



LAWS20058 Australian Commercial Law

Term 3 - 2022

Profile information current as at 25/04/2024 12:20 am

All details in this unit profile for LAWS20058 have been officially approved by CQUUniversity 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.

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 3 - 2022

- Brisbane
- Melbourne
- Online
- 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. **Online Test**

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 Student Evaluations

Feedback

Need for easier learning methodology

Recommendation

Review of entire unit - legal topics/weekly content, lectures, workshop activities, Moodle resources and assessment

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 judgments 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 - Online Test - 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					

Textbooks and Resources

Textbooks

LAWS20058

Prescribed

Business Law

Sixth Edition (2022)

Authors: Nick James

Wiley

Milton, Queensland, Australia

ISBN: 9780730391869

Binding: Website Link

Additional Textbook Information

A free e-copy of the James textbook is available via the library website. If you prefer a paper text to study with, you can purchase a pack containing BOTH paper and eBook at the CQUniversity Bookshop here: <http://bookshop.cqu.edu.au> (search on the Unit code)

IT Resources

You will need access to the following IT resources:

- CQUniversity Student Email
- Internet
- Unit Website (Moodle)
- Zoom (both microphone and webcam capability)

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

Leon Wolff Unit Coordinator

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Rouh Shi Low Unit Coordinator

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Schedule

Week 1 Fundamentals of Law I: What is Law? - 07 Nov 2022

Module/Topic	Chapter	Events and Submissions/Topic
Introduction to law and business law, basic legal concepts	Nickolas James, <i>Business Law</i> (Wiley, 6th edition: 2022) Chapter 1 pp. 3-10, Chapter 4	

Week 2 Fundamentals of Law II: Sources of Law - 14 Nov 2022

Module/Topic	Chapter	Events and Submissions/Topic
Categories of law, indigenous law, common law, equity	Nickolas James, <i>Business Law</i> (Wiley, 6th edition: 2022) Chapter 1 pp. 10-22, Chapter 2 pp. 35-38, Chapter 3 pp. 75-76, 97-101	

Week 3 Fundamentals of Law III: The Australian Legal System - 21 Nov 2022

Module/Topic	Chapter	Events and Submissions/Topic
Characteristics of the Australian legal system, federalism, the Constitution, courts, parliaments	Nickolas James, <i>Business Law</i> (Wiley, 6th edition: 2022) Chapter 2 , Chapter 3 pp. 64-96	

Week 4 Fundamentals of Law IV: Dispute Resolution - 28 Nov 2022

Module/Topic	Chapter	Events and Submissions/Topic
Litigation, alternative dispute resolution, compliance, enforcement	Nickolas James, <i>Business Law</i> (Wiley, 6th edition: 2022) Chapter 3 pp. 86-97, 102	

Vacation Week - 05 Dec 2022

Module/Topic	Chapter	Events and Submissions/Topic

Week 5 Contract Law I: What is a Contract? - 12 Dec 2022

Module/Topic	Chapter	Events and Submissions/Topic
Types of contracts, features and formation of a contract, formation, genuine consent	Nickolas James, <i>Business Law</i> (Wiley, 6th edition: 2022) Chapter 7, Chapter 9 pp. 289-301	

Week 6 Contract Law II: Contractual Terms and Remedies - 19 Dec 2022

Module/Topic	Chapter	Events and Submissions/Topic
Express and implied terms, classification of terms, unenforceable terms, termination, remedies	Nickolas James, <i>Business Law</i> (Wiley, 6th edition: 2022) Chapter 8 pp. 256-264, 274-281, Chapter 9 pp. 301-313	

Vacation Week - 26 Dec 2022

Module/Topic	Chapter	Events and Submissions/Topic

Week 7 Contract Law III: Contractual Terms and Statutory Provisions - 02 Jan 2023

Module/Topic	Chapter	Events and Submissions/Topic
Australian Consumer Law - statutory guarantees, Sale of Goods Acts - implied terms	Nickolas James, <i>Business Law</i> (Wiley, 6th edition: 2022) Chapter 8 pp. 264-272, Chapter 9 pp. 300-301, Chapter 11 pp. 349-351, 369-370, 377-378	Assignment Due: Week 7 Friday (6 Jan 2023) 11:00 pm AEST

