



LAWS521

Foundations of Commercial Law

S2 Day 2016

Dept of Law

Contents

<u>General Information</u>	2
<u>Learning Outcomes</u>	2
<u>Assessment Tasks</u>	3
<u>Delivery and Resources</u>	4
<u>Unit Schedule</u>	5
<u>Policies and Procedures</u>	6
<u>Graduate Capabilities</u>	7

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General Information

Unit convenor and teaching staff

Unit Convenor

Shayne Davenport

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W3A 522

Friday 1pm - 2pm

Credit points

3

Prerequisites

(24cp in LAW or LAWS units including (LAWS104 or LAW204)) or (39cp including BUSL250 and BUSL301)

Corequisites

Co-badged status

Unit description

The unit begins with an historical introduction to commercial law and then proceeds to examine its purpose, who uses it, how far it should extend and the role and effect of lawyers on commercial law and the market place. The second half of the unit has a detailed examination of the sale of goods and other important commercial areas such as agency, insurance law, negotiable instruments, security over goods and bankruptcy. Particular emphasis is placed on the relationship between the common law in these areas and the working of the market.

Important Academic Dates

Information about important academic dates including deadlines for withdrawing from units are available at <https://www.mq.edu.au/study/calendar-of-dates>

Learning Outcomes

On successful completion of this unit, you will be able to:

- Demonstrate an understanding of the historical and conceptual development of commercial law and formulate some ideas of how it might develop in the future
- Communicate a considered opinion about the role that commercial law plays in commercial relationships and also the importance of factors other than the law in forming

and maintaining these relationships

Critically appraise specific current issues in contract law particularly related to commercial transactions

Demonstrate strong foundational understanding of the law relating to the major commercial transactions in Australia

Effectively communicate legal and commercial information through class presentations and participation

Assessment Tasks

Name	Weighting	Due
<u>Research essay</u>	40%	Wednesday 7 September, 5pm
<u>Tutorial participation</u>	10%	weeks 3 - 13
<u>Final take home examination</u>	50%	Wednesday 9 November

Research essay

Due: **Wednesday 7 September, 5pm**

Weighting: **40%**

The essay will be based on the material covered in the first 3 lectures. Word limit 1500 words. Further information will be available on ilearn and on the essay question itself.

On successful completion you will be able to:

- Demonstrate an understanding of the historical and conceptual development of commercial law and formulate some ideas of how it might develop in the future
- Communicate a considered opinion about the role that commercial law plays in commercial relationships and also the importance of factors other than the law in forming and maintaining these relationships
- Critically appraise specific current issues in contract law particularly related to commercial transactions

Tutorial participation

Due: **weeks 3 - 13**

Weighting: **10%**

Participation marks will be awarded as follows:

- 5% for a group or individual (external students) presentation . For this task students will sit on an “experts panel” for one tutorial topic. The experts on the panel will be expected

to lead discussion and answer questions about the material for their topic. Marks will be awarded individually. Allocation of topics for experts panels will be made in tutorials in week 2 for internal students and by announcement on the unit webpage for external students

- 5% for individual participation (weeks 1 - 13)

On successful completion you will be able to:

- Demonstrate an understanding of the historical and conceptual development of commercial law and formulate some ideas of how it might develop in the future
- Communicate a considered opinion about the role that commercial law plays in commercial relationships and also the importance of factors other than the law in forming and maintaining these relationships
- Critically appraise specific current issues in contract law particularly related to commercial transactions
- Demonstrate strong foundational understanding of the law relating to the major commercial transactions in Australia
- Effectively communicate legal and commercial information through class presentations and participation

Final take home examination

Due: **Wednesday 9 November**

Weighting: **50%**

The final examination will consist of one or more hypothetical problem questions and will be based on the material in lectures 4 - 12. The question will be available at 3pm on Wednesday 9 November and will be due at 7pm on 9 November. Word limit 2000 words.

On successful completion you will be able to:

- Demonstrate strong foundational understanding of the law relating to the major commercial transactions in Australia

Delivery and Resources

Online units can be accessed at: <http://ilearn.mq.edu.au/>.

The required text is Davenport, S & Parker, D, *Business and Law in Australia*, 2nd edition Law Book Co, 2015. The text will be used from Week 4. Additional material is to be found on the unit ilearn webpage.

The on campus session for external students will be held on Tuesday 27 September and Wednesday 28 September from 9.30am to 4.30pm in C5A 226. Please double check room

location closer to the time of session at timetables.mq.edu.au

Unit Schedule

TOPIC	DATE: week beginning	ISSUES (covered in lecture - to be discussed in tutorial the following week)
1	1/08	Introduction to the Unit The history and essential foundations of commercial law The Australian perspective
2	8/8	Commercial law in theory and practice
3	15/8	Commercial law in theory and practice (cont) The law of contract: Current issues for commercial law
4	22/8	Bailment Agency
5	29/8	Review of personal property; accession, specification and intermixture Sale of goods Jurisdiction The contract for sale of goods; delivery
6	5/9	Sale of Goods (cont) Express and implied terms
7	12/9	Sale of Goods (cont) Transfer of property and title in goods
MID SEMESTER BREAK		
8	3/10	International sale of goods; The Contract for International Sale of Goods (CISG); UNIDROIT; INCOTERMS

9	10/10	Security interests over personal property Guarantees
10	17/10	Negotiable Instruments including cheques
11	24/10	Insurance
12	31/10	Bankruptcy
13	7/11	NO LECTURE OR TUTORIALS THIS WEEK - FINAL ASSESSMENT ON WEDNESDAY 9 NOVEMBER

