



LAWS13015 Principles of Commercial Law

Term 1 - 2018

Profile information current as at 27/09/2024 10:11 am

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 elective unit builds upon knowledge acquired in LAWS11061 Contracts A and LAWS11062 Contracts B. Topics have been selected that are relevant first to the nature of specific legal relationships. These are bailments, sale of goods, business organisations and agency. Secondly topics have been selected that are relevant to the application of commercial rules. These are rules, mainly statutory, found in consumer protection, restrictive trade practices, credit law, electronic commerce and guarantees. Commercial law in legal practice essentially is about finding the correct solution to a specific legal problem. Currently and in the future this requires correct diagnosis and the primary purpose of this unit is to teach you the process of diagnosis, using the topics as common examples.

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

Pre requisites: LAWS11057, LAWS11059, LAWS11060, LAWS11061, LAWS11062, LAWS11063, LAWS11064.

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 - 2018

- 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. **Practical Assessment**

Weighting: 50%

2. **Practical Assessment**

Weighting: 50%

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 UC

Feedback

Prerequisites appear in the student handbook but not in the Unit Profile.

Recommendation

That the prerequisites be included in the UP.

Feedback from Student feedback comments.

Feedback

The Assessments are too complex.

Recommendation

This will be addressed when the Unit is reformatted as recommended in Section 8.

Feedback from Learning and Teaching

Feedback

The grading of the two Assessments needs to be reformatted.

Recommendation

Changes to the UP will need to be submitted for approval.

Unit Learning Outcomes

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

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

N/A

Alignment of Learning Outcomes, Assessment and Graduate Attributes



Alignment of Assessment Tasks to Learning Outcomes

Assessment Tasks	Learning Outcomes			
	1	2	3	4
1 - Practical Assessment - 50%	•	•	•	•
2 - Practical Assessment - 50%	•		•	•

Alignment of Graduate Attributes to Learning Outcomes

Graduate Attributes	Learning Outcomes			
	1	2	3	4
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 - Practical Assessment - 50%	•	•	•	•		•				
2 - Practical Assessment - 50%	•	•	•							

Textbooks and Resources

Textbooks

LAWS13015

Prescribed

Australian Commercial Law

(2015)

Authors: Dilan Thampapillai et al

Cambridge UP

Melbourne , Vic 3207 , Australia

ISBN: 978-1-107-67457-8

Binding: Paperback

Additional Textbook Information

There will be some Unit Materials in addition.

[View textbooks at the CQUniversity Bookshop](#)

IT Resources

You will need access to the following IT resources:

- CQUniversity Student Email
- Internet
- Unit Website (Moodle)
- Students who elect to enrol in this elective unit must have access to good quality internet and 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

c.walshaw@cqu.edu.au

Schedule

Week 1 - 05 Mar 2018

Module/Topic	Chapter	Events and Submissions/Topic
• Diagnosis of the legal relationship	The references set out progressively in the Study Guide for Week 1	

Week 2 - 12 Mar 2018

Module/Topic	Chapter	Events and Submissions/Topic
Bailment	Dilan Thampapillai and others, Australian Commercial Law (2015) Ch 6 Study Guide for Week 2	

Week 3 - 19 Mar 2018

Module/Topic	Chapter	Events and Submissions/Topic
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Sale of Goods
 Dilan Thampapillai and others,
 Australian Commercial Law (2015) Chs
 2, 3 and 4
 Study Guide for Week 3

Week 4 - 26 Mar 2018

Module/Topic	Chapter	Events and Submissions/Topic
Business Organisations	Study Guide for Week 4	

Week 5 - 02 Apr 2018

Module/Topic	Chapter	Events and Submissions/Topic
Agency	Dilan Thampapillai and others, Australian Commercial Law (2015) Ch 5 Study Guide for Week 5	

Vacation Week - 09 Apr 2018

Module/Topic	Chapter	Events and Submissions/Topic
		Assessment One Reports Practical Assessment One Due: Vacation Week Friday (13 Apr 2018) 10:00 pm AEST

Week 6 - 16 Apr 2018

Module/Topic	Chapter	Events and Submissions/Topic
Assessment One Discussions		Assessment One

Week 7 - 23 Apr 2018

Module/Topic	Chapter	Events and Submissions/Topic
Diagnosis of the application of a commercial rule	The references set out progressively in the Study Guide for Week 7	

Week 8 - 30 Apr 2018

Module/Topic	Chapter	Events and Submissions/Topic
Consumer Protection	Dilan Thampapillai and others, Australian Commercial Law (2015) Chs 11, 12, 13, 14, 15 and 16 Study Guide for Week 8	

Week 9 - 07 May 2018

Module/Topic	Chapter	Events and Submissions/Topic
Competition Law	http://www.australiancompetitionlaw.org/index.html http://www.accc.gov.au http://thestateofcompetition.com.au/ Study Guide for Week 9	

Week 10 - 14 May 2018

Module/Topic	Chapter	Events and Submissions/Topic
Credit Law and Personal Property Securities	Dilan Thampapillai and others, Australian Commercial Law (2015) Chs 7 and 8 Study Guide for Week 10	

