LAWS20063 *Governance and Business Law*
Term 1 - 2020

Profile information current as at 10/05/2024 09:43 am

All details in this unit profile for LAWS20063 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

Organisations are legal as well as economic entities. Managers are legally required to advance the interests of the organisation, yet firms and businesses operate in a diverse range of environments and as such require different governance systems. In this unit you will address the legal status of organisations and the corporate governance structures that should be established to ensure company directors and managers fulfill their legal and ethical obligations. You will consider international conventions and agreements from organisations such as the United Nations, the International Labour Organisation and the Organisation for Economic Co-operation and Development and how these influence legislation within different countries. You will examine the day-to-day legal and management issues faced by organisations, such as employment law, anti-discrimination and OH&S requirements, so that organisations act responsibly and ethically. The unit seeks to increase your awareness and understanding of the legal risks associated with management and business decision making.

Details

Career Level: *Postgraduate*
Unit Level: *Level 9*
Credit Points: *6*
Student Contribution Band: *10*
Fraction of Full-Time Student Load: *0.125*

Pre-requisites or Co-requisites

Only students enrolled in CL20 Master of Business Administration or CC52 Graduate Diploma of Business Administration or CC51 Graduate Certificate in Business Administration can enrol in 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 - 2020

- Melbourne
- 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 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. **Presentation**
Weighting: 30%
2. **Report**
Weighting: 35%
3. **Practical Assessment**
Weighting: 35%

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 surveys

Feedback

Positive comments were made in relation to the online zoom sessions.

Recommendation

Continue the online zoom sessions as a seminar.

Unit Learning Outcomes

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

1. Assess and evaluate the key aspects of the legal systems that operate in Australia and internationally and their impact on the operation of organisations within different legal jurisdictions
2. Analyse critically the legal issues that confront organisations and managers and explain the legal risks associated with key management decisions
3. Assess and evaluate the specific legislation that governs managers and leaders action within organisations as they relate to employment, anti-discrimination, occupational health and safety and consumer law
4. Analyse corporate governance frameworks that organisations need to employ to successfully manage business activity to minimize legal risks
5. Evaluate the role of law in enabling an organisation to achieve its corporate goals through strategies that are socially responsible, sustainable and ethical.

The proposed change will assist in acquiring international accreditation. CQUniversity is currently pursuing accreditation with the Association of MBAs in the UK which specifically requires content dealing with Law, Governance and Risk. Extracts from AMBA Accreditation criteria Section 7.4 states:

"(vii) the impact of environmental forces on organisations, including: legal systems; demographics; ethical; social and technological change issues;

(xiii) the international dimension to the above, including political risk and contemporary processes of regionalisation, emerging markets, global governance and globalisation".

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	5
1 - Practical Assessment - 35%	●		●		●
2 - Report - 35%		●	●	●	
3 - Presentation - 30%	●	●		●	●

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 - Practical Assessment - 35%	○	○	○	○	○	○		
2 - Report - 35%	○	○	○	○	○	○		
3 - Presentation - 30%	○	○	○	○		○	○	

Textbooks and Resources

Textbooks

LAWS20063

Prescribed

Corporate Governance: Principles, Policies, and Practices
Edition: 4th (2015)
Authors: Bob Tricker
Oxford University Press
Oxford , United Kingdom
ISBN: 9780198809869
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)

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: American Psychological Association 6th Edition (APA 6th edition)
For further information, see the Assessment Tasks.

Teaching Contacts

Matt Nichol Unit Coordinator
m.nichol@cqu.edu.au

Schedule

Week 1 Governance I: Introduction to Corporate Governance - 09 Mar 2020

Module/Topic	Chapter	Events and Submissions/Topic
What is Corporate Governance?	Bob Tricker, *Corporate Governance: Principles, Policies, and Practices* (4th ed 2019, Oxford University Press) Chapters 1 and 3.	

Week 2 Governance II: Governance and Corporations - 16 Mar 2020

Module/Topic	Chapter	Events and Submissions/Topic
Legal features of Australian Corporations	Bob Tricker, *Corporate Governance: Principles, Policies, and Practices* (4th ed 2019, Oxford University Press) Chapter 2.	

