



**BFA682**  
**Law for Managers**

**Semester 2 2009**

**School of Accounting and Corporate Governance**

**Faculty of Business**

**Unit Outline**

**Simone Watson**

## Contact details

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## Unit description

As a current or future professional it is essential that you have an understanding of the legal environment in which your daily decisions are being made and the legal implications of those decisions. This unit provides an overview of the key areas and principles of law that relate to the conduct of a business. By exploring case studies you will learn how to apply relevant legal principles to analyse factual situations to arrive at well reasoned arguments for, or against, a course of action. This process should be a key component of business decision making as it highlights the potential legal rights, obligations and risks inherent in many every day decisions. This unit is a must for those in business or intending to enter the business world.

## Learning outcomes

On completion of this unit, you should be able to:

1. Have knowledge of the key legal principles that are likely to impact on decisions made by managers;
2. Analyse a factual scenario to determine the relevant legal principles that may apply to that situation;
3. Apply the key legal principles that are relevant to managers to a factual situation in order to inform the managerial decision making process and to make recommendations;
4. Communicate, in a professional manner, the findings of the analysis of the factual situation.

## Generic graduate attributes

The University has defined a set of generic graduate attributes (GGAs) that can be expected of all graduates

[http://www.learningsupport.utas.edu.au/generic\\_attributes.html](http://www.learningsupport.utas.edu.au/generic_attributes.html)

By undertaking this unit you should make progress in attaining the following attributes:

***Knowledge: Learning outcome 1 will ensure that you have taken the first steps in acquiring the knowledge that is needed to understand the law that impacts on the daily professional practice of managers.***

***Communication skills: Learning outcome 4 will require you to be able to communicate in a number of different formats in a manner appropriate to professional practice.***

***Problem-solving skills: Learning outcomes 2 and 3 require you to develop and demonstrate your problem solving skills. This will be done through the use of case***

*studies in which you will be required to analyse the facts, apply the relevant law to come to a number of recommendations.*

*Global perspective: Increasingly business is becoming more globalised. Throughout this unit consideration will be given to the jurisdictional limits of the legal principles being studied.*

*Social responsibility: Learning outcomes 1-4 will provide a solid foundation on which to discuss the social responsibility of managers and to analyse whether this is achieved through the current legal system.*

## Prior knowledge &/or skills

Prerequisite units: nil

Incompatible units: BFA706 Business Law

## Learning Outcomes/Generic Graduate Attributes Matrix

Assessment task 1	Workbook 1			
Assessment task 2	Workbook 2			
Assessment task 4	Final Examination			
<b>Learning Outcomes:</b>				
	Learning outcome 1	√	√	√
	Learning outcome 2	√	√	√
	Learning outcome 3	√	√	√
	Learning outcome 4	√	√	√
<b>UTas Generic Graduate Attribute</b>				
	Knowledge	√	√	√
	Communication skills	√	√	√
	Problem-solving skills	√	√	√
	Global perspective	√	√	√
	Social responsibility	√	√	√

Matrix adapted from Unit Outline, Faculty of Business, University of the Sunshine Coast 2003

## Learning resources required

### *Requisite texts*

Griggs, L., Clark, E. and I. Iredale (2003) *Managers and the Law: A guide for business decision makers* (2<sup>nd</sup> ed) Thomson Lawbook Co: Pymont, NSW.

BFA682 Book of Readings

### ***Recommended reading***

Fleet, W., Summers, J. and Smith, B. 2006, *Communication Skills Handbook for Accounting*, John Wiley & Sons Australia, Milton.

You will benefit from reading as broadly as possible. Try to obtain the latest edition of the following references if you need assistance in completing assignments and/or if you are having trouble understanding components of the unit:

Barron, M., 2006. *Fundamentals of Business Law* (5<sup>th</sup> ed.). McGraw-Hill Irwin, North Ryde.

Gibson, A. & Fraser, F., 2006. *Business Law* (3<sup>rd</sup> ed). Pearson Education: French Forrest, NSW.

