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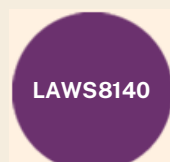
[CLASS SUMMARY](#) | [BACK TO COURSE DETAILS](#)

Second Semester

Academic Year : **2022**

Commercial Law

A Postgraduate course offered
by the **ANU Law School**.



CLASS NUMBER **7108**

TERM CODE **3260**

CLASS INFO

Unit Value
6 units

CLASS DATES

Class Start Date
25/07/2022

Mode of Delivery
Online

Class End Date
28/10/2022

COURSE CONVENER
Anne McNaughton

Census Date
31/08/2022

Last Date to Enrol
01/08/2022

This course is designed to give students an understanding of the key areas of commercial law and how they relate to each other. The course offers students an opportunity to examine certain areas of commercial law in detail. The focus is on the idea of personal property, which forms the basis of all commercial law. The course will focus on concepts of bailment, agency and then deal with the complex provisions dealing with sale of goods. It is suitable for those students who want an overview of commercial law as well as those who want to bring themselves up to date with recent developments in this field.

Anchored in the sale of goods, the course covers a range of issues including the law relating to the transfer of property rights under a contract of sale, the delivery of goods, the various remedies available.

The course will also look at the new personal property securities regime due to its importance to commercial law and impact in sale. Areas that are dealt with in greater detail in other courses (such as dispute resolution), will only be touched on in this course.

Learning Outcomes

1. Identify, explain and demonstrate detailed knowledge and understanding of the theoretical principles and law relating to, for example, concepts of bailment, agency, sale of goods and person property securities;
2. Identify, analyse and critically examine the principles and policies underlying the development of, and regulatory aspects of, commercial law in its application in business and society;
3. Design, evaluate and apply principles to solve complex commercial law problems; and
4. Plan, design and execute a substantial research project that identifies, critically examines and communicates solutions to complex practical problems, demonstrating relevant research principles and techniques.

Policies

ANU has [educational policies, procedures and guidelines](#) , which are designed to ensure that staff and students are aware of the University's academic standards, and implement them. Students are expected to have read the [Academic Integrity Rule](#) before the commencement of their course. Other key policies and guidelines include:

- Academic Integrity [Policy](#) and [Procedure](#)
- Student Assessment (Coursework) [Policy](#) and [Procedure](#)
- Special Assessment Consideration [Guideline](#) and [General Information](#)
- [Student Surveys and Evaluations](#)
- [Deferred Examinations](#)
- Student Complaint Resolution [Policy](#) and [Procedure](#)
- [Code of practice for teaching and learning](#)

Research-Led Teaching

The central tenets of commercial law are well-settled and continue to be anchored in the areas of contract and property law, enhanced and modified by statute. Research in the substantive area of commercial law informs the selection of topics and the degree of detail in which they are considered. The content and structure of this course are informed by research in the fields of education, educational psychology and commercial law. The research in education and educational psychology has informed the restructuring of the course, spiralling the course curriculum by building on students' previous compulsory studies (Contract Law); introducing new topics in the early weeks of the course and reinforcing and building on that material in subsequent weeks.

Required Resources

The prescribed text for this course is Pearson, Peden et al, Commercial Law: Commentary and Materials, (4th ed, Thomson, 2019).

You will also need a copy of the Sale of Goods Act 1923 (NSW) which you can download from www.austlii.edu.au. The State and Territory sale of goods legislation is substantively uniform throughout Australia and the equivalent provisions in the ACT Act will also be referred to as appropriate. You may also like to download this Act from the Austlii site.

You will also need a copy of the Sale of Goods (Vienna Convention) Act 1986 (NSW).

Recommended Resources

Turner and Trone, Australian Commercial Law (33rd ed, Thomson, 2020); Traves, Commercial Law (5th ed, LexisNexis, 2020).

Staff Feedback

Students will be given feedback in the following forms in this course:

- written comments
- verbal comments
- feedback to the whole class, to groups, to individuals, focus groups

Student Feedback

ANU is committed to the demonstration of educational excellence and regularly seeks feedback from students. Students are encouraged to offer feedback directly to their Course Convener or through their College and Course representatives (if applicable). Feedback can also be provided to Course Conveners and teachers via the [Student Experience of Learning & Teaching \(SELT\) feedback program](#). SELT surveys are confidential and also provide the Colleges and ANU Executive with opportunities to recognise excellent teaching, and opportunities for improvement.

Other Information

Task submission times refer to Canberra time (AEST/AEDT).

