



# LAW 868

## Technology and E-Commerce Law

S2 Day 2016

*Dept of Law*

### Contents

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<a href="#"><u>General Information</u></a>	2
<a href="#"><u>Learning Outcomes</u></a>	2
<a href="#"><u>Assessment Tasks</u></a>	3
<a href="#"><u>Delivery and Resources</u></a>	5
<a href="#"><u>Policies and Procedures</u></a>	6
<a href="#"><u>Graduate Capabilities</u></a>	7
<a href="#"><u>Law School Assessment Policy</u></a>	9

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#### **Disclaimer**

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## General Information

Unit convenor and teaching staff

Convenor

Julian Dight

[julian.dight@mq.edu.au](mailto:julian.dight@mq.edu.au)

Contact via Email

Consultation will be online via email or by appointment.

Credit points

4

Prerequisites

Admission to LLM or MIntLawGovPP or MIntTrdeComLaw or PGDiplntTrdeComLaw or PGCertIntTrdeComLaw or MIntReIMIntTrdeComLaw or 42cp in LAW or LAWS units at 400 or 500 level or (admission to JD and 32cp in LAW or LAWS units at 800 level)

Corequisites

Co-badged status

Unit description

This unit examines the law underlying the use of the internet and electronic commerce. The cross border nature of the internet has opened up global markets for goods and services, meaning that the unique nature of such transactions calls for a framework to promote legal certainty. The unrestricted flow of electronic information through cyberspace has meant that the relevant laws by necessity cannot be limited to national laws only. Instead, the internationalisation of law is essential to deal with this new medium. Topics to be studied include jurisdictional analysis of business transactions, Australian and international approaches, online consumer protection and internet gambling.

## 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:

1. Explain and critique specific legal principles relevant to e-commerce law.
2. Identify legal issues relevant to ecommerce law and provide legal advice on e-commerce problems or disputes, including an accurate assessment of the likely

outcome.

3. Examine policy debates and law reform discourse in key areas involving the development of laws to new and emerging technologies and propose law reforms where appropriate.

4. Demonstrate effective communications skill through intensive class participation and discussion.

5. Describe and analyse the fundamental principles of e-commerce law.

## Assessment Tasks

Name	Weighting	Due
<u>Case Analysis</u>	20%	9 September 2016
<u>Participation</u>	30%	On campus session
<u>Research essay</u>	50%	28 October 2016

### Case Analysis

Due: **9 September 2016**

Weighting: **20%**

**Due Date: 9 September 2016**

**Weight: 20%**

The task is to write a case note on **Hockey v Fairfax Media Publications Pty Limited [2015] FCA 652**

What are the implications of this case for online Defamation law in Australia?

**Word limit:** 2,000 words. (Not including footnotes. Footnotes must be confined to references.)

**Submission:** Submission is via Turnitin. A Turnitin icon will appear under the Assessment tab on ilearn.

On successful completion you will be able to:

- 1. Explain and critique specific legal principles relevant to e-commerce law.
- 4. Demonstrate effective communications skill through intensive class participation and discussion.
- 5. Describe and analyse the fundamental principles of e-commerce law.

### Participation

Due: **On campus session**

Weighting: **30%**

The class participation mark will be based on your contribution to discussions at the On Campus Session. One of the aims of the On Campus Sessions is to develop your competence and skills in argument and discussion with others on the problems we consider. A complete marking rubric pertaining to the assessment of participation will be made available on iLearn.

On successful completion you will be able to:

- 1. Explain and critique specific legal principles relevant to e-commerce law.
- 2. Identify legal issues relevant to ecommerce law and provide legal advice on e-commerce problems or disputes, including an accurate assessment of the likely outcome.
- 4. Demonstrate effective communications skill through intensive class participation and discussion.

## Research essay

Due: **28 October 2016**

Weighting: **50%**

**Choose one of the following research essay questions:**

1. Is the present legal governance of cloud computing effective? Discuss the merits of present laws governing cloud computing. In your answer you may consider options for future reform.
2. Cybercrime is a global phenomenon and governments are the major perpetrators. Discuss.
3. Social media websites such as facebook infringe our privacy. Should our laws be strengthened or do the current laws provide enough protection?
4. What are the implications of the **Google Inc v Australian Competition and Consumer Commission** [2013] HCA decision for online 'misleading and deceptive conduct' as per Section 18 of the Australian Consumer Law?
5. You may write your own question or come up with your own topic but this must be approved by the unit convenor first. Essay plans must be submitted to the unit convenor no later than 30th of September 2016. These plans can be handed in at the three day workshop at the end of September for approval. Your essay must relate to a particular area of e-commerce and technology law and not just be a general discussion.

**Word limit:** 3,500 words. (Not including footnotes. Footnotes must be confined to references.)

**Submission:** Submission is via Turnitin. A Turnitin icon will appear under the Assessment tab on ilearn.

**Please note:** Students are expected to conduct some *extensive* research for this essay and this is counted towards the marking criteria.

On successful completion you will be able to:

- 1. Explain and critique specific legal principles relevant to e-commerce law.
- 2. Identify legal issues relevant to e-commerce law and provide legal advice on e-commerce problems or disputes, including an accurate assessment of the likely outcome.
- 3. Examine policy debates and law reform discourse in key areas involving the development of laws to new and emerging technologies and propose law reforms where appropriate.
- 4. Demonstrate effective communications skill through intensive class participation and discussion.
- 5. Describe and analyse the fundamental principles of e-commerce law.