Khoury, D. & Yamouni, Y.S. 2007. *Understanding Contract Law* (7<sup>th</sup> ed.). LexisNexis Butterworths: Sydney, NSW.

Latimer, P. 2007. *Australian Business Law*, 26<sup>th</sup> ed, Sydney, CCH Australia Ltd.

Latimer, P. 2003. *Australian Business Law Workbook*, CCH: North Ryde, NSW.

Lipton, P. & Herzberg, A. 2004. *Understanding company law* (12<sup>th</sup> ed.). Law Book Company: North Ryde, NSW.

Sappideen. C. 2006. *Torts: commentary and materials* (9<sup>th</sup> ed.). Lawbook Co, NSW.

Sweeney, B. & O'Reilly, J. 2004. *Law in Commerce*. (2<sup>nd</sup> ed), LexisNexis Butterworths: Sydney, NSW.

Turner, C. 2004. *Australian Commercial Law* (25<sup>th</sup> ed.) LBC Information Services, Sydney, NSW.

### ***E- (electronic) resources***

Some Internet websites may be of use to you in your studies. However, please note that websites and their addresses are often dynamic and may be changed, updated or deleted on a regular basis often with little or no notice. Web resources are continually being developed. If you find useful web references please forward details of these links to the Unit Co-ordinator via MyLO or e-mail: Simone.Watson@utas.edu.au.

### **Legislation**

- The most authoritative website to access current (i.e.: consolidated) Commonwealth legislation is: <http://scaleplus.law.gov.au>
- Tasmanian legislation may be accessed at: <http://www.thelaw.tas.gov.au>
- Commonwealth and State legislation and some cases may also be accessed through the site provided by the Australian Legal Information Institute at: <http://www.austlii.org/>

- The Australian Competition and Consumer Commission (ACCC) site at <http://www.accc.gov.au> It has some helpful '*Links*' that take you to other sites such as Commonwealth and State Government sites including for example, *Tasmanian Consumer Affairs and Fair Trading*.

## **Publishers**

There are a number of publishers involved in commercial law including CCH, LexisNexis Butterworths, Thompson (trading as Lawbook Co) and Federation Press. Some of their entry points are set out below.

- CCH may be accessed at: <http://www.cch.com.au/>
- LexisNexis Butterworths and CCH have agreed to use a common platform for their on-line publications and web access. The information that is free is different for each company. For Lexis Nexis Butterworths see: <http://www.lexisnexis.com.au/aus/default.asp>
- Thompson Legal & Regulatory Limited trades as Lawbook Co. See: <http://www.lawbookco.com.au/home/homeindex.asp>

## **Libraries**

- The National Library of Australia hosts a site named *Australian Law on the Internet* that includes, for example, an explanation of Australia's Legal System. See: <http://www.nla.gov.au/oz/law.html>
- The Morris Miller Library (MML) and Law Library in Hobart and the Launceston Library have many resources including access to CCH and some of its services. Check the relevant library for more details. You may contact the library online at: <http://www.utas.edu.au/library/>

Some of the library services require login addresses and passwords. Check with the library for these details.

## **MyLO**

### *General*

MyLO is an internet service that has been adopted by the University and will be used in this unit. MyLO may be accessed on computers in computing laboratories at the University or on your computer at home or at work. Information about accessing and using this service, about required computer specifications and frequently asked questions, and about how to get help if you experience difficulties, is available at the following University website: <http://www.utas.edu.au/coursesonline>

You are strongly advised to visit this site and become familiar with the features of MyLO, especially if you have not used it before. You will probably be using it in other units that you are studying as well. Here are some important points about accessing our web site:

### ***Access to MyLO***

You can access your MyLO course from the Student Page on the University's web site: **Current Students** ↗ **LOGIN MyLO@UTAS** or go directly to the web address noted above:

- Enter your email POP account "Username" (for example, dsmith) and your "Password". These are identical to the pop account/email username and password that you are given with your enrolment confirmation form. If you forget your pop account username, contact the Help Desk (see below under 'getting assistance with MyLO). Both MyLO and e-mail passwords must remain the same. If you are going to change your password, change your e-mail password first.
- When you enter your user name and password, click on OK and choose "BFA682" from the list of units (subjects) in which you are enrolled. [NOTE: Another box may periodically appear when using the University network which asks you to verify your user name & password, this is simply a security device – enter your password when asked & click OK].
  - MyLO will automatically check that your browser is properly configured. If the MyLO 'browser checker' window appears – scroll down to make sure you have a tick in each area shown – then close the window.
- From the Unit's homepage click on the area you wish to access e.g. "Unit Information". A table of contents will appear on the left hand side of your screen. Scroll through the list until you find what you want & click the underlined topic.

### **For MyLO**

To access MyLO from your own computer you will need the appropriate software, and hardware to run that software. See ***Learning Online*** at <http://uconnect.utas.edu.au> for computer software you will need.

**Note:** Older computers may not have the hardware to run some of the required software applications. Contact your local IT support person or the Service Desk on 6226 1818 if you experience difficulties.

For further information on using MyLO self help sheets can be accessed at: <http://www.utas.edu.au/coursesonline/MyLO-Support.htm>

## **Details of teaching arrangements**

### ***Lectures/Intensive sessions***

This unit will be taught in thirteen 3-hour blocks with a 2-hour lecture followed by a workshop. Please refer to the University Timetable for the times, dates and location of these sessions.

### ***Workshops***

Lectures, consisting of topic summaries, explanations, demonstrations and revision, will provide an overview of the theoretical and applied aspects of the course content. However, they will constitute an introduction only. In order to gain full command of the subject matter, students will have to complete all relevant readings, practise problem solving with additional exercises and participate actively in the workshops.

### ***Occupational health and safety (OH&S)***

The University is committed to providing a safe and secure teaching and learning environment. In addition to specific requirements of this unit you should refer to the University's policy at: [http://www.admin.utas.edu.au/hr/ohs/pol\\_proc/ohs.pdf](http://www.admin.utas.edu.au/hr/ohs/pol_proc/ohs.pdf)

## Unit schedule

Week	Date	Topic	Readings / Resources	Further information
1	18 July 2009	<b>Module 1</b> Introduction The Australian legal system	Introduction and Chapter 1	Additional readings as set out in the book of readings Titled "Module 1"
2	1 August 2009	<b>Module 2</b> Aspects of the law of contract	Chapter 3 P71-116	Additional readings as set out in the book of readings Titled "Module 2"
3	22 August 2009	<b>Module 2 (con't)</b> Aspects of the law of contract Aspects of employment law		As above
4	5 September 2009	<b>Module 3</b> Aspects of the law of negligence	Chapter 3 P116-123	Additional readings as set out in the book of readings Titled "Module 3"
5	19 September 2009	<b>Module 4</b> Aspects of the law of agency and Business Structures	Chapter 4	Additional readings as set out in the book of readings Titled "Module 4"
6	3 October 2009	<b>Module 5</b> Aspects of Consumer Law	Chapter 5	Additional readings as set out in the book of readings Titled "Module 5"
7	17 October 2009	<b>Module 7</b> Managing disputes & Aspects of intellectual property law	Chapter 12 Chapter 7	

## Learning expectations and strategies

### *Expectations*

The University is committed to high standards of professional conduct in all activities, and holds its commitment and responsibilities to its students as being of paramount importance. Likewise, it holds expectations about the responsibilities students have as they pursue their studies within the special environment the University offers.

The University's Code of Conduct for Teaching and Learning states:

*Students are expected to participate actively and positively in the teaching/learning environment. They must attend classes when and as required, strive to maintain steady progress within the subject or unit framework, comply with workload expectations, and submit required work on time.*

### *Learning strategies*

In this unit you will encounter a number of different learning strategies. These will include:-

- information dissemination through guided readings and lectures;
- knowledge consolidation through workbook activities;
- skills workshops which include interviewing, negotiation and presentations;
- problem solving workshops and workbook activities;
- facilitated group discussions.