Extensions late submission and penalties - <https://law.anu.edu.au/current-students/policies-procedures/extensions-late-submission-and-penalties>

Deferred examination: <http://www.anu.edu.au/students/program-administration/assessments-exams/deferred-examinations>

Special consideration: <http://www.anu.edu.au/students/program-administration/assessments-exams/special-assessment-consideration>

Penalties for excess word length: <https://law.anu.edu.au/current-students/policies-procedures/word-length-and-excess-word-penalties>

Distribution of Grades Policy: <https://law.anu.edu.au/current-students/policies-procedures/grading>

Further Information about the Course: is available from the course WATTLE page. Students are required to access the WATTLE site regularly throughout the course for details on weekly classes and any announcement and updates relating to the course.

Class Schedule

WEEK/SESSION	SUMMARY OF ACTIVITIES	ASSESSMENT
1	Introduction to Commercial Law	
2	The Law of Agency	
3	Nature of Personal Property (Personalty)	
4	The Law of Bailment	
5	Security Interests: Using personal property to secure payment	
6	Contracts of Sale: Formation and Statutory Regimes	
7	Transfer of Property and Title under a Contract of Sale	
8	Express and Implied Terms of the Contract of Sale	
9	Statutory Obligations in the Supply of Goods and Services	
10	Misrepresentation and Misleading Conduct in Commercial Law	
11	Unconscionability in Commercial Law	
12	Performance and Remedies	

Assessment Summary

ASSESSMENT TASK	VALUE	DUE DATE	RETURN OF ASSESSMENT	LEARNING OUTCOMES
Commercial Contract Construction Task	10 %	22/08/2022	05/09/2022	1,3,4,5,6
Active Participant and Reflections	30 %	*	04/11/2022	1,2,3,4,5,7
Research Task	60 %	27/10/2022	01/12/2022	1,3,4,5,6

* If the Due Date and Return of Assessment date are blank, see the Assessment Tab for specific Assessment Task details

Assessment Requirements

The ANU is using Turnitin to enhance student citation and referencing techniques, and to assess assignment submissions as a component of the University's approach to managing Academic Integrity. For additional information regarding Turnitin please visit the [Academic Skills website](#). In rare cases where online submission using Turnitin software is not technically possible; or where not using Turnitin software has been justified by the Course Convener and approved by the Associate Dean (Education) on the basis of the teaching model being employed; students shall submit assessment online via 'Wattle' outside of Turnitin, or failing that in hard copy, or through a combination of submission methods as approved by the Associate Dean (Education). The submission method is detailed below.

Moderation of Assessment

Marks that are allocated during Semester are to be considered provisional until formalised by the College examiners meeting at the end of each Semester. If appropriate, some moderation of marks might be applied prior to final results being released.

Participation

For all courses taught in any mode (whether face to face or online), the ANU College of Law considers participation in the classes offered to be an important part of the educational experience of the program. Students are expected to attend all classes. If circumstances arise which are beyond a student's control and they are unable to attend a class, the student should contact the Course Convenor in advance (where possible), so that the convenor can adjust their expectations in relation to numbers for that class. If it is not possible to give advance notice, students should send the convenor an email as soon as possible with evidence to support the reason for failure to attend.

Assessment Task 1

Commercial Contract Construction Task

Details of Task: The assessment involves a scenario consisting of relevant contractual provisions and questions testing the ability of the students to apply the proper approach to their interpretation.

Value: 10 %

Due Date: 22/08/2022

Return of Assessment: 05/09/2022

Learning Outcomes: 1,3,4,5,6

?Nature of Task: Compulsory and non-redeemable. Failure to submit will result in a mark of 0 for the task.

Weighting: 10%

Release Date: 25 July 2022 via course WATTLE site.

Due Date: 5pm Monday 22 August 2022 via Wattle. Late submissions (without an extension) are permitted, although late penalties will apply.

Word limit: 600 words. Assessment must be submitted in a **word processing file format** (.doc, .docx). PDF files are not acceptable.

Estimated return date: 5 September 2022 via WATTLE.

Assessment Criteria: You will be assessed on your ability:

- define, distinguish and apply the basic concepts and terminology of the law of contract;
- construct a proposition of contract law established by case law;
- apply the proper approach to contract construction and the interpretation of contractual provisions;
- distinguish the facts in decided cases from those in a given set of facts;
- recognise and appraise the interaction between contract formation and construction;
- formulate written arguments in response to the given set of facts;
- use legal citation conventions appropriately in the course of legal writing;
- write accurately and accessibly with correct use of grammar, punctuation and appropriate expression.

