



# LAWS20063 Governance and Business Law

## Term 1 - 2024

Profile information current as at 20/05/2024 06:10 pm

All details in this unit profile for LAWS20063 have been officially approved by CQU University and represent a learning partnership between the University and you (our student). The information will not be changed unless absolutely necessary and any change will be clearly indicated by an approved correction included in the profile.

## General Information

### Overview

Organisations are legal as well as economic entities. Managers are legally required to advance the interests of the organisation, yet firms and businesses operate in a diverse range of environments and as such require different governance systems. In this unit you will address the legal status of organisations and the corporate governance structures that should be established to ensure company directors and managers fulfill their legal and ethical obligations. You will consider international conventions and agreements from organisations such as the United Nations, the International Labour Organisation and the Organisation for Economic Co-operation and Development and how these influence legislation within different countries. You will examine the day-to-day legal and management issues faced by organisations, such as employment law, anti-discrimination and OH&S requirements, so that organisations act responsibly and ethically. The unit seeks to increase your awareness and understanding of the legal risks associated with management and business decision making.

### Details

Career Level: *Postgraduate*

Unit Level: *Level 9*

Credit Points: 6

Student Contribution Band: 10

Fraction of Full-Time Student Load: 0.125

### Pre-requisites or Co-requisites

Only students enrolled in CL20 (Master of Business Administration), (CC52 Graduate Diploma of Business Administration), (CC51 Graduate Certificate in Business Administration), CM36 (Graduate Diploma of International Business), CL21 (Master of Business Management) and CL97 (Master of Business Administration (Global)) can enrol in this unit.

Important note: Students enrolled in a subsequent unit who failed their pre-requisite unit, should drop the subsequent unit before the census date or within 10 working days of Fail grade notification. Students who do not drop the unit in this timeframe cannot later drop the unit without academic and financial liability. See details in the [Assessment Policy and Procedure \(Higher Education Coursework\)](#).

### Offerings For Term 1 - 2024

- Melbourne
- Online

### Attendance Requirements

All on-campus students are expected to attend scheduled classes – in some units, these classes are identified as a mandatory (pass/fail) component and attendance is compulsory. International students, on a student visa, must maintain a full time study load and meet both attendance and academic progress requirements in each study period (satisfactory attendance for International students is defined as maintaining at least an 80% attendance record).

### Website

[This unit has a website, within the Moodle system, which is available two weeks before the start of term. It is important that you visit your Moodle site throughout the term. Please visit Moodle for more information.](#)

## Class and Assessment Overview

### Recommended Student Time Commitment

Each 6-credit Postgraduate unit at CQUniversity requires an overall time commitment of an average of 12.5 hours of study per week, making a total of 150 hours for the unit.

### Class Timetable

#### [Regional Campuses](#)

Bundaberg, Cairns, Emerald, Gladstone, Mackay, Rockhampton, Townsville

#### [Metropolitan Campuses](#)

Adelaide, Brisbane, Melbourne, Perth, Sydney

### Assessment Overview

#### 1. **Presentation**

Weighting: 30%

#### 2. **Report**

Weighting: 35%

#### 3. **Practical Assessment**

Weighting: 35%

### Assessment Grading

This is a graded unit: your overall grade will be calculated from the marks or grades for each assessment task, based on the relative weightings shown in the table above. You must obtain an overall mark for the unit of at least 50%, or an overall grade of 'pass' in order to pass the unit. If any 'pass/fail' tasks are shown in the table above they must also be completed successfully ('pass' grade). You must also meet any minimum mark requirements specified for a particular assessment task, as detailed in the 'assessment task' section (note that in some instances, the minimum mark for a task may be greater than 50%). Consult the [University's Grades and Results Policy](#) for more details of interim results and final grades.

## CQUniversity Policies

**All University policies are available on the [CQUniversity Policy site](#).**

You may wish to view these policies:

- Grades and Results Policy
- Assessment Policy and Procedure (Higher Education Coursework)
- Review of Grade Procedure
- Student Academic Integrity Policy and Procedure
- Monitoring Academic Progress (MAP) Policy and Procedure – Domestic Students
- Monitoring Academic Progress (MAP) Policy and Procedure – International Students
- Student Refund and Credit Balance Policy and Procedure
- Student Feedback – Compliments and Complaints Policy and Procedure
- Information and Communications Technology Acceptable Use Policy and Procedure

This list is not an exhaustive list of all University policies. The full list of University policies are available on the [CQUniversity Policy site](#).

## Previous Student Feedback

### Feedback, Recommendations and Responses

Every unit is reviewed for enhancement each year. At the most recent review, the following staff and student feedback items were identified and recommendations were made.