## Specific attendance/performance requirements

Unless prevented by illness or other acceptable reason, you are expected to attend all scheduled lectures and workshops. You are required to complete the prescribed reading and all other set tasks **prior** to attendance at the lectures and workshops. During the workshops you are encouraged to participate in group discussions and all other activities.

## Assessment

### Assessment Schedule

Assessment Task	Date due	Weighting
1. Work Book One Modules 1 and 2	By 3.00pm Monday 17 August	15%
2. Work Book Two Modules 3 and 4	3.00pm Monday 14 September	10%
2. Work Book Three Modules 5 and 7	3.00pm Monday 12 October	10%
3. Take Home Examination	3.00pm Monday 26 October	55%

NOTE: 3.00pm is based on Australian Eastern Standard Time.

### **Assessment Task 1 – Work Book One – 15%**

Assessable tasks as contained in the Work Book.

#### **Task Description**

There are assessable tasks contained in the Work Book that is available on MyLO. You must complete all of the activities in modules 1 and 2 of the Work Book along with the assessable task and then email that entire part of the Work Book to [simone.watson@utas.edu.au](mailto:simone.watson@utas.edu.au)

#### **Task Length**

There is no set length for this task.

#### **Assessment Criteria/Guidelines**

The assessment criteria is posted on MyLO.

#### **Date Due**

The Work Book activities and assessable tasks must be completed in accordance with the requirements by **3.00pm on Monday 17 August 2009** (AEST).

### **Assessment Task 2 – Workbook 2 - 10%**

Assessable tasks as contained in the Work Book.

#### **Task Description**

There are assessable tasks contained in the Work Book that is available on MyLO. You must complete all of the activities in modules 3 and 4 of the Work Book along with the assessable task and then email that entire part of the Work Book to [simone.watson@utas.edu.au](mailto:simone.watson@utas.edu.au)

#### **Task Length**

There is no set length for this task.

#### **Assessment Criteria/Guidelines**

The assessment criteria is posted on MyLO.

### **Date Due**

The Work Book activities and assessable tasks must be completed in accordance with the requirements by **3.00pm on Monday 14 September 2009** (AEST).

### **Assessment Task 3 – Work Book 3 - 10%**

Assessable tasks as contained in the Work Book.

### **Task Description**

There are assessable tasks contained in the Work Book that is available on MyLO. You must complete all of the activities in modules 5 and 7 of the Work Book along with the assessable task and then email that entire part of the Work Book to [simone.watson@utas.edu.au](mailto:simone.watson@utas.edu.au)

### **Task Length**

There is no set length for this task.

### **Assessment Criteria/Guidelines**

The assessment criteria is posted on MyLO.

### **Date Due**

The Work Book activities and assessable tasks must be completed in accordance with the requirements by **3.00pm on Monday 12 October 2009** (AEST).

### **Assessment Task 4 - 55%**

Take Home Examination

### **Task Description**

When you have worked completely through the Unit Resources and submitted all parts of the Work Book you may send an email request to Simone as the Unit Coordinator to email the take home examination to you.

The take home examination will thus be emailed by 3.00pm on the next business day following receipt of your email request. Recall that the FINAL date and time for submission of all Work Books is 3.00pm on Monday 12 October 2009 (i.e., Monday of Week 13 of Semester 2). So, if you comply with this deadline having submitted

your Work Books, and you forward an email request on that day, the take home examination will be emailed to you by 3.00pm on Tuesday 13 October 2009.

The Take Home Examination may require examination of material covered in any or all of the Modules. The objectives of the Take Home Examination are to test you and afford you an opportunity to demonstrate your:

- breadth of knowledge and understanding of the areas of law covered in the unit;
- skills in being able to identify legal issues in given factual situations;
- skills in correctly applying legal principles to factual situations;
- competence in presenting answers and arguments coherently and concisely, and
- capability in other aspects related to the Learning Outcomes in this Unit Outline.