Week 3 Governance III: Corporations and Director Duties - 23 Mar 2020

Module/Topic	Chapter	Events and Submissions/Topic

	Bob Tricker, *Corporate Governance: Principles, Policies, and Practices* (4th ed 2019, Oxford University Press) Chapters 4 and 7.	
Legal Duties of Directors, Officers and Employees of a Corporation		

Week 4 Governance IV - Codes of Governance - 30 Mar 2020

Module/Topic	Chapter	Events and Submissions/Topic
Companies and Codes of Governance	Bob Tricker, *Corporate Governance: Principles, Policies, and Practices* (4th ed 2019, Oxford University Press) Chapter 5.	

Week 5 Ethics I - Business Ethics - 06 Apr 2020

Module/Topic	Chapter	Events and Submissions/Topic
Business Ethics and Law	Bob Tricker, *Corporate Governance: Principles, Policies, and Practices* (4th ed 2019, Oxford University Press) Chapter 9.	Corporate Governance Failure Presentation due by 5 pm AEST Friday 10 April 2020 **Corporate Governance Failure Presentation** Due: Week 5 Friday (10 Apr 2020) 5:00 pm AEST

Vacation Week - 13 Apr 2020

Module/Topic	Chapter	Events and Submissions/Topic
Preparation for written report and practical assessment		

Week 6 Ethics II - Corporate Social Responsibility - 20 Apr 2020

Module/Topic	Chapter	Events and Submissions/Topic
Corporate Social Responsibility	Bob Tricker, *Corporate Governance: Principles, Policies, and Practices* (4th ed 2019, Oxford University Press) Chapter 9.	

Week 7 Business Agreements I: Contracts - 27 Apr 2020

Module/Topic	Chapter	Events and Submissions/Topic
Businesses and Contracts Elements of an Enforceable Contract	Julie Clarke, 'Contract', *Australian Contract Law* (Web Page, 14 October 2019) <https://www.australiancontractlaw.info/law/contract>.	

Week 8 Business Agreements II: Australian Consumer Protection Law - 04 May 2020

Module/Topic	Chapter	Events and Submissions/Topic
Australian Consumer Protection Law	Julie Clarke, 'Consumer Law', *Australian Contract Law* (Web Page, 14 October 2019) <https://www.australiancontractlaw.info/consumerlaw>. Australian Consumer Law, 'A guide to competition and consumer law, *Australian Competition and Consumer Commission* (Web Page, 2016) <https://www.accc.gov.au/system/files/1543_A%20guide%20to%20competition%20and%20consumer%20law_FA3.pdf>.	Submission of Corporate Governance Failure Report due by 5 pm AEST on Friday 8 May 2020 **Corporate Governance Failure Report** Due: Week 8 Friday (8 May 2020) 5:00 pm AEST

Week 9 Employment Regulation I: Overview of the Australian Employment Law System - 11 May 2020

Module/Topic	Chapter	Events and Submissions/Topic
Overview of the Australian Employment Law System Wages and Wage Theft	Andrew Stewart, *Stewart's Guide to Employment Law* (6th ed 2018, Federation Press) Chapter 2. Fair Work Ombudsman, 'Minimum Wages', *Fair Work Ombudsman* (Web Page) <https://www.fairwork.gov.au/how-we-will-help/templates-and-guides/fact-sheets/minimum-workplace-entitlements/minimum-wages>.	

Week 10 Employment Regulation II: Current Legal Issues in Employment in Australia - 18 May 2020

Module/Topic	Chapter	Events and Submissions/Topic
Termination of Employment, Anti-Discrimination and Gender Equity	'Notice of termination & redundancy', *Fair Work Ombudsman* (Web Page) <https://www.fairwork.gov.au/how-we-will-help/templates-and-guides/fact-sheets/minimum-workplace-entitlements/notice-of-termination-and-redundancy-pay>. 'Coverage for Unfair Dismissal', *Fair Work Commission* (Web Page, 15 January 2020) <https://www.fwc.gov.au/unfair-dismissals-benchbook/coverage>. 'Protection from discrimination at work', *Fair Work Ombudsman* (Web Page) <https://www.fairwork.gov.au/employee-entitlements/protections-at-work/protection-from-discrimination-at-work>. 'About the Agency', *Workplace Gender Equality Agency* (Web Page) <https://wgea.gov.au/about-the-agency>.	

Week 11 International Perspectives I: What is International Trade? - 25 May 2020

Module/Topic	Chapter	Events and Submissions/Topic
Overview of International Trade	'WTO in Brief', *World Trade Organization* (Web Page) <https://www.wto.org/english/thewto_e/whatis_e/inbrief_e/inbr_e.htm#trade_negotiations>. 'Trade', *World Bank* (Web Page, 13 March 2019) <https://www.worldbank.org/en/topic/trade/overview#1>. 'History of the multilateral trading system', *World Trade Organization* (Web Page) <https://www.wto.org/english/thewto_e/history_e/history_e.htm>.	

