



LAWS5012

Banking and Finance Law

Session 2, Weekday attendance, North Ryde 2021

Macquarie Law School

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Session 2 Learning and Teaching Update

The decision has been made to conduct study online for the remainder of Session 2 for all units WITHOUT mandatory on-campus learning activities. Exams for Session 2 will also be online where possible to do so.

This is due to the extension of the lockdown orders and to provide certainty around arrangements for the remainder of Session 2. We hope to return to campus beyond Session 2 as soon as it is safe and appropriate to do so.

Some classes/teaching activities cannot be moved online and must be taught on campus. You should already know if you are in one of these classes/teaching activities and your unit convenor will provide you with more information via iLearn. If you want to confirm, see the list of [units with mandatory on-campus classes/teaching activities](#).

Visit the [MQ COVID-19 information page](#) for more detail.

General Information

Unit convenor and teaching staff

Convenor and Lecturer

Doron Goldbarsht

doron.goldbarsht@mq.edu.au

Contact via ilearn

W3A room 514

Monday 12:00-13:00

Tutor

Michael Hazan

Credit points

10

Prerequisites

130cp in LAW or LAWS units including LAW459 or LAWS259 or LAWS2000

Corequisites

Co-badged status

Unit description

This unit considers the link between banking and financial crime at the international and domestic levels. The unit will examine the banking and financial institutions' regulatory framework, payment systems, history, sources and development of specific crimes in the international and domestic arena, theories of compliance, and criminal enforcement. Global norms and their interaction with domestic legislatures, government authorities, and regulatory reforms in selected jurisdictions will be investigated at a broad level. Students will then more specifically examine singular criminal regimes. From a practical perspective, examining specific criminal acts and the global regimes will inform students understanding of the prevention and resolution of international conflict, and the promotion of criminal justice in such areas as human trafficking, slavery, 'blood diamonds', money laundering, terrorist financing and the financing of proliferation of weapons of mass destruction.

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: Describe and analyse the history of formal and informal sources of specific crimes in the international and domestic arena, the development of soft and hard norms, and traditional theories of norm compliance.

ULO2: Explain binding and non-binding norms (including positive and negative aspects) and their interaction with national legislative and regulatory reforms in selected jurisdictions.

ULO3: Explain and critique the departures from regular international lawmaking processes, and emerging forms of international governance.

ULO4: Explain the substantive hard and soft law norms under a specific international regime which prevent international conflict and promote criminal justice.

ULO5: Critically analyse the motives for compliance with the international criminal regime in different jurisdictions, including Australia.

General Assessment Information

Unless a Special Consideration request has been submitted and approved, (a) a penalty for lateness will apply – 10 marks out of 100 credit will be deducted per day for assignments submitted after the due date – and (b) no assignment will be accepted seven days (incl. weekends) after the original submission deadline.

Assessment Tasks

Name	Weighting	Hurdle	Due
<u>Essay</u>	30%	No	17:00, 14/09/2021
<u>Participation</u>	20%	No	17:00, 05/11/2021
<u>Test</u>	50%	No	12:00, 9/11/2021

Essay

Assessment Type ¹: Essay

Indicative Time on Task ²: 34 hours

Due: **17:00, 14/09/2021**

Weighting: **30%**

Students will be required to write a research essay on an aspect of the course. This task requires independent writing and legal research. The essay question and assessment guidance will be released via iLearn.

On successful completion you will be able to:

- Describe and analyse the history of formal and informal sources of specific crimes in the international and domestic arena, the development of soft and hard norms, and traditional theories of norm compliance.
- Explain binding and non-binding norms (including positive and negative aspects) and their interaction with national legislative and regulatory reforms in selected jurisdictions.
- Explain and critique the departures from regular international lawmaking processes, and emerging forms of international governance.
- Explain the substantive hard and soft law norms under a specific international regime which prevent international conflict and promote criminal justice.
- Critically analyse the motives for compliance with the international criminal regime in different jurisdictions, including Australia.

Participation

Assessment Type ¹: Participatory task

Indicative Time on Task ²: 24 hours

Due: **17:00, 05/11/2021**

Weighting: **20%**

Students will be assessed on their informed participation in weekly discussions, presentations, role plays, debates and other in class activities.

On successful completion you will be able to:

- Describe and analyse the history of formal and informal sources of specific crimes in the international and domestic arena, the development of soft and hard norms, and traditional theories of norm compliance.
- Explain binding and non-binding norms (including positive and negative aspects) and their interaction with national legislative and regulatory reforms in selected jurisdictions.
- Explain and critique the departures from regular international lawmaking processes, and emerging forms of international governance.
- Explain the substantive hard and soft law norms under a specific international regime which prevent international conflict and promote criminal justice.
- Critically analyse the motives for compliance with the international criminal regime in different jurisdictions, including Australia.

Test

Assessment Type ¹: Quiz/Test

Indicative Time on Task ²: 2 hours

Due: **12:00, 9/11/2021**

Weighting: **50%**

A two hour online open book, final examination for this unit will be held during the University Examination period.

On successful completion you will be able to:

- Describe and analyse the history of formal and informal sources of specific crimes in the international and domestic arena, the development of soft and hard norms, and traditional theories of norm compliance.
- Explain binding and non-binding norms (including positive and negative aspects) and their interaction with national legislative and regulatory reforms in selected jurisdictions.
- Explain and critique the departures from regular international lawmaking processes, and emerging forms of international governance.
- Explain the substantive hard and soft law norms under a specific international regime which prevent international conflict and promote criminal justice.
- Critically analyse the motives for compliance with the international criminal regime in different jurisdictions, including Australia.

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

Each week, one lecture or set of lectures will be pre-recorded and available to students on iLearn. These will take place from Week 1 to Week 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. Discussion questions for each tutorial will be available on the iLearn page for the unit.

Infrequent students have compulsory sessions and the dates are available via [timetables](#).

The required texts are Alan Tyree, [Banking Law in Australia, 10th edition](#) (LexisNexis, 2021), and Doron Goldbarsht, [Global Counter-Terrorist Financing and Soft Law](#) (Edward Elgar, 2020).

Optional: Chris Brummer, [Soft Law and the Global Financial System, 2ed edition](#) (Cambridge, 2015). Additional readings will be available via iLearn or else they will be linked to a publicly available source.

Students require access to a computer and a secure and reliable internet provider.

Unit Schedule

Week	Lecture topic
1	Introduction to the Unit, The Australian Banking System and Regulation
2	Banker, Customer and Accounts
3	Duties of the Banker and Duties of the Customer
4	Cheques, Payment and Payment Systems
5	Lending and Secured Lending
6	Lending and Secured Lending
7	Blockchains and Cryptocurrencies
Recess	
Recess	
8	Anti-Money Laundering and Counter-Terrorist Financing
9	Binding and Non-Binding Norms in AML/CTF
10	Theories of compliance
11	Implementation and Compliance
12	The international and domestic legal regime
13	No Lecture

Policies and Procedures

Macquarie University policies and procedures are accessible from [Policy Central \(https://policies.mq.edu.au\)](https://policies.mq.edu.au). 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](#)

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

To find other policies relating to Teaching and Learning, visit [Policy Central \(https://policies.mq.edu.au\)](https://policies.mq.edu.au) and use the [search tool](#).

Student Code of Conduct

Macquarie University students have a responsibility to be familiar with the Student Code of Conduct: <https://students.mq.edu.au/admin/other-resources/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 unit has a new name and focus (from International Criminal Law to Banking and Financial Crime). As a result, new teaching staff, new required texts, and assessment regime apply.