



# LAWS5021

## Foundations of Commercial Law

Session 2, Special circumstance, Other 2020

*Macquarie Law School*

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#### 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.

#### Notice

As part of [Phase 3 of our return to campus plan](#), most units will now run tutorials, seminars and other small group learning activities on campus for the second half-year, while keeping an online version available for those students unable to return or those who choose to continue their studies online.

To check the availability of face-to-face and online activities for your unit, please go to [timetable viewer](#). To check detailed information on unit assessments visit your unit's iLearn space or consult your unit convenor.

## General Information

Unit convenor and teaching staff

Mirella Atherton

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Contact via Please contact via email

Tutor

Peter Joy

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Please contact via email

Credit points

10

Prerequisites

(80cp in LAW or LAWS units including LAWS1200 or LAWS104 or LAW104 or LAW204) or (130cp including (BUSL250 and BUSL301) or (BUSL251 or ACCG2051))

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:

**ULO1:** Demonstrate an understanding of the historical and conceptual development of commercial law and formulate some ideas of how it might develop in the future.

**ULO2:** 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.

**ULO3:** Critically appraise specific current issues in contract law particularly related to commercial transactions.

**ULO4:** Demonstrate strong foundational understanding of the law relating to the major commercial transactions in Australia.

## General Assessment Information

### Macquarie Law School Assessment Policy

#### Late Submission Penalty

Unless a Special Consideration request has been submitted and approved, (a) a penalty for lateness will apply – two (2) marks out of 100 will be deducted per day for assignments submitted after the due date – and (b) no assignment will be accepted more than seven (7) days (incl. weekends) after the original submission deadline. No late submissions will be accepted for timed assessments – e.g. quizzes, online tests. 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 guidelines will be made available on iLearn. The convenors moderate all assessments. All Fail research essays and take-home exams are double marked.

## Assessment Tasks

Name	Weighting	Hurdle	Due
<u>In class and online activities</u>	30%	No	Weeks 2-12
<u>Case Note</u>	30%	No	Wednesday 2nd September 11.59pm
<u>Final Unit Assessment</u>	40%	No	Wednesday 11th November 11.59pm

### In class and online activities

Assessment Type <sup>1</sup>: Participatory task

Indicative Time on Task <sup>2</sup>: 30 hours

Due: **Weeks 2-12**

Weighting: **30%**

A series of quizzes, discussions and problem solving tasks online and in class

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.

- 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.

## Case Note

Assessment Type <sup>1</sup>: Case study/analysis

Indicative Time on Task <sup>2</sup>: 30 hours

Due: **Wednesday 2nd September 11.59pm**

Weighting: **30%**

This assessment requires students to write a case note on a case of commercial interest.

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.

## Final Unit Assessment

Assessment Type <sup>1</sup>: Quiz/Test

Indicative Time on Task <sup>2</sup>: 8 hours

Due: **Wednesday 11th November 11.59pm**

Weighting: **40%**

A time-limited take home assessment covering the entirety of the unit that may include essay style questions or hypothetical problems

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.

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<sup>1</sup> If you need help with your assignment, please contact:

- the academic teaching staff in your unit for guidance in understanding or completing this type of assessment
- the [Writing Centre](#) for academic skills support.

<sup>2</sup> Indicative time-on-task is an estimate of the time required for completion of the assessment task and is subject to individual variation

## Delivery and Resources

**Delivery and Resources** Lectures are pre-recorded and loaded onto the iLearn page each week. Lectures will be available in weeks 1 - 12. . The schedule of topics to be covered in the lectures, and notes on required readings, will be available in detail on iLearn. A list of covered topics is provided below in the Unit Schedule.

**Weekly one hour tutorials begin in Week 2 and finish in Week 13.** Required readings will be notified on iLearn.

Students require access to a computer and a secure and reliable internet provider. Online units can be accessed at: <http://ilearn.mq.edu.au/>. The required text is **David Parker and Lisa Ward, Business and Law in Australia, 3rd ed, 2020, Thomson Reuters**. Additional materials are to be found on the iLearn webpage.

Attendance is compulsory in order that students may complete tutorial presentations and participation. In the absence of a successful application for special consideration and completion of required additional work, students who do not attend the compulsory on campus session will receive a mark of 0 / 20 for participation.

## Unit Schedule

Topic	Week	Issues
1	27th July	Introduction to the Unit, The History and Essential Foundations of Commercial Law, The Australian Perspective
2	3rd August	Commercial Law in Theory and Practice
3	10th August	Commercial Law in Theory and Practice (cont), The Law of Contract: Current Issues for Commercial Law
4	17th August	Bailment and Agency
5	24th August	Sale of Goods: The Contract for Sale of Goods, Transfer of title

6	31st August	Sale of Goods: Reservation of Title, Transfer by Non Owner
7	7th September	Sale of Goods: Express and Implied Terms
8	28th September	The International Perspective
9	5th October	Security interests over personal property
10	12th October	Negotiable Instruments, Guarantees
11	19th October	Insurance
12	26th October	Bankruptcy
13	2nd November	NO LECTURE THIS WEEK

## Policies and Procedures

Macquarie University policies and procedures are accessible from [Policy Central](https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central) (<https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central>). Students should be aware of the following policies in particular with regard to Learning and Teaching:

- [Academic Appeals Policy](#)
- [Academic Integrity Policy](#)
- [Academic Progression Policy](#)
- [Assessment Policy](#)
- [Fitness to Practice Procedure](#)
- [Grade Appeal Policy](#)
- [Complaint Management Procedure for Students and Members of the Public](#)
- [Special Consideration Policy](#) (**Note:** *The Special Consideration Policy is effective from 4 December 2017 and replaces the Disruption to Studies Policy.*)

Students seeking more policy resources can visit the [Student Policy Gateway](https://students.mq.edu.au/support/study/student-policy-gateway) (<https://students.mq.edu.au/support/study/student-policy-gateway>). It is your one-stop-shop for the key policies you need to know about throughout your undergraduate student journey.

If you would like to see all the policies relevant to Learning and Teaching visit [Policy Central](https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central) (<https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/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/study/getting-started/student-conduct>

## Results

Results published on platform other than [eStudent](#), (eg. iLearn, Coursera etc.) 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](mailto:ask.mq.edu.au) or if you are a Global MBA student contact [globalmba.support@mq.edu.au](mailto:globalmba.support@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 help you improve your marks and take control of your study.

- [Getting help with your assignment](#)
- [Workshops](#)
- [StudyWise](#)
- [Academic Integrity Module](#)

The Library provides online and face to face support to help you find and use relevant information resources.

- [Subject and Research Guides](#)
- [Ask a Librarian](#)

## 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](mailto:ask.mq.edu.au)

If you are a Global MBA student contact [globalmba.support@mq.edu.au](mailto:globalmba.support@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.

## Changes from Previous Offering

The new edition of Business and Law in Australia has been prescribed.

Weekly one hour tutorials begin in Week 2 and finish in Week 13.

Adjustment to Topic 9 and 10.

## Changes since First Published

Date	Description
23/07/2020	Adjustment to Topic 9 and 10.
17/07/2020	Change of tutor and contact details.
15/07/2020	Weekly one hour tutorials begin in Week 2 and finish in Week 13.