



<b>ASSESSMENT BRIEF</b>	
<b>Course Code and Title</b>	LAW 2000: Business Law
<b>Assessment</b>	Case study assignment
<b>Individual/Group</b>	Individual
<b>Learning Outcomes</b>	<ol style="list-style-type: none"><li>1. Explain what the law is and the role that the law plays in wider society and in the business environment</li><li>3. Identify the role of contract law in business activity and explain the elements needed to create and enforce a valid contract</li><li>4. Define an agency relationship and explain the legal implications of such a relationship</li><li>5. Identify and define the different types of property including intellectual property and analyse the importance to business of such property and how the law protects such property</li></ol>
<b>Submission</b>	11:55pm AEST/AEDT Sunday of week 8
<b>Weighting</b>	30%
<b>Total Marks</b>	100 marks

### Why are you doing in this assignment?

In this assignment students will demonstrate their understanding and application of the key steps in the formula for answering case study questions. The case study questions reflect real life legal problems.

This assignment consists of five case study questions. A fact scenario is provided and your task is to identify the legal issues that arise in the case studies, state the law, apply the law to the facts of the case study and reach a conclusion. The conclusion that you reach will be the advice that you can provide to the participants in the case study.

The following substantive areas of law will be dealt with in the Assignment – they comprise the content of Modules 2-8 of this subject:

- Contract law
- The law of agency
- Property law – both real property and intellectual property.

### What is involved?

This written assignment should comprise no more than 2000 words. You will be required to apply a formula for answering case study questions. There is a Flow Chart that shows the steps involved in

this formula. There is also a narrated Powerpoint presentation that summarises the key steps in the formula:

- Identify the area of law that requires discussion.
- Identify the key legal issue or issues in the case study.
- State the applicable law.
- Apply the law to the facts of the case study.
- Reach a conclusion – this will involve advising the parties in the case study.

## How would this assignment be used in the workplace?

The Case Studies that you will consider are all examples of legal disputes that could arise in the real world. Working in the commercial world it is likely that you will be confronted with such scenarios. Completing the Case Studies will provide you with practice in applying the law to real world examples.

## Instructions

Read the facts of each Case Study carefully.

Identify the area of law that requires discussion e.g. contract law.

Identify the legal issue in the Case Study e.g. Is there a contract? Has a contract been broken? Etc

State the law. If you are stating a legal principle that comes from case law state the case and the citation that you are using as authority for the legal principle. If you are relying on a statute for legal authority then state the section number and name of the statute that is relevant.

1. Jennifer aged 25 years is the granddaughter of Betty who lives by herself in Mount Gambier. Jennifer has just completed a degree in Psychology at the University of South Australia. Betty promises Jennifer that if she leaves Adelaide and moves to Mount Gambier to live with her she will transfer her house into Jennifer's name. Jennifer leaves her mum and dad, boyfriend and a job she held at the Service to Youth Council. She arrives in Mount Gambier and cannot find any work as a psychologist but she obtains work part time as a waitress in a café. Betty refuses to honour her promise regarding transferring the house to Jennifer who wants to sue her grandmother for breach of contract. Advise Jennifer.
2. On 1 February 2015 Sanche writes to Richard offering to sell him his 1974 Holden Monaro for \$60,000, 'the offer will remain open until 5pm on 3 February 2015'. Richard receives the letter at 10 am on 3 February and tries immediately to phone Sanche. He does not answer and Richard leaves a message on his Message Bank saying he was interested in buying the Monaro but was only willing to pay \$55,000. At 10.30 am the same morning, Richard changes his mind about how much he is willing to pay for the car. He sends an email to Sanche saying, 'Disregard, my earlier phone message. I accept your offer to sell your 1974 Monaro car for \$60,000'. Sanche does not check his email at all on the 3 February but does check his phone Message Bank. He listens to the voice message from Richard and



immediately sells the petrol to Bradley who he has also been negotiating with. On 4 February at 9 am he opens his emails and reads Richard's message.  
Advise the parties.

