



LAWS13015 *Principles of Commercial Law*

Term 1 - 2017

Profile information current as at 09/05/2024 01:02 pm

All details in this unit profile for LAWS13015 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

This unit builds upon knowledge acquired in Contracts A and Contracts B and applies the statutory framework applicable to commercial and consumer contracts particularly the Sale of Goods Acts of the Australian States and Territories and relevant provisions of the Australian Consumer Law. Commercial law is essentially concerned with personal property and therefore may also include an examination of agency; intellectual property; bailment; consumer credit; and insurance.

Details

Career Level: *Undergraduate*

Unit Level: *Level 3*

Credit Points: 6

Student Contribution Band: 10

Fraction of Full-Time Student Load: 0.125

Pre-requisites or Co-requisites

There are no requisites for 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 - 2017

- Distance

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 Undergraduate 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. **Written Assessment**

Weighting: 60%

2. **Written Assessment**

Weighting: 40%

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 CC observation

Feedback

Not all students grasped the diagnostic approach (see section 8)

Recommendation

Perhaps the Notes and other material for students at the outset of the course could be more explicit.

Action

The recommended action was taken. In addition, there was repeated information in video lectures, tutorials, on Moodle and in forums about this.

Feedback from Some students.

Feedback

in future years weekend time should be included in the assessment period.

Recommendation

This is a good idea and is easily remedied when fixing dates next year.

Action

Actioned.

Feedback from CC observation and some student comment.

Feedback

Podcasts need to be replaced by updated video lectures.

Recommendation

New video lectures for 2017.

Action

Actioned.

Unit Learning Outcomes

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

1. Comprehend and apply the fundamental concepts of domestic and international commercial law.
2. Demonstrate proficient legal research skills to accurately identify issues and compose solutions in respect of commercial law problems.
3. Critically evaluate case law and legislation in constructing coherent, logical and creative answers to commercial law problems, including identifying obligations, rights and remedies.

Alignment of Learning Outcomes, Assessment and Graduate Attributes

 N/A Level Introductory Level Intermediate Level Graduate Level Professional Level Advanced Level

Alignment of Assessment Tasks to Learning Outcomes

Assessment Tasks	Learning Outcomes		
	1	2	3
1 - Written Assessment - 60%	•	•	•

Assessment Tasks	Learning Outcomes		
	1	2	3
2 - Written Assessment - 40%	•	•	•

Alignment of Graduate Attributes to Learning Outcomes

Graduate Attributes	Learning Outcomes		
	1	2	3
1 - Communication	•		
2 - Problem Solving	•	•	•
3 - Critical Thinking	•	•	•
4 - Information Literacy	•	•	•
5 - Team Work			
6 - Information Technology Competence		•	
7 - Cross Cultural Competence	•		
8 - Ethical practice			
9 - Social Innovation			
10 - Aboriginal and Torres Strait Islander Cultures			

Alignment of Assessment Tasks to Graduate Attributes

Assessment Tasks	Graduate Attributes									
	1	2	3	4	5	6	7	8	9	10
1 - Written Assessment - 60%	•			•		•				
2 - Written Assessment - 40%	•	•	•							

Textbooks and Resources

Textbooks

LAWS13015

Prescribed

Australian Commercial Law

31st Edition (2017)

Authors: Clive Turner and John Trone

Thomson Reuters

Sydney , New South Wales , Australia

ISBN: 9780455238081

Binding: Paperback

LAWS13015

Supplementary

Australian Commercial Law

Edition: First (2015)

Authors: Dilan Thampapillai and others

Cambridge University Press

Melbourne , Victoria , Australia

ISBN: 978-1-107-67457-8

Binding: Paperback

Additional Textbook Information

Turner and Trone is an essential text book and you will need to purchase the new edition. The Study Guides will reference the 31st edition. In Commercial Law there are frequent changes and it is important to be as up to date as possible. Therefore, do not be tempted to purchase a second hand copy of a previous edition. The up side is the prospect of selling your copy to the 2018 cohort.

[View textbooks at the CQUniversity Bookshop](#)

IT Resources

You will need access to the following IT resources:

- CQUniversity Student Email
- Internet
- Unit Website (Moodle)
- Zoom

Referencing Style

All submissions for this unit must use the referencing style: [Australian Guide to Legal Citation, 3rd ed](#)

For further information, see the Assessment Tasks.