#### Feedback from Online workshops

**Feedback**

Students appreciated the Sunday due date of two assessment tasks as weekends are the only time they can study due to work and family commitments

**Recommendation**

All assessment tasks to be due on a Sunday evening

#### Feedback from Online workshops

**Feedback**

Students found the individual audio feedback for each assessment task to be the most effective and constructive form of feedback

**Recommendation**

Audio feedback to be provided to students for all assessment tasks

## Unit Learning Outcomes

**On successful completion of this unit, you will be able to:**

1. Assess and evaluate the key aspects of the legal systems that operate in Australia and internationally and their impact on the operation of organisations within different legal jurisdictions
2. Analyse critically the legal issues that confront organisations and managers and explain the legal risks associated with key management decisions
3. Assess and evaluate the specific legislation that governs managers and leaders action within organisations as they relate to employment, anti-discrimination, occupational health and safety and consumer law
4. Analyse corporate governance frameworks that organisations need to employ to successfully manage business activity to minimize legal risks
5. Evaluate the role of law in enabling an organisation to achieve its corporate goals through strategies that are socially responsible, sustainable and ethical.

The proposed change will assist in acquiring international accreditation. CQUniversity is currently pursuing accreditation with the Association of MBAs in the UK which specifically requires content dealing with Law, Governance and Risk.

Extracts from AMBA Accreditation criteria Section 7.4 states:

"(vii) the impact of environmental forces on organisations, including: legal systems; demographics; ethical; social and technological change issues;

(xiii) the international dimension to the above, including political risk and contemporary processes of regionalisation, emerging markets, global governance and globalisation".

## Alignment of Learning Outcomes, Assessment and Graduate Attributes



### Alignment of Assessment Tasks to Learning Outcomes

Assessment Tasks	Learning Outcomes				
	1	2	3	4	5
1 - Practical Assessment - 35%	•		•		•
2 - Report - 35%		•	•	•	
3 - Presentation - 30%	•	•		•	•

### Alignment of Graduate Attributes to Learning Outcomes

Graduate Attributes	Learning Outcomes				
	1	2	3	4	5
1 - Knowledge	○	○	○	○	○
2 - Communication	○	○	○	○	○
3 - Cognitive, technical and creative skills	○	○	○	○	○
4 - Research	○	○	○	○	○
5 - Self-management		○	○		
6 - Ethical and Professional Responsibility	○	○	○	○	○
7 - Leadership			○	○	○
8 - Aboriginal and Torres Strait Islander Cultures					

## Textbooks and Resources

### Textbooks

LAWS20063

#### Prescribed

#### **Corporate Governance: Principles, Policies and Practices**

Fourth Edition (2019)

Authors: Bob Tricker

Oxford University Press

Oxford, Oxford University Press

ISBN: 978-0-19-880986-9

Binding: Hardcover

### IT Resources

#### You will need access to the following IT resources:

- CQUniversity Student Email
- Internet
- Unit Website (Moodle)
- Zoom, Webcam and Microphone

## Referencing Style

All submissions for this unit must use the referencing style: [American Psychological Association 7th Edition \(APA 7th edition\)](#)

For further information, see the Assessment Tasks.

## Teaching Contacts

**Matt Nichol** Unit Coordinator

[m.nichol@cqu.edu.au](mailto:m.nichol@cqu.edu.au)

## Schedule

### **Week 1 Introduction to Unit and Corporate Governance - 04 Mar 2024**

Module/Topic	Chapter	Events and Submissions/Topic
Introduction to Unit, Corporate Governance and Business Law	Unit Profile and Moodle Navigation	

### **Week 2 Governance I: What is a Corporation? - 11 Mar 2024**

Module/Topic	Chapter	Events and Submissions/Topic
Legal Features of Australian Corporations	Bob Tricker, <i>Corporate Governance: Principles, Policies, and Practices</i> (4th ed 2019, Oxford University Press) Chapter 2.	

### **Week 3 Governance II: What is Corporate Governance? - 18 Mar 2024**

Module/Topic	Chapter	Events and Submissions/Topic
Legal Features of Corporate Governance	Bob Tricker, <i>Corporate Governance: Principles, Policies, and Practices</i> (4th ed 2019, Oxford University Press) Chapters 1 and 3.	

### **Week 4 Governance III: Corporations and Director Duties - 25 Mar 2024**

Module/Topic	Chapter	Events and Submissions/Topic
Legal Duties of Directors, Officers and Employees of a Corporation	Bob Tricker, <i>Corporate Governance: Principles, Policies, and Practices</i> (4th ed 2019, Oxford University Press) Chapters 4 and 7.	

