TABL1710
BUSINESS AND THE LAW

Course Outline
Semester 1, 2016

Part A: Course-Specific Information

Please consult Part B for key information on Business School policies (including those on plagiarism and special consideration), student responsibilities and student support services.
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PART A: COURSE SPECIFIC INFORMATION

1 STAFF CONTACT DETAILS

<table>
<thead>
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<th>Position</th>
<th>Name</th>
<th>Email</th>
<th>Location</th>
<th>Phone</th>
<th>Consultation Hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lecturer-in-charge</td>
<td>Dr Leela Cejnar</td>
<td><a href="mailto:L.Cejnar@unsw.edu.au">L.Cejnar@unsw.edu.au</a></td>
<td>Quadrangle Rm 2054C</td>
<td>9385 1035</td>
<td>By appointment</td>
</tr>
</tbody>
</table>

Other lecturers who deliver lectures will provide students with their contact details, as required. Tutors will provide students with their contact details in the first tutorial class.

1.1. Communication with Staff

In the first instance, students should consult with their own allocated tutor. Students may also refer questions to the Lecturer-in-Charge. Students will also be able to consult with staff during their official face-to-face consultation hours in weeks 3, 7, 8, 12 or 13 (see Tutorial Program for details) or can make contact with their tutor by email to make an appointment for an alternative time.

Students may contact staff by email using their official university email address. Students should note however, that email is not an appropriate medium for learning and emails to staff should be limited to short questions that can be answered briefly, and as far as possible with a yes/no answer. Do not expect staff to reply to emails that request extensive or substantive answers. Such questions should be directed to staff during tutorials or consultation hours. Do not expect a response to a question that can be answered by reading this course outline, the tutorial guide or other information posted on the Moodle.

1.2. Course website

This course has a website on Moodle. You can log on at www.telt.unsw.edu.au. You should check the site regularly. You should also check your UNSW emails regularly.

2 COURSE DETAILS

2.1 Teaching Times and Locations

<table>
<thead>
<tr>
<th>LECTURE</th>
<th>DAY</th>
<th>TIME</th>
<th>LOCATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stream A</td>
<td>Wednesday</td>
<td>12pm to 2pm</td>
<td>Science Theatre</td>
</tr>
<tr>
<td>Stream B</td>
<td>Monday</td>
<td>11am to 1pm</td>
<td>CLB 8</td>
</tr>
</tbody>
</table>

Two lecture streams are available in this course. Students must attend EITHER the stream A lecture OR the stream B lecture, in accordance with their enrolment.

NOTE: Tutorials start in Week 2 (to Week 13 inclusive).
2.2 Units of Credit
This course is worth 6 credit points.

2.3 Summary of Course
TABL 1710 Business and the Law is the foundation course offered by the School of Taxation and Business Law. There are no pre-requisites for this course.

This course focuses on the Australian legal system. In particular, the course considers the different sources of law and the different systems of law; the Commonwealth Constitution and Commonwealth/State relations; the role of Parliament in making statute law; the Australian court system and the role of the judiciary in making "case law"; and the role of the executive (government). Areas of substantive law relevant to commerce and business dealings that are examined in detail include contract law, tort law (with particular reference to negligence), property law, consumer law and competition law.

NOTE: STUDENTS ENROLLED IN THE UNSW COMBINED LAW BComm/LLB PROGRAM ARE NOT PERMITTED TO ENROL IN THIS COURSE

3 COURSE AIMS AND RELATIONSHIP TO OTHER COURSES
This course is important for anyone interested in pursuing a career in business. It will provide students with an understanding of the relationship of the law to business. Particular emphasis will be given to understanding legal reasoning and argument. This course will also introduce students to the legal method of writing, analysis and research. In addition, the knowledge and skills developed in this course will be essential for successful study of other business law or taxation courses for those students who are interested in undertaking other courses offered by the School of Taxation and Business Law.

The following topics are also relevant to other courses offered by the School of Taxation and Business Law.

<table>
<thead>
<tr>
<th>TABL 1710 Topic</th>
<th>Course Name</th>
<th>Course Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contract Law</td>
<td>Business Entities</td>
<td>TABL 2741</td>
</tr>
<tr>
<td></td>
<td>Business Law in Action</td>
<td>TABL 2721</td>
</tr>
<tr>
<td></td>
<td>Business Taxation</td>
<td>TABL 2751</td>
</tr>
<tr>
<td></td>
<td>Law of Banking and Finance</td>
<td>TABL 3761</td>
</tr>
<tr>
<td></td>
<td>International Business Law</td>
<td>TABL 3791</td>
</tr>
<tr>
<td>Consumer Protection</td>
<td>Marketing and Distribution Law</td>
<td>TABL 2731</td>
</tr>
<tr>
<td></td>
<td>Franchising</td>
<td>TABL 2732</td>
</tr>
<tr>
<td></td>
<td>Business Entities</td>
<td>TABL 2741</td>
</tr>
<tr>
<td></td>
<td>Business Law in Action</td>
<td>TABL 2721</td>
</tr>
<tr>
<td>Competition Law</td>
<td>Marketing and Distribution Law</td>
<td>TABL 2731</td>
</tr>
<tr>
<td></td>
<td>Franchising</td>
<td>TABL 2732</td>
</tr>
<tr>
<td></td>
<td>Business Entities</td>
<td>TABL 2741</td>
</tr>
<tr>
<td></td>
<td>Business Law in Action</td>
<td>TABL 2721</td>
</tr>
<tr>
<td>TABL 1710 Topic</td>
<td>Course Name</td>
<td>Course Number</td>
</tr>
<tr>
<td>----------------</td>
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</tr>
<tr>
<td></td>
<td>International Business Law</td>
<td>TABL 3791</td>
</tr>
<tr>
<td>Property Law</td>
<td>Business Law in Action</td>
<td>TABL 2721</td>
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<tr>
<td></td>
<td>Intellectual Property for Business</td>
<td>TABL 3871</td>
</tr>
<tr>
<td></td>
<td>Business Taxation</td>
<td>TABL 2751</td>
</tr>
<tr>
<td></td>
<td>Law of Banking and Finance</td>
<td>TABL 3761</td>
</tr>
<tr>
<td></td>
<td>International Business Law</td>
<td>TABL 3791</td>
</tr>
<tr>
<td>Tort Law (Negligence)</td>
<td>Business Law in Action</td>
<td>TABL 2721</td>
</tr>
<tr>
<td></td>
<td>Marketing and Distribution Law</td>
<td>TABL 2731</td>
</tr>
</tbody>
</table>

The study of business law and taxation is essential for attaining a deep and well-rounded understanding of the other disciplines offered by the Business School.

