Faculty of Business
School of Business Law and Taxation

LEGT 5511
LEGAL FOUNDATIONS OF BUSINESS

COURSE OUTLINE
SESSION 1, 2007
1. COURSE STAFF

<table>
<thead>
<tr>
<th>Staff</th>
<th>Room</th>
<th>Phone</th>
<th>Email</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jenny Buchan</td>
<td>JG G6</td>
<td>9385 1458</td>
<td><a href="mailto:jm.buchan@unsw.edu.au">jm.buchan@unsw.edu.au</a></td>
</tr>
<tr>
<td>Lecturer-in-charge</td>
<td></td>
<td></td>
<td>Mobile:0432879988</td>
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</table>

1.1 Communication with Staff

It is preferable that you consult with the lecturer during her consultation time. Outside consultation hours your lecturer may not be able to see you.

Consultation time Wednesday 2-4pm.

Guidelines for consultation

Email with staff should be limited to short questions that can be answered with a "yes/no" answer. Student questions that require a detailed response should be sent to the lecturer accompanied with a request for an appointment for a consultation. A discussion forum will be set up in WebCT Vista for students to be able to post and respond to other student’s questions. The more detailed questions should be first posted to that forum. It is usually the case that if one student has a question, other students will be wondering about the same topic area, so other student’s postings and the subsequent posted answers to your question can help other students as well as you.

When you contact staff by email please:

- Use your university email
- Specify the subject LEGT 5511 as your lecturer teaches more than one subject.
- Sign off using your name.

Course website

This course uses Webct Vista as a key teaching and learning tool.

This course has a website in WebCT Vista. You can log on at http://www.vista.elearning.unsw.edu.au You should check the site a couple of times a week.

2. INFORMATION ABOUT THE COURSE

2.1 Teaching Times and Locations

<table>
<thead>
<tr>
<th>LECTURE</th>
<th>TIME</th>
<th>LOCATION</th>
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<tr>
<td>Wednesday</td>
<td>6-9 pm</td>
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2.2 Units of Credit

This course is worth 6 credit points.
2.3 Relationship of this Course to other Course Offerings

LEGT 5511 *Legal Foundations of Business* is the first core course in the Master of Commerce degree offered by the School of Business Law and Taxation and is designed to provide students with the fundamental legal skills (writing, analysis and research) necessary to enable successful study in the more discrete legal business and taxation courses offered by the School. For students not undertaking the School’s MCom, the course offers an excellent introduction to the Australian legal system and laws that regulate the business environment. Emphasis is given to understanding legal reasoning and argument. Particular emphasis is given to the law of contracts, which is essential knowledge for the study of all subjects offered by the School as it is the underpinning of all commerce. The following table, while not meant to be comprehensive, is indicative of the topics that are also relevant to other courses offered by the School.

<table>
<thead>
<tr>
<th>LEGT 5511 Topic</th>
<th>School of Business Law and Taxation Course</th>
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<tr>
<td>Property</td>
<td>Legal Strategies for Knowledge Protection</td>
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<td></td>
<td>E-Business and the Law</td>
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<td></td>
<td>Corporations and Business Associations Law</td>
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<td></td>
<td>Legal Aspects of Finance</td>
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<td></td>
<td>Business Law in the Global Environment</td>
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<td>Franchising</td>
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<td>Taxation Law</td>
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<td>All upper level Taxation subjects</td>
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<td>International Business Taxation</td>
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<td>Intellectual Property</td>
<td>Legal Strategies for Knowledge Protection</td>
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<td>Competition law</td>
<td>Competition and Consumer Law</td>
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<td>Franchising</td>
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<td></td>
<td>Legal Strategies for Knowledge Protection</td>
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<td>E-Business and the Law</td>
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<td>Consumer protection law</td>
<td>Competition and Consumer Law</td>
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<td>Legal Aspects of Finance</td>
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<td>E-Business and the Law</td>
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<td>Torts law</td>
<td>Corporations and Business Associations Law</td>
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<td>Franchising</td>
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<td>E-Business and the Law</td>
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<td>Business Structures</td>
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<td>Corporations and Business Associations Law</td>
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<td>All upper level Taxation subjects</td>
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<td>International Business Taxation</td>
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2.4 Relationship with Other Disciplines

The study of business law and taxation is essential for attaining a deep and well-rounded understanding of the other disciplines offered by the Faculty of Business. In particular in the Accounting field, this course, together with Corporations and Business Associations Law (LEGT 5541) is recognised by CPA and ICAA as satisfying their educational requirements for admission to their associations. Other associations may also require Taxation Law (LEGT5551) to satisfy their educational requirement for admission. The three introductory
MCom core courses only tangentially referred to legal and taxation issues. This course is designed to supplement those courses by providing the essential link between business studies and the law.

