



Unit of Study Outline

Unit code CLAW 1001

Unit title Foundations of Business Law

Semester 1, 2012

Pre-requisite units: There are no pre-requisite units for CLAW1001

Co-requisite units: N/A

Assumed Knowledge and/or skills: There is no assumed knowledge as this is an introductory unit of study.

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Consultation Hours: My consultation times will be available online via the CLAW1001 Blackboard site (<http://blackboard.econ.usyd.edu.au>)

Class day(s): TBA **time(s):** TBA **and venue(s):** TBA

Required Text / Resources: Terry and Giugni, *Business and the Law*, 5th ed, 2009, Cengage Learning.

This Guide to Unit Learning Content and Assessment MUST be read in conjunction with the Guide to Business School Student Administration Manual (sydney.edu.au/business/currentstudents/student_information/student_administration_manual) and University Policies on Academic Honesty, Special Consideration, and all applicable policies that apply to every unit of study offered by the Business School. In determining applications and appeals relating to these matters it will be assumed that every student has taken the time to familiarise themselves with these key policies and procedures.



1. Unit of study information (School handbook description)

<https://ssa.usyd.edu.au/ssa/handbook/uossearch.jsp?searchtype=S>

2. Learning aims

The law is not simply peripheral to business. Business operates in the context of an increasingly complex legal and regulatory system which impacts on all business activity. Contemporary managers need an understanding of the legal foundations of business and of the impact of the law on business operations and business strategies. CLAW1001 has been designed to provide this understanding. It has a dual role. It is the foundation unit for the business law discipline on which later specialist law units are built and provides a grounding in the common law system but it also provides a broad commercial awareness of the legal environment for business and the legal regulation of business which is relevant to all Business School students whatever their specialisation. Some years ago Sir Anthony Mason, a former Chief Justice of the High Court of Australia, commented that ‘Law in its various manifestations touches and often controls virtually every aspect of human relations [and] an understanding of law is invaluable to those whose occupation stands outside legal professional practice’. All Business School students, whatever their specialisation, will find that an understanding of the nature, role and processes of the law and the Australian legal system, of the operation and significance of law in a business environment and of the major areas of substantive law impacting on business will add value to their particular specialisations.

3. Learning outcomes and links to Program Learning Outcomes

Intended Learning Outcome	Relevant program learning outcome/s	Links to Learning and Teaching methods
<i>Students in this unit are expected to develop and demonstrate the following learning outcomes. Students are expected to:</i>	<i>The Unit of Study Learning Outcomes relate to the following BCom / MCom. Program Learning Outcomes (PLOs)</i>	<i>The main learning activities through which students will practice and develop their knowledge, skills and attributes</i>
1. Describe and explain commercial transactions law concepts clearly and accurately	1. Able to demonstrate an understanding of the key challenges in managing business in a range of business and cultural contexts.	Read text and other relevant materials before and after lectures.
2. Identify, analyse and assess commercial transactions law issues from given fact situations and real-world contexts;	2. Able to solve business problems by identifying and critically evaluating implications of business decisions from a range of disciplinary business perspectives.	Actively participate in lecture discussions. Use interactive lecture slides accordingly. Attend all lectures and tutorials.
3. Resolve legal problems by applying relevant law, evaluating appropriate solutions to legal problems, and synthesising information and developing arguments to support your conclusions;		Prepare written responses to tutorial exercises. Actively participate in tutorial discussions. Review and revise notes before and after lectures and tutorials. Attend weekly



		<p>consultation sessions. Undertake own independent research. Practice legal problem solving techniques from supplementary readings. Listen to Podcasts on Assessment. Contribute to on-line discussions (Mid-Semester Exam and Case Analysis).</p>
<p>4. Demonstrate legal research skills by locating and selecting relevant sources using libraries, the web and other research facilities;</p>	<p>2. Able to solve business problems by identifying and critically evaluating implications of business decisions from a range of disciplinary business perspectives.</p>	<p>Access materials provided on-line and in library workshop. Undertake own independent research. Evaluate usefulness of material found. Attend Critical Thinking Workshop. Attend Library Workshop.</p>
<p>5. Manage, analyse, evaluate and use legal materials and information efficiently;</p>		
<p>6. Communicate clearly, succinctly and to a professional standard using accepted legal citation and referencing to directly support their analysis and conclusions;</p>	<p>4. Able to communicate effectively, both orally and in writing, using a range of modes of communication including business reports and presentations and including the ability to negotiate and persuade in a business context.</p>	<p>Read text & other relevant materials on ongoing basis. Attend Critical Thinking Workshop. Participate in class discussions. Contribute to on-line discussion forums (Mid-Semester & Case Analysis).</p>
<p>7. Work with people from diverse cultural backgrounds with inclusiveness, open-mindedness and integrity and work effectively within group environments; and</p>	<p>6. Able to demonstrate an understanding of pertinent moral, ethical and corporate social responsibility considerations and the potential impacts (positive and negative) that business decisions can have on a range of stakeholder groups.</p>	<p>Attend lectures and tutorials. Actively participate in lecture and tutorial discussions. Work cooperatively with fellow students in and out of class. Complete Business School's on-line academic honesty module</p>
<p>8. Understand the ethical and professional dimension of your conduct both within and beyond the classroom.</p>		



