



# LAWS20058 Australian Commercial Law

## Term 2 - 2017

Profile information current as at 02/10/2022 01:02 pm

All details in this unit profile for LAWS20058 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 will provide you with an introduction to the law of contract and commercial law as they operate within the parameters of Australia's common law based legal system. Topics include the origins of Australia's present legal system and the current legal environment in which contract and commercial law operate to regulate commercial transacting between firms as well as individuals using concepts, doctrines, principles, legislation and case law. It explains the key functions and processes of the legal system. A particular study is made of the nature, terms, validity, operation and discharge of contracts, the process of litigation and alternate dispute resolution methods of corporate and non-corporate business structures. Commercial Law topics studied include Agency, the Sale of Goods, Australian Consumer Law, Real and Personal Property, Torts, Securities and Bankruptcy. If you have successfully completed the unit LAWS20028 you should not enrol in this unit.

#### Details

Career Level: *Postgraduate*

Unit Level: *Level 8*

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 2 - 2017

- Brisbane
- Distance
- Melbourne
- Sydney

#### 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. **Written Assessment**

Weighting: 40%

#### 2. **Examination**

Weighting: 60%

### 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 Observation of examination performance, student evaluations, emails

##### **Feedback**

The unit incorporates many diagrams to aid learning, but this can leave students under-prepared to produce written answers in assessments.

##### **Recommendation**

Workshop tasks can be adapted to increase the requirement for written outputs by students.

## Unit Learning Outcomes

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

1. delineate the structure, institutions, key functions and processes of the Australian legal system in which contracts and commercial transactions are devised and undertaken
2. demonstrate a sound comprehension of the main concepts, doctrines, principles, legislation and case law in the contract and commercial law topics covered
3. recognise the types of legal problems likely to be contained in commonly encountered business transactions
4. employ legal skills and critical reasoning to identify and analyse the variable and discrete configuration of obligations, rights and remedies attaching to parties across a range of contracts and business transactions
5. make informed judgements as to the likely legal outcomes of standard types of business transactions, coupled with the potential for managing them in a proactive, risk-avoiding and value maximising manner

## 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 - Written Assessment - 40%	•	•	•	•	•
2 - Examination - 60%	•	•	•	•	•

### 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					

### Alignment of Assessment Tasks to Graduate Attributes

Assessment Tasks	Graduate Attributes							
	1	2	3	4	5	6	7	8
1 - Written Assessment - 40%	○	○	○	○				
2 - Examination - 60%	○		○					

## Textbooks and Resources

### Textbooks

LAWS20058

#### Prescribed

##### **Australian Commercial Law**

Edition: 31st ed (2016)

Authors: Turner, C & Trone, J

Thomson Reuters(Professional) Aust Ltd

Pyrmont , NSW , Australia

Binding: Paperback

[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, 3rd ed](#)  
For further information, see the Assessment Tasks.

## Teaching Contacts

**Ronald Farran** Unit Coordinator  
[r.farran@cqu.edu.au](mailto:r.farran@cqu.edu.au)

## Schedule

### Week 1 - 10 Jul 2017

Module/Topic	Chapter	Events and Submissions/Topic
The nature of law and the Australian legal system	Prescribed readings	

### Week 2 - 17 Jul 2017

Module/Topic	Chapter	Events and Submissions/Topic
Judge-made law, statute and application of law to facts	Prescribed readings	

### Week 3 - 24 Jul 2017

Module/Topic	Chapter	Events and Submissions/Topic
Introduction to contracts and estoppel	Prescribed readings	

### Week 4 - 31 Jul 2017

Module/Topic	Chapter	Events and Submissions/Topic
Contractual rights and obligations	Prescribed readings	

### Week 5 - 07 Aug 2017

Module/Topic	Chapter	Events and Submissions/Topic
Discharge and breach of contract	Prescribed readings	

**Vacation Week - 14 Aug 2017**

Module/Topic	Chapter	Events and Submissions/Topic
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**Week 6 - 21 Aug 2017**

Module/Topic	Chapter	Events and Submissions/Topic
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Unenforceable contracts and misleading conduct	Prescribed readings	
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**Week 7 - 28 Aug 2017**

