

MACQUARIE
UNIVERSITY



FACULTY OF
BUSINESS AND ECONOMICS

BUSL201
Law in Australian Society

First Semester, 2011

*Department of Accounting and Corporate
Governance*

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

Year and Semester: 2011 Semester One

Unit convenor: John Selby

Prerequisites: 12CP or BUSL100

Credit points: 3

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 unit examines features of the legal system in contemporary Australia. Topics include: the relationship between law and society; the nature of law in a federal system; and the roles of parliaments and courts in making, developing and changing law. Students develop skills in reading and analysing case law, legislation and secondary legal source materials through assessment tasks which focus on topical areas of legal interest. This unit also introduces students to the important concepts of ethics and access to justice.
- This unit is a compulsory unit of study for the Commercial Law major. Students wishing to graduate with a major in Commercial Law must complete BUSL100, BUSL201 Law in Australian Society, BUSL204 Business Ethics and Risk Management, BUSL250 Business Law, BUSL301 Corporations Law, BUSL315 Business Litigation and Disputes, and at least two other 300 level Business Law units.

TEACHING STAFF

- Convenor : John Selby
- Email: john.selby@mq.edu.au
- Phone: 9850 7081

CONSULTATION TIMES

The Convenor's consultation time is on Tuesday between 10am and 11am in Building W3A, Room 433. Any additional consultation times will be posted on the Unit's website.

You are encouraged to seek help at a time that is convenient to you from a staff member teaching on this unit during their regular consultation hours. In special circumstances, an appointment may be made outside regular consultation hours.

Staff will not conduct any consultations by email. You may, however, phone staff during their consultation hours.

Students experiencing significant difficulties with any topic in the unit must seek assistance immediately.

CLASSES

- 1 x 2 hour lecture and 1 x 1 hour tutorial
- The timetable for classes can be found on the University web site at: <http://www.timetables.mq.edu.au/>
- Students must attend all lectures and tutorials
- Students must attend the tutorial in which they are enrolled and may not change tutorials without the prior permission of the course convenor

PRIZES

- A Macquarie University Accounting and Corporate Governance Prize is available for the highest achieving student in this unit: http://www.businessand economics.mq.edu.au/undergraduate_degrees/prizes_scholarships

REQUIRED AND RECOMMENDED TEXTS AND/OR MATERIALS

- **Required Text:** *Connecting with Law* (2nd Edition): Michelle Sanson, Thalia Anthony and David Worswick, ISBN: 9780195572407
- This text is available for purchase from the University Coop Bookshop

TECHNOLOGY USED AND REQUIRED

- The course will use Powerpoint slides and some multimedia presentations
- Students will need a computer with Internet access

UNIT WEB PAGE

- Course material is available on the learning management system (BlackBoard)
- There is no separate web page for this unit.

LEARNING OUTCOMES

The learning outcomes of this unit are:

1. Understanding what law is as a concept, and what are the main sources of law.
2. Understanding how the common law system developed historically and works today.
3. Understanding the main legal institutions and legal principles in Australia and how they relate to one another.
4. Understanding the variety of dispute resolution mechanisms and courts available.
5. Develop critical, reflective and analytical legal thinking and writing skills, including: ability to read and analyse a case, write a casenote, write a legal essay, answer problem questions and apply the doctrine of precedent and legal reasoning techniques
6. Undertake independent research on current legal topics through the use of primary and secondary source materials and electronic information retrieval systems.

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 Discipline Specific Knowledge and Skills
- 2 Critical, Analytical and Integrative Thinking
- 3 Problem Solving and Research Capability
- 4 Creative and Innovative
- 5 Effective Communication
- 6 Engaged and Ethical Local and Global citizens
- 7 Socially and Environmentally Active and Responsible
- 8 Capable of Professional and Personal Judgement and Initiative

TEACHING AND LEARNING STRATEGY

- This unit consists of 13 weekly lectures (of 2 hours each) and tutorials (of 1-hour each). A library tutorial will be conducted by library staff in week four – details will be provided in week 2.

- Attendance at all lectures and tutorials is compulsory. Required reading for each week's lecture and tutorial is clearly set out in the Lecture and Tutorial Schedules, and students are expected to be fully prepared. Attendance at the library tutorial is also compulsory.

RESEARCH AND PRACTICE

- This unit uses research from external sources, such as Michelle Sanson, Thalia Anthony and David Worswick, *Connecting with Law*, 2nd Edition, Oxford University Press, and numerous primary and secondary legal materials published through AUSTLII, <<http://www.austlii.edu.au>>
- This unit gives you practice in applying research findings in your assignments as you will be required to analyse and critique scholarly writings in your final assessment task.

