



# **LAWS20058 *Australian Commercial Law***

## **Term 1 - 2024**

Profile information current as at 14/05/2024 07:27 pm

All details in this unit profile for LAWS20058 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.

### **Corrections**

#### **Unit Profile Correction added on 13-02-24**

Accreditation bodies no longer require invigilated exams, so we're replacing the invigilated exam with an online test. Additionally, following feedback from students like you, we've decided not to have invigilated exams at all. Instead, we'll be offering online tests for your convenience.

## 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 1 - 2024

- 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. **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 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

 N/A Level	 Introductory Level	 Intermediate Level	 Graduate Level	 Professional Level	 Advanced Level
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### Alignment of Assessment Tasks to Learning Outcomes

Assessment Tasks	Learning Outcomes				
	1	2	3	4	5
<b>1 - Written Assessment - 40%</b>	•	•	•	•	•
<b>2 - Examination - 60%</b>	•	•	•	•	•

### Alignment of Graduate Attributes to Learning Outcomes

Graduate Attributes	Learning Outcomes				
	1	2	3	4	5
<b>1 - Knowledge</b>					
<b>2 - Communication</b>					
<b>3 - Cognitive, technical and creative skills</b>					
<b>4 - Research</b>					
<b>5 - Self-management</b>					
<b>6 - Ethical and Professional Responsibility</b>					
<b>7 - Leadership</b>					
<b>8 - Aboriginal and Torres Strait Islander Cultures</b>					

## Textbooks and Resources

### Textbooks

LAWS20058

#### Prescribed

##### Business Law

Sixth Edition (2022)

Authors: Nick James

Wiley

Milton, Queensland, Australia

ISBN: 9780730391869

Binding: Website Link

### 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

**Matt Nichol** Unit Coordinator

[m.nichol@cqu.edu.au](mailto:m.nichol@cqu.edu.au)

## Schedule

### Week 1 Fundamentals of Law I: What is Law? - 04 Mar 2024

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 - 11 Mar 2024

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 - 18 Mar 2024

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 - 25 Mar 2024

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	

#### Week 5 Contract Law I: What is a Contract? - 01 Apr 2024

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	

#### Vacation Week - 08 Apr 2024

Module/Topic	Chapter	Events and Submissions/Topic
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#### Week 6 Contract Law II: Contractual Terms and Remedies - 15 Apr 2024

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	

#### Week 7 Contract Law III: Contractual Terms and Statutory Provisions - 22 Apr 2024

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	<b>Assignment</b> Due: Week 7 Friday (26 Apr 2024) 11:00 pm AEST

#### Week 8 Contract Law IV: Australian Consumer Law - 29 Apr 2024

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 - 06 May 2024

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 - 13 May 2024

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 - 20 May 2024

Module/Topic	Chapter	Events and Submissions/Topic
Sole traders, partnerships, joint ventures, trusts, franchises	Nickolas James, <i>Business Law</i> (Wiley, 6th edition: 2022) Chapter 15	

#### Week 12 Law in Context IV: Corporations - 27 May 2024

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	

#### Review/Exam Week - 03 Jun 2024

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 (26 Apr 2024) 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 (10 May 2024)

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

#### 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

### 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**

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