Teaching Contacts

Christopher Walshaw Unit Coordinator

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Schedule

Week 1 - 06 Mar 2017

Module/Topic	Chapter	Events and Submissions/Topic
Bailment	Turner Ch 21	

Week 2 - 13 Mar 2017		
Module/Topic	Chapter	Events and Submissions/Topic
Sale of Goods and International Sales Contracts	Turner Chs14, 15	
Week 3 - 20 Mar 2017		
Module/Topic	Chapter	Events and Submissions/Topic
Consumer Protection	Turner Ch 17	
Week 4 - 27 Mar 2017		
Module/Topic	Chapter	Events and Submissions/Topic
Restrictive Trade Practices	Turner Ch 18	
Week 5 - 03 Apr 2017		
Module/Topic	Chapter	Events and Submissions/Topic
Electronic Commerce and Negotiable Instruments	Turner Chs 16, 23 and 24	
Vacation Week - 10 Apr 2017		
Module/Topic	Chapter	Events and Submissions/Topic
Week 6 - 17 Apr 2017		
Module/Topic	Chapter	Events and Submissions/Topic
Agency	Turner Ch 13	Written Assessment Due: Week 6 Friday (21 Apr 2017) 10:00 pm AEST
Week 7 - 24 Apr 2017		
Module/Topic	Chapter	Events and Submissions/Topic
Credit Law	Turner Ch 19	
Week 8 - 01 May 2017		
Module/Topic	Chapter	Events and Submissions/Topic
Specific Protections	Turner Chs19 (part), 20 and 31	
Week 9 - 08 May 2017		
Module/Topic	Chapter	Events and Submissions/Topic
Insurance	Turner Ch 25	
Week 10 - 15 May 2017		
Module/Topic	Chapter	Events and Submissions/Topic
Intellectual Property	Turner Ch 30	
Week 11 - 22 May 2017		
Module/Topic	Chapter	Events and Submissions/Topic
Business Organisations	Turner Ch 26	
Week 12 - 29 May 2017		
Module/Topic	Chapter	Events and Submissions/Topic
Superannuation	Websites as appear in Notes.	Written Assessment Due: Week 12 Friday (2 June 2017) 10:00 pm AEST
Review/Exam Week - 05 Jun 2017		
Module/Topic	Chapter	Events and Submissions/Topic
Exam Week - 12 Jun 2017		
Module/Topic	Chapter	Events and Submissions/Topic

Assessment Tasks

1 Written Assessment

Assessment Type

Written Assessment

Task Description

Assessment One

Assessment One is designed to test your understanding of commercial law concepts relevant to Weeks 1 to 5 (inclusive). Immediately following Week 5 topics for two essays will be posted, due at the end of Week 6. The maximum word count is 900 words for each essay, excluding references. You submit both essays in one document in PDF format to Moodle. Assessment criteria and marking rubric appear below. The rubric applies to each of the two essays, so each out of 30%.

Posted 10 April 2017 at 11.00 (AEST).

Due date 21 April 2017 at 22.00 (AEST).

Return date 12 May 2017.

Weighting of 60% for the course.

Assessment Due Date

Week 6 Friday (21 Apr 2017) 10:00 pm AEST

Your final version must be submitted as a single PDF using 'e-Submission'.

Return Date to Students

Week 9 Friday (12 May 2017)

Via Moodle

Weighting

60%

Minimum mark or grade

60%

Assessment Criteria

1. Demonstrate a sound understanding of commercial law concepts relevant to Weeks 1 to 5 (inclusive).
2. Demonstrate an ability to identify and address the particular matters raised in the set Topic.
3. Apply appropriate and professional written language skills.
4. Demonstrate analytical, problem solving and critical thinking skills.

Rubric for marking

The rubrics apply to each one of the two essays, independently of the other one. Hence out of 30.

The benchmark for each criterion includes each of the benchmark levels before it, for example to achieve a distinction you also need to meet the criteria for a credit and pass. Students must achieve ALL the minimum benchmark criteria at a particular grade level to be awarded an overall final grade at that level. Marks are not divided among each individual criterion, but are benchmarked to minimum standards.

Pass 15 - 19

Identified a theme relevant to the essay topic and addressed that theme with reference to at least one of the commercial law concepts. Basic understanding and confidence. Limited written language skills. Limited research.

Credit 20 - 22

Good presentation and moderate written language skills. Moderate research. Moderate development of the theme indicated by the essay Topic. Demonstrates some understanding of, and confidence with, the commercial law materials.

