

School of Accounting and Commercial Law

## COML 111 LAW FOR BUSINESS

Trimester 3, 2013

### COURSE OUTLINE

---

#### Names and Contact Details

*Course Coordinator*

Associate Professor Yvonne van Roy  
RH 605  
Phone: 463 6762  
Email: [yvonne.vanroy@vuw.ac.nz](mailto:yvonne.vanroy@vuw.ac.nz)

*Lecturer*

Palitha de Silva  
RH 611  
Phone: 463 6960  
Email: [palitha.desilva@vuw.ac.nz](mailto:palitha.desilva@vuw.ac.nz)

*Course Administrator*

Jane Perry  
RH 710  
Phone 463 6680  
Email: [jane.perry@vuw.ac.nz](mailto:jane.perry@vuw.ac.nz)

#### Trimester Dates

Teaching Period: Monday 18 November – Wednesday 18 December

Examination Period: Thursday 19 December – Friday 20 December (inclusive)

#### **Withdrawal from Course**

1. Your fees will be refunded if you withdraw from this course on or before one full week after the first class.
2. The standard last date for withdrawal from this course is 11 December 2013.

After the last date stated in #2, students forced to withdraw by circumstances beyond their control must apply for permission on an '*Application for Associate Dean's Permission to Withdraw Late*' including supporting documentation. The application form is available from either of the Faculty's Student Customer Service Desks.

#### Class Times and Room Numbers

Monday	14.40 – 16.30	Government Buildings GBLT2
Wednesday	14.40 – 16.30	Government Buildings GBLT2
Friday	14.40 – 15.30	Government Buildings GBLT2



Tutorials will be held in the weeks commencing:

25 November  
2 December  
9 December  
16 December

There will be three tutorial groups as follows:

Monday 12:40 – 13:30 Government Buildings G04  
Wednesday 12:40 – 13:30 Government Buildings G05  
Wednesday 13.40 – 14.30 Government Buildings GO5

### **Course Delivery**

The Course will be delivered via 3 weekly lectures for 4 weeks and 2 lectures plus a final examination in the 5<sup>th</sup> week. There are also 4 tutorials (starting in Week Two). Each week has a 2 hour lecture on Monday, a 2 hour lecture on Wednesday, and a 1 hour lecture on Friday.

### **Group Work**

There is no group work.

### **Expected Workload**

You should expect to spend on average 20 hours per week on the course (excluding study for the tests). How this time is made up will vary from week to week, but would typically comprise:

- 5 hours in scheduled lectures;
- 5 hours preparing for and participating in tutorials and completing the legal exercise;
- 10 hours reading for lectures, and revising lecture and tutorial notes.

Unless you keep up with the course work, you are likely to face considerable problems catching up in order to be adequately prepared for the in class mid trimester test and the final examination.

In order to benefit from lectures you should read the relevant sections of the Course Materials Book (CMB) and the readings posted on Blackboard relating to each lecture topic **before** the lectures.

### **Prescription**

A general introduction to the legal issues encountered by business enterprises including the formation and management of business entities, employment law, intellectual property and fair trading, anticompetitive trade practices, issues in tax law and the law relating to electronic commerce.

### **Course Learning Objectives**

By the end of this course, students should be able to:

- 1 describe how the general legal environment impacts on business in New Zealand;
- 2 analyse the legal constraints on business;
- 3 describe the basic legal structures that constitute businesses and the law that regulates businesses and the business environment;
- 4 identify legal issues and provide potential solutions to legal problems within the business environment.

## **Course Content**

A general introduction to the legal issues encountered in business with particular emphasis on business enterprises. A wide variety of legal issues will be covered in this context, including those relating to the formation and management of business enterprises, responsibilities and duties of directors, business crime, contract law, tort law, consumer law, competition law, agency and issues relating to business lending.

## **Basic Case Study Scenario**

Three friends, Peter, Norman and Mary Jane have decided to set up in business together, capitalizing on the scientific knowledge of two of the friends and the business acumen and financial resources of Norman. Mary Jane and Peter studied biochemistry together at Victoria University in Wellington. Mary Jane went to Munich University to complete a PhD, and worked there for two years as a post-doctoral fellow, involved with research into the use of spider silk, and the development of an artificially-produced commercial product. She has recently married a New Zealander and returned to New Zealand. Peter completed his PhD at Victoria University and went on to work for one of New Zealand's Crown Research Institutes. The third member of the group, Norman, has been working for several years as a financial markets dealer. He has been very successful, and is now looking for a less stressful occupation in which he can invest his substantial funds, and use his entrepreneurial talents. Peter and Norman grew up in the same street, and have been friends for many years. Both are members of the local sky-diving club, and have recognised the business opportunities existing for a material which is as light and strong as spider silk. (Spider silk is light weight, flexible, water proof, repairs itself when water is added, and is one of the toughest materials in the world).