RELATIONSHIP BETWEEN ASSESSMENT AND LEARNING OUTCOMES

	Assessment Task 1	Assessment Task 2	Assessment Task 3	Assessment Task 4
Title/Name	Footnoting Exercise	Mid-Semester Exam	Tutorial Participation	Assignment
Description (including length or similar if applicable)	A formative exercise through which students can ensure that they have developed their ability to reference in accordance with the Australian Guide to Legal Citation (3 rd Edition).	A closed book multiple-choice exam lasting 60 minutes, plus 10 minutes reading time. Topics covered in Weeks 1-6 are examinable.	This assessment tests your level of, and ability to, participate in tutorial discussions.	A 2500-word written assignment which requires students to respond in essay and case analysis formats. Topics covered in weeks 1-12 are examinable, although emphasis will be placed on weeks 6-12 inclusive.
Due date	Tutorial in Week 5 (week beginning 21 March)	Week 7	Throughout semester	5pm on 1 June 2011
% Weighting	0% - Formative	40%	10%	50%
Grading method - marking criteria/ standards - expectations in relation to presentation - referencing requirements	Whilst this component is compulsory, it is peer-assessed. Students will submit a written answer in paragraph form. Referencing must be in accordance with the Australian Guide to Legal Citation (3 rd Edition).	This assessment component will be objectively marked, with one correct answer per question. No referencing required.	This assessment component is based on students being active participants in discussions in their tutorials. Your tutor will award a mark based upon the quality and consistency of your participation.	See the Marking Guide icon on the unit homepage for a marking guide rubric. The marking guide provides access to essential information on what is required to pass this unit, and the methods by which student work is graded. This assessment component requires students to demonstrate their knowledge of relevant law and the ability to apply the various legal thinking and writing skills they have been taught throughout the semester. Students are expected to present their answers in written essay and

	Assessment Task 1	Assessment Task 2	Assessment Task 3	Assessment Task 4
				casenote formats. Referencing must be in accordance with the Australian Guide to Legal Citation (3 rd Edition), including both footnotes and a bibliography of all works consulted.
Submission method	Handed in at the beginning of tutorial five	Answer choices written on machine-readable forms	Throughout the semester	Hard copy handed in to BESS by 6pm on 1 June 2011 (with cover sheet)
Feedback (type, method, date)	Your peers will deliver written feedback on your answer	Customised feedback reports on areas of strength and areas of weakness, plus suggestions for how to make improvements will be provided to each student within 14 days of sitting the test.	Immediate oral feedback will be available from the tutor	Students will receive their grade and comments at the conclusion of the unit. The assignments can be collected from BESS one month after the due date.
Estimated student workload (hours)	3 hours	20 hours	Attendance at tutorials throughout semester is mandatory. Students should spend at least one hour preparing for each tutorial	40 hours
Learning outcomes assessed				
1	Develop critical, reflective and analytical legal thinking and writing skills, including how to correctly reference legal materials.	Understanding what law is as a concept, and what are the main sources of law.	Understanding what law is as a concept, and what are the main sources of law.	Understanding what law is as a concept, and what are the main sources of law.

	Assessment Task 1	Assessment Task 2	Assessment Task 3	Assessment Task 4
2		Understanding how the common law system developed historically and works today.	Understanding how the common law system developed historically and works today.	Understanding how the common law system developed historically and works today.
3		Understanding the main legal institutions and legal principles in Australia and how they relate to one another.	Understanding the main legal institutions and legal principles in Australia and how they relate to one another.	Understanding the main legal institutions and legal principles in Australia and how they relate to one another.
4		Understanding the variety of dispute resolution mechanisms and courts available.	Understanding the variety of dispute resolution mechanisms and courts available.	Understanding the variety of dispute resolution mechanisms and courts available.
5		Develop critical, reflective and analytical legal thinking and writing skills, including: answering problem questions, applying the doctrine of precedent and legal reasoning.	Develop critical, reflective and analytical legal thinking and writing skills, including: ability to read and analyse a case, write a casenote, write a legal essay, answer problem questions and apply the doctrine of precedent and legal reasoning techniques	Develop critical, reflective and analytical legal thinking and writing skills, including: ability to read and analyse a case, write a casenote, write a legal essay, answer problem questions and apply the doctrine of precedent and legal reasoning techniques
6			Undertake independent research on current legal	Undertake independent research on current legal topics through the use of primary and