2.5 Approach to Learning and Teaching

This course is conducted with the aim of promoting student-centred learning. This aim will be achieved by requiring students to engage with the topics presented in the course through independent reading of the text book and research in daily newspapers and/or on the internet as part of the required weekly readings. Whilst the assessment in this course is designed to test student’s knowledge of the key principles that establish the framework of common commercial transactions, the primary focus of the assessment regime is to test how well students can think like a lawyer in applying legal principles and skills to propose solutions to legal problems that arise in a commercial context.

2.6 Key Dates, Session 1, 2007

A full list of UNSW Key Dates is located at: https://my.unsw.edu.au/student/resources/KeyDates.html

3. COURSE AIMS AND OUTCOMES

The aims of this course are to:
(1) develop your understanding of the structure and key principles underlying the Australian legal system,
(2) develop your ability to apply this knowledge to solving legal problems in specific areas relating to business in a structured and analytical manner; and
(3) provide you with a firm grounding in the legal analysis and research skills necessary throughout your career and for any further study in business and taxation law.

3.1 Course Objectives

The specific objectives of the course are to:-

- Introduce Australian law and the institutions of the Australian legal system and provide a brief comparison with other major legal systems used in the world;
- Provide a conceptual background to the legal environment of business and the interaction of law, business and society;
- Teach you a methodology for analysing and understanding the solution to legal problems that you will be able to use throughout your career;
- Provide the necessary skills for examining legal source material, such as an ability to interpret provisions of an Act of Parliament, to analyse statements contained in judgments of courts of law and to determine if a law is validly enacted;
- Introduce skills that provide a basis for understanding the nature and effect of commercial contracts;
- Allow you to understand how selected areas of substantive law such as contract, fair trading, competition, property and torts may impact on commercial activities;

3.2 Student Learning Outcomes

This course seeks to develop learning outcomes including:
• confidence and competence in constructing written and oral arguments relevant to common commercial legal problems

• the ability to analyse legal issues in a logical and structured way (i.e. to identify problems, research relevant sources, propose an outcome and identify possible challenges to the proposed outcome)

• awareness of the policy choices that underpin and are reflected in business law

3.3 Teaching Strategies

Lectures

Lectures are an essential part of learning. Lectures do not summarise or replace the required reading in the textbook. You should not rely on your lecture notes as the sole source of learning for this course. The readings from the textbook place the lecture material in its proper context and provide the full understanding of the topic that is needed for successful completion of the course. The purpose of the lecture is to highlight key aspects of the subject, not to fully explain the week's topic. You are expected to study the prescribed text and any reading material provided and to engage with sources outside the prescribed texts, such as information in daily newspapers and/or on the internet.

The final exam may cover all material dealt with in the course including the lectures and the reading material.

4. STUDENT RESPONSIBILITIES AND CONDUCT

4.1 Workload

It is expected that you will spend at least ten hours per week studying this course. This time should be made up of reading, research, working on exercises and problems, and attending classes. In periods where you need to complete assignments or prepare for examinations, the workload may be greater.

Over-commitment has been a cause of failure for many students. You should take the required workload into account when planning how to balance study with employment and other activities. The structure of this subject is based upon students keeping up to date with their reading, and attending class ready to contribute to the class activities. In previous sessions, students who have fallen behind in their readings have performed poorly in the subject.

4.2 Attendance

Your regular attendance at lectures is expected in this course. University regulations indicate that if students attend less than eighty (80) per cent of scheduled classes they may be refused final assessment.