4. Assessment

Assessment items	Relevant unit learning outcome/s	Word length	Weight	Due Date	Closing Date
Mid-Semester Exam	1, 2, 3, 5, 6, 7, 8	N/A	20%	6pm Thur 19 Apr, Week 6	N/A
Case Analysis Assignment Issued: Thur 3 May 2012, 5pm	1, 3, 4, 5, 6, 7, 8		20%	5pm Thur 17 May, Week 10	10 days after due date
Final Exam	1, 2, 3, 5, 6, 8	N/A	60%	Exam Period	N/A
Academic Honesty Module		N/A	N/A	Week 4	2012

✓ **Penalties**

Assignments submitted after the **due-date** will incur a late penalty of 10% per day or part thereof (includes weekends). *The **closing date** is the date beyond which an assessment cannot be accepted for marking. No assessment item will be accepted after the closing date.

Policy on Word Limits

Assignments must not exceed the prescribed word-limit. Any words exceeding the limit will not be read. Substantive discussion must not be placed in the footnotes or appendix.

✓ **Referencing style**

Details regarding the referencing and style guide that should be used in assessments for this unit are provided online **via Blackboard**.

Assessment details

Mid-Semester Exam (Compulsory)

- **Task description**

The mid-semester exam will be **open-book** lasting 50 minutes, plus an additional 10 minutes reading and noting time. Issues arising from the **Formation of Contract** topic (only) will be examined. Candidates will be required to answer one **problem-based question**. The style of the question will be similar to the tutorial questions on this topic.

The exam is designed to test your understanding of the relevant lecture topics and your ability to critically analyse given fact situations and apply the law to them. It also allows you to develop your written communication skills and your ability to answer problem-based questions using case law and statutes where appropriate to support your reasoning. The latter is one of the primary skills developed throughout this course.

'Open-book' exam means any paper-based reference materials at all may be brought into the exam. This includes your text book and your own notes as well as reading materials.

- **Assessment Criteria**

The criteria to be applied in calculating the participation and engagement mark are:



Introduction. Interpretation of question; Identification of central issues.

Content. Identification of issues; Identification of relevant legal principles; Use of authorities; Analysis of issues; Development of arguments; Logical progression; Application of legal problem solving techniques covered in lectures, tutorials and tutorial readings; Analysis and evaluation of relevant legal principles and underlying concepts in developing appropriate solutions to legal problems.

Evidence of wide reading. Familiarity with relevant principles covered in lectures, lecture discussions, tutorial discussions, lecture readings and the supplementary readings.

Structure, Style and Organisation, including use of IPAAC (Issues-Principle-Authority-Application-Conclusion) method of problem-solving.

- **Other information**

Please see Blackboard for other essential information on this assessment.

Case Analysis Assignment

- **Task description**

This assignment is **due on 5pm Thursday, 17 May 2012**. Details on this assignment including the marking criteria are provided below. **Details of the court decision you will be required to analyse will be provided in Week 8** (Thur 3 May 2012, 5pm). The selected case may focus on any one of the scheduled topic areas for CLAW1001, including later topics.

This assignment is designed to test your critical, analytical and research skills. It will also require some further reading and research and you should allow sufficient time for this. The assignment will build on the **Critical Thinking Workshop** (and associated **podcast session**) and the **library workshops** to be held in Weeks 8 and 9. Details will be provided via Blackboard.

What is a Case Analysis? In a case analysis you demonstrate your **understanding** of a particular case as well as its relation to other cases and principles you have covered so far or will be covering in a later topic. Furthermore, you need to try and **evaluate** the case you are analysing. This means giving reasoned arguments for why you think the court's decision is convincing or unconvincing, both from a legal and a commercial point of view. You should explain your conclusions and support your analysis with references to specific paragraphs whenever appropriate.