Assessment Task 2

Active Participant and Reflections

Details of the Task: This task involves two components:

Value: 30 %

Return of Assessment: 04/11/2022

Learning Outcomes: 1,2,3,4,5,7

• **Active Participant:** You will need to perform this role in each seminar you attend (at least 75% of the course). It is your responsibility to ask questions, volunteer ideas, and add your voice to the conversation during the discussions in both hours of the seminars. Your purpose is twofold: a) support your peers by engaging in the conversation they are trying to lead, and b) develop your own thinking and the thinking of your peers by articulating ideas and exploring uncertainties.

• **Reflective pieces:** You will also be required to reflect on the discussion and the role you played in that discussion through a weekly forum post. **A minimum of six (6) posts is required across the semester: 3 must be made in Weeks 2-6 and another 3 in Weeks 7-12.** Each post must be submitted in Wattle **by the end of the week to which it relates**, i.e. a post made in Week 11 relating to Week 4 will not be accepted. Further guidance for this task will be provided by your Convenor.

Nature of Task: This task is compulsory and a failure to complete it will result in a mark of 0 for the task.

Weighting: 30%

Release : 25 July 2022

Word Limit for the reflective pieces: 400 per post.

Due Date: This assessment task will be completed over the duration of the semester. Due to the nature of the task, late submission or extension is not permitted.

Estimated return date: Friday 4 November 2022.

Assessment Criteria as an active participant: You will be assessed on your ability to:

- support your peers by engaging in the conversation to which they are contributing;
- contribute constructively to the discussion by asking questions, volunteering ideas;
- demonstrate an understanding of how to develop and support a group-wide discussion by contributing as well as encouraging others in the group to contribute to the discussion.

Assessment Criteria for reflective posts: You will be assessed on your ability to:

- demonstrate an awareness of the group dynamic;
- reflect on the nature of your own contribution to the discussion and in what way it was useful to the overall discussion;
- reflect on how the discussion developed during the seminar and what you learned about yourself as a participant in such discussions.

Assessment Task 3

Research Task

Details of Task: Students will be required to undertake independent research on a provided question for the purpose of completing this piece of assessment.

Value: 60 %

Due Date: 27/10/2022

Return of Assessment: 01/12/2022

Learning Outcomes: 1,3,4,5,6

Nature of Task: This task is compulsory and a failure to complete it will result in a mark of 0 for the task.

Weighting: 60%

Release Date: 25 July 2022.

Due Date: 5pm, Thursday 27 October 2022 via Turnitin. Late submissions (without an extension) are permitted, but late penalties will apply.

Estimated return date: Official end of semester results release date.

Word limit: 3600 words. Assessment must be submitted in a word processing file format (.doc, .docx). PDF files are not acceptable.

Assessment Criteria:

- Understanding of the Issues
- Communication & Development of Argument

- Argument/Analysis
- Research
- Presentation, style and referencing

Academic Integrity

Academic integrity is a core part of the ANU culture as a community of scholars. The University's students are an integral part of that community. The [academic integrity principle](#) commits all students to engage in academic work in ways that are consistent with, and actively support, academic integrity, and to uphold this commitment by behaving honestly, responsibly and ethically, and with respect and fairness, in scholarly practice.

The University expects all staff and students to be familiar with the academic integrity principle, the [Academic Integrity Rule 2021](#), the [Policy: Student Academic Integrity](#) and [Procedure: Student Academic Integrity](#), and to uphold high standards of academic integrity to ensure the quality and value of our qualifications.

The Academic Integrity Rule 2021 is a legal document that the University uses to promote academic integrity, and manage breaches of the academic integrity principle. The Policy and Procedure support the Rule by outlining overarching principles, responsibilities and processes. The Academic Integrity Rule 2021 commences on 1 December 2021 and applies to courses commencing on or after that date, as well as to research conduct occurring on or after that date. Prior to this, the [Academic Misconduct Rule 2015](#) applies.

The University commits to assisting all students to understand how to engage in academic work in ways that are consistent with, and actively support academic integrity. All coursework students must complete the online Academic Integrity Module (Epigeum), and Higher Degree Research (HDR) students are required to complete research integrity training. The [Academic Integrity website](#) provides information about services available to assist students with their assignments, examinations and other learning activities, as well as understanding and upholding academic integrity.

