



# LAWS5021

## Foundations of Commercial Law

Session 2, Online-scheduled-weekday 2023

*Macquarie Law School*

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#### **Disclaimer**

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## General Information

Unit convenor and teaching staff

Convenor and Lecturer

Madeline Taylor

[madeline.taylor@mq.edu.au](mailto:madeline.taylor@mq.edu.au)

Contact via Contact via iLearn

441

Thursday 3:00pm - 3:30pm or by appointment

Tutor

Peter Joy

Tutor

Tony Antoniou

Credit points

10

Prerequisites

130cp in LAW or LAWS units

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

### Class participation

Assessment Type <sup>1</sup>: Participatory task Indicative Time on Task <sup>2</sup>: 30 hours Due: **Weeks 1-12** Weighting: **20%**

Tutorials are designed to extend the comprehensive and broad examination of commercial law principles provided in the lectures and required readings by creating the opportunity for students to engage in in-depth discussions of selected issues and engagement in problem questions. The tutorial discussion is prompted by the consideration of relevant readings, cases, and other materials to discuss conceptual questions and solve practical hypothetical problem questions.

Students are required to listen to lectures and complete required readings to discuss the questions outlined in the tutorial questions each week. Students must participate in class discussions and tutorial questions in all tutorials by consistently demonstrating understanding and critical engagement with the required readings.

There are 12 tutorials in total. Students will receive a mark out of 10 for every tutorial and the overall average mark out of 10 throughout the semester will represent the final participation mark.

The tutorial questions for each tutorial are found in the iLearn site arranged under each topic.

***If you miss one of your tutorials***, please lodge an Ask Special Consideration application online at [ask.mq.edu.au](http://ask.mq.edu.au). Upon obtaining a special consideration approval, please submit your written answers to your tutor who will award you a mark out of 10 for the week missed.

Tutorials commence in Week 1.

Class participation will be assessed on both the quality and regularity of participation. Class participation will be assessed on the following criteria:

- **Oral contribution and participation:** Effective and frequent oral contribution. An ability to try out ideas and test understanding. Consistently thoughtful and insightful comments, going beyond the descriptive level. Contributions are volunteered. Co-operative attitude, and willingness to assist others in learning.

- **Engagement and answering of tutorial questions:** Demonstrated evidence of reading and preparation, as well as a clear understanding of the material. Demonstrated ability to apply law in problem-solving exercises. Independent thinker, takes initiative in discussion as well as co-operating effectively with others.
- **Attendance:** Excellent attendance (Attends all tutorials)
- Further detail is provided in the Participation Rubric on the ilearn site.

## **Case Note**

Assessment Type <sup>1</sup>: Case study/analysis Indicative Time on Task <sup>2</sup>: 30 hours

Due: **15/09/2023 at 11:55pm**

Weighting: **30%**

This assessment requires students to write a case note on a recent case of commercial interest advancing persuasive arguments that effectively analyses the relevant case to current policies, doctrines, and/or practices.

### **Final Unit Assessment**

Assessment Type <sup>1</sup>: Quiz/Test Indicative Time on Task <sup>2</sup>: 3 hours

Assessment timing: 9:00am - 12:00pm (3 hour timed assessment)

**10/11/2023** Weighting: **50%**

A time-limited take home assessment covering the entirety of the unit comprising an authentic professional writing task in the form of a client brief.

### **Late Assessment Submission Penalty**

Unless a Special Consideration request has been submitted and approved, a 5% penalty (of the total possible mark) will be applied each day a written assessment is not submitted, up until the 7th day (including weekends). After the 7th day, a mark of '0' (zero) will be awarded even if the assessment is submitted. Submission time for all written assessments is set at 11.55pm. A 1-hour grace period is provided to students who experience a technical issue.

This late penalty will apply to non-timed sensitive assessment (incl essays, reports, posters, portfolios, journals, recordings etc). Late submission of time sensitive tasks (such as tests/ exams, performance assessments/presentations, scheduled practical assessments/labs etc) will only be addressed by the unit convenor in a Special consideration application. Special Consideration outcome may result in a new question or topic.

## **Assessment Tasks**

Name	Weighting	Hurdle	Due
<u>Case Note</u>	30%	No	15/09/23 at 11:55pm

Name	Weighting	Hurdle	Due
<u>Participation.</u>	20%	No	Weeks 1 - 12
<u>Final Unit Assessment</u>	50%	No	10/11/23 (3 hour assessment) 9:00am - 12:00pm

## Case Note

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

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

Due: **15/09/23 at 11:55pm**

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.

## Participation.

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

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

Due: **Weeks 1 - 12**

Weighting: **20%**

In class tutorial discussions, problem solving tasks, and conceptual questions.