You are also asked to refer to academic / other commentaries on the subject case, to help with your interpretation and analysis of it (this is unusual for a standard case analysis but is in keeping with the objectives of this assignment). **However, please note you will receive little or no credit for discussion of academic/other literature that you do not use in support of your own argument. You will also risk disciplinary proceedings for academic dishonesty if you rely on literature that you do not actually cite.**

- **Assessment Criteria**

1. Identification of facts and ratio decidendi (or rationes). Have the facts and the ratio/rationes of the case been carefully identified? Has the ratio been distinguished from other statements? Has the ratio been properly analysed?



<p>2. Substance and depth. Demonstrated understanding of legal issues and principles involved; insight into key issues; demonstrating understanding of underlying rationale or social policy of the decision; demonstrating understanding of relevant commercial and other implications of decision; critical analysis and evaluation (* See guidelines above and see Critical Thinking Workshop).</p>
<p>3. Demonstrated evidence of wide reading and academic honesty. Familiarity with relevant legislative, case law and/or commercial developments; attention to commentary on decision; attention to commentary beyond the familiar texts; ability to illuminate analysis with principles from other, non-legal contextual material, etc. ALSO: Demonstrated use of eResearch tools.</p>
<p>4. Communication skills. Thoughts and ideas clearly expressed; adherence to conventional standards of punctuation and spelling; themes and concepts treated cohesively, etc.</p>
<p>5. Citation and Word Length. CLAW1001 citation technique used; all work fully sourced; prescribed word limit observed.</p>

- **Other information**

Additional **information and guidelines** will be provided on the release of the assignment in Week 8 (Thur 3 May 2012, 5pm).

Final Exam

- **Task description**

The final exam is held in the formal examination period. The exam will be a two (2) hour, twenty (20) minute open-book exam, plus an additional ten (10) minutes reading and noting time.

The exam will consist of two (2) problem-style questions (so approx 70 minutes for each question). The aim of the exam is to test your understanding of the relevant lecture topics and your ability to critically analyse given fact situations and apply the law to them. The exam also tests your ability to see linkages to and between the various areas of law. Topics covered may be based on any of the lecture topics, tutorial topics and their associated readings.

'Open-book' exam means any paper-based reference materials at all may be brought into the exam (this includes your text book and your own notes as well as reading materials).

- **Assessment Criteria**

<p>Introduction. Interpretation of question; Identification of central issues.</p>
<p>Content. Identification of Issues; Identification of relevant legal principles; Identification of relevant linkages between legal principles & legal topic areas; Use of authorities; Analysis of issues; Development of arguments; Logical progression; Application of legal problem solving techniques covered in lectures, tutorials and tutorial readings; Analysis & evaluation of relevant legal principles and underlying concepts in developing appropriate solutions to legal problems.</p>
<p>Evidence of wide reading. Familiarity with relevant principles covered in lectures, lecture discussions, tutorial discussions, lecture readings and the supplementary readings.</p>
<p>Structure, Style, Organisation, including use of IPAAC (Issues-Principle-Authority-Application-Conclusion) method of problem-solving.</p>

- **Other information**

Please see Blackboard for other essential information on this assessment.

5. Other suggested resources for students

Supplementary Reading. Details on the required **Supplementary Readings** will be given in lectures and online via Blackboard. As a foundations Business Law unit, CLAW1001 covers a broad range of topics. For some of those topics, **Self-Paced Reading** notes will be provided.

Reference Text. Apart from the prescribed textbook, another useful reference text is:

G Carabetta, D Chaikin and P Kamvounias (eds) (2009) *Business Law: Reading Materials for Legal Environment and Commercial Laws*, 2nd Edition, Lawbook Co (available from Special Reserve).

Tutorial Guide. The tutorial exercises for each week will be distributed online via Blackboard.

Lecture Slides. See above. Important additional material will be covered in lectures and lecture discussions and knowledge of this material may be assessed.

Podcasts will be used in CLAW1001 for assessment-related purposes. Please note that, as with other support mechanisms, the podcasts will not be a substitute for lectures: you are expected to attend all lectures, and the unit is taught face to face for a reason! The podcasts (3 in total) will be available via Blackboard.

Blackboard provides the online learning support for this unit. You should ensure you have access to this facility early in the semester and should check it regularly for course announcements and documents – **though, again, please note that Blackboard is not a substitute for lectures or lecture content.**

An **online discussion forum** will be available for the Mid-Semester Exam and Case Analysis Assignment on the Blackboard site (<http://blackboard.econ.usyd.edu.au>). This can be used to clarify questions relating to the assignments. Appropriate online behaviour is expected at all times.

