LAWS5012
Banking and Finance Law
Session 2, In person-scheduled-weekday, North Ryde 2024

Macquarie Law School

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General Information

Unit convenor and teaching staff
Doron Goldbarsht
doron.goldbarsht@mq.edu.au

Tutor
Isabelle Nicolas
isabelle.nicolas@mq.edu.au

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

General Assessment Information

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 11.55 pm. A 1-hour grace period is provided to students who experience a technical issue.

This late penalty will apply to non-timed sensitive assessments (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

<table>
<thead>
<tr>
<th>Name</th>
<th>Weighting</th>
<th>Hurdle</th>
<th>Due</th>
</tr>
</thead>
<tbody>
<tr>
<td>Participation</td>
<td>20%</td>
<td>No</td>
<td>on going</td>
</tr>
<tr>
<td>Essay</td>
<td>30%</td>
<td>No</td>
<td>20/9/2023 23:55</td>
</tr>
<tr>
<td>Test</td>
<td>50%</td>
<td>No</td>
<td>8/11/2024, 9:00-11:00</td>
</tr>
</tbody>
</table>

Participation

Assessment Type 1: Participatory task
Indicative Time on Task 2: 0 hours
Due: on going
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.

**Essay**

Assessment Type 1: Essay
Indicative Time on Task 2: 28 hours
Due: 20/9/2023 23:55
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.

Test
Assessment Type: Quiz/Test
Indicative Time on Task: 2 hours
Due: 8/11/2024, 9:00-11:00
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.

The required texts are:

- A. Tyree, *Banking Law in Australia, 10th edition* (LexisNexis, 2021), and

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

Unit Schedule

<table>
<thead>
<tr>
<th>Week</th>
<th>Lecture topic</th>
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<tr>
<td>1</td>
<td>Introduction to the Unit, The Australian Banking System and Regulation</td>
</tr>
<tr>
<td>2</td>
<td>Banker, Customer, and Accounts</td>
</tr>
<tr>
<td>3</td>
<td>Duties of the Banker and Duties of the Customer</td>
</tr>
<tr>
<td>4</td>
<td>Cheques, Payment and Payment Systems</td>
</tr>
<tr>
<td>5</td>
<td>Lending and Secured Lending</td>
</tr>
<tr>
<td>6</td>
<td>Lending and Secured Lending</td>
</tr>
<tr>
<td>7</td>
<td>Blockchains and Cryptocurrencies</td>
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<tr>
<td></td>
<td>Recess</td>
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<tr>
<td></td>
<td>Recess</td>
</tr>
<tr>
<td>8</td>
<td>AML/CTF</td>
</tr>
<tr>
<td>9</td>
<td>Binding and Non-Binding Norms in AML/CTF</td>
</tr>
<tr>
<td>10</td>
<td>Theories of compliance</td>
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<td>11</td>
<td>Implementation and Compliance</td>
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Policies and Procedures

Macquarie University policies and procedures are accessible from Policy Central (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). 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) 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

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.

https://unitguides.mq.edu.au/unit_offerings/163953/unit_guide/print 7
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/.

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.
Unit guide LAWS5012 Banking and Finance Law

Unit information based on version 2024.01 of the Handbook