

MACQUARIE UNIVERSITY
DEPARTMENT OF BUSINESS LAW
UNIT OUTLINE

Year and Semester: 2010 Semester 2

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:

Alma Urbiztondo
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Tutors: Contact details will be provided by tutors in during the first tutorial, which begin in the first week of semester.

CLASSES

The course will consist of 13 x 2 hour lectures beginning the first week of semester and 13 x 1 hour long tutorials also 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 can only change their allocated lecture or tutorial class in the first three (3) weeks through the eStudent system and only when there is a vacancy in that class or lecture. If a student changes classes in the first 3 weeks it is their responsibility to inform both their old tutor and their new tutor. Failure to inform tutors about the change in class allocation may result in a student not obtaining all the class marks for which all students are eligible.

REQUIRED AND RECOMMENDED TEXTS AND/OR MATERIALS

Prescribed Textbook (required):

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

Useful Internet Sites:

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

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.

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.

You can also download BUSL250 lectures from Blackboard.

LECTURE AND TUTORIAL SCHEDULE

Week 1 (Commencing Monday 2 August)	
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 9 August)	
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
Week 3 (Commencing Monday 16 August)	
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
Week 4 (Commencing Monday 23 August)	
Lecture 4	Negligence and the <i>Civil Liability Act 2001</i> (NSW) (<i>Reading</i> - Chapter 4 pages 186-190)
Tutorial 4	Torts – Negligence **Tutorial Quiz A** <i>Readings and Questions</i> – Chapter 4 pages 146-185 Page 181 questions 4.49 - 4.50, 4.57; Page 198 Exercises 4.9 (Torts – Passing Off), 4.6 (Torts – Negligence)

Week 5 (Commencing Monday 30 August)	
Lecture 5	Property Law – Intellectual Property (Readings – 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 186-193 Page 189 questions 4.76 - 4.78, 4.80 – 4.82; page 193 questions 4.85 – 4.87; 4.89 - 4.92; page 198 Exercises 4.7-4.8 (negligence) 4.10 (Negligent Misstatement)
Week 6 (Commencing Monday 6 September)	
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 470 Exercises 9.6-9.8 Page 415 Exercises 8.1-8.3, 8.6,8.8.
Week 7 (Commencing Monday 13 September)	
Lecture 7	Contract Law – Consideration
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 209 – Activity 5.5 Page 210 – Activity 5.6 Page 252 – Exercises 5.1-5.2

MID SEMESTER BREAK 20 September – 1 October


Week 8 (Commencing Tuesday 5 October- due to Monday 4 October Public Holiday)	
Lecture 8	Contract Law - Real or Genuine Consent (Chapter 5 pages 217-234)
Tutorial 8	3. Consideration (p217-222) Page 225 Questions 5.26-5.35 Page 252 Exercises 5.3-5.4
Week 9 (Commencing Monday 11 October)	
Lecture 9	Contract Law – Capacity, Illegality and Form (<i>Reading</i> – Chapter 5 pages 235-240)
Tutorial 9	4. Real or Genuine Consent (227-232) Page 230 – Activity 5.16 (See blackboard materials ‘Further Notes on Consent’ under the Resources link) Page 235 questions – 5.38 – 5.47 Page 252 Exercises 5.5-5.6 (see blackboard for extra question)
Week 10 (Commencing Monday 18 October)	
Lecture 10	Contract Law –Terms, Discharge of Contracts and Remedies for Breach of Contract (Chapter 6 pages 256-297)
Tutorial 10	5. Capacity (p235-237) 6. Illegality (p238-239) 7. Form (p240) <i>Readings and Questions</i> – Chapter 5 pages 235-240 Page 239 questions 5.55-5.57; Page 241 questions 5.58-5.59; Page 253 Exercises 5.7-5.8 page 302 Exercise 6.8.

Week 11 (Commencing Monday 25 October)	
Lecture 11	Agency Law (Chapter 5 pages 241-247)
Tutorial 11	<p>8. Terms</p> <p>9. Discharge of Contracts</p> <p>10. Remedies for Breach of Contract</p> <p><i>Readings and Questions</i> – Chapter 6 pages 256-295</p> <p>Page 301 Exercises 6.1, 6.2, 6.6 – 6.7; 6.9 - 6.10</p>
Week 12 (Commencing Monday 1 November)	
Lecture 12	Consumer Protection (<i>Readings</i> - Chapter 7)
Tutorial 12	<p>**Tutorial Quiz B**</p> <p>Agency Law</p> <p><i>Readings and Questions</i> – Chapter 5 pages 241-247</p> <p>Page 247 questions 5.60 – 5.71; Page 253 Exercises 5.9-5.10</p>
Week 13 (Commencing Monday 8 November)	
Lecture 13	Revision
Tutorial 13	<p>Consumer Protection</p> <p><i>Readings and Questions</i> – No Readings</p> <p>Page 308 questions 7.1 - 7.3; Page 331 questions 7.6-7.10, 7.14 -7.16;</p> <p>Page 356 Exercises 7.1-7.4</p>

Students need to register for **Clickon**. Clickon is used in BUSL250 lectures to provide instant feedback to students. Students need credit on their phones to send their response but there are no costs in using the system as telephone calls and messages to the service are free of charge.

