


	ANU College of Business and Economics	Research School of Accounting
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BUSN1101

Introduction to Commercial Law

This course introduces you to the Australian legal system and the law regulating business activities. Particular focus is given to the law of contract. The course also covers the laws relating to particular types of business contracts such as sales of goods and insurance contracts. Aspects of property law and negligence are also covered.

Course URL	http://programsandcourses.anu.edu.au/course/BUSN1101
Mode of Delivery	On campus
Prerequisites	Nil
Incompatible Courses	This course is incompatible with LAWS1201 , LAWS1204 , LAWS2210 , LAWS4210
Co-taught Courses	None
Course Convenor	Associate Professor Keturah Whitford
	

Phone	61254726
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Office	Hanna Neumann 2031
Office hours for student consultation	To be advised on Wattle
Bio and Research Interests	<p>Keturah Whitford is Associate Professor and Reader in Business Law in the Research School of Accounting and Business Information Systems at the Australian National University. She is also Director of Students and Learning in the College of Business and Economics. Prior to joining ANU Keturah was head of the School of Law at the University of Canberra. She has taught and published in areas of business law, company and insolvency law and banking law. She is a director on the boards of Australian Science Innovations Inc and St John Ambulance (ACT) Inc.</p> <p>Keturah has many years' experience as a legal practitioner, initially in private practice in Adelaide and later working for The State Bank of South Australia, Street Thompson Holdings Ltd (a listed public company) and the Australian Association of Permanent Building Societies in Canberra.</p> <p>Keturah holds the degrees of Bachelor of Laws, Master of Laws and a Diploma of Education from the University of Adelaide. She is admitted as a barrister and solicitor in South Australia, The Australian Capital Territory and the High Court of Australia.</p>
Tutor(s)	There will be a number of tutors in this course. Names and contact details and consultation hours will be posted to Wattle .
Student Administration	Room 2037 Hanna Neumann Building 21 enquiries.rsa@anu.edu.au 6125 0025 or 6125 7968 Office Hours: Monday-Friday 9-5 pm

SEMESTER 2

2017

COURSE OVERVIEW

Learning Outcomes

Upon successful completion of the requirements for this course, students will be able to:

1. Identify the sources of law in Australia: statute and judge made law
2. explain some of the associated issues such as constitutional limitations on power, the hierarchy of courts
3. find current statements of case law and legislation regarding commercial legal issues;
4. Apply principles of statutory interpretation in a commercial legal context
5. Apply the doctrine of precedent in a commercial legal context
6. Identify legal issues in a problem scenario and apply the law to resolve those issues
7. understand the way the law will view a set of circumstances and why the law exists and also know how to apply this to influence and inform decision making

Assessment Summary

Assessment Task	Value	Due Date	Date for Return of Assessment	<i>Linked Learning Outcomes (optional)</i>
1. problem paper 1	10%	18 August	Week 6	3, 4, 5 and 6.
2.problem paper 2	20%	26 September	Week 11	3, 4, 5 and 6.
3. Tutorial participation	10%	ongoing	Week 12	1, 2, 3, 4, 5, 6 and 7.
5. Final exam	60%	Examination period	ANU exam release date	1, 2, 3, 4, 5, 6 and 7.

Research-Led Teaching

This is an introductory course which gives an introduction to the legal system and to important areas of law relevant to business. Keturah is one of the authors of the text.

The text and the course draw on relevant current examples and research. Most chapters will refer to recent journal articles in the area.

Feedback

Staff Feedback

Students will be given feedback in various ways in this course, including verbal or written feedback on the return of assessment tasks, during class discussion, or during consultation with lecturers and tutors.

Student Feedback

ANU is committed to the demonstration of educational excellence and regularly seeks feedback from students. One of the key formal ways students have to provide feedback is through Student Experience of Learning Support (SELS) surveys. The feedback given in these surveys is anonymous and provides the Colleges, University Education Committee and Academic Board with opportunities to recognise excellent teaching, and opportunities for improvement.

For more information on student surveys at ANU and reports on the feedback provided on ANU courses, go to:

<http://unistats.anu.edu.au/surveys/self/students/> and
<http://unistats.anu.edu.au/surveys/self/results/learning/>

Policies

ANU has educational policies, procedures and guidelines, which are designed to ensure that staff and students are aware of the University's academic standards, and implement them. You can find the University's education policies and an explanatory glossary at: <http://policies.anu.edu.au/>

Students are expected to have read the [Academic Misconduct Rule](#) before the commencement of their course.

