



# LAWS521

## Foundations of Commercial Law

S3 Block 2016

*Dept of Law*

### Contents

---

<a href="#"><u>General Information</u></a>	2
<a href="#"><u>Learning Outcomes</u></a>	2
<a href="#"><u>General Assessment Information</u></a>	3
<a href="#"><u>Assessment Tasks</u></a>	3
<a href="#"><u>Delivery and Resources</u></a>	5
<a href="#"><u>Unit Schedule</u></a>	6
<a href="#"><u>Policies and Procedures</u></a>	7
<a href="#"><u>Graduate Capabilities</u></a>	8

---

#### **Disclaimer**

Macquarie University has taken all reasonable measures to ensure the information in this publication is accurate and up-to-date. However, the information may change or become out-dated as a result of change in University policies, procedures or rules. The University reserves the right to make changes to any information in this publication without notice. Users of this publication are advised to check the website version of this publication [or the relevant faculty or department] before acting on any information in this publication.

## General Information

Unit convenor and teaching staff

Tutor

Rod Smith

[rod.smith@mq.edu.au](mailto:rod.smith@mq.edu.au)

Contact via TBA

Unit Convenor

Shayne Davenport

[shayne.davenport@mq.edu.au](mailto:shayne.davenport@mq.edu.au)

Contact via (02) 98507810

W3A 522

To be advised for session 3

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

## General Assessment Information

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.”

Moderation

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.

## Assessment Tasks

Name	Weighting	Due
<a href="#"><u>Research essay</u></a>	40%	Tuesday 3 January, 2017 5pm
<a href="#"><u>Tutorial participation</u></a>	20%	On campus session
<a href="#"><u>Class test</u></a>	20%	On campus session
<a href="#"><u>Quiz</u></a>	20%	Tuesday 31 January, 2017

## Research essay

Due: **Tuesday 3 January, 2017 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: **On campus session**

Weighting: **20%**

Participation marks will be awarded as follows:

- 10% for a group 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 mid December, after enrolments close.
- 10% for individual participation at the on campus session

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

## Class test

Due: **On campus session**

Weighting: **20%**

Students will take the 1 hour class test at the end of the on campus session. It will cover Topics 4 - 8 inclusive (bailment, agency, sale of goods, security over personal property) and will take the form of one or more hypothetical or short answer questions. Please note that you will need to bring a laptop to the session in order to take the class test and submit it through turnitin

On successful completion you will be able to:

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

## Quiz

Due: **Tuesday 31 January, 2017**

Weighting: **20%**

The quiz will cover the final two topics in the unit, Insurance and Bankruptcy. It will open at 3pm on Tuesday 31 January and remain open until 10pm. Although the submission portal will remain open from 3pm – 10pm, the quiz is designed to be completed in 1 hour; the 7 hour time span is to accommodate the range of commitments and needs of all students. It will consist of multiple choice and short answer questions some of which will be based on hypothetical problem questions. When a student accesses the quiz they will have 1 hour in which to complete it. The questions and responses available to each student will vary as they will be allocated from a bank of questions, with the order of the responses presented to each student also varying. Answers will be automatically submitted at the end of the hour..

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 Topic 3. Additional material is to be found on the unit ilearn webpage.

There will be 3 tutorial groups. Dates for the on campus sessions are:

- Groups 1 and 2; Monday 16 and Tuesday 17 January

- Group 3; Saturday 21 and Sunday 22 January.

Students must attend the on campus session for which they are enrolled.

Students will require a laptop in order to take the class test which will be held at the end of the relevant on campus session

## Unit Schedule

TOPIC	Suggested date for completion	ISSUES
1	Sunday 11 December	Introduction to the Unit The History and Essential Foundations of Commercial Law The Australian Perspective
2	Sunday 11 December	Commercial Law in Theory and Practice
3	Sunday 18 December	Commercial Law in Theory and Practice (cont) The Law of Contract: Current Issues for Commercial Law
4	Sunday 1 January	Bailment Agency
5	Sunday 1 January	Sale of Goods The Contract for Sale of Goods Transfer of title
	<b>TUESDAY 3 JANUARY</b>	<b>FIRST WRITTEN ASSESSMENT – RESEARCH ESSAY DUE</b>
6	Sunday 8 January	Sale of Goods Reservation of title Transfer by Non Owner
7	Sunday 8 January	Sale of Goods Express and Implied Terms
8	Sunday 15 January	Security interests over personal property
9	Sunday 15 January	International sale of goods
	<b>TUESDAY 17 JANUARY OR SUNDAY 22 JANUARY</b>	<b>SECOND WRITTEN ASSESSMENT – CLASS TEST</b>
10	Monday 30 January	Insurance

11	Monday 30 January	Bankruptcy
	TUESDAY 31 JANUARY	THIRD ASSESSMENT – ONLINE QUIZ

## 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

### 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
- Class test
- Quiz

## **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
- Class test
- Quiz

## 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
- Class test
- Quiz

## 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