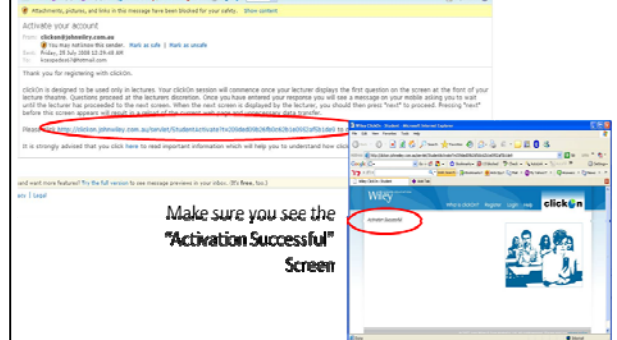
STUDENT REGISTRATION – Registration is simple occurring only once prior to first class. Self-register via a link on BUSL250 Blackboard. Follow steps 1-4 in the instructions below, fill out the online registration form and store a selection of free phone numbers into the phone speed dials.

Step 1: Register as a user at <http://clickon.johnwiley.com.au/>.
 Be sure you provide your correct mobile phone and email details (please use your university student email address).



The image shows two screenshots from the Wiley Clickon website. The left screenshot is the registration form with fields for 'First Name', 'Last Name', 'Student Number', 'Email', and 'Mobile Number'. The right screenshot shows a confirmation message: 'Registration successful. Your details are being processed.' A red circle highlights the 'Registration successful' text in both images.


Step 2: Receive confirmation email containing an activation link
 Your clickOn account will not be activated until you click this link, so please be sure to look for the confirmation email after you register.



The image shows an email from Wiley Clickon with the subject 'Activate your account'. The email body contains an activation link and instructions. A red circle highlights the activation link in the email body. Below the email screenshot, the text reads: 'Make sure you see the "Activation Successful" Screen'.

Step 3: Store 'Contacts' and numbers in your mobile phone
 Store the following 'Contacts' and their corresponding numbers in your address book. These phone numbers will correspond to an answer in your clickOn session
 NB: The term AANSR has been used so as the response choices display at the top of your address book so you can easily locate them).

AANSR1 - 0730188691
AANSR2 - 0730188692
AANSR3 - 0730188693
AANSR4 - 0730188694
AANSR5 - 0730188695



Step 4: Your clickOn session

During a lecture you simply open your contacts/address book and, when you see a question on the screen at the front of the class, speed dial the number corresponding to your response choice.

You will receive a 'busy' or 'call failed' message. You will not be charged for calls to clickOn response numbers.

RELATIONSHIP BETWEEN ASSESSMENT AND LEARNING OUTCOMES
Assessment Summary

Item	Description	Value	Date due
1	Tutorial Quiz	5%	Held in tutorial in week 4
2	Mid semester exam	30%	TBA
3	Tutorial Quiz	5%	Held in tutorial in Week 11
4	Tutorial participation	10%	Assessed throughout semester (5% attendance/participation and 5% oral class presentation)
5	Final examination	50%	To be advised
Total		100%	

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

1. The first tutorial quiz is worth 5% and will be held in class during week 4 tutorials. The quiz will be five short answer questions based on materials covered in lectures in weeks 1 and 2.
2. Mid-semester exam worth 30%. This 30-question assessment task will be a multiple-choice exam covering weeks 3-5 of the course. This will be a closed book exam. This assessment task will occur at a date to be advised. Each student must attend and complete this assessment task on the specified date.
3. The second tutorial quiz is worth 5% and will be held in class during week 12 tutorials. The quiz will be one problem style question requiring students to use the legal problem solving method as will be required in the final exam. Tutors will mark the assessment and (try) and have it returned in week 13. The solution to the tutorial quiz will be discussed in the revision lecture in week 13.

Students will also be assessed in relation to their tutorial attendance/participation and the final exam:

4. 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, where appropriate, their ability to work together in small groups.

The assessable weekly student presentations are from week two (2) to week thirteen (13). 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.

Students are advised of their presentation date in Tutorial 1.

These assessment tasks are 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.
5. Final exam worth 50%. This will be a 3-hour 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 mid-semester examination and tutorial quiz (es) 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.

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 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>

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 that is the final day of the official examination period.

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 Examination period in the Second Half Year 2010 commences 15 November 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 that 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