Other key policies include:

- Student Assessment (Coursework) Policy
- (https://policies.anu.edu.au/ppi/document/ANUP_004603)
- Student Assessment (Coursework) Procedure
- (https://policies.anu.edu.au/ppi/document/ANUP_004604)
- Student Surveys and Evaluations
- (https://policies.anu.edu.au/ppi/document/ANUP_004601)
- Copyright (<http://copyright.anu.edu.au/>)

Examination material or equipment

Details regarding materials and equipment that is permitted in an examination room can be found on the ANU website:

<http://www.anu.edu.au/students/program-administration/assessments-exams/examination-conduct>

Information regarding permitted examination materials for the course will be available on the examination timetable website when the examination timetable is released:

<http://timetable.anu.edu.au/>

READING LISTS

Graw S, Parker D, Whitford K, Sangkuhl E and Do C, <i>Understanding Business Law</i> , 8 th edition, LexisNexis Butterworths, 2016.
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Recommended reading:

Barron M, <i>Fundamentals of Business Law</i> , 7 th edition, McGraw Hill 2013.
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Cook C, Creyke R, Geddes R and Hamer D, *Laying Down the Law*, LexisNexis Butterworths, 9th edition 2014.

Crosling G and Murphy M, *How to Study Business Law: Reading, Writing and Exams* LexisNexis, 4th edition, 2009

Davenport S and Parker D, *Business and Law in Australia*, 2nd edition, Thomson Reuters 2015.

Gamble, du Plessis, Neal, *Principles of Business Law*, Thomson Lawbook, 3rd Edition, 2008

Gibson and Fraser, *Business Law*, Pearson Australia, 9th edition, 2015

James N, *Business Law*, Wiley, 4th edition, 2016.

Heilbronn G, Latimer P, Nielsen J and Pagone T, *Introducing the Law*, 7th edition, CCH, 2008

Latimer, P, *Australian Business Law*, Sydney CCH 35th Edition 2016.

Miles C and Dowler W, *A Guide to Business Law*, 21st edition, Thomson Reuters, 2014.

Sweeney B, O'Reilly J, and Coleman A, *Law in Commerce*, 6th edition, LexisNexis Butterworths, 2016.

Terry A and Giugni D, *Business and the Law*, 6th edition Cengage Learning, 2016.

Turner C, *Australian Commercial Law*, Sydney, Thomson Lawbook, 31st edition 2016.

Web sites:

<http://www.austlii.edu.au/> - the austlii site gives you free access to Australian cases, statutes and some other legal material. It also has links to equivalent overseas sites.

<http://anulib.anu.edu.au/online/eresources/> - you can gain access to various other commercial databases to which the ANU subscribes via the library. Go to on-line resources, select e-resources and search under subject Law. Some of the most useful are:

- CaseBase
- CCH Online
- Laws of Australia – a Legal Encyclopaedia (through Legal Online)
- LexisNexis
- Westlaw AU
- Westlaw International

(See also <http://anulib.anu.edu.au/subjects/law/> for guidance on law e-resources).

COURSE SCHEDULE

Week	Summary of Activities	Assessment
1	The Australian Legal Landscape Chapter 1	
2	The Law Up Close Chapters 2 and 3	
3	Introduction to Torts and Negligence chapters 24 and 25	
4	Contracts: Formation Chapter 4	Problem paper 1 due 10 pm 18 August
5	Contracts: Interpretation Chapter 5	
6	Contracts: Issues affecting consent and Agreement and Termination and Breach Chapters 6 and 7	Problem paper 1 returned
	Mid-semester break 4 – 15 September	

7	Sale of Goods/Intro to Consumer Law Chapters 8 and 10	
8	Consumer Law Chapter 11	Problem paper 2 due 10pm 26 September
9	Insurance Chapter 23	
10	Property Chapter 20	
11	Intellectual property Chapter 21	Problem paper 2 returned
12	Agency Chapter 15 and Revision (past exam papers will be posted to wattle)	
	Examination period	

ASSESSMENT REQUIREMENTS

The ANU is using Turnitin to enhance student citation and referencing techniques, and to assess assignment submissions as a component of the University's approach to managing Academic Integrity. For additional information regarding Turnitin please visit the [ANU Online](#) website.