4.3 General Conduct and Behaviour

You are expected to conduct yourself with consideration and respect for the needs of your fellow students and teaching staff. Conduct that unduly disrupts or interferes with a class, such as the use of mobile phones, is not acceptable and students may be asked to leave the class. More information on student conduct is available at: www.my.unsw.edu.au

4.4 Keeping informed

You should take note of all announcements made in lectures or on the course web site. From time to time, the University will send important announcements to your university e-
5. LEARNING ASSESSMENT

5.1 Formal Requirements

In order to pass this course, you must:

- achieve a total mark of at least 50/100; and
- make a satisfactory attempt at all assessment tasks.

Satisfactory Performance in All Aspects of Assessment

While there is no requirement that a student attain 50% or more for each piece of assessment, there is however, a requirement that the student achieve a result that indicates the student genuinely attempted the assessment. Where a student achieves a total mark of 50/100 or more in the course, but fails to demonstrate a satisfactory level of performance in each form of assessment the student may be awarded a UF grade (unsatisfactory fail). An example of unsatisfactory performance is failing to complete an assessment task (e.g. failing to submit an assignment, or failing to attempt to complete the final exam).

5.2 Assessment Details

<table>
<thead>
<tr>
<th>Task</th>
<th>Marks</th>
<th>Due Date</th>
</tr>
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<tbody>
<tr>
<td>1. Mid session test</td>
<td>20</td>
<td>Week 7, 18 April, in your usual lecture</td>
</tr>
<tr>
<td>2. Major Assignment</td>
<td>20</td>
<td>Week 10, Wednesday 9 May at the start of lecture</td>
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<tr>
<td>3. Class presentation+ written answer on tutorial problem in w 8-12 (presentation 5 marks and written answer 5 marks) OR</td>
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<tr>
<td>4. Final Exam</td>
<td>50</td>
<td>To be advised</td>
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1. Mid-session Test

Weight 20%

Material up to the end of week 5 lecture will be examined in this test. The exact coverage will be confirmed in lecture in Week 5 if any alteration to the examinable material is made.

Test will consist of short answer questions, short problem questions and may also include multiple choice questions

Test will be 90 minutes long.

Exam conditions will apply:

- You must display your student ID card during the test.
- Closed book
• You may use a bilingual dictionary unmarked book form

2. Major Assignment

Weight: 20%
Word Limit: 2,000 words

This task will require you to provide written advice to a client explaining what legal issues arise in relation to a particular commercial problem that will be handed out in lecture. This assignment fulfils the aims of the course by assessing:

• your written communication skills
• your ability to analyse a commercial business problem and consider the feasibility of possible solutions and possible challenges to the proposed solution
• your understanding of the rights and liabilities involved in the problem question

Marking criteria

The assignment will be marked according to the following criteria:

• Correct identification of the legal issues
• Understanding of the practical application of the law involved whether this is common law or statutory law or both
• Evidence of research beyond the textbook
• Evidence of a full and comprehensive argument taking into account differing viewpoints and alternative arguments
• Correct referencing of sources.
3. Managing the assignment workload
Where a student fails to devote sufficient time to researching and writing their assignment the result is usually the submission of sub-standard assignment that receives a fail grade. The assignment cannot be successfully completed in one or two days before the due date because it requires a considered and well-researched written analysis of a complex legal document.

4. Final Exam
Weight: 50%
Date: To be advised
The final exam will be held during the formal exam period at the end of Session 1, 2007. You must ensure that you consult the exam timetable and attend the exam at the scheduled time and place.
The exam may cover all topics discussed in lectures and previously assessed in the mid-session examination and major assignment. The exam will require you to be familiar with the methodology used for legal analysis and legal problem solving. The exam will be closed book.

5.3 Assignment Submission Procedure
• The assignment should be submitted at the beginning of lecture class in which it is due (Week 10, 9 May 2007), as a hard copy with a cover sheet.
• Your name and student number must be on the footer of every page.
• Please leave a margin of at least 5cm on the right hand margin of every page so the marker has room to make comments.
• Please print your work on one side of the page only, using at least a 12 point font and one and a half spaced lines.
A detailed Style Guide for written assignments will be handed out and discussed before or at the time the Assignment is handed out.