Week 8 Contract Law IV: Australian Consumer Law - 09 Jan 2023

Module/Topic	Chapter	Events and Submissions/Topic
Consumer protection law: misleading or deceptive conduct, unconscionable conduct, unfair contract terms, unfair practices, enforcement, remedies	Nickolas James, <i>Business Law</i> (Wiley, 6th edition: 2022) Chapter 11 pp. 345-377	

Week 9 Law in Context I: Technology, Law and Business - 16 Jan 2023

Module/Topic	Chapter	Events and Submissions/Topic
Privacy law, confidentiality, data security	Nickolas James, <i>Business Law</i> (Wiley, 6th edition: 2022) Chapter 11 pp. 377-386	

Week 10 Law in Context II: Businesses and Causing Harm - 23 Jan 2023

Module/Topic	Chapter	Events and Submissions/Topic
Overview of torts, tort of negligence	Nickolas James, <i>Business Law</i> (Wiley, 6th edition: 2022) Chapter 5 and Chapter 6	

Week 11 Law in Context III: Business Structures - 30 Jan 2023

Module/Topic	Chapter	Events and Submissions/Topic

Sole traders, partnerships, joint ventures, trusts, franchises

Nickolas James, *Business Law* (Wiley, 6th edition: 2022) Chapter 15

Week 12 Law in Context IV: Corporations - 06 Feb 2023

Module/Topic	Chapter	Events and Submissions/Topic
Features of corporations, types of corporations, corporate governance, director duties	Nickolas James, <i>Business Law</i> (Wiley, 6th edition: 2022) Chapter 16	

Exam Week - 13 Feb 2023

Module/Topic	Chapter	Events and Submissions/Topic
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Assessment Tasks

1 Assignment

Assessment Type

Written Assessment

Task Description

The assignment involves a problem solving exercise where students must demonstrate research, analytical and writing skills. Students are required analyse a factual scenario and then apply relevant laws to a number of questions.

Assessment Due Date

Week 7 Friday (6 Jan 2023) 11:00 pm AEST

The policy for extensions of time will be strictly enforced. Late submissions without an approved online extension will attract a penalty of 5% of the total available marks per day that is in accordance with the relevant CQU policies.

Return Date to Students

Week 9 Friday (20 Jan 2023)

Students will receive results and feedback via Moodle

Weighting

40%

Assessment Criteria

The assignment will be assessed according to the following criteria:

1. **Problem solving:** students must demonstrate problem solving skills by identifying and applying relevant legal rules and principles.
2. **Critical thinking:** students must demonstrate critical thinking by analysing, applying and evaluating facts and law in a problem solving context.
3. **Information literacy:** students must demonstrate information literacy by identifying, understanding and applying legal rules and principles.
4. **Writing and presentation:** students must submit answers with a clear writing style that uses appropriate grammar and expression. Ideas and arguments must be presented using a logical structure and order.
5. **Referencing:** students must appropriately cite relevant references when using legislation, cases and secondary materials.

A detailed marking rubric will be made available on Moodle.

Referencing Style

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

Submission

Online

Submission Instructions

Submission will be online via Moodle

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 judgments 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

2 Online Test

Assessment Type

Online Test

Task Description

The test will consist of a number of legal problem and short answer questions that test your knowledge and understanding of legal principles, legislation and cases. It is an individual invigilated online assessment task that will be conducted in Moodle during the examination period. The date of the test will be set by the School of Business and made available during the term.

Assessment Due Date

The invigilated test will be conducted in Moodle during the examination period. The date of the test is set by the School of Business and Law and will be advised during the term.

Return Date to Students

Test results and feedback will be released to students after the certification of grades.

Weighting

60%

Assessment Criteria

The test will be assessed according to the following criteria:

1. **Problem solving:** students must demonstrate problem solving skills by identifying and applying relevant legal rules and principles.
2. **Critical thinking:** students must demonstrate critical thinking by analysing, applying and evaluating facts and law in a problem solving context.
3. **Information literacy:** students must demonstrate information literacy by identifying, understanding and applying legal rules and principles.
4. **Writing and presentation:** students must submit answers with a clear writing style that uses appropriate grammar and expression. Ideas and arguments must be presented using a logical structure and order.
5. **Referencing:** students must appropriately cite legislation and cases for a test.

A detailed marking rubric will be made available on Moodle.

Referencing Style

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

Submission

Online

Submission Instructions

The test will be conducted online as a quiz in Moodle

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
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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