#### Week 5 Governance IV - Codes of Governance - 01 Apr 2024

Module/Topic	Chapter	Events and Submissions/Topic
Different Forms of Codes of Governance	Bob Tricker, <i>Corporate Governance: Principles, Policies, and Practices</i> (4th ed 2019, Oxford University Press) Chapter 5.	<b>Presentation: What is Corporate Governance?</b> Due: Week 5 Friday (5 Apr 2024) 11:00 pm AEST

#### Vacation Week - 08 Apr 2024

Module/Topic	Chapter	Events and Submissions/Topic
Preparation for Assessment Tasks		

#### Week 6 Ethics I - Business Ethics - 15 Apr 2024

Module/Topic	Chapter	Events and Submissions/Topic
Law and Business Ethics	Bob Tricker, <i>Corporate Governance: Principles, Policies, and Practices</i> (4th ed 2019, Oxford University Press) Chapter 9.	

#### Week 7 Ethics II - Corporate Social Responsibility - 22 Apr 2024

Module/Topic	Chapter	Events and Submissions/Topic
Business Organisations, Law and Corporate Social Responsibility	Bob Tricker, <i>Corporate Governance: Principles, Policies, and Practices</i> (4th ed 2019, Oxford University Press) Chapter 9.	

#### Week 8 Business Agreements I: Contracts - 29 Apr 2024

Module/Topic	Chapter	Events and Submissions/Topic
Elements of Enforceable Business Contracts	Julie Clarke, 'Contract', <i>Australian Contract Law</i> (Web Page, 14 October 2019).	<b>Written Report: Corporate Governance Failure in Australia</b> Due: Week 8 Friday (3 May 2024) 11:00 pm AEST

#### Week 9 Business Agreements II: Consumer and Competition Law - 06 May 2024

Module/Topic	Chapter	Events and Submissions/Topic
Overview of Australian Consumer and Competition Law	Julie Clarke, 'Consumer Law', <i>Australian Contract Law</i> (Web Page, 14 October 2019). Australian Consumer Law, 'A guide to competition and consumer law', <i>Australian Competition and Consumer Commission</i> (Web Page, 2016). About the ACCC, <i>Australian Competition and Consumer Commission</i> (Web Page). Anti-Competitive Behaviour, <i>Australian Competition and Consumer Commission</i> (Web Page).	

#### Week 10 Employment Law I: Overview of the Australian Employment Law System - 13 May 2024

Module/Topic	Chapter	Events and Submissions/Topic
Overview of the Australian Employment Law System Wages and Wage Theft	Andrew Stewart, <i>Stewart's Guide to Employment Law</i> (6th ed 2018, Federation Press) Chapter 2. Fair Work Ombudsman, 'Minimum Wages', <i>Fair Work Ombudsman</i> (Web Page).	

## Week 11 Employment Law II: Current Legal Issues in Employment in Australia - 20 May 2024

Module/Topic	Chapter	Events and Submissions/Topic
Topics include Termination of Employment, Anti-Discrimination and Gender Equity	'Notice of termination & redundancy', <i>Fair Work Ombudsman</i> (Web Page). 'Coverage for Unfair Dismissal', <i>Fair Work Commission</i> (Web Page, 15 January 2020). 'Protection from discrimination at work', <i>Fair Work Ombudsman</i> (Web Page). 'About the Agency', <i>Workplace Gender Equality Agency</i> (Web Page).	

## Week 12 International Business Law Perspectives - 27 May 2024

Module/Topic	Chapter	Events and Submissions/Topic
Overview of International/Global Trade and Regulatory Functions of the World Trade Organization	'WTO in Brief', <i>World Trade Organization</i> (Web Page). 'Trade', <i>World Bank</i> (Web Page, 13 March 2019). 'History of the multilateral trading system', <i>World Trade Organization</i> (Web Page). The WTO, <i>World Trade Organization</i> (Web Page). 'What is the WTO?', <i>World Trade Organization</i> (Web Page).	<b>Practical Assessment: Business Ethics and Wage Theft in Australia</b> Due: Week 12 Friday (31 May 2024) 11:00 pm AEST

## Review/Exam Week - 03 Jun 2024

Module/Topic	Chapter	Events and Submissions/Topic
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## Exam Week - 10 Jun 2024

Module/Topic	Chapter	Events and Submissions/Topic
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## Assessment Tasks

### 1 Presentation: What is Corporate Governance?

#### Assessment Type

Presentation

#### Task Description

Students are to record a professional 15-minute oral presentation that is supported by Power Point slides. The audience for the presentation will be the client of a professional consulting business. The presentation will explain 'best practice' modern corporate governance by identifying and describing the key corporations laws, governance rules and theories covered in the unit.

