



LAWS13015 Principles of Commercial Law

Term 1 - 2020

Profile information current as at 27/04/2024 08:55 am

All details in this unit profile for LAWS13015 have been officially approved by CQUniversity 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 - 2020

- 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 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 Student Feedback

Feedback

A suggestion for improvement might be releasing an answer guide for the assignment at the same time as the discussion folders with the student assignments are released, before the class discussions begin.

Recommendation

The Group Discussions require students to explore possible solutions in the course of the discussion and by reference to the thoughts of other students; in a sense learning the hard way. I prompt them to consider further enquiries and solutions. Therefore I do not agree with this recommendation and no action is needed. But see the next Item.

Feedback from Student Feedback

Feedback

That there be a model answer or template for each of the Assessment problems.

Recommendation

I suggest that this be provided at the conclusion of all the Group Discussions (the cohort is in at least two groups). This may improve the lower rating for Assessment Feedback.

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

 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	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

Edition: 32nd (2019)

Authors: Clive Turner and John Trone

Thomson Reuters

Pymont, NSW, Australia

ISBN: 9780455241395

Binding: Paperback

Additional Textbook Information

Copies are available for purchase at the CQUni Bookshop here: <http://bookshop.cqu.edu.au> (search on the Unit code)

[View textbooks at the CQUniversity Bookshop](#)

IT Resources

You will need access to the following IT resources:

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

Referencing Style

All submissions for this unit must use the referencing style: [Australian Guide to Legal Citation, 4th ed](#)
For further information, see the Assessment Tasks.

Teaching Contacts

Jacob Deem Unit Coordinator

j.deem@cqu.edu.au

Schedule

Week 1 - 09 Mar 2020

Module/Topic	Chapter	Events and Submissions/Topic
Diagnosis of the legal relationship	References set out in Week 1 Study Guide	

Week 2 - 16 Mar 2020

Module/Topic	Chapter	Events and Submissions/Topic
Bailment	Clive Turner and John Trone, <i>Australian Commercial Law</i> , 32 nd edition (Thomson Reuters, 2019) Chapter 19 Week 2 Study Guide	

Week 3 - 23 Mar 2020

Module/Topic	Chapter	Events and Submissions/Topic
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Sale of Goods
 Clive Turner and John Trone,
Australian Commercial Law,
 32nd edition (Thomson Reuters,
 2019) Chapter 15
 Week 3 Study Guide

Week 4 - 30 Mar 2020

Module/Topic	Chapter	Events and Submissions/Topic
Business Organisations	Clive Turner and John Trone, <i>Australian Commercial Law</i> , 32 nd edition (Thomson Reuters, 2019), Chapter 26 Week 4 Study Guide	

Week 5 - 06 Apr 2020

Module/Topic	Chapter	Events and Submissions/Topic
Agency	Clive Turner and John Trone, <i>Australian Commercial Law</i> , 32 nd edition (Thomson Reuters, 2019) Chapter 13 Week 5 Study Guide	

Vacation Week - 13 Apr 2020

Module/Topic	Chapter	Events and Submissions/Topic
Assessment 1 Reports		Practical Assessment 1 due 5pm Friday Vacation Week (17 April 2020) Practical Assessment 1 - Advice to Client Due: Vacation Week Friday (17 Apr 2020) 5:00 pm AEST

Week 6 - 20 Apr 2020

Module/Topic	Chapter	Events and Submissions/Topic
Assessment 1 Discussions		Assessment 1 Discussions

Week 7 - 27 Apr 2020

Module/Topic	Chapter	Events and Submissions/Topic
Diagnosis of the application of a commercial rule	Week 7 Study Guide	

Week 8 - 04 May 2020

Module/Topic	Chapter	Events and Submissions/Topic
Consumer Protection	Clive Turner and John Trone, <i>Australian Commercial Law</i> , 32 nd edition (Thomson Reuters, 2019), Chapter 17 Week 8 Study Guide	

Week 9 - 11 May 2020

Module/Topic	Chapter	Events and Submissions/Topic
Competition Law	Clive Turner and John Trone, <i>Australian Commercial Law</i> , 32 nd edition (Thomson Reuters, 2019), Chapter 18 Week 9 Study Guide Other materials listed in the Study Guide	

Week 10 - 18 May 2020

Module/Topic	Chapter	Events and Submissions/Topic
Credit Law and Guarantees	Clive Turner and John Trone, <i>Australian Commercial Law</i> , 32 nd edition (Thomson Reuters, 2019) Chapters 20 and 14 Week 10 Study Guide	

Week 11 - 25 May 2020

Module/Topic	Chapter	Events and Submissions/Topic
E-Commerce Assessment 2	Week 11 Study Guide	Practical Assessment 2 due 5pm Friday Week 11 (29 May 2020) Practical Assessment 2 - Advice to Client Due: Week 11 Friday (29 May 2020) 5:00 pm AEST

Week 12 - 01 Jun 2020

Module/Topic	Chapter	Events and Submissions/Topic
Assessment 2 Discussions		Assessment 2 Discussions

Review/Exam Week - 08 Jun 2020

Module/Topic	Chapter	Events and Submissions/Topic
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Exam Week - 15 Jun 2020

Module/Topic	Chapter	Events and Submissions/Topic
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Term Specific Information

Students should be aware of two important time commitments for the assessment for this unit.