Week 11 - 21 May 2018

Module/Topic	Chapter	Events and Submissions/Topic
Electronic Commerce and Guarantees	Dilan Thampapillai and others, Australian Commercial Law (2015) Ch 8 Study Guide for Week 11	Assessment Two Reports Practical Assessment Two Due: Week 11 Friday (25 May 2018) 10:00 pm AEST

Week 12 - 28 May 2018

Module/Topic	Chapter	Events and Submissions/Topic
Assessment Two Discussions		Assessment Two

Term Specific Information

This unit is an elective unit and should only be undertaken by students who are willing to engage with a new diagnostic approach to legal practice, as opposed to mere black and white learning, and who are willing to engage in the two Practical Assessments.

Assessment Tasks

1 Practical Assessment One

Assessment Type

Practical Assessment

Task Description

Assessment One is designed to test your understanding of diagnosis of the legal relationship in the context of the commercial law concepts relevant to Weeks 1 to 5 (inclusive). At the end of Week 5 two topics for discussion during Assessment Week 6 will be posted. Each student will prepare a report in respect of each topic during the Vacation Week and due at the end of that Week. The maximum word count is 500 words for each report, excluding references. You submit both reports in one document to Moodle.

You then participate in discussions to be arranged with the class during Week 6.

Assessment criteria appear below.

Due date for reports 13 April 2018 at 22.00 (AEST).

Return date 11 May 2018.

Weighting of 50% for the course.

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 of fact and law raised in the set topics.
3. Demonstrate skills in ascertaining facts.
4. Demonstrate proficient legal research skills to accurately identify issues and compose solutions in respect of commercial law problems.
5. Demonstrate an ability to critically evaluate case law and legislation in constructing coherent, logical and creative answers to commercial law problems, including identifying legal relationships, obligations, rights and remedies.
6. Apply appropriate and professional written language skills.
7. Demonstrate analytical, problem solving and critical thinking skills.

Assessment Due Date

Vacation Week Friday (13 Apr 2018) 10:00 pm AEST

Post on Moodle.

Return Date to Students

Week 9 Friday (11 May 2018)

Via Moodle and Grade Book

Weighting

50%

Assessment Criteria

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 of fact and law raised in the set topics.
3. Demonstrate skills in ascertaining facts.
4. Demonstrate proficient legal research skills to accurately identify issues and compose solutions in respect of commercial law problems.

5. Demonstrate and ability to critically evaluate case law and legislation in constructing coherent, logical and creative answers to commercial law problems, including identifying legal relationships, obligations, rights and remedies.
6. Apply appropriate and professional written language skills.
7. Demonstrate analytical, problem solving and critical thinking skills.

Referencing Style

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

Submission

Online

Submission Instructions

On Moodle

Graduate Attributes

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

Learning Outcomes Assessed

- Comprehend, identify and apply the fundamental concepts of domestic commercial law
- Demonstrate skills in ascertaining facts
- Demonstrate skills in ascertaining facts
- 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 legal relationships, obligations, rights and remedies.

2 Practical Assessment Two

Assessment Type

Practical Assessment

Task Description

Assessment Two is designed to test your understanding of diagnosis of the application of a commercial rule in the context of the commercial law concepts relevant to Weeks 7 to 11 (inclusive). At the end of Week 10 two topics for discussion during Assessment Week 12 will be posted. Each student will prepare a report in respect of each topic during Week 11 and due at the end of that Week. The maximum word count is 500 words for each report, excluding references. You submit both reports in one document to Moodle.

You then participate in discussions to be arranged with the class during Week 12.

Assessment criteria appear below.

Due date for reports 25 May 2018 at 22.00 (AEST).

Return date 15 June 2018.

Weighting of 50% for the course.

Assessment Due Date

Week 11 Friday (25 May 2018) 10:00 pm AEST

Post on Moodle.

Return Date to Students

Exam Week Friday (15 June 2018)

Via Moodle and Grade Book.

Weighting

50%

Assessment Criteria

1. Demonstrate a sound understanding of commercial law concepts relevant to Weeks 7 to 11 (inclusive).
2. Demonstrate an ability to identify and address the particular matters of fact and law raised in the set topics.
3. Demonstrate skills in ascertaining facts.
4. Demonstrate proficient legal research skills to accurately identify issues and compose solutions in respect of

commercial law problems.

5. Demonstrate and ability to critically evaluate case law and legislation in constructing coherent, logical and creative answers to commercial law problems, including identifying legal relationships, obligations, rights and remedies.

6. Apply appropriate and professional written language skills.

7. Demonstrate analytical, problem solving and critical thinking skills.

Referencing Style

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

Submission

Online

Submission Instructions

On Moodle

Graduate Attributes

- Communication
- Problem Solving
- Critical Thinking

Learning Outcomes Assessed

- Comprehend, identify and apply the fundamental concepts of domestic 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 legal relationships, obligations, rights and remedies.

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