Online Submission

You will be required to electronically sign a declaration as part of the submission of your assignment. Please keep a copy of the assignment for your records. Unless an exemption has been approved by the Associate Dean (Education) submission must be through Turnitin.

Hardcopy Submission

For some forms of assessment (hand written assignments, art works, laboratory notes, etc.) hard copy submission is appropriate when approved by the Associate Dean (Education). Hard copy submissions must utilise the Assignment Cover Sheet. Please keep a copy of tasks completed for your records.

Late Submission

Individual assessment tasks may or may not allow for late submission. Policy regarding late submission is detailed below:

- **Late submission not permitted.** If submission of assessment tasks without an extension after the due date is not permitted, a mark of 0 will be awarded.
- **Late submission permitted.** Late submission of assessment tasks without an extension are penalised at the rate of 5% of the possible marks available per working day or part thereof.

Late submission of assessment tasks is not accepted after 10 working days after the due date, or on or after the date specified in the course outline for the return of the assessment item.

- **Late submission is not accepted for tests or examinations.**
- **Late submission with an extension.** To ensure equity for all students, the 5% penalty per working day for late submission of work does not apply if you have been given an extension. Where an extension is granted, the revised due date and submission time is provided in writing. Please note that the revised due date is calculated by including weekends and public holidays. Regardless of which day of the week the revised due date falls on, students who submit after that date are penalised by 5% of the possible marks available for the assessment task per day or part thereof. Late submission of assessment tasks is not accepted after 10 working days after the due date, or on or after the date specified in the course outline for the return of the assessment item.

Referencing Requirements

The [Academic Skills website](#) has information to assist you with your writing and assessments. The website includes information about Academic Integrity including [referencing requirements for different disciplines](#). There is also information on [Plagiarism](#) and different ways to [use source material](#).

Extensions and Penalties

Extensions and late submission of assessment pieces are covered by the Student Assessment (Coursework) [Policy](#) and [Procedure](#). Extensions may be granted for assessment pieces that are not examinations or take-home examinations. If you need an extension, you must request an extension in writing on or before the due date. If you have documented and appropriate medical evidence that demonstrates you were not able to request an extension on or before the due date, you may be able to request it after the due date.

Privacy Notice

The ANU has made a number of third party, online, databases available for students to use. Use of each online database is conditional on student end users first agreeing to the database licensor's terms of service and/or privacy policy. Students should read these carefully. In some cases student end users will be required to register an account with the database licensor and submit personal information, including their: first name; last name; ANU email address; and other information.

In cases where student end users are asked to submit 'content' to a database, such as an assignment or short answers, the database licensor may only use the student's 'content' in accordance with the terms of service – including any (copyright) licence the student grants to the database licensor. Any personal information or content a student submits may be stored by the licensor, potentially offshore, and will be used to process the database service in accordance with the licensors terms of service and/or privacy policy.

If any student chooses not to agree to the database licensor's terms of service or privacy policy, the student will not be able to access and use the database. In these circumstances students should contact their lecturer to enquire about alternative arrangements that are available.

Distribution of grades policy

Academic Quality Assurance Committee monitors the performance of students, including attrition, further study and employment rates and grade distribution, and College reports on quality assurance processes for assessment activities, including alignment with national and international disciplinary and interdisciplinary standards, as well as qualification type learning outcomes.

Since first semester 1994, ANU uses a [grading scale](#) for all courses. This grading scale is used by all academic areas of the University.

Support for students

The University offers students support through several different services. You may contact the services listed below directly or seek advice from your Course Convener, Student Administrators, or your College and Course representatives (if applicable).

- [ANU Health, safety & wellbeing](#) for medical services, counselling, mental health and spiritual support
- [ANU Access and inclusion](#) for students with a disability or ongoing or chronic illness
- [ANU Dean of Students](#) for confidential, impartial advice and help to resolve problems between students and the academic or administrative areas of the University
- [ANU Academic Skills and Learning Centre](#) supports you make your own decisions about how you learn and manage your workload.
- [ANU Counselling Centre](#) promotes, supports and enhances mental health and wellbeing within the University student community.
- [ANUSA](#) supports and represents undergraduate and ANU College students
- [PARSA](#) supports and represents postgraduate and research students

Convener

Details



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Research Interests

Anne's particular research focus is at the intersection of international and comparative law. It includes the European Union as a legal system, comparative aspects of the EU and the Indo-Pacific region, legal transplants and the concept of mutual recognition with a focus on services and the professions; and the Europeanisation of private law, particularly in the areas of contract, property and commercial law.

Consulting Hours

Sunday 23:49