**Accounting** - This course is recognised by CPA and ICAA as satisfying their educational requirements for admission to their associations.

**Banking and Finance** - All financial transactions are based upon a legal framework that allows for property rights to be leveraged and transferred. This course provides students with the knowledge and skills needed to understand how various financial transactions are used.

**Marketing** - Modern marketing practices must operate within the confines of the tort law, contracts and the *Competition and Consumer Act 2010*, for which this course provides an overview.

**Information Systems** - This course provides an overview of intellectual property which is the fundamental legal mechanism for ownership and exploitation of commercial information.

**Organisation and Management** - This course provides an understanding of the legal system under which management and organisations operate.

**Economics** - This course provides students with an overview of the operation of the legal system which will enhance your understanding of the legal framework within which the economy operates.

**Risk and Actuarial Studies** - This course develops skills in interpreting and applying complex legislation which is an important skill for actuaries as well as considering the role of insurance in tort law.

### 4 STUDENT LEARNING OUTCOMES

The Course Learning Outcomes are what you should be able to DO by the end of this course if you participate fully in learning activities and successfully complete the assessment items.

The Learning Outcomes in this course also help you to achieve some of the overall Program Learning Goals and Outcomes for all undergraduate students in Business.
Program Learning Goals are what we want you to BE or HAVE by the time you successfully complete your degree (e.g. ‘be an effective team player’).

You demonstrate this by achieving specific Program Learning Outcomes - what you are able to DO by the end of your degree (e.g. ‘participate collaboratively and responsibly in teams’).

<table>
<thead>
<tr>
<th>Business Undergraduate Program Learning Goals and Outcomes</th>
</tr>
</thead>
</table>

1. **Knowledge:** Our graduates will have in-depth disciplinary knowledge applicable in local and global contexts.

You should be able to select and apply disciplinary knowledge to business situations in a local and global environment.

2. **Critical thinking and problem solving:** Our graduates will be critical thinkers and effective problem solvers.

You should be able to identify and research issues in business situations, analyse the issues, and propose appropriate and well-justified solutions.

3. **Communication:** Our graduates will be effective professional communicators.

You should be able to:

   a. Prepare written documents that are clear and concise, using appropriate style and presentation for the intended audience, purpose and context, and
   b. Prepare and deliver oral presentations that are clear, focused, well-structured, and delivered in a professional manner.

4. **Teamwork:** Our graduates will be effective team participants.

You should be able to participate collaboratively and responsibly in teams, and reflect on your own teamwork, and on the team's processes and ability to achieve outcomes.

5. **Ethical, social and environmental responsibility:** Our graduates will have a sound awareness of the ethical, social, cultural and environmental implications of business practice.

You should be able to:

   a. Identify and assess ethical, environmental and/or sustainability considerations in business decision-making and practice, and
   b. Identify social and cultural implications of business situations.

For more information on the Undergraduate Program Learning Goals and Outcomes, see Part B of the Course Outline.
The following table shows how your Course Learning Outcomes relate to the overall Program Learning Goals and Outcomes, and indicates where these are assessed (they may also be developed in tutorials and other activities):

<table>
<thead>
<tr>
<th>Program Learning Goals and Outcomes</th>
<th>Course Learning Outcomes</th>
<th>Course Assessment Item</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>This course helps you to achieve the following learning goals for all Business undergraduate students:</strong></td>
<td><strong>On successful completion of the course, you should be able to:</strong></td>
<td><strong>This learning outcome will be assessed in the following items:</strong></td>
</tr>
</tbody>
</table>
| 1                                  | Knowledge                                                                               | - Tutorial Problems  
- In-Class Quiz  
- Class Presentation  
- Assignment  
- Final Exam |
| 2                                  | Critical thinking and problem solving                                                   | - Tutorial Problems  
- Class Presentation  
- Assignment  
- Final Exam |
| 3a                                 | Written communication                                                                   | - Tutorial Problems  
- In-Class Quiz  
- Assignment  
- Final Exam |
| 3b                                 | Oral communication                                                                      | - Class Presentation and part of tutorial participation mark but not separately assessed. |
| 4                                  | Teamwork                                                                                | - Class Presentation and part of tutorial participation mark but not separately assessed. |
| 5a.                                | Ethical, environmental and sustainability responsibility                               | Not specifically assessed in this course.                                              |
| 5b.                                | Social and cultural awareness                                                           | Not specifically assessed in this course.                                              |
5  LEARNING AND TEACHING ACTIVITIES

5.1  Approach to Learning and Teaching in the Course

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 set weekly readings and, as required, independent research.

While the assessment in this course is designed to test students’ 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 apply legal principles and practices in a realistic commercial context.

6  LEARNING ACTIVITIES AND TEACHING STRATEGIES

6.1  Lectures

Lectures are an essential part of learning. Lectures do not summarise or replace the required reading in the textbook.

STUDENTS SHOULD NOT MERELY RELY ON THEIR LECTURE NOTES. 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 course, not to fully explain the week’s topic. Students are expected to read and study the prescribed text and reading material provided and to engage with sources outside of their prescribed text, such as information on the internet. Students should not assume that material not covered in the lectures is either unimportant or not subject to assessment. The assessment will cover all material dealt with in the course including the lectures, tutorial work and the reading material.

6.2  Tutorials

Tutorials commence in Week 2 and continue to Week 13.