Students may choose not to submit assessment items through Turnitin. In this instance you will be required to submit, alongside the assessment item itself, copies of all references included in the assessment item.

As a further academic integrity control, students may be selected for a 15 minute individual oral examination of their written assessment submissions.

Any student identified, either during the current semester or in retrospect, as having used ghost writing services will be investigated under the University's Academic Misconduct Rule.

Assessment Tasks

Participation:

Value	10%
Instructions	You will also be assessed on your tutorial participation – you will be assessed on your contributions to tutorial discussion. Tutorial participation will be assessed in 5 weeks (these weeks will not be nominated to you in advance) and your best 2 marks will count.
Purpose	To give you an opportunity to develop and practise skills in group facilitation and discussion and to develop problem solving and discussion skills in a group setting.
Marking Criteria HD participation	<ul style="list-style-type: none"> • Demonstrates extensive preparation: knows cases and legislation and reading material very well, has thought through the application and implication of them. • Offers informed and thorough interpretations and analysis of case material (more than just facts) to class. • Contributes well to discussion in an ongoing way: responds to other students' points, thinks through own points, questions others in a constructive way, offers and supports suggestions that may be counter to the majority opinion.

D participation	<ul style="list-style-type: none"> • Demonstrates excellent preparation: knows cases and legislation and reading material, has thought through implications of them. • Offers interpretations and analysis of case material (more than just facts) to class. • Contributes to discussion in an ongoing way: responds to other students' points.
CR participation	<ul style="list-style-type: none"> • Demonstrates good preparation: knows cases and legislation and reading material • Attempts to offer interpretation and analysis • Contributes to discussion without being called on.
Pass participation	<ul style="list-style-type: none"> • Demonstrates adequate preparation: knows basic cases and legislation or reading material, but does not show evidence of trying to interpret or analyse them. • Offers straightforward information (e.g. straight from the case or reading), without elaboration, or does so very infrequently. • Does not offer to contribute to discussion, but contributes to a moderate degree when called on.
Fail participation	<ul style="list-style-type: none"> • Either does not respond when called on or tries to respond when called on but does not offer much. • Demonstrates very infrequent involvement in discussion.

Assessment Task: Problem papers

Value	<p>10% Problem paper 1</p> <p>20% Problem paper 2</p>
Length	<p>750 words Problem paper 1</p> <p>1500 words problem paper 2</p> <p>10% tolerance either way acceptable</p>
Instructions	<p>Questions should be answered in IRAC style. You should remember to support your propositions by reference to cases and statutes where appropriate. Notes on IRAC will be posted to Wattle.</p> <p>I – Issue (briefly identify the legal issue(s) in the problem.</p> <p>R – Rule (briefly signal the rule or relevant law which will help to resolve the issue.)</p> <p>A – Application - the most important part (apply the law to the facts, look at both sides to the argument, support your argument.)</p> <p>C – Conclusion (remember to draw your advice to a conclusion, although that advice might be that there is more than one possible answer but the most likely conclusion is x. It is also acceptable to say that you need to know some further facts and if it is x then y would follow but if it is a then b would follow.)</p>

Purpose	To develop and assess students' ability to apply the law to a problem scenario in order to come to a resolution.
Estimated return date	Problem paper 1 – week 6 Problem paper 2 – week 11

Marking criteria		Factors Examined
	Demonstrated knowledge of the law	Answer reflects a good knowledge of the relevant legislation and relevant case law - an understanding of their scope and operation
	Analytical skills (legal problem solving technique)	Ability to determine the legally relevant or "material" facts and the applicable legal rules: -ability to identify the legal issues raised by the relevant facts, ie the questions in dispute; -applying the law to the relevant facts (do the facts fit the legal rules?); -reaching a conclusion and expressing it ("In my view...." "I consider, on the basis of the facts provided, that...."). If the legislation is open to more than one interpretation your task is to say so and to decide which one should be considered of greater weight and to state why.
	Presentation	Correct citations of cases and legislation in accordance with the Australian guide to Legal Citation. Layout/setting out (use of appropriate headings- clarity, ease of reading). Presentation.
Submission / Presentation Details	Your problem papers must be submitted via Turnitin by 10pm on the due dates. Papers are to be word-processed. The use of strict, professional expression is expected.	