### **Task Length**

5,000 words maximum

### **Assessment Criteria/Guidelines**

Demonstration of the knowledge, skills, competencies and capabilities listed above.

### **Date Due**

**3.00pm on Monday 26 October 2009** (AEST) (i.e., Monday of Week 1 of the formal examination period)

### **How your final result is determined**

The weighted scores for the assignment, workshop questions and participation and final exam are added together to determine your final result. You must achieve an overall mark of at least 50 per cent to pass the unit. All items of assessment are compulsory and you will not be permitted to pass the unit without submitting a satisfactory attempt at each item of assessment.

## **Submission of assignments**

Assignments should be submitted in accordance with the Faculty Guide for Students issued by the Faculty of Business - which can be accessed at the School's website: <http://www.utas.edu.au/accg/studentres.htm>. Assignment coversheets must be used for all assignments and these are also available on the School's website. Assignments without a signed coversheet will not be marked. Assignments are to be submitted via the assignment box, Level 5, Commerce Building at the Hobart campus.

## **Requests for extensions**

Consistent with the Faculty's policy on late submission, extensions of time will only be granted on medical or compassionate grounds. They will not be granted because of work or other commitments. Requests for an extension must be made to the unit coordinator in writing on the School's Application for Late Submission Form available at <http://www.utas.edu.au/accg/studentres.htm> or on MyLO before the due date of the assignment. Medical certificates or other evidence, which supports the application, must be attached and must contain information which justifies the extension sought.

## **Penalties**

### **Over-length Work**

If you submit over-length work you will be asked to resubmit the work within 48 hours. There will be an automatic 10% penalty of available marks and 10% for each day that you are late in resubmitting.

### **Late Submission of Continuous Coursework**

Coursework that is not handed in by the agreed completion date will incur a penalty of 10% of the available marks for each day, or part day, the assignment is late.

### **Review of results and appeals**

You may request a formal remark of your original submission (in accordance with Rule of Academic Assessment 2, Clause 22.1). Under the Rule of Academic Assessment 2, clause 23, you may also request a review of your final result in a unit. For further information see:

[http://acserv.admin.utas.edu.au/complaints\\_checklist.html](http://acserv.admin.utas.edu.au/complaints_checklist.html)

## **Academic referencing**

In your written work you will need to support your ideas by referring to scholarly literature, and other sources of information such as the accounting regulatory bodies. It is important that you understand how to correctly refer to the work of others and maintain academic integrity. Failure to appropriately acknowledge the ideas of others constitutes academic dishonesty (plagiarism), a matter considered by the University of Tasmania as a serious offence.

The appropriate referencing style for this unit is the Harvard referencing method. In addition to the *Faculty Guide for Students*, you are encouraged to read Fleet, W,

Summers & Smith, B. (2006), *Communication Skills Handbook for Accounting*, which provides detailed information about using the Harvard referencing system. Further information on presentation of assignments, including referencing styles is available at: <http://www.utas.edu.au/library/assist/gpoa/gpoa.html>

You can also access information about the referencing style used in this unit in the *Faculty of Business Guide for Students* available via MyLO or from the School's website - <http://www.utas.edu.au/accg/studentres.htm>.

*Please read the following statement on plagiarism. Should you require clarification please see your unit coordinator or lecturer.*

## Plagiarism

Plagiarism is a form of cheating. It is taking and using someone else's thoughts, writings or inventions and representing them as your own; for example, using an author's words without putting them in quotation marks and citing the source, using an author's ideas without proper acknowledgment and citation, copying another student's work.