The assignment must also be posted as an attachment to the WebCT Vista. Submitting the assignment in electronic format will allow staff to check for plagiarism.
You MUST also keep a copy of your written assignments.

5.4 Late Submission
Any assignment submitted after 7:00 pm on the due date will not be accepted unless PRIOR written approval has been granted by the Lecturers.
Assignments that are submitted after the due date and time without prior written approval will have 25% DEDUCTED PER DAY LATE. Please note: penalty marks will be imposed immediately after 7 pm on the due date. For example, if you deliver your assignment (worth 25 marks) in at 9pm on the due date you will loose 6.25 marks from your final score. Any paper submitted more than 4 days late will score 0. Any student who fails to submit their major assignment will fail the course.
If circumstances beyond your control mean that you cannot complete the assessment by the due date you should make an application for special consideration (see below). These applications are reserved for illness or misadventure, not work commitments. Work commitments are not a valid reason for special consideration applications.
If you foresee that you will have problems submitting the assignment on time you should contact either of the Lecturers immediately. For an extension to be valid it must be in writing from one of the lecturers.
Do not wait until the due date to ask for an extension. No extensions will be granted on or after the due date itself.

5.5 Special Consideration and Supplementary examinations

All applications for special consideration on medical grounds should be submitted to the New South Q, the Chancellery and a copy delivered to the Lecturer-in-Charge. You should email the Lecturer-in-charge if you make a request for special consideration.

It is important to note that the application is assessed by both the Student's Centre and the Lecturer-in-Charge. In particular, the application is assessed for the effect the medical condition or misadventure has on the student’s ability to sit the examination. Merely lodging an application with medical documentation does not mean that the application will be accepted. Both the Student Centre and Lecturer-in-Charge must be satisfied that there are genuine reasons to warrant special consideration.

Special Consideration - Illness & Misadventure

On some occasion’s sickness, misadventure, or other circumstance beyond your control may prevent you from completing a course requirement or attending or submitting assessable work for a course. Such assessable requirements may include formal end of session examination, class test, laboratory test, seminar presentation, etc. It is also possible that such situations may significantly affect your performance in an assessable task. The University has procedures that allow you to apply for consideration for the affected assessments. Depending on the circumstances, the University may take action to allow you to overcome the disadvantage; eg. give you additional assessment or extend a deadline.

You should note that merely submitting a request for Consideration does not automatically mean that you will be granted additional assessment, or that you will be awarded an amended result. For example, if you have a poor record of attendance or performance throughout a session/year in a course, you may be failed regardless of illness or other reason affecting a final examination in that course.

The University has a centralised procedure for Consideration applications. Many Course Authorities and Faculties have 'local' procedures that you will also need to follow.

It sometimes happens that a student may encounter a situation which is so significant or personal they do not want to use the Special Consideration procedures. In a case like this you may prefer to contact the University Health Service, the Counselling Service, an academic adviser in your Program Offices Direct ory or the Assistant Registrar in the Student Information and Systems Office. Remember that it is always important to let the University know if there is anything which may affect your ability to continue your studies.

How to apply for Consideration

You must make formal application for Consideration for the course/s affected as soon as practicable after the problem occurs and within three working days of the assessment to which it refers. The application must be made on the 'Request for Consideration' form available from NewSouth Q, program and course offices, or you can download a copy of the form (pdf format). The completed application form must be submitted to NewSouth Q and a copy delivered to the Lecturer-in-Charge.

Applications are accepted only in the following circumstances:

- Where academic work has been hampered to a substantial degree by illness or other cause. Except in unusual circumstances a problem involving only three consecutive days or a total of five days within the teaching period of a semester is not considered sufficient grounds for an application.
- The circumstances have to be unexpected and beyond your control. Students are expected to give priority to their University study commitments and any absence must
clearly be for circumstances beyond your control. Work commitments are not normally being considered a justification.

- An absence from an examination should be supported by a medical certificate or other document which clearly indicates you were unable to be present.
- A student absent from an examination or who attends an examination and wants to request special consideration is normally required to provide a medical certificate dated the same day as the examination.

An application for special consideration has to be provided within three working days of the assessment to which it refers. In exceptional circumstances an application may be accepted outside the three-day limit.