#### Assessment Due Date

Week 5 Friday (5 Apr 2024) 11:00 pm AEST

Submission by Moodle

#### Return Date to Students

Week 7 Friday (26 Apr 2024)

Assessment results and feedback will be released via Moodle

#### Weighting

30%

#### Assessment Criteria

The presentation will be assessed according to the following general criteria: ability to deliver a concise and structured introduction, main presentation and conclusion that meets professional standards in the use of audio-visual aids and verbal communication.

The content of the presentation will be assessed according to the following criteria: the ability of students to accurately identify the different sources of corporate governance rules in Australia, describe the key legal rules and theories of 'best practice' governance rules and evaluate the impact of governance practices on an organisation's business

activities, ethics, culture and stakeholders.

As Masters students you are required to engage in research as per the Australia Quality Framework (AQF) guidelines.

Two specific requirements need to be considered:

1. Students need to demonstrate "a body of knowledge that includes the understanding of recent developments in a discipline and/or area of professional practice".
2. Students must demonstrate "knowledge of research principles and methods applicable to a field of work and/or learning".

Each Masters unit has a number of required weekly readings in terms of academic texts, journals and business publications that represent the appropriate body of knowledge and recent developments referred to by the AQF. In order to demonstrate the ability to engage in appropriate research, students should read and utilise these texts and journals and publications. As Masters students you are expected to research beyond this minimum standard through additional texts, journals and studies to demonstrate an ability to engage in independent research.

A marking rubric will be made available on Moodle.

### Referencing Style

- [American Psychological Association 7th Edition \(APA 7th edition\)](#)

### Submission

Online

### Submission Instructions

Submission is online by Moodle

### Learning Outcomes Assessed

- Assess and evaluate the key aspects of the legal systems that operate in Australia and internationally and their impact on the operation of organisations within different legal jurisdictions
- Analyse critically the legal issues that confront organisations and managers and explain the legal risks associated with key management decisions
- Analyse corporate governance frameworks that organisations need to employ to successfully manage business activity to minimize legal risks
- Evaluate the role of law in enabling an organisation to achieve its corporate goals through strategies that are socially responsible, sustainable and ethical.

## 2 Written Report: Corporate Governance Failure in Australia

### Assessment Type

Report

### Task Description

Students are to select a recent corporate governance failure in Australia and obtain permission from the unit coordinator to use the topic for the written report. Students must write a detailed and properly structured business report that a legal expert would provide to management. The report requires students to use laws, regulations and theories covered in this unit to explain the organisation's governance structure, the governance failure, how the organisation's policies, culture and ethics contributed to this failure and evaluate the responses by the organisation and relevant regulatory actors.

### Assessment Due Date

Week 8 Friday (3 May 2024) 11:00 pm AEST

Submission is by Moodle

### Return Date to Students

Week 10 Friday (17 May 2024)

Assessment results and feedback will be released via Moodle

### Weighting

35%

### Assessment Criteria

The written report will be assessed according to the following general criteria: application of key theories, concepts and the law raised in this unit, identification and use of relevant policies and codes of the organisation and industry standards, cases or legislation to support the findings in the report and the quality of the report's written expression, structure and referencing.

As Masters students you are required to engage in research as per the Australia Quality Framework (AQF) guidelines.

Two specific requirements need to be considered.



1. Students need to demonstrate "a body of knowledge that includes the understanding of recent developments in a discipline and/or area of professional practice".
2. Students must demonstrate "knowledge of research principles and methods applicable to a field of work and/or learning".

Each Masters unit has a number of required weekly readings in terms of academic texts, journals and business publications that represent the appropriate body of knowledge and recent developments referred to by the AQF. In order to demonstrate the ability to engage in appropriate research, students should read and utilise these texts and journals and publications. As Masters students you are expected to research beyond this minimum standard through additional texts, journals and studies to demonstrate an ability to engage in independent research.

A marking rubric will be made available on Moodle.