3. Kevin is an antique dealer. He appoints Ravi to sell furniture on his behalf. One of the items Kevin wants sold is a twelve seater oak dining table. He instructs Ravi that he will not accept less than \$7,000 for the table. Ravi places an advertisement in a local newspaper advertising the table for \$7,000. Theresa responds to the advertisement. She has recently renovated a period home and the table would be perfect for the formal dining room. Theresa offers Ravi \$6,500 which Ravi promptly accepts. All along, Theresa is unaware that Kevin is the owner of the table. When she takes delivery of the table there is large scratch on the top of the table. Theresa is furious and advises Ravi that she does not want the table now that it is not in the condition it was in when she inspected it previously. Ravi advises her that it is not his problem because he is not the owner of the table.  
Advise the parties.
4. Trevor composes music on his computer using a software program called 'Sibelius'. He sometimes plays music he has composed to his friends before they are released for sale. After Trevor has composed music he sends it to a distributor who sells it in Europe. Trevor plays an unreleased composition to a group of friends including Declan. After hearing this composition, Declan goes home and composes a piece of music that sounds virtually identical to Trevor's, particularly the chorus. Declan then sends it to a distributor who releases a CD in Europe. It is a huge hit and Declan makes a large amount of money from CD sales.  
Trevor is furious and accuses Declan of stealing his composition.  
Advise the parties.
5. Clare runs a very successful hairdressing business on Unley Road in Adelaide. It has taken her five years to build up the business. She decides to sell the business and enters into a contract of sale with Maddie. There is a clause in the contract that states that: 'Clare will not for a period of ten years from the date of this agreement set up any business in Adelaide'. The contract of sale is finalised and Maddie takes over the business. Clare wants to operate another business and decides to open a café on King William Road, Hyde Park. Approximately one year after selling her hairdressing business she opens her new café. A lot of her old customers are now regulars at the new café.  
Maddie is outraged and claims that Clare is in breach of her contract for the sale of the hairdressing business.  
Advise the parties.



## Assessment criteria

- Demonstrates a capacity to identify legal issues from a set of facts
- Demonstrates knowledge and understanding of substantive areas of law including contract, agency and property law
- Shows an ability state legal principles supported by appropriate legal authority
- Demonstrates a capacity to apply legal principles to the facts of a case study.
  
- Addresses General assessment criteria:
  - shows a sophisticated understanding of the key issues
  - demonstrates a capacity to explain and apply relevant concepts
  - shows evidence of reading beyond the key reading
  - justifies any conclusions reached with well-formed arguments not merely assertion
  - provides a conclusion or summary
  - use of academic writing and presentation and grammar:
    - complies with normal academic standards of legibility, referencing and bibliographical details (including reference list).
    - is written clearly with accurate spelling, grammar and sentence and paragraph construction
    - appropriate citation and referencing used (using Australian Legal Citation Guide)



## Learning Rubrics

Assessment Attributes	Fail 1 (Unacceptable) 0-34	Fail 2 (Poor) 35-49	Pass (Functional) 50-64	Credit (Proficient) 65-74	Distinction (Advanced) 75-84	High Distinction (Exceptional) 85-100
<b>Grade Description (Grading Scheme)</b>	Evidence of unsatisfactory achievement of one or more of the learning objectives of the course, insufficient understanding of the course content and/or unsatisfactory level of skill development.	Evidence of satisfactory achievement of course learning objectives, the development of relevant skills to a competent level, and adequate interpretation and critical analysis skills.	Evidence of a good level of understanding, knowledge and skill development in relation to the content of the course or work of a superior quality on the majority of the learning objectives of the course. Demonstration of a high level of interpretation and critical analysis skills.	Evidence of a high level of achievement of the learning objectives of the course demonstrated in such areas as interpretation and critical analysis, logical argument, use of methodology and communication skills.	Evidence of an exceptional level of achievement of learning objectives across the entire content of the course demonstrated in such areas as interpretation and critical analysis, logical argument, creativity, originality, use of methodology and communication skills.	
<b>1. Content, Audience and Purpose</b>  General description of the level of attainment	<b>Does not meet minimum standard</b>  Demonstrates no capacity to identify relevant legal issues in the case studies.	<b>Meets minimum standard</b>  Demonstrates limited ability to identify relevant legal issues in the case studies.	<b>Moves beyond minimum standard</b>  Demonstrates consistent capacity to identify relevant legal issues in the case studies.	<b>Exceeds minimum standard</b>  Demonstrates an advanced and integrated understanding and capacity to identify relevant legal issues in the case studies.	<b>Exceeds minimum standard and exhibits high levels of independence</b>  Consistently demonstrates a systematic and critical understanding and capacity to identify relevant legal issues in the case studies.	
<b>2. Knowledge and understanding</b>  Demonstrates	Limited understanding of substantive areas of law	Knowledge/understanding of substantive areas of law.	Thorough knowledge/understanding of substantive areas of law. Supports personal	Highly developed understanding of the substantive areas of law.	A sophisticated understanding of the substantive areas of law.	



