

BUSL250
Business Law

Semester 2, 2011

*Department of Accounting and Corporate
Governance*

**MACQUARIE UNIVERSITY
FACULTY OF BUSINESS AND ECONOMICS
UNIT GUIDE**

Year and Semester:	2011, Semester 1
Unit convenor:	Verity Greenwood
Prerequisites or co-requisites:	12 credit points of enrolment in a Business Administration Degree
Credit points:	3 credit points

Students in this unit should read this unit guide 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

- 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

Convenor & Lecturer:

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Tutors: Contact details and consultation times for tutors will be provided by tutors during the first tutorial, which begin in the second week of semester and also posted online via Blackboard.

CLASSES

- The course will consist of 13 x 2 hour lectures beginning the first week of semester and 12 x 1 hour tutorials beginning the second 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.**
- Attendance will be taken in the tutorials.
- Warning: You must attend at least 10 of the 12 tutorials – failure to do so will lead to major deduction from your tutorial mark.
- Medical certificates must be provided if you are not able to attend a class without incurring a penalty.
- Students are expected to arrive on time, and not to leave until the class ends.
- If you have a recurring problem that makes you late, or forces you to leave early, have the courtesy to discuss this with your lecturer/tutor.
- Students must be quiet during classes, unless of course when class participation is required.
- Mobile phone must be turned OFF in tutorials and not simply set to 'silent'.
- All laptops must be turned OFF in class.
- Students who disturb or disrupt in lectures and tutorial class will be asked to leave.

REQUIRED AND RECOMMENDED TEXTS AND/OR MATERIALS

Prescribed Textbook (required):

Nickolas James, *Business Law*, Wiley Publishers, 2010, (ISBN 9781742166612). This text includes a free e-book.

Other recommended texts:

Gibson, A. and Fraser, D. *Business Law* (5th ed, 2011)

Miles, P. and Dowler, W. *A Guide to Business Law* (19th ed. 2011)
(ISBN 9780455228341)

Latimer, P., *Australian Business Law* (29th ed, 2010) (ISBN 978-1-921223-17-4)

Pentony, B, Graw, S. Lennard, J and Parker, D., *Understanding Business Law*, (5th ed.2011) LexisNexis Butterworths.

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:

Finding 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

Course material is available on the learning management system (BlackBoard)
The web page for this unit can be found at: <http://learn.mq.edu.au> You will find important information posted there.

On Blackboard you can also:

- Download BUSL250 iletures
 - Access the BUSL250 Discussion Board
 - Access the BUSL250 Discussion Board
- As an extension to the BUSL250 Tutorial program one or two exercises will be posted each week on the Blackboard. Students are encouraged to answer and discuss these exercises on the Discussion Board. However this is not assessable.

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

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

GRADUATE CAPABILITIES

In addition to the discipline-based learning objectives, all academic programs at Macquarie seek to develop the capabilities the University's graduates will need to develop to address the challenges, and to be effective, engaged participants in their world.

This unit contributes to this by developing the following graduate capabilities:

1. Critical, Analytical and Integrative Thinking

- Critical analysis through exploring legal issues and factual problems in a range of topics related to the course
- Participating in class discussion and debate;
- Critical analysis and discussion in class on current media reports on marketing issues;
- Analysing legal case studies in class and via the exam process.

2. Problem Solving and Research Capability

- Application of legal principles to solve factual business law problems
- Researching in preparation for written assessments;

3. Creative and Innovative

- Creative thinking skills in determining and evaluating strategies and policies to improve the effectiveness and operation of the present business laws

4. Effective Communication

- Participation in class discussions;
- Expressing relevant views and opinions;
- Communicating with people from various background/countries/cultures
- Writing two assignments and exam answers

5. Engaged and Ethical Local and Global citizens

- Understand that law requires the highest of ethical standards at all times

6. Socially and Environmentally Active and Responsible

- Relevant practical examples applied to enrich the discussion and critique of business law problems
- Reading and referencing current journal, newspapers and magazine articles;

7. Capable of Professional and Personal Judgement and Initiative

- Approach business law with the ability to make excellent judgments of the situations presented via problems considered in the course.