Distinction 23 - 25

Superior presentation and written language skills. Good and interesting development of a theme relevant to the essay topic. Demonstrates good understanding of, and confidence with, the commercial law materials. Demonstrates analytical skills and critical thinking. Demonstrates a willingness and ability to form and express an independent point of view, supported by relevant materials and research.

High Distinction 26 - 30

Exemplary standard of presentation and written language skills comparable to publishable articles and judgments referred to in the course. Superior understanding, confidence, analytical skills and critical thinking. Demonstrates clearly an ability to think independently. Superior research, supported by relevant materials.

Referencing Style

- [Australian Guide to Legal Citation, 3rd ed](#)

Submission

Online

Submission Instructions

Submit a single PDF document containing your answer.

Learning Outcomes Assessed

- Comprehend and apply the fundamental concepts of domestic and international commercial law.
- Demonstrate proficient legal research skills to accurately identify issues and compose solutions in respect of commercial law problems.
- Critically evaluate case law and legislation in constructing coherent, logical and creative answers to commercial law problems, including identifying obligations, rights and remedies.

Graduate Attributes

- Communication
- Problem Solving
- Critical Thinking
- Information Literacy
- Information Technology Competence

2 Written Assessment

Assessment Type

Written Assessment

Task Description

Assessment Two

Assessment Two is designed to test your understanding of commercial law concepts and your ability to solve commercial law problems relevant to Weeks 6 to 11 (inclusive). Immediately following Week 11 a document will be posted, containing two compulsory problem questions.

Each of the two questions has a weighting of 20%, hence 40% total for the course. The maximum word count for each answer is 700 words, excluding references. You submit one document in PDF format to Moodle by due date. Assessment criteria and marking rubric appear below.

Posted 27 May 2017 at 11.00 (AEST).

Due date 2 June 2017 at 22.00 (AEST).

Return date 17 June 2017.

Weighting of 40% for the course.

Assessment Due Date

Week 12 Friday (2 June 2017) 10:00 pm AEST

Your final version must be submitted as a single PDF using 'e-Submission'.

Return Date to Students

Exam Week Friday (16 June 2017)

Via Moodle

Weighting

40%

Minimum mark or grade

40%

Assessment Criteria

1. Demonstrate an ability to identify commercial law issues.
2. Demonstrate analytical, problem solving and critical thinking skills.
3. Demonstrate an ability to engage in relevant research.
4. Apply appropriate and professional written language skills.

Rubric for marking

The rubrics apply to each one of the two questions, independently of the other one. Hence out of 20.

The benchmark for each criterion includes each of the benchmark levels before it, for example to achieve a distinction you also need to meet the criteria for a credit and pass. Students must achieve ALL the minimum benchmark criteria at a particular grade level to be awarded an overall final grade at that level. Marks are not divided among each individual criterion, but are benchmarked to minimum standards.

Pass 10 - 12

Identified at least one of the relevant issues and addressed that issue with reference to relevant commercial law. Basic understanding. Limited written language skills. Limited research.

Credit 13 - 14

Identified most of the relevant issues and addressed those issues with reference to relevant commercial law. Good presentation and moderate written language skills. Moderate research. Demonstrates some understanding of and confidence with the commercial law materials.

Distinction 15 - 16

Identified all of the relevant issues and addressed those issues with reference to relevant commercial law. Superior presentation and written language skills. Good, interesting and relevant research. Demonstrates good understanding of and confidence with the commercial law materials. Demonstrates analytical skills and critical thinking. Demonstrated an ability to form and express a sound legal opinion, supported by relevant materials.

High Distinction 17 - 20

Very high standard of presentation and written language skills comparable to publishable articles and judgments referred to in the course. Superior understanding, confidence, analytical skills and critical thinking. Demonstrates clearly an ability to think independently. Superior research, supported by relevant materials.

Referencing Style

- [Australian Guide to Legal Citation, 3rd ed](#)

Submission

Online

Submission Instructions

Via Moodle

Learning Outcomes Assessed

- Comprehend and apply the fundamental concepts of domestic and international commercial law.
- Demonstrate proficient legal research skills to accurately identify issues and compose solutions in respect of commercial law problems.
- Critically evaluate case law and legislation in constructing coherent, logical and creative answers to commercial law problems, including identifying obligations, rights and remedies.

Graduate Attributes

- Communication
- Problem Solving
- Critical Thinking

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