<p>knowledge and understanding of substantive areas of law including contract, agency and property law.</p> <p>shows a sophisticated understanding of the legal issues raised in the Case Study</p>	<p>Key legal issues of case study are not identified nor addressed.</p>	<p>Resembles a recall or summary of key ideas.</p> <p>Often conflates/confuses assertion of personal opinion with information substantiated by evidence from cases and legislation.</p>	<p>opinion and information substantiated by evidence from relevant cases and legislation.</p> <p>Demonstrates a capacity to explain and apply relevant legal concepts.</p>	<p>Discriminates between assertion of personal opinion and information substantiated by robust evidence from relevant cases and legislation.</p> <p>Well demonstrated capacity to explain and apply relevant legal concepts.</p>	<p>Systematically and critically discriminates between assertion of personal opinion and information substantiated by robust evidence from relevant cases and legislation.</p> <p>Mastery of concepts and application to new situations/further learning.</p>
<p><b>3. Analysis and application with synthesis of new knowledge</b></p> <p>Shows an ability to apply relevant legal principles to the facts of the case study.</p>	<p>Limited synthesis and analysis.</p> <p>Limited application of relevant legal principles to the facts of the case study.</p>	<p>Demonstrated application of relevant legal principles to the facts of the case study.</p> <p>Shows the ability to interpret relevant case law and statutes.</p>	<p>Well-developed analysis and synthesis with application of relevant legal principles to the facts of the case study.</p>	<p>Thoroughly developed and creative analysis of relevant legal principles to the facts of the case study..</p>	<p>Highly sophisticated and creative analysis of relevant legal principles to the facts of the case study.</p> <p>Recommendations are clearly justified based on the analysis/synthesis.</p> <p>Applying knowledge to new situations/other cases.</p>
<p><b>4. Effective communication</b></p> <p>Demonstrates a capacity to explain and apply</p>	<p>Difficult to understand for audience, no logical/clear structure, poor flow of ideas, argument lacks supporting evidence.</p> <p>No effort is made to keep audience engaged. Audience cannot follow the line</p>	<p>Information, arguments and evidence are presented in a way that is not always clear and logical.</p>	<p>Information, arguments and evidence are well presented, mostly clear flow of ideas and arguments.</p>	<p>Information, arguments and evidence are very well presented. the presentation is logical, clear and</p>	<p>Expertly presented; the presentation is logical, persuasive, and well supported by evidence, demonstrating a clear flow of ideas and</p>



<p>relevant legal concepts</p> <p>Justifies any conclusions reached with well-formed arguments not merely assertion</p> <p>Provides a conclusion or summary</p>	<p>of reasoning.</p> <p>Little use of presentation aids, or the presentation aids and material used are irrelevant.</p>	<p>Attempts are made to keep the audience engaged, but not always successful. Line of reasoning is often difficult to follow.</p> <p>Presentation aids are used more for effect than relevance.</p>	<p>The audience is mostly engaged, line of reasoning is easy to follow.</p> <p>Effective use of presentation aids.</p>	<p>well supported by evidence.</p> <p>Engages the audience, demonstrates cultural sensitivity.</p> <p>Carefully and well prepared presentations aids are used.</p>	<p>arguments.</p> <p>Engages and sustains audience's interest in the topic, demonstrates high levels of cultural sensitivity</p> <p>Effective use of diverse presentation aids, including graphics and multi-media.</p>
<p>5. <b>Use of academic and discipline conventions and sources of evidence</b></p> <p><u>Addresses General assessment criteria:</u></p> <p>shows evidence of reading beyond the key reading</p> <p>use of academic writing and presentation and grammar:</p> <p>complies with normal academic standards of legibility, referencing and bibliographical details</p>	<p>Poorly written with errors in spelling, grammar.</p> <p>Demonstrates inconsistent use of good quality, credible and relevant research sources to support and develop ideas.</p> <p>There are mistakes in using the Australian Guide to Legal Citation.</p>	<p>Is written according to academic genre (e.g. with introduction, conclusion or summary) and has accurate spelling, grammar, sentence and paragraph construction.</p> <p>Demonstrates consistent use of credible and relevant cases and legislation to support and develop ideas, but these are not always explicit or well developed.</p> <p>There are no mistakes in using the Australian Guide to Legal Citation.</p>	<p>Is well-written and adheres to the academic genre (e.g. with introduction, conclusion or summary).</p> <p>Demonstrates consistent use of high quality, credible and relevant cases and legislation to support and develop ideas.</p> <p>There are no mistakes in using the Australian Guide to Legal Citation.</p>	<p>Is very well-written and adheres to the academic genre.</p> <p>Consistently demonstrates expert use of good quality, credible and relevant research sources to support and develop appropriate arguments and statements. Shows evidence of reading beyond the key reading</p> <p>There are no mistakes in using the Australian Guide to Legal Citation.</p>	<p>Expertly written and adheres to the academic genre.</p> <p>Demonstrates expert use of high-quality, credible and relevant cases and legislation to support and develop arguments and position statements. Shows extensive evidence of reading beyond the key reading</p> <p>There are no mistakes in using the Australian Guide to Legal Citation.</p>



<p>(including reference list).</p> <p>is written clearly with accurate spelling, grammar and sentence and paragraph construction</p> <p>appropriate citation and referencing used (using the Australian Guide to Legal Citation.)</p>					
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