### Referencing Style

- [American Psychological Association 7th Edition \(APA 7th edition\)](#)

### Submission

Online

### Submission Instructions

Submission is online by Moodle

### Learning Outcomes Assessed

- Analyse critically the legal issues that confront organisations and managers and explain the legal risks associated with key management decisions
- Assess and evaluate the specific legislation that governs managers and leaders action within organisations as they relate to employment, anti-discrimination, occupational health and safety and consumer law
- Analyse corporate governance frameworks that organisations need to employ to successfully manage business activity to minimize legal risks

## 3 Practical Assessment: Business Ethics and Wage Theft in Australia

### Assessment Type

Practical Assessment

### Task Description

Students are to select an organisation that recently engaged in the underpayment of employee wages ('wage theft') in Australia and obtain permission from the unit coordinator to use the topic for this assessment task. The practical assessment requires students to choose three online research resources related to the organisation's business ethics and corporate social responsibility. Examples include a credible and accurate media report, an organisation's policy or code of ethics, an industry code, a regulator's report and a government report or inquiry. Students must describe the business ethics and corporate social responsibility issues raised in each research source and connect these issues to the laws, theories and principles examined in this unit.

### Assessment Due Date

Week 12 Friday (31 May 2024) 11:00 pm AEST

Submission by Moodle

### Return Date to Students

Exam Week Friday (14 June 2024)

Assessment results and feedback will be released via Moodle

### Weighting

35%

### Assessment Criteria

The practical assessment will be assessed according to the following criteria: identification of all ethical and corporate social responsibility issues in the research sources, the accuracy and detail of the description of relevant corporate social accountability policies and ethical codes, the application of relevant laws, theories and principles examined in this unit and the quality of the assessment's written expression, structure and referencing.

As Masters students you are required to engage in research as per the Australia Quality Framework (AQF) guidelines.

Two specific requirements need to be considered.

1. Students need to demonstrate "a body of knowledge that includes the understanding of recent developments in a discipline and/or area of professional practice".

2. Students must demonstrate "knowledge of research principles and methods applicable to a field of work and/or learning".

Each Masters unit has a number of required weekly readings in terms of academic texts, journals and business publications that represent the appropriate body of knowledge and recent developments referred to by the AQF. In order to demonstrate the ability to engage in appropriate research, students should read and utilise these texts and journals and publications. As Masters students you are expected to research beyond this minimum standard through additional texts, journals and studies to demonstrate an ability to engage in independent research. A marking rubric will be made available on Moodle.

### **Referencing Style**

- [American Psychological Association 7th Edition \(APA 7th edition\)](#)

### **Submission**

Online

### **Submission Instructions**

Submission is online by Moodle

### **Learning Outcomes Assessed**

- Assess and evaluate the key aspects of the legal systems that operate in Australia and internationally and their impact on the operation of organisations within different legal jurisdictions
- Assess and evaluate the specific legislation that governs managers and leaders action within organisations as they relate to employment, anti-discrimination, occupational health and safety and consumer law
- Evaluate the role of law in enabling an organisation to achieve its corporate goals through strategies that are socially responsible, sustainable and ethical.

## Academic Integrity Statement

As a CQUniversity student you are expected to act honestly in all aspects of your academic work.

Any assessable work undertaken or submitted for review or assessment must be your own work. Assessable work is any type of work you do to meet the assessment requirements in the unit, including draft work submitted for review and feedback and final work to be assessed.

When you use the ideas, words or data of others in your assessment, you must thoroughly and clearly acknowledge the source of this information by using the correct referencing style for your unit. Using others' work without proper acknowledgement may be considered a form of intellectual dishonesty.

Participating honestly, respectfully, responsibly, and fairly in your university study ensures the CQUniversity qualification you earn will be valued as a true indication of your individual academic achievement and will continue to receive the respect and recognition it deserves.

As a student, you are responsible for reading and following CQUniversity's policies, including the [Student Academic Integrity Policy and Procedure](#). This policy sets out CQUniversity's expectations of you to act with integrity, examples of academic integrity breaches to avoid, the processes used to address alleged breaches of academic integrity, and potential penalties.

### What is a breach of academic integrity?

A breach of academic integrity includes but is not limited to plagiarism, self-plagiarism, collusion, cheating, contract cheating, and academic misconduct. The Student Academic Integrity Policy and Procedure defines what these terms mean and gives examples.

### Why is academic integrity important?

A breach of academic integrity may result in one or more penalties, including suspension or even expulsion from the University. It can also have negative implications for student visas and future enrolment at CQUniversity or elsewhere. Students who engage in contract cheating also risk being blackmailed by contract cheating services.

### Where can I get assistance?

For academic advice and guidance, the [Academic Learning Centre \(ALC\)](#) can support you in becoming confident in completing assessments with integrity and of high standard.

### What can you do to act with integrity?



#### Be Honest

If your assessment task is done by someone else, it would be dishonest of you to claim it as your own



#### Seek Help

If you are not sure about how to cite or reference in essays, reports etc, then seek help from your lecturer, the library or the Academic Learning Centre (ALC)



#### Produce Original Work

Originality comes from your ability to read widely, think critically, and apply your gained knowledge to address a question or problem