You should enrol in a tutorial through myUNSW. Students note: myUNSW does not allow for allocated class times to clash. Therefore, you will not be allowed to change your tutorial time if you cite clashing times as your reason. If for some reason you are unable to attend your assigned tutorial, or you are not enrolled in a tutorial, you should contact the Lecturer-in-Charge. Tutorial allocations will not be changed after the end of Week 3.
Students must attend their allocated tutorial and no other. In exceptional circumstances (illness, compassionate grounds) a student may be permitted to attend a make-up tutorial. Students attending other tutorials without permission will not be marked for attendance at that tutorial. This makes it essential that you ensure that you are allocated to a tutorial. The tutorial assessment will be based upon the official myUNSW allocated tutorial class lists.

Topics and problems for each week are set out in the Tutorial Guide.

As a general rule, tutorials will deal with issues lectured on in the previous week. The purpose of the questions in the tutorial program is to help you to interpret and apply the previous week's lecture material. The tutorial problems and discussion questions also allow you to practise for the final exam, which will consist of similar questions. Note: there will be no suggested answers given out to the tutorial questions. Do not ask for answers to the tutorial questions to be given out or posted on Moodle. The purpose of the questions is to allow you to apply the course material and gauge your own level of competence. Simply giving you the suggested answers will defeat this purpose.

Each topic/problem must be prepared for discussion in class by each student using the prescribed readings and the lecture notes for the relevant topic. It is your responsibility to prepare for tutorials so that you are able to make a valuable contribution to class activities. The tutorials are not designed as a repeat lecture. The tutorials are provided to give students the opportunity to work through any problems/issues that may be outstanding after doing the required reading and attending the lecture.

A Discussion Forum will be set up for each tutorial class. Tutors will provide students with information about how to use the Discussion Forum in the first tutorial. The use of the Discussion Forum is voluntary however, students are encouraged to use it and to continue to collaborate and to discuss lecture and tutorial topics with each other, online and outside of class time.

7 ASSESSMENT

7.1 Formal Requirements

In order to pass this course, you must:

- achieve a total mark of at least 50/100; and
- attend 80% of lectures AND your allocated tutorials; and
- make a satisfactory attempt at ALL assessment tasks (see below).

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 each form of assessment for the course.

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).
8 ASSESSMENT DETAILS

<table>
<thead>
<tr>
<th>Task No.</th>
<th>Assessment Task</th>
<th>Learning Outcomes assessed</th>
<th>Due</th>
<th>Word Limit</th>
<th>% of Marks</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Course Participation</td>
<td>1-3</td>
<td>Participation in tutorials during the semester, including contributions to: a) Tutorial Blog on Property Law due end week 13 (5 marks) b) In-class discussions in tutorials (5 marks) c) One GROUP presentation on an allocated tutorial question (5 marks) TOTAL MARK = 15 marks</td>
<td>N/A</td>
<td>15%</td>
</tr>
<tr>
<td>B</td>
<td>Tutorial Quiz (on Lecture Topics 1 and 2)</td>
<td>1-3</td>
<td>In-class CLOSED BOOK QUIZ on Lecture Topics 1 and 2 to be done in class tutorials in the week commencing Monday 21 March 2016 (5 marks)</td>
<td>N/A</td>
<td>5%</td>
</tr>
<tr>
<td>C</td>
<td>Major Assignment (Problem Question)</td>
<td>1-3</td>
<td>Due Monday 2 May 2016 (Beginning of Week 9) • ONLINE SUBMISSION ONLY VIA TURNITIN (on Moodle) • To be uploaded by 5pm on Monday 2 May 2016</td>
<td>Max 2000 words</td>
<td>20%</td>
</tr>
<tr>
<td>D</td>
<td>Final Exam (CLOSED BOOK)</td>
<td>1-3</td>
<td>N/A</td>
<td>N/A</td>
<td>60%</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td><strong>Total</strong></td>
<td></td>
<td><strong>100%</strong></td>
</tr>
</tbody>
</table>

8.1 Task A: Course Participation during the semester

During tutorials, students will be encouraged to think about the course, to research and apply legal principles to hypothetical fact situations and to communicate the outcome of their research and thinking. These skills will all be useful to students in the workplace and will also be essential to those students who decide to enrol in other law courses.

A total course participation worth **15 marks** will be awarded for students’ contribution to:

1. Tutorial Blog contribution on Property Law due end week 13 (5 marks)
2. In-class discussions in tutorials (5 marks)
3. One tutorial presentation (to be done in groups) (5 marks)
Students will be assessed on the following aspects:

(1) Tutorial Blog (5 marks):

- To qualify for marks for this component of the assessment, students must make one contribution to the tutorial blog on the topic - property law.

- Marks will be allocated for the quality of the student’s contribution, not for the number of contributions. For example, five contributions which do not contribute to any aspect of the learning or discussion in a topic may get 0/5. Comments such as “I agree” or a series of questions without any attempt to engage in “debate” or discussion or collaboration (such as simply asking questions about the topic), which simply require answers from someone else, may not be awarded any marks.

- Be sensible about what you post! Make sure you complete this task and contribute appropriately.

- The Blog will be monitored and marked by the individual class tutor. However, students are expected to take ownership of their tutorial’s Blog and to actively “participate” in online information sharing and collaboration with each other outside of the classroom in relation to the topic, Property Law. The Blog is being used to encourage students to continue online discussions with their peers about work done in lectures and tutorials and to give students the opportunity to reflect outside of the classroom on their learning about Property Law.

- Students are welcome to attach relevant materials, such as articles, media releases, images, videos, podcasts, cases etc to their postings, if they wish.

- Students are especially encouraged to read and to comment on the work of their peers.

- All contributions must be made by 5pm on Friday 3 June (ie the end of week 13).

(2) In-class discussions (5 marks):

- **Note:** this is a mark for a student’s weekly participation in “in-class” tutorials. This is not an attendance mark. Students who attend tutorials regularly but do not contribute or speak, may get low or no marks.

- This mark is separate from the tutorial presentation mark (see below) and work done for the tutorial presentation will NOT be counted toward the in-class discussion mark.