	Assessment Task 1	Assessment Task 2	Assessment Task 3	Assessment Task 4
			topics through the use of primary and secondary source materials and electronic information retrieval systems.	secondary source materials and electronic information retrieval systems.
Graduate capabilities assessed				
1	Discipline Specific Knowledge and Skills	Discipline Specific Knowledge and Skills	Discipline Specific Knowledge and Skills	Discipline Specific Knowledge and Skills
2	Effective Communication	Critical, Analytical and Integrative Thinking	Critical, Analytical and Integrative Thinking	Critical, Analytical and Integrative Thinking
3		Problem Solving and Research Capability	Problem Solving and Research Capability	Problem Solving and Research Capability
4			Creative and Innovative	Creative and Innovative
5			Effective Communication	Effective Communication
6			Engaged and Ethical Local and Global citizens	Engaged and Ethical Local and Global citizens
7			Socially and Environmentally Active and Responsible	Socially and Environmentally Active and Responsible
8			Capable of Professional and Personal Judgement and Initiative	Capable of Professional and Personal Judgement and Initiative

- Extension requests: Extensions will only be granted for serious medical issues or misadventure (supported by relevant evidence) of which the course convenor has

received and acknowledged notification through email **prior** to the due date of the assessment task.

- Late submissions: A cumulative 10% penalty will apply for submissions received each seven-day period after the due date of an assessment task.
- Attendance: Attendance at Lectures and tutorials is compulsory. Students must attend at least ten of the thirteen tutorials to be eligible to receive a tutorial participation mark.
- Examinations: There is no final examination for this unit during the formal exam period.

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.

Macquarie University's Academic Senate has a set of guidelines on the distribution of grades across the range from fail to high distinction. Your final result will include one of these grades plus a Standardised Numerical Grade (SNG).

The Standardised Numerical Grade (SNG) is not a summation of the individual assessment components.

To be awarded a specific grade, students are required to perform at an equivalent standard in the final examination (if there is one in the unit) and the overall assessment mark in the unit.

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/new_and_current_students/undergraduate_current_students/how_do_i/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>.

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.

<i>Week beginning</i>	<i>Lecture Topic Schedule</i>	<i>Reading - Connecting With Law (CLW)</i>
1 - February 21	Introduction, Overview, Assessment	Chapter 1
2 - February 28	Learning Law: developing a legal mind Sources: what is the law itself?	Chapter 2 Chapter 3
3 - March 7	Legal Institutions: how is the law made?	Chapter 4
4 - March 14	Legal Research: how do I find the law? Jurisprudence: what is law?	Chapter 6 Chapter 7
5 - March 21	History: how did Australian law develop?	Chapter 8
6 - March 28	Australia: where does indigenous law fit in?	Chapter 9
7 - April 4	Mid Semester Test. Lecture theatre 8am	
	Mid Semester Break	
8 - April 25	Tuesday Public Holiday - no classes	
9 - May 2	Classifying and Practicing Law: how are cases resolved?	Chapter 5
10 - May 9	Precedent: how do judicial decisions become law?	Chapter 10
11 - May 16	Statutory Interpretation: how do courts interpret legislation?	Chapter 11
12 - May 23	Law in Society: what are the problems and remedies for accessing justice?	Chapter 13
13 - May 30	Discussion on Writing Techniques for Business Law Assessments	

<i>Week beginning</i>	<i>Tutorial Topic Schedule</i>	<i>Reading-CWL</i>	<i>Task: CWL discussion questions and exercises</i>
1 - February 21	Introduction	Ch 1	Introductory Discussion
2 - February 28	Learning Law & Sources	Ch 2, 3	Write brief notes: Ch 3 q. 1 - 4
3 - March 7	Legal institutions	Ch 4	Write brief notes: Ch 4 q. 1 - 4
4 - March 14	Library tutorial		Footnoting Exercise Released Online
5 - March 21	Jurisprudence - What is Law Historical development -Australian law	Ch 7 Ch 8	Write brief notes: Ch 7 q. 5 & Ch 8 q. 1 - 4 Bring your completed Footnoting Exercise to be marked in class
6 - March 28	Indigenous law	Ch 9	Write brief notes: Ch 9 q. 1 - 4
7- April 4	Mid-Semester Exam		No Tutorial
	Mid semester break		
8 - April 25	No Classes		Tuesday Public Holiday
9 - May 2	Research: primary source materials		Print out NSW statute or case extract and be prepared for tutorial discussion.
10 - May 9	Classifying and Practicing Law	Ch 5	Write brief notes: Ch 5 q. 1 - 4
11 - May 16	Precedent	Ch 10	Exercise p.304 CWL Write brief notes: Ch 10 q. 1 - 4
12 - May 23	Statutory interpretation	Ch 11	Exercise p. 333-350 CWL Write brief notes: Ch 11 q. 1 - 4
13 - May 30	Access to Justice	Ch 13	Write brief notes: Ch 13 q. 1 - 4