To give the University sufficient and appropriate information on which to base its decision about your request, you must support your application with certified official documentation which normally contains at least the following key information:

1. the assessment task/s for which you are seeking consideration
2. the dates/deadlines associated with these tasks
3. the basis of your request i.e. the nature of your misadventure, illness, etc.
4. the date/s on which you were seen by the professional/authority providing your official documentation
5. the date of the illness or misadventure or the dates of the period of time of the illness or misadventure
6. the professional's/authority's assessment of the severity of your illness or misadventure and opinion of the likely effect on your capacity to undertake the assessment task/s concerned.

Items (4) to (6) need to be certified by the provider. For example, by your medical practitioner or other health professional (for illness or injury) or counsellor (for personal or family problems), so you will need to make the provider aware of the University's requirements.

For causes other than sickness, (eg. road accident, court hearing, or death of a relative) written evidence (eg. a police report, a court summons, or a death certificate) instead of the documentation required in 6 above is acceptable (i.e. Section B of the Consideration form need not be completed).

To assist you the 'Request for Consideration' form has a sheet attached explaining the procedures and the information required. The form and information sheet must be taken with you when you obtain the certification so as to ensure all the key information is provided. The forms are widely available on all of the University's campuses--from NewSouth Q, Faculty and program offices, the University Health Service, the Counselling Service, and many course authorities.

You should note that Consideration requests normally will not be considered:

- unless the application is made on the appropriate form
- unless all the key information is provided
- if more than 3 days have elapsed since the assessment for which Consideration is sought.

In exceptional circumstances the University may waive these requirements, for example, if an accident or sudden illness occurs which requires your immediate hospitalisation.
You also need to follow any local procedures of the relevant course or program authority. You will have been informed of these procedures by the course authority or Faculty representative in the course brochure/information sheet made available to you upon commencement of the course or program. For example, as well as submitting your application through NewSouth Q, the course authority may require you to contact them.

If you need advice about any of the policies or procedures relating to Consideration contact NewSouth Q.
What happens after you make the application?

If your application meets the University's criteria for acceptance, it is stamped, a copy is taken and the original is returned to you. Only documentation which meets the requirements listed above will be accepted. No consideration will be given when the condition or event is not related to performance or is considered not to be serious.

Details, including the summary information provided by you, are made available to the relevant course authority/Faculty. The University's procedures ensure that confidentiality of this information is maintained.

Note that many course authorities require you to take action within a specified period of time to determine the outcome; for example to consult the course authority's notice board, to contact the authority in person or by phone, etc. Details of the arrangements will have been made available to you in the course information sheet. Failure to take this action will normally result in forfeiture of any additional assessment granted to you.

On the basis of the information provided in your application, a decision is made regarding the appropriate response in your particular case. The following may be taken into account:

- The student's performance in other items of assessment in the course.
- The severity of the event.
- Academic standing in other courses and in the program.
- History of previous applications for special consideration.

What outcomes you can expect

If an application for illness or misadventure is accepted, the following action may ensue:

- No action.
- Additional assessment or a supplementary examination. Additional assessment may take a different form from the original assessment. If you are granted additional assessment, the original assessment may be ignored at the discretion of the course authority. Consequently, a revised mark based on additional assessment may be greater or less than the original mark.
- Marks obtained for completed assessment tasks may be aggregated or averaged to achieve a percentage.
- The deadline for assessment may be extended.
- Discontinuation from the course. This is unlikely to occur after an examination or final assessment has taken place.

The following examples are included to give an indication of the outcomes you can expect in the most common circumstances. (Many course authorities include similar examples for the special types of assessment used by them in their course information sheets.)

Formal end of session examinations

If you miss such an examination through an illness, other circumstance beyond your control, etc., which is certified as being severe enough to have prevented your attendance, in general, you will be granted additional assessment. This is usually in the form of a supplementary examination.

If you attend an examination but prior to it an illness or other circumstance beyond your control occurs which, because of its duration or severity, is certified as having a significant effect on your preparation for that course, in general you will be granted additional assessment. This is usually in the form of a supplementary examination.
Note: In either of these cases if you have attained a pass in the course concerned from assessment tasks completed during session, it may not be regarded as necessary to grant you additional assessment.