- Students will be expected to contribute to discussion in at least ten out of twelve tutorials between weeks 2-13 and will receive a maximum of 0.5 marks per class for contributions made in each tutorial class during the semester.
Marks will be awarded for:

- evidence of preparation of the tutorial problems as demonstrated by the student’s ability to discuss and contribute to the discussion of tutorial problems in class;
- ability to work individually as well as part of a team.

(3) One Tutorial Presentation – to be done in groups (5 marks):

- Students will be allocated to a group by their tutor in the first or second tutorial and with their group, must prepare and present the answer to a tutorial. Tutors will allocate a “tutorial presentation week” to each group.

NOTE:
- This mark is separate from the in-class discussion mark (see above) and work done for the tutorial presentation will not be counted toward the in-class discussion mark.
- If a student is absent on the day of his/her allocated oral tutorial presentation, the tutor will allocate the student to another group and the student will have to do a different presentation in a later tutorial class.
- Marks will be awarded to students individually, so each student in the group will be required to present an aspect of the answer to the class.
- Marks will be awarded for each student’s:
  
  (a) Individual contribution to the preparation of the group presentation.
  
  (b) Individual presentation - tutors will look for accuracy in terms of:

  - the issues/principles of law/relevant cases or statutory provisions the student have identified and discussed (eg: did the student identify all/most of the right issues and did s/he accurately apply the relevant law to the question**);
  
  - the structure and clarity of expression in the individual presentation (eg: could the class/tutor easily understand and follow the student’s arguments etc).

  (** For problem questions/case studies, tutors will also look at whether students have used the Five Point Plan appropriately and effectively.)
8.2 Task B: In-class Tutorial Quiz - week of Monday 21 March 2016

- This closed book quiz will be done IN TUTORIAL CLASSES during the week commencing 21 March 2016 and is worth 5 marks.
- Students will be assessed on lecture topics 1 (Role of Law in Business) and 2 (Statutory Interpretation and Legal Reasoning).

8.3 Task C: Major Assignment - due 5pm on Monday 2 May, 2016

- The Major Assignment is worth 20 marks and must be submitted online.
  - Online submission is via Turnitin (see Moodle)
  - Check your plagiarism score, amend and re-submit your assignment as required but the final version of your assignment must be submitted by 5pm on Monday 2 May 2016 (i.e. beginning of week 9). The version that is available at 5pm on Monday 2 May 2016 will be deemed to be your final version.
- See paragraph 8.6 regarding Assignment Submission Procedure
- This assignment will be a problem question that will require students to advise on the legal liability of one or more parties. As such, this assignment will assess students’ knowledge, critical thinking, problem solving and written communication skills.
- The assignment will also assist students in preparing for the exam (which will contain problem questions in a similar format) and will allow students to exercise their analytical, research and writing skills.

General comments

- Students must refer to the style guide for written work attached as Appendix A to this course outline when attempting assessment tasks.
- One of the biggest problems affecting the success of students in law courses is the lack of planning involved in researching and completing assignments/research papers. Frequently, students do not appreciate the amount of work that is required to obtain a good result in research papers. These research papers cannot be successfully completed in one or two days before the due date because they require a considered and well-researched written analysis of a topic. Students should expect to devote at least 2 full days (16 hours) doing research and 2 or 3 full days (24 hours) writing the paper. These are conservative estimates based on students who have a good understanding of the course and excellent reading and writing skills.
- The Assignment will be marked according to the following criteria:
  - Understanding the practical application of the law
  - Evidence of research beyond the textbook
- Clarity of structure and argument
- Evidence of a full and comprehensive argument taking into account differing viewpoints and alternative arguments.
- Appropriate use of footnotes and referencing.

8.4 Task D: Final exam at end of semester - date to be advised

- The exam will be CLOSED BOOK.
- The final exam is **worth 60 marks** and will cover lecture topics 3 to 6 AND 8-12 inclusive. (NOTE: Lecture topics 1 (Role of Law in Business) and 2 (Statutory Interpretation and Legal Reasoning) will be assessed in the week commencing Monday 21 March 2016 by way of the In-Class quiz to be done in tutorials and Lecture topic 9 will be assessed by way of contributions to the Property Blog – see information at para 8.1 above).
- The exam will be held during the formal exam period at the end of the semester. Students must ensure that they consult the exam timetable and attend the exam at the scheduled time and place.
- The exam will require students to be familiar with the methodology used for legal analysis and the basic legal principles applied in the tutorials.

8.5 Assessment Format

You should refer to the style guide for written work attached as Appendix A to this course outline in relation to the written parts of the assessment for this course.

8.6 Major Assignment Submission Procedure

- The Major Assignment is due on Monday 2 May 2016 (ie: beginning of week 9):
  - The Assignment must be uploaded onto Moodle (via Turnitin) by 5pm on Monday 2 May 2016.
  - Submitting the assignment in electronic format will allow staff to check for plagiarism and to enforce the word limit.
  - Cover Sheet (attached at back of Course Outline) IS OPTIONAL.

8.7 Late Submission

**Due Date & Time**

Students are advised that assessment tasks submitted after 5pm on the due date will not be accepted unless **PRIOR** written approval has been granted by the Lecturer-in-Charge.
If you foresee that you will have problems submitting the assessment task on time you should contact the Lecturer-in-Charge immediately. Only the Lecturer-in-Charge can grant an extension.

Do not wait until the due date to ask for an extension. Please note that no extensions will be granted after the due date.

Requests for Extension

Requests for extensions must be received by the Lecturer-in-Charge not less than 24 hours before the due date (therefore email requests received after 5pm on the night before the due date will be ignored). If a student falls ill the day before the due date they will not be given an extension but will be asked to request special consideration (see below).

Penalty for Late Submission

Assessment tasks that are submitted after the due date and time without prior written approval will have 20% deducted per day late. Please note: penalty marks will be imposed immediately after the due date. Any paper submitted 5 or more days late (i.e. 5 or more days after the due date) will not be marked and you will be awarded a score of zero.