6. Specific Improvements made in response to previous feedback (from students, peers etc)

6.1. Past feedback

The feedback in Semester 2, 2011, from student representative meetings and the Unit of Study Evaluation (USE) survey, was generally very positive. A majority of students said they found the unit (surprisingly) enjoyable and relevant. Most students liked the applied nature of the course but some found the case analysis assignment especially challenging. Suggestions for improvements from previous students are included in section 6.2.

6.2. Improvements made

Examples of the kinds of improvements made as a result of feedback from previous students include the introduction of a set stand-alone textbook, the continued use of short-form podcasts and library workshops, and the use of 'pin-point' references to make the reading more manageable.

6.3. How feedback will be collected

We encourage and welcome student feedback. We are particularly interested in comments both formal and informal **about what aspects of the unit helped you to learn, and why this was important.** In Weeks 7 and 11, student representative meetings will be held to gain feedback on: 1) aspects of the unit you find helpful; and 2) aspects you feel might be improved. In Week 13, you



will be asked to complete a Unit of Study Evaluation survey. This will allow us to incorporate suggestions/ improvements into the current unit and subsequent units.



7. Unit schedule

Week/ Topic	Materials (e.g. readings)	Lecture content	Tutorial/workshop content	Assessments Due
1 5 March	Text, 2.2, 2.5, 3.1 & 7.1 – 7.3.	THE LEGAL SYSTEM Introduction; The Legal System	No Tutorials	
2 12 Mar	Text, Ch 4, 5.1 – 5.4, 5.6, 12.1 – 12.3 (pg 263).	THE COURT SYSTEM; SOURCES OF LAW: The Court System; Sources of Law; Introduction to Law of Contract	Introduction	
3 19 Mar	Text, 12.1 – 12.3 (pg 263) & 12.5.	LAW OF CONTRACT Formation of Contract: Formation of Contract: Offer; Acceptance; Consideration	Reading Cases	
4 26 Mar	Text, 12.4 – 12.8.	Formation of Contract: Intention; Writing	Formation of Contract I	Academic Honesty Module
5 2 Apr	Text, 12.14 – 12.17.	Terms of the Contract: Introduction to Terms of the Contract	Formation of Contract II	
<i>AVCC non-teaching week 6 to 13 April 2012</i>				
6 16 Apr	Text, 12.14 – 12.17 & 23.1-23.8 (& see BB for Terms NOTES).	Terms of the Contract: Express Terms: Identification and Construction; Implied Terms	Terms of the Contract I	Mid-semester exam (20%) Thursday 19 April 2011
	Reading Module I	CRIMINAL LAW; PROPERTY AND SECURITIES LAW; BUSINESS STRUCTURES; BUSINESS OPERATIONS		
7 23 Apr	Text, 12.23 – 12.27. See BB for further notes.	Classification of Terms; Ending the Contract: Conditions / Warranties / Intermediate Terms; Ending the Contract	Terms of the Contract II	
8 30 Apr	Text, 12.9 – 12.13.	Breach of Contract; Remedies; Factors Affecting Agreement: Breach of Contract; Remedies; Factors Affecting Agreement	Ending the Contract	Critical Thinking Workshop Library workshop
9 7 May	Text, 21.1-21.4.	MISLEADING OR DECEPTIVE CONDUCT; UNCONSCIONABLE & UNFAIR CONDUCT: Misleading or Deceptive Conduct; Unconscionable & Unfair Conduct	Factors Affecting Agreement; Misleading or Deceptive Conduct	Library Workshop
10 14 May	Text, Ch 26.	INTELLECTUAL PROPERTY: Intro to IP; Copyrights, Patents, Designs and Trade Marks	Intellectual Property	Case analysis (20%) Thursday 17 May (5pm)
	Reading Module II	INTELLECTUAL PROPERTY; CONSUMER LAW		
11 21 May	Text, Chs 24 & 25.	COMPETITION LAW; CONSUMER LAW: Competition Law	Competition Law; Consumer Law	



12 28 May	Text, 10.1 – 10.2 (pg 191).	LAW OF NEGLIGENCE Establishing Negligence: Duty of Care Standard of Care Breach of Duty	Negligence I	
13 4 June	Text, 10.2 (pg 191 – 197).	Establishing Negligence Vicarious Liability: Causation Damage Defences Vicarious Liability	Negligence II	
14	<i>STUDY VACATION 11 to 15 June 2012</i>			