If you attend an examination but have an illness on the day, which is either certified as not having a significant effect on your performance (such as a minor head cold), or for which you were examined after the illness had subsided, you will not be granted additional assessment.

**Essays, reports, mini-theses, models, creative work, etc.**

If an illness or other circumstance beyond your control occurs which, because of its duration or severity, is certified as having a significant effect on your ability to submit the work by the deadline given, you will generally be granted an extension of the deadline. You should not, however, expect the deadline to be extended for a time in excess of the period for which the certification was given.

**Additional assessment**

The time at which any additional assessment granted to you is held, is determined by the course authority concerned. Consult the course information sheet for detailed information about the times and arrangements for the various additional assessment tasks in that course.

Most course authorities conduct supplementary examinations in the period immediately after the formal end of session examination period. For example, for the end of Session 2, supplementary examinations are often held in the three-week period just prior to Christmas. In general, course authorities will provide only one opportunity for you to sit a supplementary examination except in exceptional circumstances. You need to ensure you will be available during this period to take any supplementary examination granted to you.

You should expect any additional assessment granted to you to be of the same degree of difficulty as the original assessment task which it replaces.

For further information visit: [http://www.student.unsw.edu.au/atoz/atoz-Special.shtml](http://www.student.unsw.edu.au/atoz/atoz-Special.shtml)

**Supplementary Exams**

The time at which any additional assessment granted to you is held will be determined by the Lecturer-in-Charge prior to the final exam. Consult the Lecturer-in-Charge for detailed information about the times and arrangements for the various additional assessment tasks in that course.

**There will only be one supplementary examination for this subject.** The supplementary examination for this course, if necessary, will be held in the week beginning 17 July 2007. Students note: if you are planning to travel overseas after the end of your exams make sure that you do not plan your trip to coincide with the supplementary in the period immediately after the formal end of session examination period. If you are not available to take the supplementary exam on the required day you may need to repeat the subject the following session. Please note: a register of applications for Special Consideration is maintained. History of previous applications for Special Consideration is taken into account when considering each case.
6. ACADEMIC HONESTY AND PLAGIARISM

The University regards plagiarism as a form of academic misconduct, and has very strict rules regarding plagiarism. For full information regarding policies, penalties and information to help you avoid plagiarism see:

http://www.lc.unsw.edu.au/plagiarism/index.html

Plagiarism is the presentation of the thoughts or work of another as one’s own.* Examples include:

- direct duplication of the thoughts or work of another, including by copying work, or knowingly permitting it to be copied. This includes copying material, ideas or concepts from a book, article, report or other written document (whether published or unpublished), composition, artwork, design, drawing, circuitry, computer program or software, web site, Internet, other electronic resource, or another person’s assignment without appropriate acknowledgement;

- paraphrasing another person’s work with very minor changes keeping the meaning, form and/or progression of ideas of the original;

- piecing together sections of the work of others into a new whole;

- presenting an assessment item as independent work when it has been produced in whole or part in collusion with other people, for example, another student or a tutor; and,

- claiming credit for a proportion a work contributed to a group assessment item that is greater than that actually contributed.†

Submitting an assessment item that has already been submitted for academic credit elsewhere may also be considered plagiarism.

The inclusion of the thoughts or work of another with attribution appropriate to the academic discipline does not amount to plagiarism.

Students are reminded of their Rights and Responsibilities in respect of plagiarism, as set out in the University Undergraduate and Postgraduate Handbooks, and are encouraged to seek advice from academic staff whenever necessary to ensure they avoid plagiarism in all its forms.

The Learning Centre website is the central University online resource for staff and student information on plagiarism and academic honesty. It can be located at:

www.lc.unsw.edu.au/plagiarism

The Learning Centre also provides substantial educational written materials, workshops, and tutorials to aid students, for example, in:

- correct referencing practices;

- paraphrasing, summarising, essay writing, and time management

- appropriate use of, and attribution for, a range of materials including text, images, formulae and concepts.

Individual assistance is available on request from The Learning Centre.