If you have any doubts about how to refer to the work of others in your assignments, please consult your lecturer or tutor for relevant referencing guidelines, and the academic integrity resources on the web at:

<http://www.academicintegrity.utas.edu.au/>

The intentional copying of someone else's work as one's own is a serious offence punishable by penalties that may range from a fine or deduction/cancellation of marks and, in the most serious of cases, to exclusion from a unit, a course or the University. Details of penalties that can be imposed are available in the Ordinance of Student Discipline – Part 3 Academic Misconduct, see

<http://www.utas.edu.au/universitycouncil/legislation/>

**The University and any persons authorised by the University may submit your assessable works to a plagiarism checking service, to obtain a report on possible instances of plagiarism. Assessable works may also be included in a reference database. It is a condition of this arrangement that the original author's permission is required before a work within the database can be viewed.**

For further information on this statement and general referencing guidelines, see <http://www.utas.edu.au/plagiarism/> or follow the link under 'Policy, Procedures and Feedback' on the **Current Students** homepage.

### Further information and assistance

If you are experiencing difficulties with your studies or assignments, have personal or life planning issues, disability or illness which may affect your course of study, you are advised to raise these with your lecturer in the first instance.

There is a range of University-wide support services available to you including Teaching & Learning, Student Services, and International Services. Please refer to the **Current Students** homepage at: <http://www.utas.edu.au/students/>

For **Grad Cert, MPA and MPAS students**, the Faculty's Postgraduate Student Academic Advisor, Janet Counsell (Room 320b, 62621939, [Janet.Counsell@utas.edu.au](mailto:Janet.Counsell@utas.edu.au)) can help you with your studies. For administrative issues see the MPA Course Co-ordinator, Sonia Shimeld (03 62267586), or the Faculty's Postgraduate Course Advisor, Dr Lucy Mills (Room 318c, 62262009, [Lucy.Mills@utas.edu.au](mailto:Lucy.Mills@utas.edu.au)).

Should you require assistance in accessing the Library visit their website for more information at <http://www.utas.edu.au/library/>

### **If you have a problem...**

- of an administrative nature (eg tutorial allocation), see the lecturer.
- of an academic nature, please ask questions during workshop sessions. For individual assistance, you are encouraged to see your unit coordinator during "consultation hours".
- if you have problems using MyLO, contact the service desk

Website: <http://www.utas.edu.au/servicedesk/student/index.html>

Telephone: 6226 1818

Email: [servicedesk@utas.edu.au](mailto:servicedesk@utas.edu.au)

- if you have any concerns in relation to this unit, then in the first instance you should discuss the matter with your lecturer. However, if you do not feel comfortable approaching your lecturer, or if you have a discussion with your lecturer and are not satisfied with the outcome, then you are encouraged to contact the one of the Ombudspersons listed below, who also teach in the School of Accounting & Corporate Governance.

Mr Peter Collett  
Room: 502, Faculty of Business  
Building, Hobart  
Ph: (+61 3) 6226 2192  
email:[Peter.Collett@utas.edu.au](mailto:Peter.Collett@utas.edu.au)

Ms Sue Conway  
Room D111  
Launceston  
Ph: (+61 3) 6324 3068  
email:[Susan.Conway@utas.edu.au](mailto:Susan.Conway@utas.edu.au)

Discussions with the ombudsperson will be kept in the strictest confidence. If you wish to pursue the matter further, they will provide advice as to how this can be done. The University also has formal policies, which can be accessed at:  
[http://www.admin.utas.edu.au/ac\\_serv/complaints\\_info.html](http://www.admin.utas.edu.au/ac_serv/complaints_info.html)

### **Students with Disabilities –University & Faculty Equity Plans**

Goal 1 of the University of Tasmania Equity Plan provides for: “An inclusive teaching and learning environment that values diversity, supports the pursuit of academic excellence and produces high quality education and employment results for all students and staff”. The Faculty of Business Equity Plan facilitates the University Plan at an operational level and has developed an ‘Action Plan’. The Action Plan for Goal 1 lays down procedures to ensure that all students, including those with disabilities, have equal access to lecture and course materials. The School of Accounting & Corporate Governance complies with these procedures.