8. Commitment to Continuous Learning

- Self discipline and time management skills;
- Identifying and setting targets;
- Actively participating in class discussions and debate;
- Contribution to a broad range of original and personal insights by other class members

TEACHING AND LEARNING STRATEGY

- This unit is taught through a combination of two-hour lecture style seminars and smaller one-hour tutorial discussion groups. Each week a set topic is covered in the lecture and subsequently discussed in the following week's tutorial. Tutorial questions are allocated for each week and these questions will form the basis of the discussion in the tutorial. It is important to note that issues covered in the lecture but not in the tutorial **ARE STILL EXAMINABLE**. For students to benefit most from this learning and teaching structure completion of tutorial questions and preparation for lecture and tutorial classes is strongly advised.
- Students are expected to read lecture topics **in advance**. A reading plan is listed at the end of this guide. Students are also required to prepare and complete all compulsory tutorial questions prior to attending their tutorial class. Tutorial classes may include a mixture of group work, open class discussion and tutor facilitated discussion and problem solving. Students are expected to respond to questions raised in the class and demonstrate enthusiasm for the subject.
- Students please note: The readings, study and assessment for this subject will require approximately 6 hours per week above the 3 hours allocated for formal lecture and semester times.
- Week-by-week list of the topics to be covered at end of this guide.
- Students need to register for **Clickon**. See back page for details on student registration.
- Students are asked to select their presentation date in Tutorial 2. **If a student changes classes in the first 3 weeks after already selecting a presentation topic, the student is responsible for informing their previous tutor that they will not be doing their presentation in that class.**
- Any requests for extensions or alternative arrangements must be submitted to a unit convenor at least 2 weeks before an assessment task. If unavoidable circumstances are involved satisfactory supporting documentation must accompany any such request.
- Instructions for the mid-semester examination and tutorial quiz (es) will be available on the unit website.
- Given the nature of the assessment tasks the issue of late submission of assessment tasks is not relevant to this unit.
- Attendance: A component of the tutorial mark is based on tutorial attendance and participation. Although attendance is not a condition of passing this unit, failing to attend tutorial classes regularly may result in a low tutorial mark which will affect a student's final results.

- Examinations

A final examination is included as an assessment task for this unit to provide assurance that:

- i) the product/work tendered throughout the semester belongs to the student and
- ii) the student has attained the knowledge and skills tested in the exam.

A 3-hour final examination for this unit will be held during the University Examination period.

The University Examination period in Second Half Year 2011 is from 14 November 2011 to 5 December 2011.

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. The University's policy on special consideration process is available at

http://www.mq.edu.au/policy/docs/special_consideration/policy.html

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. (Individual Faculties may wish to signal when the Faculties' Supplementary Exams are normally scheduled.)

The Macquarie university examination policy details the principles and conduct of examinations at the University. The policy is available at:

<http://www.mq.edu.au/policy/docs/examination/policy.htm>

RELATIONSHIP BETWEEN ASSESSMENT AND LEARNING OUTCOMES

The assessment of the course has the following components:

Title	Tutorial Quiz (5%)	Mid-Session Exam (35%)	Tutorial assessment (10%)	Final exam (50%)	Total
Description	<p>Tutorial quiz - is 20 minutes long.</p> <p>Held in tutorial.</p> <p>Drawn from all material covered in Weeks 6 to 11.</p> <p>One problem style question requiring students to use legal problem solving method.</p>	<p>Multiple Choice and short answer question format.</p> <p>Covers Lectures 1- 4 and tutorial weeks 2-5 of the course.</p> <p>Closed book exam.</p> <p>Students must attend on specified date.</p>	<p>Comprised of:</p> <ol style="list-style-type: none"> 1) Student class Presentations (5%) 2) Quality of class Participation (5%) 	<p>The duration of the exam is 3 hours plus 10 minutes reading time held during the exam period.</p> <p>Case-study style exam comprising of 4 business law case studies.</p> <p>This is a closed book examination. Only two double sided <u>handwritten</u> 'cheat sheets' allowed.</p>	
Due date	Tutorial quiz held in Week 12.	3.00pm - 4.40pm Saturday 3 September 2011	<p>Student class presentations are held from Weeks 2-13.</p> <p>Class participation assessed throughout teaching semester.</p>	Please check the exam timetable for location and time.	
Marking criteria/standards	Tutorial Quiz - Practice in using problem	This is a mid-semester warning test to see if	The presentations will indicate a student's basic	n/a	