Week 12 International Perspectives II: Global Trade and the World Trade Organization - 01 Jun 2020

Module/Topic	Chapter	Events and Submissions/Topic
Regulatory Functions of the World Trade Organization	'The WTO', *World Trade Organization* (Web Page) <https://www.wto.org/english/thewto_e/thewto_e.htm>. 'What is the WTO?', *World Trade Organization* (Web Page) <https://www.wto.org/english/thewto_e/whatis_e/whatis_e.htm>.	Submission of Practical Assessment: Wage Theft in Australia due by 5 pm AEST on Friday 5 June 2020 **Practical Assessment: Wage Theft in Australia** Due: Week 12 Friday (5 June 2020) 5:00 pm AEST

Review/Exam Week - 08 Jun 2020

Module/Topic	Chapter	Events and Submissions/Topic

Exam Week - 15 Jun 2020

Module/Topic	Chapter	Events and Submissions/Topic

Assessment Tasks

1 Corporate Governance Failure Presentation

Assessment Type
Presentation

Task Description
Students are to select a recent corporate governance failure in Australia and obtain permission from the unit coordinator to use the topic for the presentation and written report. Students will submit a professional 15-minute oral presentation that is supported by Power Point slides or other visual aids. The presentation will provide an overview of the governance failure, identify how the organisation's business activities and ethics contributed to the governance failure and describe the impact of the failure on the company and relevant stakeholders.

Assessment Due Date
Week 5 Friday (10 Apr 2020) 5:00 pm AEST
Submission is by Moodle

Return Date to Students
Week 6 Friday (24 Apr 2020)
This assessment will be returned by Moodle

Weighting
30%

Assessment Criteria
The format of the presentation will be assessed according to the following criteria: ability to deliver a concise and structured introduction, main presentation and conclusion that meets professional standards in the use of audio-visual aids and verbal communication.
The content of the presentation will be assessed according to the following criteria: the ability of students to accurately summarise and explain the governance failure, the impact of the organisation's business activities, ethics and culture on the governance failure and how the governance failure effected the company and its stakeholders, for example reputation, share value and employees. Refer to Moodle for further information.
As Masters students you are required to engage in research as per the Australia Quality Framework (AQF) guidelines. Two specific requirements need to be considered.

1. Students need to demonstrate "a body of knowledge that includes the understanding of recent developments in a discipline and/or area of professional practice", and
2. Students must demonstrate "knowledge of research principles and methods applicable to a field of work and/or learning".

Each Masters unit has a number of required weekly readings in terms of academic texts, journals and business publications that represent the appropriate body of knowledge and recent developments referred to by the AQF. In order to demonstrate the ability to engage in appropriate research, students should read and utilise these texts and journals and publications. As Masters students you are expected to research beyond this minimum standard through additional texts, journals and studies to

demonstrate an ability to engage in independent research.

Referencing Style

- [American Psychological Association 6th Edition (APA 6th edition)](#)

Submission
Online

Submission Instructions
Submission is online by Moodle

Learning Outcomes Assessed

- Assess and evaluate the key aspects of the legal systems that operate in Australia and internationally and their impact on the operation of organisations within different legal jurisdictions
- Analyse critically the legal issues that confront organisations and managers and explain the legal risks associated with key management decisions
- Analyse corporate governance frameworks that organisations need to employ to successfully manage business activity to minimize legal risks
- Evaluate the role of law in enabling an organisation to achieve its corporate goals through strategies that are socially responsible, sustainable and ethical.

Graduate Attributes

- Knowledge
- Communication
- Cognitive, technical and creative skills
- Research
- Ethical and Professional Responsibility
- Leadership

2 Corporate Governance Failure Report

Assessment Type
Report

Task Description
The written report will require students to examine in greater detail the case study of corporate governance failure submitted in presentation. Students are required to write a detailed and properly structured report that a legal expert would provide to the audience in the presentation in assessment task 1. The report requires students to provide a summary of the governance failure, describe how the organisation's policies, culture and ethics contributed to the governance failure, evaluate the responses by the organisation and relevant regulatory actors and advise which corporate governance strategies the organisation could implement to minimise the risk of future governance failures.