Special Consideration Applications

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 Part B para 3 below). These applications are reserved for illness or misadventure, not work commitments. Work commitments and clashes with other courses are not a valid reason for special consideration applications.

Quality Assurance

UNSW Business is actively monitoring student learning and quality of the student experience in all its programs. A random selection of completed assessment tasks may be used for quality assurance, such as to determine the extent to which program learning goals are being achieved. The information is required for accreditation purposes, and aggregated findings will be used to inform changes aimed at improving the quality of Business programs. All material used for such processes will be treated as confidential and will not be related to course grades.
9 COURSE RESOURCES

9.1 Prescribed Text

PLEASE NOTE:

- This is a new textbook for this course and is being used for the first time in semester 1, 2016
- As this textbook is a custom text that has been specially put together for this course, it is only available at the UNSW Bookshop.
- Copies purchased elsewhere will not have all the required printed chapters.
- Students should not use previous textbooks that have been used in this course.

9.2 Further Recommended Materials
Students may also wish to purchase the following overview of the Australian Legal System:


Students who can read Chinese may also wish to purchase the following:


There are also a number of other texts which students may find useful in helping them to understand the various concepts covered in this course:


These books are available for purchase in the bookshop. The library also has a small number of copies on reserve.
9.3 UNSW Library

Relevant resources can also be accessed though the UNSW Library website: http://info.library.unsw.edu.au/web/services/services.html.

10 COURSE EVALUATION AND DEVELOPMENT

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.

One way in which student feedback is gathered is through the course and teaching evaluation questionnaires (CATEI) filled in by students at the end of each semester.

For example, in a previous CATEI evaluation of the previous introductory business law course, students requested more guidance in relation to how to solve legal problems. As a result, the Five Step Plan was developed and introduced. In another CATEI evaluation, some students requested a Discussion Forum be set up so that they have the chance to continue to collaborate with their colleagues (and tutor) after class. A Discussion Forum has been set up for each tutorial group.
# 11 COURSE SCHEDULE

<table>
<thead>
<tr>
<th>WK</th>
<th>Lecture date</th>
<th>Lecture topics</th>
<th>Topic information</th>
</tr>
</thead>
</table>
| 1  | 29 Feb or 2 March  | Introduction: The Role of Law in Business       | • The Legal Framework and Legal Systems  
• The Australian Constitution and the separation of powers  
• The Parliament, the Executive and the Judiciary |
| 2  | 7 or 9 March       | Statutory Interpretation & Legal Reasoning      | • How Law is Made  
• Statutory interpretation and Judicial decision making  
• Legal problem solving and conducting legal research |
|    | TUTORIALS COMMENCE|                                                              |                                                                                      |
| 3  | 14 or 16 March     | Law of Contracts (cont’d)                        | • Terms of a contract  
• Conditions and Warranties  
• Exclusion clauses  
CLOSED BOOK In-Class Quiz on Lecture Topics 1 and 2 to be held in Tutorials this week |
| 4  | 21 or 23 March     | Law of Contracts (cont’d)                        | • Is the Contract Legal  
• Rights and Liabilities of the Parties  
• Remedies for breach of contract |
| 5  | 4 or 6 April       | Law of Contracts (cont’d)                        | • Employment Contracts |
| 6  | 11 or 13 April     | Law of Contracts (cont’d)                        | • Scope of the Australian Consumer Law (Sch 2, Competition and Consumer Act 2010 (Cth))  
• Misleading or deceptive conduct  
• Unconscionable conduct  
• Misrepresentations under the Australian Consumer Law |
| 7  | 18 or 20 April     | Consumer Protection Law                          | • What is property?  
• Ownership of land  
• Intellectual property |
| 8  | 27 April (25 April | Property Law                                     | • Part IV of the Competition and Consumer Act 2010 (Cth)  
• Authorising anti-competitive activity  
• Enforcement procedures and remedies |
|    | is Anzac Day)      |                                                              |                                                                                      |
| 9  | 2 or 4 May         | Restrictive Trade Practices and Competition Law | • General principles  
• Negligence and duty of care  
• Statutory modification through the Civil Liability Act 2002 (NSW) |
| 10 | 9 or 11 May        | Civil Liability and Tort Law                    | • Standard of care for professionals  
• Recovery for economic loss |
| 11 | 16 or 18 May       | Tort Law (cont’d): Professional Negligence and Economic Loss | • Choosing a business entity |
| 12 | 23 or 25 May       | Business Structures                              | • LAST WEEK OF TUTORIALS |
| 13 | No lectures        |                                                              |                                                                                      |

## Mid-semester break
Friday 28 March – Sunday 3 April 2016

## MAJOR ASSIGNMENT DUE MONDAY 2 MAY 2016 (Beginning of week 9)

### COURSE READINGS:

See Moodle under the heading: Lecture Slides and Weekly Readings for a list of weekly readings for each lecture topic.
PART B. KEY POLICIES, STUDENT RESPONSIBILITIES
AND SUPPORT

12 PROGRAM LEARNING GOALS AND OUTCOMES

The Business School Program Learning Goals reflect what we want all students to BE or
HAVE by the time they successfully complete their degree, regardless of their individual
majors or specialisations. For example, we want all our graduates to HAVE a high level of
business knowledge, and a sound awareness of ethical, social, cultural and environmental
implications of business. As well, we want all our graduates to BE effective problem-solvers,
communicators and team participants. These are our overall learning goals for you and are
sought after by employers.

You can demonstrate your achievement of these goals by the specific outcomes you achieve
by the end of your degree (e.g. be able to analyse and research business problems and
propose well-justified solutions). Each course contributes to your development of two or more
program learning goals/outcomes by providing opportunities for you to practise these skills
and to be assessed and receive feedback.

Program Learning Goals for undergraduate and postgraduate students cover the same key
areas (application of business knowledge, critical thinking, communication and teamwork,
ethical, social and environmental responsibility), which are key goals for all Business
students and essential for success in a globalised world. However, the specific outcomes
reflect different expectations for these levels of study.

