

Module 1 - Lecture

Sunday, 26 February 2017

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What is Business Law?

- Business Law encompasses various areas of law that are particularly relevant to business and how it is carried out.
- For example, contract law, tort law, corporations law and consumer protection law are areas of law included within this definition.
- The areas of law that are relevant to business:
 - **Contract law**
 - A contract is a legally enforceable agreement between two or more people.
 - Once the contract is signed by all parties they become legally obligated to follow what the contract promised.
 - If any of the parties fail to commit to this contract there will be consequences imposed upon them.
 - **Tort law**
 - French word for civil wrong.
 - Negligence, nuisance, trespass
 - **Consumer and competition law**
 - Companies have to meet a certain standard for their products.
 - If the products don't meet the requirements use as consumers have the right to take action toward the issue.
 - **Corporations law**
 - Focuses on a company's business structure such as creation, administration and dissolution.
 - How meetings are carried out, difference between public and private companies, duties of directors (CEO has high decision making).
 - **Criminal law**
 - A set of rules enforced by society to prevent bad or harmful acts against oneself.
 - Murder, theft, physical abuse, etc.
 - **Property law**
 - The area of law that governs the various forms of ownership and tenancy in real property and in personal property, within the common law legal system. In the civil law system, there is a division between movable and immovable property.
 - **Administrative law**
 - Administrative law is the body of law that governs the activities of administrative agencies of government. Government agency action can include rulemaking, adjudication, or the enforcement of a specific regulatory agenda. Administrative law is considered a branch of public law.
 - **Intellectual property law**

- Intellectual property (IP) and other intangible assets that relate to doing business include patents, trademarks, designs, and secret processes and formulae. Australian IP law is designed to encourage innovation and protect businesses that develop original IP in order to have a competitive advantage.

What is the difference between Legal and Non-legal rules?

- Law consists of rules of conduct or organisation that are recognised, applied and enforced by the power of the state.
- Non-legal rules are rules of conduct or organisation that are enforced by things such as peer pressure, a need for co-operation, feelings of goodwill, or convenience.

Non-legal Rules are Derived from

- Moral or philosophical beliefs
- Religious beliefs
- Social values
- Rules that have become customary in a community.

Legal

- **Legal principles** are statements of broad fundamental viewpoints that set the policy and philosophical direction of an area of law.
- **Legal rules** are the more detailed mechanisms by which the principles are given effect.
- **Legal system** means all the legal principles and rules that exist in a particular country.
- Legal system also means all the additional things that contribute to the operation of law in society.
 - Creating and changing the law
 - Administering and enforcing the law
 - Preserving and perpetuating the law

What Functions does the Law Serve?

Ensures reasonable predictability in daily life:

- That if you pay for goods or services you will be provided with them (Consumer Law).
- That if you own a property, nobody else will be able to inhabit that property without your permission (Property Law).
- Driving on the road is made safer by the requirement that every driver have a valid driver's licence (Administrative Law and Criminal Law)

Encourages and discourages certain conduct:

- Criminal law discourages violent behaviour on society.
- Intellectual property law encourages businesses to register their designs or patents.
- Corporation law discourages directors from exploiting their position of power.

Grants rights and power to individuals and groups of people:

- A party to a contract has the right to enforce that contract against the other contracting party should they refuse to honour their obligations (Contract Law).
- Creditors have the power to wind up a company if it is unable to pay its debts (Corporations Law).

- Consumers have the right to have defective goods replaced or receive a refund when a replacement

Module 2 - Lecture

Thursday, 16 March 2017

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The Nature of the Law

- The law evolves, rather than remaining static. Moves in response to shifting societal conditions, attitudes and values, but it still has its basic principles, which do not change, as a foundation.
- In this respect, the law has developed over the 200 plus years since we were colonised by the British and adopted English law.
- Despite growing this distinct body of law, Australian Law is still quite similar to other legal systems that have their origins in English law (e.g. Singapore, Canada).

Law Making Bodies in Australia

1. Government ministers and officials with specified powers (the executive);
 2. Legislatures and local government councils (the legislature); and
 3. The courts (the judiciary).
- Politicians, who are members of parliament, work with the legislative branch of government to create legislation / statute law (otherwise called enacted law).
 - Judges, who are members of the judicial branch of government create the common law with their case judgments (otherwise called unenacted law)

Australian Legislatures

- There are many legislatures in Australia that exist at both the Commonwealth and State level.
- These legislatures can also be referred to as parliaments.
- Legislatures at the Commonwealth and State level are bicameral (meaning that they have an upper and lower house). Queensland is the exception (it is unicameral, having only one house of parliament).

The law made by the legislature is called variously:

- Legislation
- Statutory law (Statute for short)
- Acts of parliament (Act for short)
- Enacted law

Law Making Powers of Australian Legislatures

- State legislatures have the power to enact laws for the peace, order and good governance of their territory.
- This power does not extend to other states or territories.
- These State legislatures obtain this power from their State constitution.
- Some legislative powers are shared between the Commonwealth and State / Territory governments.

******Buy to see all modules & 4 Step Process******