**TASK A**

This assignment will require you to respond to the question posed by researching the relevant legal area and crafting a response. This question is based on topics covered in Weeks 1 to 3.

Students who successfully complete this unit will be able to:

**identify and explain the laws that impact upon business in areas relating to contract law, torts, Australian Consumer law,  intellectual property, business entities, business ownership and employment issues**

**apply business law principles to everyday business activities, and hypothetical and real world problems**

**Word/time limit:** 1000 (+/- 10%)

**Weighting:** 10%

Begin by familiarising yourself with the question that has been set. Referring back to your knowledge of law and the Australian legal system you will need to develop a 1000 word response.

You will need to:

* use at least two academic sources (excluding the textbook) to support your argument.
* correctly reference these sources using the legal referencing footnote system provided by The Australian Guide to Legal Citation (AGLC).
* submit a bibliography (this is not included in your word count).

### **Question to respond to :**

According to the English philosopher and jurist Jeremy Bentham (1748-1832) in Volume V of his works:

'It is the judges that make common law, just as a man makes laws for his dog. When your dog does anything you want to break him of, you wait till he does it and then beat him. This is the way you make laws for your dog, and this is the way judges make laws for you and me.’

(Bentham 1843 p.235)

**Discuss.**

**What to include in your essay**

1.   Identification of issues. -  do you agree or disagree?, support with legal issues that arise from Bentham’s statement (brief – you only have 1000 words)

2.     Identification of the source of the law on each issue - case law, statute. – arising from your discussion of the statement – common law, criminal law examples? Torts/Contract examples?

3.     Accurate explanation or justification of the relevant law on each issue.- arguments are based on actual cases cited correctly – see 4 for this too

4.     Application of the relevant law to each issue.

5.   Presentation and organisation of work in a logical manner. – e.g. bibliography with use at least two academic sources (excluding the textbook) to support your argument; correctly reference these sources using the legal referencing footnote system provided by The Australian Guide to Legal Citation (AGLC). Refer to the Swinburne Library on how to cite using AGLC

First, you need to tell us what the statement means, and then basically whether you agree or disagree with it, your view being supported by your knowledge of the law (and illustrated by case examples).

A good starting point is to really figure out what Bentham is saying. The Library databases are a good starting point for your research. The criteria sheet is on the next page please follow closely

**Criteria**

1. Identification of issues.
2. Identification of the source of the law on each issue - case law, statute.
3. Accurate explanation or justification of the relevant law on each issue.
4. Application of the relevant law to each issue.
5. Presentation and organisation of work in a logical manner.

Your work will be assessed using the following marking guide:

| **Criteria** | **No Pass** | **Pass 50-59%** | **Credit 60-69%** | **Distinction 70-79%** | **High Distinction 80-100%** |
| --- | --- | --- | --- | --- | --- |
| **Identification of issues** (15%) | Issues are not addressed or are addressed inappropriately. | Addresses most of the issues but overlooks a few minor ones. | Addresses most of the major and some minor issues. | Addresses most major and minor issues. | Addresses all of the major and minor issues. |
| **Identification of the source of the law on each issue - case law, statute** (20%) | Sources are not identified or are identified inappropriately. | Overlooks or inappropriately identifies a few of the major sources and some of the minor sources. | Identifies most of the major and some minor sources. | Identifies most of the major and minor issues. | Addresses all the major and minor sources of law. |
| **Accurate explanation or justification of the relevant law on each issue** (30%) | Does not give an accurate explanation of the relevant law on each issue. | Gives a satisfactory explanation of the relevant law on each issue with minor errors or omissions. | Gives a good explanation of the relevant law on each issue with some minor errors or omissions. | Gives a very good explanation of most of the relevant law on each issue. | Gives an excellent explanation of all relevant law on each major and minor issue. |
| **Application of the relevant law to each issue** (30%) | Does not present a well argued application. | Presents coherent application but does not address some significant matters. | Presents a coherent argument on major issues with some minor errors or omissions. | Presents and discusses very thoroughly a coherent application of the law to major  issues. | Presents and discusses very thoroughly a coherent application of the law to all major and minor issues. |
| **Presentation and organisation of work in a logical manner** (5%) | Analysis is poorly organised and does not flow effectively. | Analysis is reasonably well organised and flow is adequate. | Analysis is good and well organised. Flow is adequate. | Analysis is very good and well organised. Flow is effective. | Analysis is outstanding and very well organised flow very effective. |