We strongly advise you to choose a range of courses which assist your development of
these skills, e.g., courses assessing written and oral communication skills, and to keep a
record of your achievements against the Program Learning Goals as part of your portfolio.

<table>
<thead>
<tr>
<th>Business Undergraduate Program Learning Goals and Outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1. Knowledge:</strong> Our graduates will have in-depth disciplinary knowledge applicable in local and global contexts. You should be able to select and apply disciplinary knowledge to business situations in a local and global environment.</td>
</tr>
<tr>
<td><strong>2. Critical thinking and problem solving:</strong> Our graduates will be critical thinkers and effective problem solvers. You should be able to identify and research issues in business situations, analyse the issues, and propose appropriate and well-justified solutions.</td>
</tr>
<tr>
<td><strong>3. Communication:</strong> Our graduates will be effective professional communicators. You should be able to:</td>
</tr>
<tr>
<td>a. Prepare written documents that are clear and concise, using appropriate style and presentation for the intended audience, purpose and context, and</td>
</tr>
<tr>
<td>b. Prepare and deliver oral presentations that are clear, focused, well-structured, and delivered in a professional manner.</td>
</tr>
<tr>
<td><strong>4. Teamwork:</strong> Our graduates will be effective team participants. You should be able to participate collaboratively and responsibly in teams, and reflect on your own teamwork, and on the team’s processes and ability to achieve outcomes.</td>
</tr>
<tr>
<td><strong>5. Ethical, social and environmental responsibility:</strong> Our graduates will have a sound awareness of the ethical, social, cultural and environmental implications of business practice. You should be able to:</td>
</tr>
<tr>
<td>a. Identify and assess ethical, environmental and/or sustainability considerations in business decision-making and practice, and</td>
</tr>
<tr>
<td>b. Identify social and cultural implications of business situations.</td>
</tr>
</tbody>
</table>
13 ACADEMIC HONESTY AND PLAGIARISM

The University regards plagiarism as a form of academic misconduct, and has very strict rules regarding plagiarism. For UNSW policies, penalties, and information to help you avoid plagiarism see: https://student.unsw.edu.au/plagiarism as well as the guidelines in the online ELISE tutorials for all new UNSW students: http://subjectguides.library.unsw.edu.au/elise

To see if you understand plagiarism, do this short quiz:

https://student.unsw.edu.au/plagiarism-quiz

For information on how to acknowledge your sources and reference correctly, see:

https://student.unsw.edu.au/harvard-referencing

For the Business School Harvard Referencing Guide, see the Business Referencing and Plagiarism webpage (Business >Students>Learning support> Resources>Referencing and plagiarism).

14 STUDENT RESPONSIBILITIES AND CONDUCT

Students are expected to be familiar with and adhere to university policies in relation to class attendance and general conduct and behaviour, including maintaining a safe, respectful environment; and to understand their obligations in relation to workload, assessment and keeping informed.

Information and policies on these topics can be found in UNSW Current Students ‘Managing your Program’ webpages: https://student.unsw.edu.au/program.

14.1 Workload

It is expected that you will spend at least nine to ten hours per week studying this course. This time should be made up of reading, research, working on exercises and problems, online activities 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.

We strongly encourage you to connect with your Moodle course websites in the first week of semester. Local and international research indicates that students who engage early and often with their course website are more likely to pass their course.

Information on expected workload: https://student.unsw.edu.au/uoc

14.2 Attendance

Your regular and punctual attendance at lectures and seminars is expected in this course. University regulations indicate that if students attend less than 80% of scheduled classes they may be refused final assessment. For more information, see: https://student.unsw.edu.au/attendance
14.3 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 which unduly disrupts or interferes with a class, such as ringing or talking on mobile phones, is not acceptable and students may be asked to leave the class. More information on student conduct is available at: https://student.unsw.edu.au/conduct

14.4 Health and Safety
UNSW Policy requires each person to work safely and responsibly, in order to avoid personal injury and to protect the safety of others. For more information, see http://safety.unsw.edu.au/.

14.5 Keeping Informed
You should take note of all announcements made in lectures, tutorials or on the course website. From time to time, the University will send important announcements to your university e-mail address without providing you with a paper copy. You will be deemed to have received this information. It is also your responsibility to keep the University informed of all changes to your contact details.

15 SPECIAL CONSIDERATION
You must submit all assignments and attend all examinations scheduled for your course. You should seek assistance early if you suffer illness or misadventure which affects your course progress.

General information on special consideration for undergraduate and postgraduate courses:
1. All applications for special consideration must be lodged online through myUNSW within 3 working days of the assessment (Log into myUNSW and go to My Student Profile tab > My Student Services > Online Services > Special Consideration). You will then need to submit the originals or certified copies of your completed Professional Authority form (pdf - download here) and other supporting documentation to Student Central. For more information, please study carefully in advance the instructions and conditions at: https://student.unsw.edu.au/special-consideration
2. Please note that documentation may be checked for authenticity and the submission of false documentation will be treated as academic misconduct. The School may ask to see the original or certified copy.
3. Applications will not be accepted by teaching staff. The lecturer-in-charge will be automatically notified when you lodge an online application for special consideration.
4. Decisions and recommendations are only made by lecturers-in-charge (or by the Faculty Panel in the case of UG final exam special considerations), not by tutors.
5. Applying for special consideration does not automatically mean that you will be granted a supplementary exam or other concession.
6. Special consideration requests do not allow lecturers-in-charge to award students additional marks.

Business School policy on requests for special consideration for Final Exams in undergraduate courses:
The lecturer-in-charge will need to be satisfied on each of the following before supporting a request for special consideration:
1. Does the medical certificate contain all relevant information? For a medical certificate to be accepted, the degree of illness, and impact on the student, must be stated by the medical practitioner (severe, moderate, mild). A certificate without this will not be valid.
2. Has the student performed satisfactorily in the other assessment items? Satisfactory performance would require at least. As stated at paragraph 7.1 in Part A, satisfactory performance in this course means students must achieve a total mark of at least 50/100, must meet the obligation to have attended 80% of lectures and allocated tutorials AND must have made a satisfactory attempt at all assessment tasks.
3. Does the student have a history of previous applications for special consideration? A history of previous applications may preclude a student from being granted special consideration.