Title	Tutorial Quiz (5%)	Mid-Session Exam (35%)	Tutorial assessment (10%)	Final exam (50%)	Total
& expectations	style question as will be required in the final exam. requiring students to use legal problem solving method.	you have been studying. Students are expected to (1) answer all multiple choice questions ; (2) complete five short answer questions. See a document called "Assessment criteria" on unit website for more details.	understanding of the topic area and enhance research skills. Feedback via an assessment sheet will be given back the week following the class presentation. These presentations should guide students into seeking additional help if required.		
Submission method	In tutorial time	n/a	In tutorial time	n/a	
Feedback	Tutorial Quiz - Tutors will mark and have it returned by Week 13. Solution discussed in revision lecture Week 13.	Feedback for the assignment will be given at completion of marking	Feedback on presentations will be given the week after the presentation is given.	n/a	
Estimated student workload (hours)	5 hours	25 hours	10 hours	40 hours	80 hours
Learning outcomes assessed:					
1. Understand and appreciate the development and application of legislation and case law that is relevant to Business Law	✓	✓	✓	✓	20%

Title	Tutorial Quiz (5%)	Mid-Session Exam (35%)	Tutorial assessment (10%)	Final exam (50%)	Total
2. Can analyse the legal aspects of particular case studies relevant to business law	✓	✓	✓	✓	5%
3. Understand the principal rules that will apply to contracts, tortious actions and their application to different types of businesses	✓	✓	✓	✓	30%
5. Critically assess and make judgments on the merit of legal arguments	✓	✓	✓	✓	20%
Graduate capabilities assessed:					
1. Problem Solving & research capability	✓	✓	✓	✓	5%
2. Creative and innovative	✓	✓	✓		10%
3. Effective communications	✓	✓	✓	✓	10%
Total	5%	35%	10%	50%	100%

ACADEMIC HONESTY

The nature of scholarly endeavour, dependent as it is on the work of others, binds all members of the University community to abide by the principles of academic honesty. Its fundamental principle is that all staff and students act with integrity in the creation, development, application and use of ideas and information. This means that:

- all academic work claimed as original is the work of the author making the claim
- all academic collaborations are acknowledged
- academic work is not falsified in any way
- when the ideas of others are used, these ideas are acknowledged appropriately.

Further information on the academic honesty can be found in the Macquarie University Academic Honesty Policy at

http://www.mq.edu.au/policy/docs/academic_honesty/policy.html

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>

All final grades in the Department of Accounting and Corporate Governance are determined by a grading committee and are not the sole responsibility of the Unit Coordinator.

Students will be awarded one of these grades plus a Standardised Numerical Grade (SNG). The SNG is not necessarily a summation of the individual assessment components.

The final grade and SNG that are awarded reflect the corresponding grade descriptor in the Grading Policy.

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

GRADING 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.businessandconomics.mq.edu.au/for/new_and_current_students/undergraduate/admin_central/grade_appeals.

SPECIAL CONSIDERATION

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/procedure.html

STUDENT SUPPORT SERVICES

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

From time to time some materials may be left at Business and Economics Student Services (BESS) in room **106 in building E4A** for students to access.

IT CONDITIONS OF USE

Access to all student computing facilities within the Faculty of Business and Economics is restricted to authorised coursework for approved units. Student ID cards must be displayed in the locations provided at all times.