1. The assessment tasks for this unit are designed to simulate the fast-paced reality of practising commercial law, where clients often need timely advice. Accordingly, the hypothetical scenarios for the two assessment pieces are only released one week before their respective due dates. Each week of the Term you will have the chance to hone your legal diagnostic and writing skills through workshop problems. Hence, the timeframe for this assessment should be more than adequate. However, it is critical that you ensure that you give yourself enough time to work on your reports during Vacation Week and in Week 11. Extensions can only be granted in exceptional (usually medically-related) circumstances.

2. In Weeks 6 and 12, we will have a discussion of your reports submitted in the previous week. This discussion will simulate a team meeting in a law firm, where we will consider the client's situation, the advice given, and potential next steps. It will also give you a chance to share your approach with your peers (and learn from theirs). The discussion is not compulsory, but positive and critical engagement in the discussion will be rewarded in marking your assessment. I will try to arrange a time for these discussions that will accommodate as many students as possible, but it is strongly recommended that you try to make yourself flexibly available during those weeks.

Assessment Tasks

1 Practical Assessment 1 - Advice to Client

Assessment Type

Practical Assessment

Task Description

Assessment One is designed to test your ability to diagnose legal relationships in the context of the commercial law concepts relevant to Weeks 1 to 5 (inclusive). At the end of Week 5 two problems 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. This timeframe is designed to simulate providing advice to a client in a timely fashion in a commercial practice setting. The maximum word count is 600 words for each report (i.e., 1200 total), excluding references. You submit both reports in one document to Moodle in PDF format.

The reports are in the form of an advice to a specified client. You do not need to repeat the facts in the problem, except as they are relevant to a particular issue. Keep the FILA method ('Facts-Issues-Law-Application) in mind but do not use FILA in a formulaic way. You may advise what further investigations should be made. Complete advice should be alert to all possibilities.

You then participate in discussions to be arranged with the class during Week 6, which will simulate a discussion of the client's situation with colleagues in a law firm.

Assessment Due Date

Vacation Week Friday (17 Apr 2020) 5:00 pm AEST

Return Date to Students

Week 8 Monday (4 May 2020)

Weighting

50%

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 sound 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 in identifying legal relationships, obligations, rights and remedies.
6. Apply appropriate and professional written language skills.
7. Demonstrate clear skills in legal analysis, problem solving and critical thinking.

Referencing Style

- [Australian Guide to Legal Citation, 4th ed](#)

Submission

Online

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.

Graduate Attributes

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

2 Practical Assessment 2 - Advice to Client

Assessment Type

Practical Assessment

Task Description

Assessment Two is designed to test your ability to diagnose legal relationship in the context of the commercial law concepts relevant to Weeks 7 to 10 (inclusive). At the end of Week 10 two problems 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. This timeframe is designed to simulate providing advice to a client in a timely fashion in a commercial practice setting. This timeframe is designed to simulate providing advice to a client in a timely fashion in a commercial practice setting. The maximum word count is 600 words for each report (i.e., 1200 total), excluding references. You submit both reports in one document to Moodle in PDF format.

The reports are in the form of an advice to a specified client. You do not need to repeat the facts in the problem, except as they are relevant to a particular issue. Keep the FILA method ('Facts-Issues-Law-Application) in mind but do not use FILA in a formulaic way. You may advise what further investigations should be made. Complete advice should be alert to all possibilities.

You then participate in discussions to be arranged with the class during Week 6, which will simulate a discussion of the client's situation with colleagues in a law firm.

Assessment Due Date

Week 11 Friday (29 May 2020) 5:00 pm AEST

Return Date to Students

Review/Exam Week Friday (12 June 2020)

Weighting

50%

Assessment Criteria

1. Demonstrate a sound understanding of commercial law concepts relevant to Weeks 7 to 10 (inclusive).
2. Demonstrate an ability to identify and address the particular matters of fact and law raised in the set topics.
3. Demonstrate sound 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 in identifying legal relationships, obligations, rights and remedies.
6. Apply appropriate and professional written language skills.
7. Demonstrate clear skills in legal analysis, problem solving and critical thinking.

Referencing Style

- [Australian Guide to Legal Citation, 4th ed](#)

Submission

Online

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.

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