## **Recommended Readings**

- J. Hubbard, C Thomas, S.Varnham: Principles of Law for New Zealand Business (Pearson Education NZ Ltd, Auckland)

**Please Note:** Four copies of this text are available (for this class) on closed reserve at the Commerce Library and one is available at the Kelburn Library.

- Longdin et al., Law in Business & Government in New Zealand (Palatine Press, Auckland)
- P Gerbic & M. Lawrence: Understanding Commercial Law (Butterworths, Wgtn)
- M.McDowell & D.Webb: The New Zealand Legal System (Butterworths, Wgtn)

**Note: Students are NOT required to purchase any of these books.**

## **Materials and Equipment**

The text for the course consists of a book of course materials available from Vicbooks. Further readings will be posted on Blackboard. It is highly recommended that, prior to lectures you read the appropriate section from course materials book or Blackboard (as indicated in the course materials or by the lecturers). There is no charge for class handouts. Copies of all class handouts will also be available on Blackboard.

## Assessment

The three items of assessment for this course are:

<i>Item of Assessment</i>	<i>Percentage of Final Grade</i>	<i>Date</i>
Mid Trimester Test (50 mins)	25%	Friday 29 November
Legal Exercise (1000 words max)	25%	Due Friday 13 December 2.00 pm
Examination (2 hours)	50%	Thursday 19 December (2 hrs)

The **50 minute Mid Trimester Test** will be held in class on Friday 29 November.

### **Legal Exercise**

The Legal Exercise is 1000 words (max), due 2.00 pm **Friday 13 December**.

### **Examination**

The final examination for this course will be held on Thursday 19 December (2 hours)

### **Penalties**

The Legal Exercise includes three questions with a total word limit of 1,000 words. Ten percent excess is acceptable but after this point the work will not be marked. The due date of **Friday 13 December** will be strictly adhered to and late exercises will have a flat 5% penalty deducted per day late. (However, if you consider you have a good reason for not meeting this deadline, please see the course coordinator as soon as you know you will have this problem and before the due date.)

### Examinations

Students who enrol in courses with examinations are obliged to attend an examination at the University at any time during the formal examination period.

### Mandatory Course Requirements

In addition to obtaining an overall course mark of 50 or better, students must:

1. Submit all items of assessment; and
2. Obtain at least 40% in the final exam.

Failure to meet mandatory course requirements will mean the student will not pass the course and will receive either a K, D or E grade, depending on whether you achieve 50% or not in the course overall.

If you cannot complete an assignment or sit a test or examination and would like to apply to for an aegrotat, refer to [www.victoria.ac.nz/home/study/exams-and-assessments/aegrotat](http://www.victoria.ac.nz/home/study/exams-and-assessments/aegrotat)

### Class Representative

A class representative will be elected in the first class, and that person's name and contact details made available to VUWSA, the course coordinator and the class. The class representative provides a communication channel to liaise with the course coordinator on behalf of students.

### **Communication of Additional Information**

Any additional information provided during lectures or information on changes to any aspects of the course will be conveyed to students through Blackboard announcements

### **Student feedback**

Student feedback on University courses may be found at  
[www.cad.vuw.ac.nz/feedback/feedback\\_display.php](http://www.cad.vuw.ac.nz/feedback/feedback_display.php)

### **Link to general information**

For general information about course-related matters, go to  
<http://www.victoria.ac.nz/vbs/studenthelp/general-course-information>

### **Note to Students**

Your assessed work may also be used for quality assurance purposes, such as to assess the level of achievement of learning objectives as required for accreditation and academic audit. The findings may be used to inform changes aimed at improving the quality of VBS programmes. All material used for such processes will be treated as confidential, and the outcome will not affect your grade for the course.