Students are expected to act responsibly when utilising University 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.

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.

Week 1 (Commencing Monday 1 August)	
Lecture 1	<p>Part 1: Introduction to Business Law (Reading Chapter 1 (all))</p> <p>Part 2: Introduction to the Australian Legal System (Reading Chapter 2 pp48-70)</p>
	* NO TUTORIALS FIRST WEEK *

Week 2 (Commencing Monday 8 August)	
Lecture 2	<p>Part 1: The Australian Legal System (Reading Chapter 2 pp70-93)</p> <p>Part 2: Introduction to Torts (Reading Chapter 4 pp146-160)</p>
Tutorial 2	<p>Introduction to Business Law / The Australian Legal System</p> <p><i>Readings:</i></p> <p>Chapter 1 (all); Chapter 2 pp48-70 Chapter 3 (all)</p> <p><i>Questions and Exercises:</i></p> <p>p39 questions 1.33, 1.40-1.44 p70 questions 2.29, 2.33. p107 questions 3.1- 3.12; p131 question 3.29</p>

Week 3 (Commencing Monday 15 August)	
Lecture 3	<p>Torts – Negligence (Reading Chapter 4 pp161-174)</p>
Tutorial 3	<p>The Australian Legal system (cont) / Introduction to Torts</p> <p><i>Readings:</i></p> <p>Chapter 2 pp70-93;Chapter 4 pp146-160</p> <p><i>Questions and Exercises:</i></p> <p>p92 questions 2.37-2.42; p161 questions 4.20-4.24; p197 Exercises 4.1</p>

Week 4 (Commencing Monday 22 August)	
Lecture 4	Negligence and the <i>Civil Liability Act 2001</i> (NSW) (Reading - Chapter 4 pp161-194)
Tutorial 4	Torts – Negligence <i>Readings:</i> Chapter 4 pp161-194 <i>Questions and Exercises:</i> p181 questions 4.49-4.50; 4.53;4.60 p197 exercises 4.6, 4.7

Week 5 (Commencing Monday 29 August)	
Lecture 5	Property Law – Intellectual Property (Readings Chapter 8 pp362-404; Chapter 9 pp442-456)
Tutorial 5	Negligence – <i>Civil Liability Act 2002</i> (NSW) - Financial Harm <i>Readings:</i> Chapter 4 pp161-194 <i>Questions and Exercises:</i> p189 questions 4.76 - 4.78; p193 questions 4.85 – 4.92; p198 Exercises 4.6, 4.10

******Mid semester Exam******

Week 6 (Commencing Monday 5 September)	
Lecture 6	<p>Introduction to Contract Law – Intention and Agreement (<i>Reading</i> Chapter 5 pp202-216)</p> <p>Contract Law – Consideration (<i>Reading</i> Chapter 5 pp217-222)</p>
Tutorial 6	<p>Property Law – Intellectual Property</p> <p><i>Readings</i></p> <p>Chapter 8 (pp362-404)</p> <p>Chapter 9 (pp442-456)</p> <p><i>Questions and Exercises:</i></p> <p>p470 Exercises 9.8 p415 Exercises 8.1, 8.6, 8.8</p>

Week 7 (Commencing Monday 12 September)	
Lecture 7	<p>Contract Law - Real or Genuine Consent (Chapter 5 pp227-235)</p>
Tutorial 7	<p>Contract Law – Intention, Offer, Acceptance and Consideration</p> <p><i>Readings:</i></p> <p>(Chapter 5 pp203 - 222)</p> <p><i>Questions and Exercises:</i></p> <p>p252 exercises 5.1-5.2 p225 questions 5.26-5.35 p252 exercises 5.3-5.4</p>