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.

## Final Unit Assessment

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

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

Due: **10/11/23 (3 hour assessment) 9:00am - 12:00pm**

Weighting: **50%**

A time-limited test during the examination period comprising an authentic professional writing task in the form of a client brief.

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

### Lectures

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.

### Readings

The required textbook is: **Clive Turner and John Trone, *Australian Commercial Law* (Thomson Reuters, 34th ed, 2022).**

The text is available to purchase as an eBook and/or Hardcopy Directly via the Thomson Reuters website or from online resellers including Booktopia, Amazon and Zookal.

Thomson Reuters has set up a student page in which Students can receive 15% discount and free shipping if they sign up for the student Promo Code. Book and eBook bundles can be purchased at a 25% discount.

The site is: <https://legal.thomsonreuters.com.au/student/> The Text is also available through Leganto.

A limited number of hard copies are available, both on short loan and generally. An online version is available, albeit with a restriction on the number of concurrent student users.

Ian Bailey, *Construction Law in Australia* (Thomson Reuters, 4th edition, 2019) is the prescribed Text for topic 4 Construction Law readings accessible via Leganto, albeit with a restriction on the number of concurrent student users.

Additional materials are found on the iLearn webpage.

### Tutorials

**Weekly one hour tutorials begin in Week 1 and finish in Week 12 either on campus or online.**

Required readings including case law will be available on iLearn via Leganto.

All students are required to prepare for, attend and actively participate in weekly tutorials. 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 tutorials will receive a mark of 0 for weekly participation.

## Unit Schedule

University Week	Week Commencing	Topic	Assessment
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<b>Week 1</b>	24th July	1: The Concept and Nature of Personal Property	
<b>Week 2</b>	31st July	2: Bailment	
<b>Week 3</b>	7th August	3: Agency	
<b>Week 4</b>	14th August	4: Construction Law	
<b>Week 5</b>	21st August	5: Sale of Goods: The Contract for Sale of Goods, Transfer of Title	
<b>Week 6</b>	28th August	6: Sale of Goods: Reservation of Title, Transfer by Non Owner	
<b>Week 7</b>	4th September	7: Sale of Goods: Express and Implied Terms	
<b>RECESS</b>	11th September		Case Note Due: 15/09/2023
<b>RECESS</b>	18th September		
<b>Week 8</b>	25th September	8: E-Commerce and Thriving Indigenous Businesses	
<b>Week 9</b>	2nd October	9: Security interests over personal property: PPSA	
<b>Week 10</b>	9th October	10: Guarantees	
<b>Week 11</b>	16th October	11: Insurance	
<b>Week 12</b>	23rd October	12: Bankruptcy	
<b>Week 13</b>	30th October	13: Commercial Disputes in Practice NO TUTORIAL THIS WEEK	
<b>EXAMINATION PERIOD</b>	6th November		Final Unit Assessment: 10/11/2022

## 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](#)
- [Assessment Procedure](#)
- [Complaints Resolution 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](http://ask.mq.edu.au) or if you are a Global MBA student contact [globalmba.support@mq.edu.au](mailto:globalmba.support@mq.edu.au)

## Academic Integrity

At Macquarie, we believe [academic integrity](#) – honesty, respect, trust, responsibility, fairness and courage – is at the core of learning, teaching and research. We recognise that meeting the expectations required to complete your assessments can be challenging. So, we offer you a range of resources and services to help you reach your potential, including free [online writing and maths support](#), [academic skills development](#) and [wellbeing consultations](#).

## Student Support

Macquarie University provides a range of support services for students. For details, visit <http://students.mq.edu.au/support/>

## The Writing Centre

[The Writing Centre](#) provides resources to develop your English language proficiency, academic writing, and communication skills.

- [Workshops](#)
- [Chat with a WriteWISE peer writing leader](#)
- [Access StudyWISE](#)
- [Upload an assignment to Studiosity](#)

- [Complete the 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

Macquarie University offers a range of [Student Support Services](#) including:

- [IT Support](#)
- [Accessibility and disability support](#) with study
- Mental health [support](#)
- [Safety support](#) to respond to bullying, harassment, sexual harassment and sexual assault
- [Social support including information about finances, tenancy and legal issues](#)
- [Student Advocacy](#) provides independent advice on MQ policies, procedures, and processes

## Student Enquiries

Got a question? Ask us via [AskMQ](#), or contact [Service Connect](#).

## 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

Updated textbook Australian Commercial Law 34th Edition (2022).

## Changes since First Published

Date	Description
08/07/2023	Hi Amanda, I have updated the LAWS5021 unit to reflect the changes in LAWS8023