BUSN7052

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.

<table>
<thead>
<tr>
<th>Course URL</th>
<th><a href="http://programsandcourses.anu.edu.au/2017/course/BUSN7052">http://programsandcourses.anu.edu.au/2017/course/BUSN7052</a></th>
</tr>
</thead>
<tbody>
<tr>
<td>Mode of Delivery</td>
<td>On campus</td>
</tr>
<tr>
<td>Prerequisites</td>
<td>N/A</td>
</tr>
<tr>
<td>Incompatible Courses</td>
<td>BUSN1101</td>
</tr>
<tr>
<td>Course Convenor</td>
<td>Dr Sonali Walpola</td>
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<td>+61 2 6125 8059</td>
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<td>Email</td>
<td><a href="mailto:Sonali.walpola@anu.edu.au">Sonali.walpola@anu.edu.au</a></td>
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<tr>
<td>Office</td>
<td>CBE 26C Building, Room 3.21</td>
</tr>
<tr>
<td>Office hours for student consultation</td>
<td>To be announced on the Wattle course site</td>
</tr>
<tr>
<td>Research Interests</td>
<td>Commercial Law (particularly contract law) and Taxation Law</td>
</tr>
<tr>
<td>Tutors</td>
<td>To be announced on the Wattle course site</td>
</tr>
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</table>
SEMESTER 1

2017
COURSE OVERVIEW

Learning Outcomes

Upon successful completion of this course, students should be able to:

1. Identify the sources of law that are applicable to Australia;
2. Identify the legal areas of particular relevance in a business context;
3. Understand, and be able to articulate: (i) how binding agreements are formed under Australian law, and (ii) the rights and remedies that arise in relation to legally binding agreements;
4. Understand the circumstances in which persons, particularly in business, could have a legal liability in relation to careless conduct;
5. Recognize the major pieces of Australian legislation of relevance to business, and be able to articulate the legal obligations and duties that such legislation imposes;
6. Know how they would approach a legal problem, including knowing when it would be appropriate to seek professional legal advice

Assessment Summary

<table>
<thead>
<tr>
<th>Assessment Task</th>
<th>Value</th>
<th>Due Date</th>
<th>Date for Return of Assessment</th>
<th>Linked Learning Outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Take Home Exam 1</td>
<td>20%</td>
<td>Week 5/6 to be confirmed</td>
<td>Week 8 to be confirmed</td>
<td>1, 2 and 6; possibly some or all of 3, 4 and 5.</td>
</tr>
<tr>
<td>2. Take Home Exam 2</td>
<td>20%</td>
<td>Week 8/9 to be confirmed</td>
<td>Week 12 to be confirmed</td>
<td>1, 2 and 6; possibly some or all of 3, 4 and 5.</td>
</tr>
<tr>
<td>3. Final Exam</td>
<td>60%</td>
<td>In June exam period</td>
<td></td>
<td>All of 1-6 above.</td>
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</tbody>
</table>

Research-Led Teaching

Your lectures and tutorials will incorporate insights gained from relevant research in various law areas. For example, your course convener’s PhD research involved a historical and conceptual study of the bases for enforcing promises in Australian and English law, and reference will be made to knowledge obtained from this research in the contract law lectures.

Feedback

Staff Feedback

Students will be given feedback in the following forms in this course:

- Verbal feedback to their contributions during tutorials and lectures;
- Verbal feedback if they attend consultation – students will be first asked their own view on questions they have difficulty with before the lecturer/tutor responds;
- Detailed written comments in relation to their Take Home Exams;
• Brief written feedback within a reasonable time if they present their understanding of a particular area via email;
• Online feedback to online quizzes.
• Information regarding quizzes:
  o Quizzes will be made available to students via wattle in weeks 5 and 11.
  o The quizzes are **not assessable**. They are a self-assessment tool enabling students to test their knowledge of relevant concepts. Answers will be provided online in a separate document at the same time as the quizzes are made available. Students are encouraged to first attempt the quiz questions before looking at the answers.

**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/selt/students/ and
http://unistats.anu.edu.au/surveys/selt/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/](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
- Student Assessment (Coursework) Procedure
- Student Surveys and Evaluations
- Copyright ([http://copyright.anu.edu.au/](http://copyright.anu.edu.au/))

**Examination material or equipment**

Students will be permitted to bring any materials except excluded electronic devices.
READING LISTS

Prescribed Text


Reference Texts


COURSE SCHEDULE

<table>
<thead>
<tr>
<th>Week</th>
<th>Summary of Activities</th>
<th>Assessment</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>Introduction to the Australian Legal System</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Introduction to the Australian Legal System/Tort</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Tort</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Contract</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Contract</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Contract</td>
<td>Take Home Exam 1 (may change)</td>
</tr>
<tr>
<td>7</td>
<td>Consumer Law</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>Consumer Law</td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>Property Law</td>
<td>Take Home Exam 2 (may change)</td>
</tr>
<tr>
<td>10</td>
<td>Intellectual Property</td>
<td></td>
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<tr>
<td>11</td>
<td>Insurance</td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>Remedies outside the Court System and Revision</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Examination period</td>
<td></td>
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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.

Assessment Tasks

Participation

Students are encouraged to participate but no formal marks are allocated toward participation.

Assessment Task 1 & 2: Take Home Exams

Details of task:

In each Take Home Exam, you will be asked to give legal advice in relation to a hypothetical fact scenario. The Take Home Exam questions will most likely be drawn from the Semester 1, 2016 exam in this course. A higher standard will be expected with each Take Home Exam however, given that you will have a significantly longer time period to complete it.

Word limit (where applicable): approximately 1000 words

Value: 20% each

Presentation requirements: Take Home Exams must be typed and presented in a format that is easy to read.

Estimated return date: see above in ‘Assessment Summary’.

Assessment Task 3: Final Exam

The Final Exam will be similar in format to Semester 1, 2016. You will need to provide legal advice in relation to a number of fact scenarios – you will need to give explanations for your answers, and cite legal authorities. There will be no MCQs.

Assignment/Take-Home Exam Submission

Assignments (i.e. Take Home Exams) must be submitted in hard copy to the RSA School Office. Assignments must include the RSA cover sheet. Please keep a copy of tasks completed 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.

**Returning Take-Home Exam/Assignments**

Take Home Exams will be returned in tutorials.

**Resubmission of Take-Home Exam/Assignments**

In general students are not permitted to resubmit Take Home Exams/Assignments. This may be allowed by the course convener under special circumstances.

**REFERENCING REQUIREMENTS**

Students may use any recognised system of legal referencing in their Take Home Exams (e.g. Harvard or Oxford).

**EXAMINATIONS**

There will be a final exam in June. Some information regarding this has already been advised above.

**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 and during your first lecture. 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/