LAWS8068

Technology and E-Commerce Law

Session 2, Special circumstance, Other 2020

Macquarie Law School

Contents

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
Convenor and Lecturer
Niloufer Selvadurai
niloufer.selvadurai@mq.edu.au
Contact via iLearn communications portal
6 First Walk Room Office 621
Fridays, 10am-11am

Julian Dight
julian.dight@mq.edu.au

Credit points
10

Prerequisites
Admission to LLM or MIntTrdeComLaw or (admission to JD and 80cp at 6000 level or above)

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:

ULO1: Explain the fundamental principles of technology and e-commerce law and critique specific legal principles relevant to e-commerce

ULO2: 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.

ULO3: Analyse 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.

General Assessment Information

GENERAL INFORMATION ON RESEARCH ASSIGNMENTS

Word limit – 2,000 words, not including footnotes and bibliography. Footnotes need to be confined to citations. Citations should be in compliance with the *Australian Guide to Legal Citations.*

Marking rubric – Please see 'Research Assignment Rubric'. This can be found on the ilearn website for LAWS8068 under the banner of 'Assessment'.

Independent legal research – Please note that this assignment will **require independent legal research** that goes beyond the prescribed reading materials for lectures and the OCS.

Submission method – The assignment must be submitted via the Turnitin 'Research Assignment' icon. This can be found on the ilearn website for LAWS8068 under the banner of 'Assessment'.

Moderation – The markers will have a series of meetings to moderate the marking of the Research Assignment. The markers and convenor undertake a process of moderation to mark 10% of the papers and establish an equitable and consistent standard. All Fail papers are double-marked.

Late policy - 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 time – 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.

Special consideration applications - All Special Consideration applications have to be submitted via the online Ask system. No extensions can be granted via the communications portals or email.

Assessment Tasks

Name	Weighting	Hurdle	Due
Research Assignment	50%	No	Week 7 - Friday 11 September 2020
Research Assignment	50%	No	Week 12 - Friday 30 October 2020

Research Assignment

Assessment Type [1]: Essay
Indicative Time on Task [2]: 41 hours
Due: **Week 7 - Friday 11 September 2020**
Weighting: **50%**

This essay will require students to undertake detailed and extensive research on an issue in technology and e-commerce law and synthesise relevant scholarly literature and law reform discourse to construct sophisticated and nuanced arguments.

On successful completion you will be able to:

- Explain the fundamental principles of technology and e-commerce law and critique specific legal principles relevant to e-commerce
- 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.
- Analyse 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.

Research Assignment

Assessment Type [1]: Essay
Indicative Time on Task [2]: 41 hours
Due: **Week 12 - Friday 30 October 2020**
Weighting: **50%**

Prepare and present an essay based on detailed and extensive research on an issue in technology and e-commerce law and synthesise relevant scholarly literature and law reform discourse

On successful completion you will be able to:

- Explain the fundamental principles of technology and e-commerce law and critique specific legal principles relevant to e-commerce
- 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.

- Analyse 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.

[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

Prescribed textbook - *Internet and E-commerce Law Business and Policy* by Brian Fitzgerald, Anne Fitzgerald, Eugene Clark, Gaye Middleton, Yee Fen Lim, 2011, Thomon Reuters Australia. Code: 9780455227962. Can be purchased at https://legal.thomsonreuters.com.au/internet-and-e-commerce-law-business-and-policy/productdetail/107474.

Weekly readings to support lectures and to be discussed at the OCS - These are listed on iLearn and can be accessed via Leganto. If you are unfamiliar with Leganto, the Library can assist.

Unit Schedule

Unit schedule - Please see LAWS8068 iLearn site.

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). 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). 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).

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

None