Assessment Due Date
Week 8 Friday (8 May 2020) 5:00 pm AEST
Submission is by Moodle

Return Date to Students
Week 10 Friday (22 May 2020)
This assessment will be returned by Moodle

Weighting
35%

Assessment Criteria
The report will be assessed according to the following criteria: application of key theories, concepts and the law raised in this unit, identification and use of relevant policies and codes of the organisation and industry standards, cases or legislation to support the findings in the report and the quality of the report's written expression, structure and referencing.

As Masters students you are required to engage in research as per the Australia Quality Framework (AQF) guidelines. Two specific requirements need to be considered.

1. Students need to demonstrate "a body of knowledge that includes the understanding of recent developments in a discipline and/or area of professional practice", and
2. Students must demonstrate "knowledge of research principles and methods applicable to a field of work and/or learning".

Each Masters unit has a number of required weekly readings in terms of academic texts, journals and business publications that represent the appropriate body of knowledge and recent developments referred to by the AQF. In order to demonstrate the ability to engage in appropriate research, students should read and utilise these texts and journals and publications. As Masters students you are expected to research beyond this minimum standard through additional texts, journals and studies to demonstrate an ability to engage in independent research.

Referencing Style

- [American Psychological Association 6th Edition (APA 6th edition)](#)

Submission
Online

Submission Instructions
Submission is online by Moodle

Learning Outcomes Assessed

- Analyse critically the legal issues that confront organisations and managers and explain the legal risks associated with key management decisions
- Assess and evaluate the specific legislation that governs managers and leaders action within organisations as they relate to employment, anti-discrimination, occupational health and safety and consumer law
- Analyse corporate governance frameworks that organisations need to employ to successfully manage business activity to minimize legal risks

Graduate Attributes

- Knowledge
- Communication
- Cognitive, technical and creative skills
- Research
- Self-management
- Ethical and Professional Responsibility

3 Practical Assessment: Wage Theft in Australia

Assessment Type
Practical Assessment

Task Description
Students are to select an organisation that has recently engaged in the underpayment of wages of employees ('wage theft') in Australia and obtain permission from the unit coordinator to use the topic for the practical assessment. The practical assessment requires students to choose three online research sources related to the organisation's business ethics and corporate social responsibility, for example, a credible and accurate media report, an organisation's policy or code of ethics, an industry code or a regulator's report or press release. Students are required to describe the business ethics and corporate social responsibility issues raised in the three research sources and connect these issues to the laws, theories and principles raised in this unit.

Assessment Due Date
Week 12 Friday (5 June 2020) 5:00 pm AEST
Submission by Moodle

Return Date to Students
Exam Week Friday (19 June 2020)
This assessment will be returned by Moodle

Weighting
35%

Assessment Criteria
The practical assessment will be assessed according to the following criteria: identification of all ethical and corporate social responsibility issues in the research sources, the accuracy and detail of the description of relevant corporate social accountability policies and ethical codes, the application of relevant laws, theories and principles examined in this unit and the quality of the assessment's written expression, structure and referencing.
As Masters students you are required to engage in research as per the Australia Quality Framework (AQF) guidelines. Two specific requirements need to be considered.

1. Students need to demonstrate "a body of knowledge that includes the understanding of recent developments in a discipline and/or area of professional practice", and
2. Students must demonstrate "knowledge of research principles and methods applicable to a field of work and/or learning".

Each Masters unit has a number of required weekly readings in terms of academic texts, journals and business publications that represent the appropriate body of knowledge and recent developments referred to by the AQF. In order to demonstrate the ability to engage in appropriate research, students should read and utilise these texts and journals and publications. As Masters students you are expected to research beyond this minimum standard through additional texts, journals and studies to demonstrate an ability to engage in independent research.

Referencing Style

- [American Psychological Association 6th Edition (APA 6th edition)](#)

Submission
Online

Submission Instructions
Submission is online by Moodle

Learning Outcomes Assessed

- Assess and evaluate the key aspects of the legal systems that operate in Australia and internationally and their impact on the operation of organisations within different legal jurisdictions
- Assess and evaluate the specific legislation that governs managers and leaders action within organisations as they relate to employment, anti-discrimination, occupational health and safety and consumer law
- Evaluate the role of law in enabling an organisation to achieve its corporate goals through strategies that are socially responsible, sustainable and ethical.

Graduate Attributes

- Knowledge
- Communication
- Cognitive, technical and creative skills
- Research
- Self-management
- Ethical and Professional Responsibility

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