



LAWS8023

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

Unit Convenor

Mirella Atherton

mirella.atherton@mq.edu.au

Contact via Please contact via email

Credit points

10

Prerequisites

(Admission to JD and 80cp in LAWS or LAW units at 6000 level or above including LAWS803 or LAWS8030) or (admission to LLM or MInTrdeComLaw)

Corequisites

Co-badged status

Unit description

The unit begins with an examination of the historical and theoretical framework of commercial law. The completing claims of predictability and certainty with principles such as good faith, fairness and reasonableness are analysed. A critical approach to the existing law of contract concentrating on methods of interpretation in the commercial context completes this part of the unit. Students then undertake a detailed study of the law of common commercial relationships and transactions such as principal and agent, commercial sale of goods, negotiable instruments, insurance and bankruptcy.

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 a sophisticated understanding of the historical and theoretical development of commercial law and articulate a view of whether commercial law should be treated differently to other areas of law.

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: Articulate and critique aspects of Australian contract law’s approach to the governance of commercial transactions and compare international and soft law alternatives.

ULO4: Solve complex problems in the area of commercial law demonstrating ability to identify key legal issues.

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 and the final take home examination.

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>Presentation</u>	20%	No	Weeks 2- 12
<u>Research Essay</u>	40%	No	Wednesday 23rd September 11.59pm
<u>Hypothetical Problem Question</u>	40%	No	Wednesday 11th November 11.59pm

Presentation

Assessment Type ¹: Presentation

Indicative Time on Task ²: 6 hours

Due: **Weeks 2- 12**

Weighting: **20%**

Students are required to do a presentation on an aspect of the unit.

On successful completion you will be able to:

- Demonstrate a sophisticated understanding of the historical and theoretical development of commercial law and articulate a view of whether commercial law should be treated differently to other areas of law.
- 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.
- Articulate and critique aspects of Australian contract law's approach to the governance of commercial transactions and compare international and soft law alternatives.

Research Essay

Assessment Type ¹: Essay

Indicative Time on Task ²: 32 hours

Due: **Wednesday 23rd September 11.59pm**

Weighting: **40%**

Students are required to prepare a research essay on an aspect of the unit.

On successful completion you will be able to:

- Demonstrate a sophisticated understanding of the historical and theoretical development of commercial law and articulate a view of whether commercial law should be treated differently to other areas of law.
- 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.
- Articulate and critique aspects of Australian contract law's approach to the governance of commercial transactions and compare international and soft law alternatives.

Hypothetical Problem Question

Assessment Type ¹: Quiz/Test

Indicative Time on Task ²: 32 hours

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

Weighting: **40%**

Students are required to solve a hypothetical problem.

On successful completion you will be able to:

- Solve complex problems in the area of commercial law demonstrating ability to identify

key legal issues.

¹ 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.

² 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 online session will receive a mark of 0 / 20 for participation.

Unit Schedule

TOPIC	DATE: week beginning	ISSUES
1	29/7	Introduction to the Unit The history and essential foundations of commercial law The Australian perspective

2	5/8	Commercial law in theory and practice
3	12/8	Commercial law in theory and practice (cont) The law of contract: Current issues for commercial law
4	19/8	Bailment Agency
5	26/8	Revision of personal property; accession, specification and intermixture Sale of goods The contract for sale of goods
6	2/9	Sale of Goods (cont) Reservation of title Transfer by Non Owner
7	9/9	Sale of Goods (cont) Express and implied terms of the contract
		MID SEMESTER BREAK
8	30/9	International sale of goods; The Contract for International Sale of Goods (CISG); UNIDROIT; INCOTERMS
9	7/10	Security interests over personal property
10	14/10	Bills of Exchange; Guarantees and Introduction to banking law
11	21/10	Insurance
12	28/10	Bankruptcy
13	4/11	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 or if you are a Global MBA student contact 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) 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

If you are a Global MBA student contact 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/.

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.