

## Business law

### Ordinary degree first year

**Note:** Students who have obtained credit for either Law and Business or Law of Business Transactions will not be permitted to enrol in Principles of Business Law.

#### 732-103 Principles of Business Law

**Credit points:** 12.5

**HECS-band:** 2

**Coordinator:** Dr M Lambiris

**Contact:** One 2-hour lecture and one computer assisted task per week (*Semester 1, repeat 2*).

**Description:** This subject covers a wide range of interesting legal topics and teaches students how to analyse and solve legal problems. The subject is recommended to commerce students, and to students in other faculties who have an interest in law. Principles of Business Law is a necessary foundation for subjects such as corporations law and tax law. Topics include an analysis of the nature and purpose of law; how law develops and changes; the sources of law in Australia; how to read and understand legislation and decided cases; the nature and purpose of contract law; how contracts are negotiated and created; how to analyse and understand the terms contained in contracts; how contracts are enforced if there is a breach of contract; circumstances in which contracts might be avoided; liability in tort law for injury or loss caused to other people or their property; and liability for false representations.

**Assessment:** First skills-task (15%) and second skills-task (15%) and third skills-task (15%) and a 1.5-hour end-of-semester examination (55%).

**Prescribed texts:** Australian Law Courseware CD-ROM, 2003 edition.

### Second year

In addition to satisfying the individual subject prerequisites, students must have completed or gained credit for at least 75 level-1 points before they will be permitted to enrol in any of the level-2 (second year) subjects listed below.

#### 732-202 Corporate Law

**Credit points:** 12.5

**HECS-band:** 2

**Coordinator:** Mr J Kurtz

**Prerequisites:** 732-103 Principles of Business Law (previously titled Introduction to Business Law) or 732-102 Law of Business Transactions.

**Contact:** Two 1-hour lectures and a 1-hour tutorial a week (*Semester 2*).

**Description:** A survey of the law governing the formation, regulation, and termination of companies. Analyses the internal controls on company management and their effects upon outsiders, regulation of the raising of capital and the securities markets.

**Assessment:** Either a 1200-word assignment (15%) plus a 2.5-hour end-of-semester examination (85%); or a 2.5-hour end-of-semester examination (100%).

**Prescribed texts:** Hanrahan, Ramsay and Stapledon, *Commercial Applications of Company Law*, CCH.

### Third year

In addition to satisfying the individual subject prerequisites, students must have completed or gained credit for at least 175 level-1 and level-2 points before they will be permitted to enrol in any of the level-3 (third year) subjects listed below.

#### 732-302 Banking And Finance Law

**Credit points:** 12.5

**HECS-band:** 2

**Coordinator:** Mr V New

**Prerequisites:** 732-202 Corporate Law.

**Contact:** Two 1-hour lectures and a 1-hour tutorial a week (*Semester 2*).

**Description:** This subject introduces the legal concepts that underlie most financing transactions; and laws regulating various forms and instruments of finance and various types of security. Topics will include the nature and role of commercial and consumer finance; types and incidents of personal, property and chattel securities; regulation of various forms of commercial finance and securities; regulation of consumer credit; and various aspects of bank finance (including nature and incidents of the banker-customer relationship, and negotiable instruments as financing tools).

**Assessment:** A 2.5-hour end-of-semester examination.

**Prescribed texts:** A reading list will be provided at the beginning of the subject.

#### 732-303 Taxation Law

**Credit points:** 12.5

**HECS-band:** 2

**Coordinator:** Professor Graeme Cooper

**Prerequisites:** 732-202 Corporate Law.

**Contact:** Two 1-hour lectures and a 1-hour tutorial a week (*Semester 2*).

**Description:** This subject examines Australian income tax, capital gains tax, fringe benefits tax law, and goods and services tax, law and practices.

**Assessment:** Either an optional tutorial paper of 1500 words (20%) and a 2.5-hour end-of-semester examination (80%) or a 2.5-hour end-of-semester examination (100%).

**Prescribed texts:** Either, *Fundamental Tax Legislation* (ATP, current edition) or, *Core Tax Legislation* (CCH, current edition).

#### 732-304 Labour Law

**Credit points:** 12.5

**HECS-band:** 2

**Coordinator:** Ms A Chapman

**Contact:** A 2-hour seminar per week (*Not Offered*).

**Description:** This subject examines legal principles and rules relating to labour relations in an industrial, social, economic and international context. Topics include the employee and independent contractor distinction; the contract of employment; anti-discrimination law; occupational health and safety law; constitutional issues in the Federal system; international conventions and other international instruments relevant to labour relations; the Federal system of award-making, workplace agreements (Certified Agreements and Australian Workplace Agreements) and direct employment conditions; and the legal regulation of industrial conflict.

**Assessment:** One assignment to a maximum of 1500 words (pass/fail) and a 3-hour end-of-semester examination (100%).

**Prescribed texts:** A reading list will be provided at the beginning of the subject.

#### 732-305 Law of Insolvency

**Availability:** Not offered in 2003.

**Credit points:** 12.5

**HECS-band:** 2

**Coordinator:** TBA

**Prerequisites:** 732-202 Corporate Law.

**Contact:** Two hours per week (*Not Offered*).

**Description:** This subject examines the concept of insolvency and the formal and informal ways in which individual and corporate insolvency are controlled and regulated by legislation. The subject involves consideration of insolvency from the point of view of the debtor, creditor and insolvency administrator and examination of comparative insolvency regimens in the Asia-Pacific region. Emphasis is placed on the insolvency law in practice.

**Assessment:** Research paper 5000-6000 words (100%) or final exam of 3 hours (100%).

**Prescribed texts:** Printed materials will be issued by the Faculty of Law.

*Act, Bankruptcy Act, 1966 (Cth).* • *Act, Corporations Law, (Cth).* • *Tomasic and Whitford, Australian Insolvency and Bankruptcy Law*, Butterworths, 1997.

#### 732-307 Law and Labour Relations In East Asia

**Credit points:** 12.5

**HECS-band:** 2

**Coordinator:** Mr S Cooney

**Contact:** One 2-hour seminar per week (*Not Offered*).

**Description:** The subject will comprise the following topics: the origins of labour law in East Asia - an introduction to the evolution of labour law models in the relevant countries; transferability of legal models - an examination of the ways in which East-Asian countries have 'borrowed' Anglo-American, and Australian models of labour law; the adaptation of legal models in Asia - an examination of the ways in which laws and legal institutions are adapted to fit cultural, economic and political contexts; the regulation of the individual employer-employee relationship - an outline of the law comparing approaches to the contract of employment and the regulation of labour standards in the region; the regulation of industrial relations systems - an outline of the law comparing approaches to the regulation of trade unions, and methods of industrial dispute settlement in the region; industrial relations in practice - a study of the practice, and a comparison of the formal rules, and actual practice.

**Assessment:** A mid-semester research essay to a maximum of 2500 words (50%) and a 2-hour examination (50%).

**Prescribed texts:** Cooney, *Law and Labour Market Regulation in East Asia*, London, 2002.