Special consideration and the Final Exam in undergraduate courses:

Applications for special consideration in relation to the final exam are considered by a Business School Faculty panel to which lecturers-in-charge provide their recommendations for each request. If the Faculty panel grants a special consideration request, this will entitle the student to sit a supplementary examination. No other form of consideration will be granted. The following procedures will apply:

1. Supplementary exams will be scheduled centrally and will be held approximately two weeks after the formal examination period. The dates for Business School supplementary exams for Semester 1, 2016 are:
   - 12th July – exams for the School of Accounting
   - 13th July – exams for all Schools except Accounting and Economics
   - 14th July – exams for the School of Economics

   If a student lodges a special consideration for the final exam, they are stating they will be available on the above dates. **Supplementary exams will not be held at any other time.**

2. Where a student is granted a supplementary examination as a result of a request for special consideration, the student’s original exam (if completed) will be ignored and only the mark achieved in the supplementary examination will count towards the final grade. Failure to attend the supplementary exam will not entitle the student to have the original exam paper marked and may result in a zero mark for the final exam.

If you attend the regular final exam, you are extremely unlikely to be granted a supplementary exam. Hence if you are too ill to perform up to your normal standard in the regular final exam, you are strongly advised not to attend. However, granting of a supplementary exam in such cases is not automatic. You would still need to satisfy the criteria stated above.

Special consideration and assessments other than the Final Exam in undergraduate courses:

See Part A, paragraph 8.7 on Late Submission.

Students should contact the Lecturer-in-Charge in respect of special consideration requests for assessments OTHER THAN THE FINAL EXAM and where such assessments are worth 20% (or less) for the course.

16 STUDENT RESOURCES AND SUPPORT

The University and the Business School provide a wide range of support services for students, including:

- **Business School Education Development Unit (EDU)**
  https://www.business.unsw.edu.au/students/resources/learning-support
  The EDU provides academic writing, study skills and maths support specifically for Business students. Services include workshops, online resources, and individual consultations. EDU Office: Level 1, Room 1033, Quadrangle Building. Phone: 9385 5584; Email: edu@unsw.edu.au.

- **Business Student Centre**
  https://www.business.unsw.edu.au/students/resources/student-centre
  Provides advice and direction on all aspects of admission, enrolment and graduation. Office: Level 1, Room 1028 in the Quadrangle Building; Phone: 9385 3189.

- **Moodle eLearning Support**
  For online help using Moodle, go to: https://student.unsw.edu.au/moodle-support. For technical support, email: itservicecentre@unsw.edu.au; Phone: 9385 1333.

- **UNSW Learning Centre** www.lc.unsw.edu.au
  Provides academic skills support services, including workshops and resources, for all UNSW students. See website for details.

- **Library training and search support services**
  http://info.library.unsw.edu.au/web/services/services.html

- **IT Service Centre**: Provides technical support for problems logging in to websites, downloading documents etc. https://www.it.unsw.edu.au/students/index.html Office: UNSW Library Annexe (Ground floor). Ph: 9385 1333.

- **UNSW Counselling and Psychological Services** https://student.unsw.edu.au/wellbeing
  Provides support and services if you need help with your personal life, getting your academic life back on track or just want to know how to stay safe, including free, confidential counselling. Office: Level 2, East Wing, Quadrangle Building; Phone: 9385 5418.

- **Student Equity & Disabilities Unit** http://www.studentequity.unsw.edu.au
Provides advice regarding equity and diversity issues, and support for students who have a disability or disadvantage that interferes with their learning. Office: Ground Floor, John Goodsell Building; Phone: 9385 4734; Email: seadu@unsw.edu.au
17 Appendix A - Style Guide and Written Submission Guidelines

General.
1. You MUST keep a hard copy your Major Assignment.
2. A margin of at least 2.5 cm should be left along the left hand side of each page.
3. Written answer papers must be either clearly written or typed. Typing should be double spaced, no smaller than 12-point font and on one side of the page only.
4. The preferred binding of the written answer is a single staple in the top left hand corner. No other binding is required. Written answers presented in any other form of binding may be removed from that binding to facilitate marking. In such circumstances the additional binding will not be returned to you.
5. Computer or printer failure is not an acceptable special circumstance for an extension of time. You are expected to make back-up copies of your written answer and have contingency plans for any potential printing problems.

Length
1. The Major Assignment has a maximum word limit of 2000 words.
2. A word count must be recorded on the cover sheet.
3. Written answers must be kept to the prescribed word limit. A word limit does not include footnotes or bibliography.
4. If material submitted exceeds the prescribed limit the marker may:
   • require you to revise and edit the work to the prescribed requirements, and/or
   • stop marking at the word limit, and/or
   • penalise you for exceeding the word limit by deducting 2 marks. Be aware that this is the most likely result.

Footnotes, Quoting and Copying
1. Footnotes allow the reader to quickly and easily find the exact place in the source material to which the footnote refers.
2. In the course of the written answer you will need to cite relevant authorities. These may be a case precedent, the views of an author, a piece of legislation, or an article. The source of the proposition or idea that is used must be acknowledged. For example, you do not quote the opening page of a website if your quotation comes from another page. You must quote the exact, complete location of the page on the web where you found the material.
3. All sources must be acknowledged by a footnote at the foot of the page where:
   • the source is being directly quoted;
   • an argument or proposition in that source is being paraphrased;
   • the source is being used as authority to support a student's proposition or argument;
Footnotes that represent digressions from the main argument should be kept to a minimum.
For TABL 1710 assignments, students should use footnote citations. For examples of how to use footnote citations, please see examples below in the footer at the bottom of this page. All students are asked to please use this method of referencing.

1. Example 1 in the footer below shows how to correctly reference journal articles (NOTE: also see below for referencing of online journal articles).
2. Example 2 in the footer below shows how to correctly reference cases (NOTE: cases must be cited this way, even if you have found the case from an online site).
3. Example 3 in the footer below shows how to correctly reference books.
4. Example 4 in the footer below shows how to correctly reference legislation. (NOTE: legislation must be cited this way, even if you have found the case from an online site).