MID SEMESTER BREAK 19 September – 30 September

Week 8 (Commencing Tuesday 4 October - due to 3 October Monday Public Holiday)	
Lecture 8	Contract Law – Capacity, Illegality and Form (<i>Reading</i> – Chapter 5 pages 235-240)
Tutorial 8	<p>Contract Law – Real or Genuine Consent</p> <p><i>Readings:</i></p> <p>Chapter 5 (pp227-235)</p> <p><i>Questions and Exercises:</i></p> <p>p235 questions 5.38 – 5.47 p252 exercises 5.5-5.6 (see blackboard for extra question)</p>

Week 9 (Commencing Monday 10 October)	
Lecture 9	Contract Law –Terms, Discharge of Contracts and Remedies for Breach of Contract (Chapter 6 pages 256-297)
Tutorial 9	<p>Contract Law – Capacity Illegality and Form</p> <p><i>Readings:</i></p> <p>Chapter 5 (pp235-240)</p> <p><i>Questions and Exercises:</i></p> <p>p239 questions 5.55-5.59; p253 exercises 5.7-5.8 p302 exercise 6.8</p>

Week 10 (Commencing Monday 17 October)	
Lecture 10	Agency Law (Chapter 5 pages 241-247)
Tutorial 10	<p>Contract Law – Terms, Discharge and remedies from Breach of Contract</p> <p><i>Readings:</i></p> <p>Chapter 6 (pp256-297)</p> <p><i>Questions and Exercises:</i></p> <p>p301 exercises 6.1, 6.2, 6.6 – 6.7; 6.9 - 6.10</p>

Week 11 (Commencing Monday 24 October)	
Lecture 11	Consumer Protection I – General and Specific Prohibited Conduct (<i>Readings</i> – New Chapter 7 Supplement)
Tutorial 11	Agency Law <i>Readings:</i> Chapter 5 (pp241-247) <i>Questions and Exercises:</i> p253 exercise 5.10 (See blackboard for extra question)

Week 12 (Commencing Monday 31 October)	
Lecture 12	Consumer Protection II – Consumer Guarantees and Product Safety (<i>Readings</i> – New Chapter 7 Supplement)
Tutorial 12	Consumer Protection **Tutorial Quiz** <i>Readings:</i> New Chapter 7 Supplement <i>Questions and Exercises:</i> p34 questions 7.6 - 7.7; 7.9 -7.16 p35 questions 7.22-7.28

Week 13 (Commencing Monday 7 November)	
Lecture 13	<i>Revision</i>
Tutorial 13	Consumer Protection <i>Readings:</i> Chapter 7 Supplement <i>Questions and Exercises:</i> p35 questions 7.31; 7.34-7.39 See Blackboard for Extra Problem Question

CLICK-ON Registration Instructions

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/>.

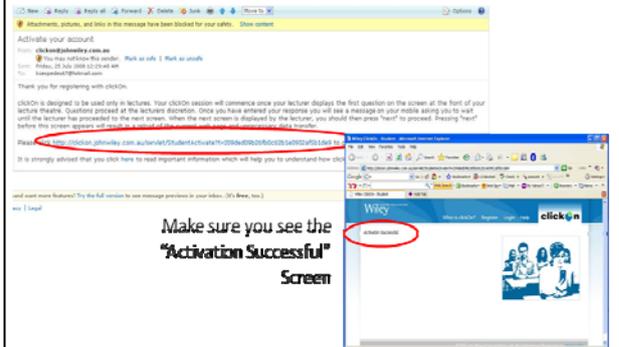
Be sure you provide your correct mobile phone and email details (please use your university student email address).



The screenshot shows the Wiley ClickOn registration page. On the left is a form with fields for 'My Name', 'Last Name', 'Student Number', 'Email Address', 'Mobile Number', 'Country', and 'Phone Number'. On the right, a confirmation message reads: 'You should see the "Registration successful" screen'. Below the message, a red circle highlights the text 'Registration successful'.

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 screenshot shows an email from Wiley with the subject 'Activate your account'. The email body contains an activation link. Below the email, a screenshot of the Wiley ClickOn activation page is shown. A red circle highlights the text 'Activation Successful' on the page.

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.