
PRESCRIPTION: 611 BUSINESS LAW

This prescription replaces 211 *Business Law*.

ELECTIVE PRESCRIPTION

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| LEVEL | 6 |
| CREDIT | 20 |
| VERSION | 1 |
| INTRODUCED | 2006 |
| AIM | Students will demonstrate understanding of practical legal opportunities, responsibilities and risks that arise in specific business situations. |
| PREREQUISITES | Recommended <i>510 Introduction to Commercial Law</i> or equivalent knowledge and skills. |

ASSESSMENT WEIGHTINGS

| Learning outcomes | Assessment weighting % |
|---|---------------------------|
| 1. Students will identify the legal characteristics of various business entities and recommend the most appropriate structure for a particular business enterprise. | 4 |
| 2. Students will apply the process for taking each form of security interest, and the implications of non-compliance in a business setting. | 20 |
| 3. Students will apply legislation relevant to business contracts and understand the implications of common contractual provisions. | 14 |
| 4. Students will understand the legal issues in a competitive trading market, and apply anti-competitive provisions. | 12 |
| 5. Students will understand the rights and liabilities of parties involved in electronic transactions. | 15 |
| 6. Students will apply relevant insurance law to typical fact situations. | 10 |
| 7. Students will understand the options and procedures available for debt recovery in a business situation. | 15 |
| 8. Students will demonstrate an awareness of an aspect of a legal topic affecting business in a given situation. | 10 |
| TOTAL | 100 |

All learning outcomes must be evidenced; a 10% aggregate variance is allowed.

ASSESSMENT NOTES

1. Assessment materials should reflect relevant and current legislation, standards, regulations and acknowledged good industry/business practices.

LEARNING OUTCOME ONE

Students will identify the legal characteristics of various business entities and analyse and recommend the most appropriate structure for a particular business enterprise.

Key elements

- a) Legal responsibilities and liabilities of:
 - sole traders
 - partnerships
 - companies
 - trusts.
- b) Appropriate structure for a specified business enterprise.

LEARNING OUTCOME TWO

Students will apply the process for taking each form of security interest, and the implications of non-compliance in a business setting.

Key elements

- a) Characteristics and process of taking forms of security interest, three of:
 - mortgage
 - guarantee
 - personal property security
 - factor and lien, or bailment.
- b) Consequences of non-compliance.
- c) Public access to information registries.

LEARNING OUTCOME THREE

Students will apply legislation relevant to business contracts and understand the implications of common contractual provisions.

Key elements

- a) Provisions of the current Credit Contracts and Consumer Finance Act:
 - disclosure
 - oppression
 - hardship.

- b) Effect of one of:
 - exclusion
 - restraint of trade
 - reservation of title clauses.

LEARNING OUTCOME FOUR

Students will understand the legal issues in a competitive trading market, and apply anti-competitive provisions.

Key elements

- a) Elements of intellectual property protections, two of:
 - copyright
 - patents
 - trademarks.
 - one of:
 - licensing
 - passing off or current Fair Trading Act
 - breach of confidential information.

- b) Two anti-competitive provisions of the current Commerce Act.

LEARNING OUTCOME FIVE

Students will understand the rights and liabilities of parties involved in electronic transactions.

Key elements

- a) Parties involved in:
 - Internet trading:
 - fraud and security
 - privacy
 - cross jurisdiction trading
 - consumer protection
 - credit card transactions.

LEARNING OUTCOME SIX

Students will apply relevant insurance law to typical fact situations.

Key elements

- a) Essential elements of a valid insurance contract:
 - role of agent and/or broker
 - effects of the doctrine of utmost good faith
 - the effects of misstatements and omissions.

- b) Principles of law applicable to insurance claims:
 - use of exclusion clauses
 - notice of loss
 - and two others.

- c) Payment of claims:
 - the principle of subrogation
 - role of average and excess clauses.

LEARNING OUTCOME SEVEN

Students will understand the options and procedures available for debt recovery in a business situation and apply the principles of bankruptcy.

Key elements

- a) Three enforcement procedures available for recovery not including bankruptcy, repossession, receivership or liquidation.

- b) Repossession of assets.

- c) Principles of bankruptcy:
 - commencement and acts of bankruptcy
 - consequences
 - relation back and antecedent situations.

LEARNING OUTCOME EIGHT

Students will demonstrate an awareness of an aspect of a legal topic affecting business in a given situation.

Key elements

- a) One of:
 - commercial dispute resolution
 - current Resource Management Act
 - current Health and Safety in Employment Act
 - defamation
 - negotiable instruments
 - banking
 - franchising
 - cyber law
 - commercial crimes.