



BL503 Commercial Law

Unit Outline

School/Division: Business

Unit Title: Commercial Law

Unit Code: BL503

Level: **Introductory**

Advanced

Prerequisites: BL502 Fundamentals of Law with a minimum MN grade

Corequisites: Nil

Exclusion(s): Nil

Credit Points: 15

ASCED Code: 091103

Objectives: Knowledge

- understand the role of law in society, in particular, statute law
- appreciate the effects of law on commercial life
- understand the extension of the contractual relationship to commercial transactions
- know legal principles in the areas of insurance, sale of goods, bankruptcy, financial transactions and electronic commerce, and the tort of negligence
- appreciate the relevance of these areas to business transactions and the operation of business
- understand measures to employ in the management of legal risk

Skills

- further develop written and oral skills
- develop the ability to undertake independent research
- enhance the ability to work co-operatively with others in groups
- reflect on their learning
- evaluate the work of their peers



Values

- develop an attitude to learning that views reading, reflection and group discussion as essential
- appreciate creative and innovative ways of thinking and working
- appreciate the law's interconnections with other disciplines
- develop a better understanding of your strengths and weaknesses.

Content:

Sale of goods

- ♦ Role of the *Fair Trading Act 1999* (Vic), *Goods Act 1958* (Vic) and *Trade Practices Act 1974* (Cth)
- ♦ Defining a contract for sale of goods
- ♦ Passing of title to goods, the *nemo dat* rule and exceptions
- ♦ The requirement for due performance of a contract for sale of goods
- ♦ The terms implied into contracts for sale of goods by the law
- ♦ Remedies available for buyers and sellers

Bankruptcy

- ♦ The purpose of bankruptcy and operation of the *Bankruptcy Act 1966* (Cth)
- ♦ The administrative scheme
- ♦ Bankruptcy procedure: debtor's petitions, creditors' petitions, sequestration orders
- ♦ Rights, duties, and power of Trustee in bankruptcy
- ♦ Consequences of bankruptcy
- ♦ Discharge from bankruptcy
- ♦ Alternatives to bankruptcy

Financial transactions and electronic commerce

- ♦ The financial system operating in Australia
- ♦ The nature of the banker–customer relationship
- ♦ Defining and identifying negotiable instruments under both the *Bills of Exchange Act 1909* (Cth) and the *Cheques Act 1986* (Cth)
- ♦ Distinguishing between cheques and bills of exchange
- ♦ Banking practice and the *Financial Transaction Reports Act 1988* (Cth)
- ♦ Electronic transactions legislation

Insurance

- ♦ What insurance contracts are regulated under the *Insurance Contracts Act 1984* (Cth)
- ♦ Utmost good faith and the duty of disclosure
- ♦ Misrepresentation
- ♦ Indemnity
- ♦ Subrogation
- ♦ Relationship between insurer, insured, agents, and brokers

Law of agency

- What is the definition of an agency relationship?
- How is an agency relationship created?
- What distinguishes agency from other relationships?
- Why is it important to identify the extent of an agent's authority?
- What are the legal rights and obligations of parties affected by an agency relationship?



- How is it best to advise a principal, agent or third party on their obligations or rights where contracts have been made by agents?
- When is an agency terminated?

Learning Tasks & Assessment:

Learning Task	Assessment	Weighting
<ul style="list-style-type: none">• researching law• group interaction• presentation of research• tutorial participation	Seminar	10 - 20%
<ul style="list-style-type: none">• pre-reading• revising readings• researching law• analysis and critical thinking• writing	Essay	30 - 40%
<ul style="list-style-type: none">• study and revision• interpreting and analysing statutes• problem solving• summarising and analysing cases	Examination	50 - 60%

Adopted Reference Style

APA Australian MLA Chicago

Other (please specify)

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