Referencing Books

1. Books should be cited as per the example below:
   - Latimer P *Australian Business Law*, 33rd ed, 2014, CCH Australia at [insert page or paragraph number]
2. If the text is discussing a case then the reference should be:

Referencing online journal articles

Articles appearing in journals that are only available online should be cited in the same manner as printed articles (see Example 1 in footer below) but an URL link should also follow the citation to the electronic article, as follows:


(NOTE: if an article appears in a printed journal, even where a similar version is available online, always cite the printed journal instead.)

Referencing Websites

1. If you want to reference discussion from a database like CCH or Butterworths Online it should be cited as per the following example:
   - CCH Australian *Trade Practices Law Reporter* at [insert paragraph number]
2. If the commentary talks about a case then the reference should be cited as follows:

---

2 Pioneer Concrete Services Ltd v Yelnah Pty Ltd (1987) 5 NSWLR 254 at 256 (hereinafter Pioneer case).
3 Latimer P *Australian Business Law*, 33rd ed, 2014, CCH Australia at 129 (Note: in this example, 129 represents the page number - you can insert a relevant page OR paragraph number).
4 [insert section number]. *Civil Liability Act 2002* (NSW)
• *Esanda Finance Corporation Ltd v Peat Marwick Hungerfords* (1997) 188 CLR 241 as cited in *CCH Torts Law Reporter* at [insert paragraph number]

**Referencing Online Encyclopaedias**

If you are using an online encyclopaedia, you must give the name of the publisher, the name of the encyclopaedia, the title of relevant section or chapter, as follows:


If citing an online encyclopaedia, the volume number may be omitted.

**Repeated references**

Where you are repeating a reference, use:

“See above n.”

The letter “n” refers to the footnote number where the same source has been cited previously.

For example, you may have referred to P, Latimer *Australian Business Law*, 33rd edn, CCH Australia at footnote 27. Then you might wish to refer to this same book again at footnote 53. Instead of repeating the reference at footnote 53, simply say at footnote 53, “See above n 27” (where you first referred to this book).

**Plagiarism**

Plagiarism is a serious academic offence and it is important to understand what it means. The following is an extract from the Student Guide that you should read very carefully.

• **Plagiarism and failure to acknowledge sources**

Plagiarism involves using another person’s work and presenting it as yours. Acts of plagiarism include copying parts of a document or audiovisual, or computer-based material without acknowledging and providing the source for each quotation or piece of borrowed material.

Similarly, using or extracting another person’s concepts or conclusions, summarising another person’s work or, where, there is collaborative preparatory work, submitting substantially the same final version of any material as another student constitutes plagiarism. This includes copying another student’s work or using their work as the basis for your written answer. It does not matter whether you have their consent or not.

Encouraging or assisting another person to commit plagiarism is a form of collusion and may attract the same penalties.

Academic misconduct can occur where you fail to acknowledge adequately the use you have made of ideas or material from other sources. **It is essential that you correctly attribute your source wherever you draw on and use someone else’s ideas or information, whether by summarising or direct quotation.** You must do this in such a way that is clear to anyone reading what you have written (or submitted) which of the ideas, arguments and views are yours and which are those of the writers or researchers you have consulted.

It is your responsibility to make sure you acknowledge within your writing where you have “sourced” the information, ideas and facts etc.
The basic principles are that you should not attempt to pass off the work of another person as your own. It should be possible for a reader to check the information and ideas that you have used by going to the original source material. Acknowledgment should be sufficiently accurate to enable the source to be located speedily.

The following are some examples of breaches of these principles:

- **Quotation (ie using the exact same words from the source material) without the use of the quotation mark (“……..”)**

It is plagiarism to quote another’s work without using quotation marks, even if one then uses a footnote to refer to the identity of the quoted source. The fact that the material is quoted must be acknowledged in your work. This includes quotations obtained from a web page.

- **Significant paraphrasing**

Paraphrasing is using sentences in which the wording is very similar to the original source wording. This applies even if the source is acknowledged by a footnote. The source of all paraphrasing must be acknowledged by a footnote.

- **Unacknowledged use of information or ideas**

The unacknowledged use of information or ideas, unless such information or ideas are commonplace, is plagiarism. In particular, citing sources (e.g. texts, cases), that you have not read, without acknowledging the ‘secondary’ source from which knowledge of them has been obtained, is plagiarism. For example, you have read a paragraph from a company law textbook, at the end of the paragraph, there is a footnote which refers to 3 cases. You, having not read any of those 3 cases, refer to them in a footnote in your paper without acknowledging that they come from the footnote in the contract textbook.

These principles apply to both text and footnotes of sources. They also apply to sources such as teaching materials, and to any work by any student (including the student submitting the work), which has been or will be otherwise submitted for assessment. Using the principles mentioned above about proper acknowledgment, you should also proceed on the general assumption that any work to be submitted for assessment should in fact be your own work. It ought not be the result of collaboration with others unless your lecturer gives clear indication that, for that written answer, joint work or collaborative work is acceptable.

**Bibliography**

A bibliography is required for the Major Assignment ONLY - all texts, articles and other sources you use in the preparation of your work should be listed in a bibliography at the end of the written answer. Separate headings are recommended for book, articles and websites consulted.

**Wikipedia (Note:** Wikipedia is not to be used as it is an unreliable source of information. Statutes and cases need not be separately listed in a bibliography.)

Students should take extreme care when using Wikipedia. Wikipedia is prepared by unknown authors and is often wrong. Whilst Wikipedia may, on occasion, be useful as a starting point when approaching a completely unfamiliar topic, it is unacceptable as a source for University assignments. If a decision is made to consult Wikipedia, students must research further and check and cite the source used by Wikipedia in their assignment rather than Wikipedia itself. Students who use Wikipedia as a source for written assessment tasks without researching further and checking the sources used
will have marks deducted.