\*\*\*\*\*

**COML111 2013 LECTURE PROGRAMME**

Week	Lecture	Lecturer	Topic	Tutorial
1	Mon Nov 18 (2 hrs) GBLT2	YvR	Course Admin & Intro – setting the scene – video Getting the business started: Sole trader, Partnership, Registered Company.	
1	Wed Nov 20 (2 hrs) GBLT2	YvR	Company Law Issues; separate legal identity, limited liability and rights and powers of shareholders	
1	Fri Nov 22 (1 hr) GBLT2	YvR	Company Law Issues; directors' duties, options for raising funds, debt & equity	
2	Mon Nov 25 (2 hrs) GBLT2	PdS	The Phenomena of Agreement: How do we establish an Agreement? What constitutes Consideration?	1 (YvR)
2	Wed Nov 27 (2 hrs) GBLT2	PdS	Mistakes in Contract: What can we do about them?	
2	Fri Nov 29 (1 hr) GBLT2		<b>Mid Trimester Test in class time (1 hr)</b>	
3	Mon Dec 2 (2 hrs) GBLT2	YvR	Consumer Law: The Fair Trading Act and Consumer Guarantees Act	2 (PdS)
3	Wed Dec 4 (2 hrs) GBLT2	YvR	Consumer Law: The Fair Trading Act and Consumer Guarantees Act	
3	Fri Dec 6 (1 hr) GBLT2	YvR	Business Crime	
4	Mon Dec 9 (2 hrs) GBLT2	YvR	Competition Law: Regulating anticompetitive conduct in the market place	3 (YvR)
4	Wed Dec 11 (2 hrs) GBLT2	PdS	Law of Negligence: How does a Duty to take Care arise?	
4	Fri Dec 13 (1 hr) GBLT2	PdS	Professional Advice: When do we have to take care? <b>Legal Exercise Due (2 pm)</b>	
5	Mon Dec 16 (2 hrs) GBLT2	PdS	Business Lending: What should we know about Related-Party Guarantees?	4 (PdS)
5	Wed Dec 18 (2hr) GBLT2	PdS	Law of Agency: What should we know about Agents?	
5	Thurs 19 Dec (2 hrs)		<b>FINAL EXAMINATION (2 hours)</b>	

## Detailed Workshop Signup Instructions

1. Go to the signup website at: <https://signups.victoria.ac.nz>
2. Enter your SCS username and password to login the system.
3. The “Signup Home” page opens. It displays all courses you are enrolled for and that use the S-Cubed Tutorial & Workshop Signup system. Click on the course you wish to sign up for.
4. The selected course page opens. It will show the course contact and brief details of the signup instructions. A “key” is provided at the bottom that explains all buttons and what they do.
5. The schedule of tutorials includes the day/time, location, maximum group size, and spaces left in the tutorial sessions.
6. If there are spaces left in a particular session, you will see the “ENROL” button next to it. You can click this button to enrol yourself into that tutorial session.
7. If there are NO more spaces left in a particular session, you will see the “JOIN WAITLIST” button, if available. You can click this button to join the waitlist for that tutorial session. Please note that you will be removed from any other waitlist you may have joined earlier. If somebody withdraws from this session, you will automatically be moved up the waitlist or enrolled into the session. In this case you are enrolled in the session; an email will be sent to you if you are enrolled into the session from a waitlist.
8. You can only “JOIN WAITLIST” if you have already enrolled in one of the other available sessions. In other words, “ENROL” in one session and then you can choose to join the waitlist for another preferred session.
9. You can choose to “WITHDRAW” from a session you have already enrolled for. You can also choose to “CANCEL WAITLIST” to remove yourself from a particular waitlist.
10. A “FULL” button indicates all seats and waitlist are full for that tutorial session. You must choose another session.
11. More details on the various buttons are available in the “Key” section at the bottom of the signup page.
12. You should “ENROL” in only ONE tutorial session and may “JOIN WAITLIST” for only ONE other tutorial session.
13. You can login and signup (or change your signup) anytime before the **closing date of the tutorial signup. You will NOT be able to sign up or change your choice after the tutorial signups have closed.**
14. You can view/confirm details of the sessions you are enrolled and waitlisted for, such as day/time and location by clicking on “My Signups” on the left hand menu.
15. Click on “Support” on the left hand menu if you are having problems.

This online signup system is available around the clock over the internet. Any requests after this date will need to be manually handled by the course administrator. You will need to submit a written application stating the reason why you were not able to sign up on time using the online system, along with other relevant documentation such as medical certificate etc.

Finally, **you must always attend the tutorial sessions that you have signed up for.** If you attend a different session, your attendance may not be recorded.