
2. be informed of the rules and requirements for progression in the degree program, ensuring that they are fully aware of the advice implications of discontinuation or withdrawal from a unit of study
3. be aware of, and abide by, the assessment policies including academic honesty and the consequences for acts of dishonesty that include cheating, collusion, plagiarism and fraud
4. be aware of the means for seeking assistance in the department, faculty and institution
5. behave ethically and responsibly in their conduct of assessment tasks and avoid any action that would unfairly disadvantage or advantage another student
6. use assessment to engage in critical self evaluation in terms of their progress towards the espoused learning expectations
7. submit work on time, ensuring that it is their own except when shared ownership is part of the task
8. notify staff as soon as possible if difficulties arise with timing, online access, availability of resources or other requirements of the task
9. notify staff as soon as possible if difficulties arise in terms of substantial absences and submit an application for Special Consideration with the appropriate medical and/or other certificates
10. be aware of mechanisms for appeal

STUDENT SUPPORT SERVICES

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

GENERIC SKILLS

The Course also concentrates on the generic skills you are expected to attain during the semester. When you feel you have acquired one of the skills listed below, write out next to it when and how you acquired it. You will take these skills with you to the workplace once you graduate.

Generic skills to be acquired in BUSL 250
Critical thinking
Analysing issues
Creative thinking
Problem solving
Argue effectively
Interdisciplinary perspective
Finding information
Managing information
Writing easily understood documents
Effective listening
Able to present an effective argument verbally
Able to give oral presentations
Able to use electronic information retrieval systems
Computer literacy
Able to interpret data
Able to apply ethics to work situations
Flexibility
Recognize one's own strengths and weaknesses
Able to engage in self-managed, lifelong learning
Act independently
Outcomes focused
Appreciate different cultural backgrounds and value systems
Teamwork
Tolerate ambiguity