Assignment submission

Online Submission: Assignments are submitted using Turnitin in the course Wattle site. You will be required to electronically sign a declaration as part of the submission of your assignment. Please keep a copy of the assignment for your records.

Extensions and penalties

Extensions and late submission of assessment pieces are covered by the [Student Assessment \(Coursework\) Policy and Procedure](#).

The Course Convenor may grant extensions for assessment pieces that are not examinations or take-home examinations. If you need an extension, you must request in writing on or before the due date. If you have documented and appropriate medical evidence that demonstrates you were not able to request an extension on or before the due date, you may be able to request it after the due date.

Late submission of assessment tasks without an extension are penalised at the rate of 5% of the possible marks available per working day or part thereof. Late submission of assessment tasks is not accepted after 10 working days after the due date, or on or after the date specified in the course outline for the return of the assessment item.

Returning assignments

During teaching periods assignments will be handed back in tutorials or will be available for collection from the RSA office. Please note that after the exam viewing sessions the assignments will be securely destroyed by the school office.

RESUBMISSION OF ASSIGNMENTS

There is **no** option to resubmit.

REFERENCING REQUIREMENTS

Problem papers should comply with the Australian Guide to Legal Citation https://law.unimelb.edu.au/_data/assets/pdf_file/0007/1586203/FinalOnlinePDF-2012Reprint.pdf. A short guide will be posted to wattle.

EXAMINATIONS

In order to pass the course you must achieve a minimum 40% in the final examination.

The final examination timetable is published on the following website: <http://timetable.anu.edu.au/>.

Students will be advised of the format of the final examination closer to the time. It is an open book exam. You may take anything into the examination except electronic materials – electronic dictionaries are not allowed and any books or papers which infringe copyright are not allowed.

If Multiple Choice Answer Sheets are to be used you will require a lead pencil (preferably 2B). An eraser and sharpener are also useful when using these sheets.

Please note that the examination is worth 60%. In order to receive accounting body accreditation this course is required to have a minimum 50% examination.

Scaling

Your final mark for the course will be based on the **raw** marks allocated for each of your assessment items. However, your final mark may not be the same number as produced by that formula, as marks may be **scaled**. Any scaling applied will preserve the rank order of raw marks (i.e. if your raw mark

exceeds that of another student, then your scaled mark will exceed the scaled mark of that student), and may be either up or down.

Privacy Notice

The ANU has made a number of third party, online, databases available for students to use. Use of each online database is conditional on student end users first agreeing to the database licensor's terms of service and/or privacy policy. Students should read these carefully.

In some cases student end users will be required to register an account with the database licensor and submit personal information, including their: first name; last name; ANU email address; and other information.

In cases where student end users are asked to submit 'content' to a database, such as an assignment or short answers, the database licensor may only use the student's 'content' in accordance with the terms of service – including any (copyright) licence the student grants to the database licensor.

Any personal information or content a student submits may be stored by the licensor, potentially offshore, and will be used to process the database service in accordance with the licensors terms of service and/or privacy policy.

If any student chooses not to agree to the database licensor's terms of service or privacy policy, the student will not be able to access and use the database. In these circumstances students should contact their lecturer to enquire about alternative arrangements that are available.

TUTORIAL / SEMINAR REGISTRATION

Tutorial signup for this course will be done via the Wattle website. Detailed information about signup times will be provided on Wattle. When tutorials are available for enrolment, follow these steps:

1. Log on to [Wattle](#), and go to the course site.
2. Click on the link "Tutorial signup here"
3. On the right of the screen, click on the tab "Become Member of" for the tutorial class you wish to enter.
4. Confirm your choice

If you need to change your enrolment, you will be able to do so by clicking on the tab "Leave group..." and then re-enrol in another group. You will not be able to enrol in groups that have reached their maximum number. Please note that enrolment in ISIS must be finalised for you to have access to Wattle.

SUPPORT FOR STUDENTS

The University offers a number of support services for students. Information on these is available online from <http://students.anu.edu.au/studentlife/>