Students are also reminded that careful time management is an important part of study and one of the identified causes of plagiarism is poor time management. Students should allow sufficient time for research, drafting, and the proper referencing of sources in preparing all assessment items.

* Based on that proposed to the University of Newcastle by the St James Ethics Centre. Used with kind permission from the University of Newcastle

† Adapted with kind permission from the University of Melbourne.
7. STUDENT RESOURCES

7.1 Course Resources

Prescribed Texts

Terry & Giugni Business and the Law 4th edition Thomson

Additional Materials

Texts

There are a number of other texts that you may find useful (be careful to use the most recent edition). Carvan, Understanding the Australian Legal System, 5th ed. 2005 (LBC)

Enright C., Legal Technique 2002 (The Federation Press) (note: The earlier edition of this book, Understanding the Law, is also useful.)

Gillies, Business Law, 12th ed, 2004 (Federation Press)

Khoury & Yamouni, Understanding Contract Law, 7th ed 2007 (Butterworths)

Latimer, Australian Business Law, 25th ed, 2006 (CCH)

Gibson, Rigby, Tamsitt – Commercial Law in Principle (LBC)

Reference Materials

All students should have access to a good legal dictionary. Students should also be aware of appropriate study techniques and legal referencing protocols. Any of the following books are recommended for these purposes. Many of them are available from the UNSW Law School library.


Gibson and Fraser Business Law, 3rd edition 2007 (Pearson)


Stuhmcke, Legal Referencing, 2nd ed., 2001 (Butterworths)

General Web References

Austlii (legal database including cases, journal articles, reports www.austlii.edu.au
http://www.comlaw.gov.au/(the Cth Attorney-General’s website including Commonwealth legislation and links to State and Territory legislation)

Lawlex (a private company’s website offering consolidated lists of current legislation and links to ScalePlus) www.lawlex.com.au

NSW Attorney-General’s website www.lawlink.nsw.gov.au

The Australian Competition and Consumer Commission www.accc.gov.au

Electronic Databases

The UNSW library subscribes to several electronic databases. Of particular relevance to this course is the CCH database. The UNSW library database can be accessed via the UNSW website: www.unsw.edu.au.

7.2 Other Resources, Support and Information

The University and the Faculty provide a wide range of support services for students, including:
- **Counselling support** - [http://www.counselling.unsw.edu.au](http://www.counselling.unsw.edu.au)

- **Disability Support Services** – Students who have a disability that requires some adjustment in their teaching, learning or examination environment are encouraged to discuss their study needs with the Lecturer in charge or the Equity Officer ([http://www.equity.unsw.edu.au/disabil.html](http://www.equity.unsw.edu.au/disabil.html)). Early notification is essential to enable any necessary adjustments to be made.

- **Learning and study support**
  - EdTec – WebCTVista information ([http://www.edtec.unsw.edu.au](http://www.edtec.unsw.edu.au))
  - FCE Education Development Unit (EDU) The EDU offers extra support for students at the EDU Learning Assistance Centre. A learning consultant can advise on assignment writing, written expression, critical analysis, learning strategies and exam techniques. The service is free, friendly and confidential. It is only available to FCE students. You can request a consultation by phone 02 9385 5584; email [edu@unsw.edu.au](mailto:edu@unsw.edu.au) or visit the EDU at Level 2, Room 2039, Quad Building. ([http://education.fce.unsw.edu.au](http://education.fce.unsw.edu.au))
  - UNSW Learning Centre; phone 02 9385 3890 ([http://www.lc.unsw.edu.au](http://www.lc.unsw.edu.au))

- **Library training and support services** - [http://info.library.unsw.edu.au](http://info.library.unsw.edu.au)

In addition, it is important that all students are familiar with University policies and procedures in relation to such issues as:

- **Examination procedures** and advice concerning illness or misadventure [https://my.unsw.edu.au/student/academiclife/assessment/examinations/examinationrules.html](https://my.unsw.edu.au/student/academiclife/assessment/examinations/examinationrules.html)