Policies and Procedures

Macquarie University policies and procedures are accessible from [Policy Central](#). Students should be aware of the following policies in particular with regard to Learning and Teaching:

Academic Honesty Policy http://mq.edu.au/policy/docs/academic_honesty/policy.html

New Assessment Policy in effect from Session 2 2016 http://mq.edu.au/policy/docs/assessment/policy_2016.html. For more information visit http://students.mq.edu.au/events/2016/07/19/new_assessment_policy_in_place_from_session_2/

Assessment Policy prior to Session 2 2016 <http://mq.edu.au/policy/docs/assessment/policy.html>

Grading Policy prior to Session 2 2016 <http://mq.edu.au/policy/docs/grading/policy.html>

Grade Appeal Policy <http://mq.edu.au/policy/docs/gradeappeal/policy.html>

Complaint Management Procedure for Students and Members of the Public http://www.mq.edu.au/policy/docs/complaint_management/procedure.html

Disruption to Studies Policy http://www.mq.edu.au/policy/docs/disruption_studies/policy.html *The Disruption to Studies Policy is effective from March 3 2014 and replaces the Special Consideration Policy.*

In addition, a number of other policies can be found in the [Learning and Teaching Category](#) of Policy Central.

Student Code of Conduct

Macquarie University students have a responsibility to be familiar with the Student Code of Conduct: https://students.mq.edu.au/support/student_conduct/

Results

Results shown in *iLearn*, or released directly by your Unit Convenor, are not confirmed as they are subject to final approval by the University. Once approved, final results will be sent to your student email address and will be made available in [eStudent](#). For more information visit [ask.m](#)

mq.edu.au.

Student Support

Macquarie University provides a range of support services for students. For details, visit <http://students.mq.edu.au/support/>

Learning Skills

Learning Skills (mq.edu.au/learningskills) provides academic writing resources and study strategies to improve your marks and take control of your study.

- [Workshops](#)
- [StudyWise](#)
- [Academic Integrity Module for Students](#)
- [Ask a Learning Adviser](#)

Student Services and Support

Students with a disability are encouraged to contact the [Disability Service](#) who can provide appropriate help with any issues that arise during their studies.

Student Enquiries

For all student enquiries, visit Student Connect at ask.mq.edu.au

IT Help

For help with University computer systems and technology, visit http://www.mq.edu.au/about_us/offices_and_units/information_technology/help/.

When using the University's IT, you must adhere to the [Acceptable Use of IT Resources Policy](#). The policy applies to all who connect to the MQ network including students.

Graduate Capabilities

Capable of Professional and Personal Judgement and Initiative

We want our graduates to have emotional intelligence and sound interpersonal skills and to demonstrate discernment and common sense in their professional and personal judgement. They will exercise initiative as needed. They will be capable of risk assessment, and be able to handle ambiguity and complexity, enabling them to be adaptable in diverse and changing environments.

This graduate capability is supported by:

Learning outcome

- Communicate a considered opinion about the role that commercial law plays in commercial relationships and also the importance of factors other than the law in forming and maintaining these relationships

Assessment tasks

- Research essay
- Tutorial participation

Discipline Specific Knowledge and Skills

Our graduates will take with them the intellectual development, depth and breadth of knowledge, scholarly understanding, and specific subject content in their chosen fields to make them competent and confident in their subject or profession. They will be able to demonstrate, where relevant, professional technical competence and meet professional standards. They will be able to articulate the structure of knowledge of their discipline, be able to adapt discipline-specific knowledge to novel situations, and be able to contribute from their discipline to inter-disciplinary solutions to problems.

This graduate capability is supported by:

Learning outcomes

- Demonstrate an understanding of the historical and conceptual development of commercial law and formulate some ideas of how it might develop in the future
- Communicate a considered opinion about the role that commercial law plays in commercial relationships and also the importance of factors other than the law in forming and maintaining these relationships
- Demonstrate strong foundational understanding of the law relating to the major commercial transactions in Australia
- Effectively communicate legal and commercial information through class presentations and participation

Assessment tasks

- Research essay
- Tutorial participation
- Final take home examination

Critical, Analytical and Integrative Thinking

We want our graduates to be capable of reasoning, questioning and analysing, and to integrate and synthesise learning and knowledge from a range of sources and environments; to be able to critique constraints, assumptions and limitations; to be able to think independently and systemically in relation to scholarly activity, in the workplace, and in the world. We want them to have a level of scientific and information technology literacy.

This graduate capability is supported by:

Learning outcomes

- Critically appraise specific current issues in contract law particularly related to commercial transactions
- Demonstrate strong foundational understanding of the law relating to the major commercial transactions in Australia

Assessment tasks

- Research essay
- Tutorial participation
- Final take home examination

Problem Solving and Research Capability

Our graduates should be capable of researching; of analysing, and interpreting and assessing data and information in various forms; of drawing connections across fields of knowledge; and they should be able to relate their knowledge to complex situations at work or in the world, in order to diagnose and solve problems. We want them to have the confidence to take the initiative in doing so, within an awareness of their own limitations.

This graduate capability is supported by:

Learning outcome

- Demonstrate strong foundational understanding of the law relating to the major commercial transactions in Australia

Assessment tasks

- Tutorial participation
- Final take home examination

Effective Communication

We want to develop in our students the ability to communicate and convey their views in forms effective with different audiences. We want our graduates to take with them the capability to read, listen, question, gather and evaluate information resources in a variety of formats, assess, write clearly, speak effectively, and to use visual communication and communication technologies as appropriate.

This graduate capability is supported by:

Learning outcome

- Effectively communicate legal and commercial information through class presentations and participation

Assessment task

- Tutorial participation