Module/Topic	Chapter	Events and Submissions/Topic
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Statutory provisions affecting contractual terms	Prescribed readings	
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**Week 8 - 04 Sep 2017**

Module/Topic	Chapter	Events and Submissions/Topic
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Property Law	Prescribed readings	Assignment Due Thursday 11.45 PM AEST
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**Assignment** Due: Week 8 Thursday (7 Sept 2017) 11:45 pm AEST

**Week 9 - 11 Sep 2017**

Module/Topic	Chapter	Events and Submissions/Topic
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Common types of contract	Prescribed readings	
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**Week 10 - 18 Sep 2017**

Module/Topic	Chapter	Events and Submissions/Topic
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Law of Torts	Prescribed readings	
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**Week 11 - 25 Sep 2017**

Module/Topic	Chapter	Events and Submissions/Topic
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Contractual capacity, debt collection and bankruptcy	Prescribed readings	
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**Week 12 - 02 Oct 2017**

Module/Topic	Chapter	Events and Submissions/Topic
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Exam preparation	All relevant readings	
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**Review/Exam Week - 09 Oct 2017**

Module/Topic	Chapter	Events and Submissions/Topic
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**Exam Week - 16 Oct 2017**

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

### 1 Assignment

**Assessment Type**

Written Assessment

**Task Description**

The assignment is an individual skills-based task, designed to provide practice in research and providing business advice on real-life issues. The detail is too long to include here, but will be available on the unit Moodle website early in the term.

**Assessment Due Date**

Week 8 Thursday (7 Sept 2017) 11:45 pm AEST

**Return Date to Students**

Monday (25 Sept 2017)

**Weighting**

40%

**Assessment Criteria**

The term assignment will use the following assessment criteria:

**Problem solving.** The focus of many parts of the assignment is upon developing applied problem solving skills. This requires students to read and analyze a fact scenario matrix and identify legal issues and apply these in conjunction with case law and or provisions of legislation to develop a reasoned outcome to the issues presented by the problem matrix.

**Critical thinking.** Students are required to critically analyze and evaluate information, facts and law in a problem solving context. The skills being emphasized involve the critical appraisal and reflection of legal issues and the application of case law and legislation against a factual matrix.

**Information literacy.** The assignment tests understanding and comprehension of critical legal knowledge and legal concepts discussed in the unit in topics covered prior to submission of the assignment. Students need to develop understanding and familiarity with legal terms and words introduced in topics covered prior to submission of the assignment. This information understanding and literacy is tested in an applied rather than a descriptive context.

**Information technology competence.** This assignment tests students' aptitude and capability to access web-based information and resources. Competence in producing academic written work with use of technology forms part of this assignment exercise.

**Ethical practice.** In formulating responses to questions in the assignment, students are exercising judgement and weighing possible courses of action in resolving on particular outcomes to legal problem solving questions. This process indirectly applies ethical practice in action.

**Referencing Style**

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

**Submission**

Online

**Learning Outcomes Assessed**

- delineate the structure, institutions, key functions and processes of the Australian legal system in which contracts and commercial transactions are devised and undertaken
- demonstrate a sound comprehension of the main concepts, doctrines, principles, legislation and case law in the contract and commercial law topics covered
- recognise the types of legal problems likely to be contained in commonly encountered business transactions
- employ legal skills and critical reasoning to identify and analyse the variable and discrete configuration of obligations, rights and remedies attaching to parties across a range of contracts and business transactions
- make informed judgements as to the likely legal outcomes of standard types of business transactions, coupled with the potential for managing them in a proactive, risk-avoiding and value maximising manner

**Graduate Attributes**

- Knowledge
- Communication
- Cognitive, technical and creative skills
- Research

## Examination

**Outline**

Complete an invigilated examination.

**Date**

During the examination period at a CQUniversity examination centre.

**Weighting**

60%

**Length**

180 minutes

**Exam Conditions**

Open Book.

**Materials**

No calculators permitted

Dictionary - non-electronic, concise, direct translation only (dictionary must not contain any notes or comments).

## 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