**8. CONTINUAL COURSE IMPROVEMENT**

Each year feedback is sought from students and other stakeholders about the courses offered in the School and continual improvements are made based on this feedback. UNSW’s Course and Teaching Evaluation and Improvement (CATEI) Process ([http://www.ltu.unsw.edu.au/ref4-5-1_catei_process.cfm](http://www.ltu.unsw.edu.au/ref4-5-1_catei_process.cfm)) is one of the ways in which student evaluative feedback is gathered.
<table>
<thead>
<tr>
<th>Week</th>
<th>Lecture</th>
<th>Topic</th>
<th>Readings</th>
</tr>
</thead>
</table>
| 1 28 Feb | Introduction to the Law and Legal Systems | - Nature of Law,  
- Sources of Law  
- Classifications of Law  
- The requisites of law  
- Structural elements of the Australian legal system  
- Origins of the Australian legal system | Chapters 1, 2  
Also relevant: www.aph.gov.au |
| 2 7 Mar | The Australian Legal System  
The Constitution  
Legislation | A. An introduction to the basic concepts of constitutional law in Australia at both the Federal and State levels of government:  
- source of legislative power,  
- functions of the 3 branches of government (legislature, executive and judiciary) and  
- concept of “separation of powers” and “division of powers”.  
B. Conflict between State and Federal laws  
C. Delegated legislation | Chapters 3, 5.1-5.5, 6  
Also relevant: www.aph.gov.au  
www.legislation.nsw.gov.au |
| 3 14 Mar | The Court System and the Judiciary  
Legal reasoning  
Litigation and ADR | - Structure and hierarchy of the court system.  
- Tribunals  
- The operation of precedent and common law reasoning.  
- Principles of statutory interpretation.  
- Dispute resolution processes and methods | Chapters 4, 5.6, 7  
Also relevant: Australian Constitution  
| 4 21 Mar | Contract | - The nature of contract law.  
- The essential elements of a contract.  
- Privity of contract | Chapter 12 |
| 5 28 Mar | Contract | - What can make the contract unenforceable?  
- Exemption clauses  
- Ending the contract  
- Remedies for breach of contract | Chapter 12 |
| 6 4 Apr | Consumer Protection  
(Statutory intervention in Contract Law) | - Consumer protection under NSW State and Federal legislation with an emphasis on Part V Div I Trade Practices Act 1974 (Cth)  
- Unconscionable conduct Part IVA Trade Practices Act | Chapters 21, 22, 23.9  
Trade Practices Act 1974 (Cth) Part V Div 1, s. 52  
Trade Practices Act 1974 (Cth) s 51AA-AC |
<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
<th>Details</th>
<th>Chapters</th>
</tr>
</thead>
<tbody>
<tr>
<td>7 18 Apr</td>
<td>MID SESSION TEST</td>
<td>The exam will commence at 6:05 pm and last for 90 minutes. There may be a lecture in the final hour of this week following the exam. If necessary to complete the Consumer Protection material.</td>
<td>Chapters 24 &amp; 25</td>
</tr>
<tr>
<td>9 2 May</td>
<td>Introduction to Torts</td>
<td>Introduction to the interests protected by tort law – negligence, passing off, defamation, injurious falsehood, deceit.</td>
<td>Chapter 10</td>
</tr>
<tr>
<td>10 9 May</td>
<td>Torts – Negligence Assignment due</td>
<td>The tort of negligence will be examined in greater depth, with particular emphasis on liability for negligence where the loss suffered by the plaintiff is what is known as ‘pure economic loss’</td>
<td>Chapter 10</td>
</tr>
</tbody>
</table>
| 11 16 May | Property Law                              | The different forms of property:  
- Real (Torrens, General Law and Native Title)  
- Personal Property as security | Chapters 11.1-11.4, 11.6-11.9 |
| 12 23 May | Intellectual Property                     | Intellectual property  
- Trademark (Registered and unregistered rights)  
- Copyright  
- Patents  
- Confidential Information and trade secrets | Chapters 11.5 &26 www.ipaustralia.gov.au/ |
| 13 30 May | Business Structures                       | Structures through which businesses are conducted:  
- Sole trader  
- Partnership  
- Company  
- Franchise  
- Joint Venture  
- Trust | Chapters 13, 14,&15 |
| 14 6 June | Business Taxation                         | Introduction to taxation regime in relation to contracts and the forms in which businesses are conducted | Handout |