## **Delivery and Resources**

### **DELIVERY**

**All 12 lectures will be delivered through digital audio recordings - To access the recordings, please go to the LAW 868 iLearn site and click on the "Echo" sound recordings button.**

### **Tutorials**

**The 12 tutorials will be delivered at a 3 day Intensive On Campus Session.** Attendance on all three days is compulsory. Day 1 of the Intensive will consider the material presented in lectures 1-4 and involve a discussion of tutorial questions assigned for these weeks. Day 2 of the Intensive will consider the material presented 5-8 and involve a discussion of tutorial questions assigned for these weeks. Day 3 of the Intensive will consider the material covered in lectures 9-12 and involve a discussion of tutorial questions assigned for these weeks.

### **RESOURCES**

The lecture slides, readings and tutorial questions are on the ilearn site for LAW 868. The ilearn site provides students with reading lists comprising textbooks, journals, websites and other relevant reading materials

Students will be required to critically read in order to further develop concepts and ideas referred to in this unit.

In addition to the readings, student will be expected to reflect on the application of the concepts to their careers.

Reflective activities assist students in integrating the course content and in developing the ability to transfer knowledge and skills from the learning environment into the workplace. Reflective activities facilitate the development of communication skills and an orientation to lifelong learning.

Students have access to the lecturer for one-on-one assistance/consultation when they have particular queries relating to unit content. This consultation may be in the form of a face-to-face

meeting, phone call, chat session or via the discussion forum.

This unit uses research from external sources and provides you practice in applying research findings in assignments.

This unit gives you opportunities to conduct your own research.

### **Technologies**

PC and Internet access are required. Basic computer skills (e.g., internet browsing) and skills in word processing are

also a requirement.

Please consult teaching staff for any further, more specific requirements.

## **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](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](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/](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](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](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/](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.mq.edu.au](http://ask.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](http://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](http://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/](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

### PG - Capable of Professional and Personal Judgment and Initiative

Our postgraduates will demonstrate a high standard of discernment and common sense in their professional and personal judgment. They will have the ability to make informed choices and decisions that reflect both the nature of their professional work and their personal perspectives.

This graduate capability is supported by:

### Learning outcomes

- 2. Identify legal issues relevant to ecommerce law and provide legal advice on e-commerce problems or disputes, including an accurate assessment of the likely outcome.
- 3. Examine policy debates and law reform discourse in key areas involving the

development of laws to new and emerging technologies and propose law reforms where appropriate.

### **Assessment task**

- Research essay

## **PG - Discipline Knowledge and Skills**

Our postgraduates will be able to demonstrate a significantly enhanced depth and breadth of knowledge, scholarly understanding, and specific subject content knowledge in their chosen fields.

This graduate capability is supported by:

### **Learning outcomes**

- 1. Explain and critique specific legal principles relevant to e-commerce law.
- 5. Describe and analyse the fundamental principles of e-commerce law.

### **Assessment tasks**

- Case Analysis
- Research essay

## **PG - Critical, Analytical and Integrative Thinking**

Our postgraduates will be capable of utilising and reflecting on prior knowledge and experience, of applying higher level critical thinking skills, and of integrating and synthesising learning and knowledge from a range of sources and environments. A characteristic of this form of thinking is the generation of new, professionally oriented knowledge through personal or group-based critique of practice and theory.

This graduate capability is supported by:

### **Learning outcomes**

- 2. Identify legal issues relevant to e-commerce law and provide legal advice on e-commerce problems or disputes, including an accurate assessment of the likely outcome.
- 3. Examine policy debates and law reform discourse in key areas involving the development of laws to new and emerging technologies and propose law reforms where appropriate.

### **Assessment tasks**

- Case Analysis
- Research essay



## PG - Research and Problem Solving Capability

Our postgraduates will be capable of systematic enquiry; able to use research skills to create new knowledge that can be applied to real world issues, or contribute to a field of study or practice to enhance society. They will be capable of creative questioning, problem finding and problem solving.

This graduate capability is supported by:

### Learning outcome

- 3. Examine policy debates and law reform discourse in key areas involving the development of laws to new and emerging technologies and propose law reforms where appropriate.

### Assessment tasks

- Participation
- Research essay

## PG - Effective Communication

Our postgraduates will be able to communicate effectively and convey their views to different social, cultural, and professional audiences. They will be able to use a variety of technologically supported media to communicate with empathy using a range of written, spoken or visual formats.

This graduate capability is supported by:

### Learning outcomes

- 2. Identify legal issues relevant to ecommerce law and provide legal advice on e-commerce problems or disputes, including an accurate assessment of the likely outcome.
- 4. Demonstrate effective communications skill through intensive class participation and discussion.

### Assessment task

- Participation

## Law School Assessment Policy

In the absence of a successful application for special consideration due to a disruption to studies, any assessment task submitted after its published deadline will not be graded and will receive a mark of zero. Applications for a Disruption to Studies are made electronically via [ask.mq.edu.au](http://ask.mq.edu.au) and should be accompanied by supporting documentation. Students should refer to the Disruption to Studies policy for complete details of the policy and a description of the supporting documentation required. Word limits will be strictly applied and work above the word

limit will not be marked. All assessments in the unit are to be submitted electronically. Plagiarism detection software is used in this unit.

Detailed marking rubrics will be made available on iLearn. Markers in this unit undertake a process of 'blind marking' to establish a common marking standard and all Fail papers are double marked.