



UNSW Course Outline

LAWS3133 Law of Banking - 2024

Published on the 25 Aug 2024

General Course Information

Course Code : LAWS3133

Year : 2024

Term : Term 3

Teaching Period : T3

Is a multi-term course? : No

Faculty : Faculty of Law and Justice

Academic Unit : School of Private and Commercial Law

Delivery Mode : In Person

Delivery Format : Standard

Delivery Location : Kensington

Campus : Sydney

Study Level : Undergraduate

Units of Credit : 6

Useful Links

[Handbook Class Timetable](#)

Course Details & Outcomes

Course Description

Law of Banking provides an introduction to the practice of banking in Australia and seeks to familiarise students with the key underlying concepts and principles. The course combines an overview of Australia's banking landscape and fundamentals of banking sector regulation with sessions focusing on the key types of transactions and operations banking lawyers encounter in

day-to-day practice, including payments, documentary operations, secured lending and structured financing. To ensure that the students are well-acquainted with the recent banking trends and practices, the course includes classes discussing the relevance of FinTech and RegTech in the banking context as well as the cutting-edge issues in modern banking.

Main topics:

- Banking system in Australia and its key regulators
- Fundamentals of banking sector regulation
- Relationship between a bank and its client
- Money and payments
- Basics of secured lending
- Banking in the age of FinTech and RegTech
- Basics of structured financial transactions
- Cutting edge issues in banking

Course Aims

The course aims to introduce students to the rationale for banking law and give them an understanding of the key statutory provisions and case law to provide practical understanding of banking law and policy. Students will be required to develop sufficient working understanding of banking law to be able to advise in the resolution of problems and the planning of strategies.

Course Learning Outcomes

Course Learning Outcomes
CLO1 : Demonstrate a comprehension of the principles of banking law and its relationship to banks and customers (PLOs 1 & 3)
CLO2 : Demonstrate an awareness of law and practice in a banking context (PLOs 1, 2, 3, 4, 5, 6, 7 & 8)
CLO3 : Engage in critical analysis of the practice of banking law from a range of perspectives (PLOs 1, 7, 9, 10 & 11)
CLO4 : Organise information as it relates to the regulation of banking products and services and the issues to which that information gives rise (PLOs 1, 4, 5 & 6)
CLO5 : Write in a timely and effective manner as evidenced by a concise writing style that makes use of the information available to analyse, synthesise, critically judge, reflect on and evaluate its application, and carry out legal and inter-disciplinary research using legal citations (PLOs 6, 8 & 9)
CLO6 : Self-manage through self-assessment of capabilities and performance with the integration of previous feedback, to discuss and debate course concepts in a scholarly, reflective and respectful manner (PLOs 5, 6, 9, 10 & 12)

Course Learning Outcomes	Assessment Item
CLO1 : Demonstrate a comprehension of the principles of banking law and its relationship to banks and customers (PLOs 1 & 3)	<ul style="list-style-type: none"> • Class Participation • Research Essay Plan • Research Essay
CLO2 : Demonstrate an awareness of law and practice in a banking context (PLOs 1, 2, 3, 4, 5, 6, 7 & 8)	<ul style="list-style-type: none"> • Class Participation • Research Essay Plan • Research Essay
CLO3 : Engage in critical analysis of the practice of banking law from a range of perspectives (PLOs 1, 7, 9, 10 & 11)	<ul style="list-style-type: none"> • Class Participation • Research Essay Plan • Research Essay
CLO4 : Organise information as it relates to the regulation of banking products and services and the issues to which that information gives rise (PLOs 1, 4, 5 & 6)	<ul style="list-style-type: none"> • Research Essay Plan • Research Essay
CLO5 : Write in a timely and effective manner as evidenced by a concise writing style that makes use of the information available to analyse, synthesise, critically judge, reflect on and evaluate its application, and carry out legal and inter-disciplinary research using legal citations (PLOs 6, 8 & 9)	<ul style="list-style-type: none"> • Research Essay Plan • Research Essay
CLO6 : Self-manage through self-assessment of capabilities and performance with the integration of previous feedback, to discuss and debate course concepts in a scholarly, reflective and respectful manner (PLOs 5, 6, 9, 10 & 12)	<ul style="list-style-type: none"> • Class Participation • Research Essay Plan • Research Essay

Learning and Teaching Technologies

Moodle - Learning Management System

Assessments

Assessment Structure

Assessment Item	Weight	Relevant Dates
Class Participation Assessment Format: Individual	20%	
Research Essay Plan Assessment Format: Individual	20%	
Research Essay Assessment Format: Individual	60%	

Assessment Details

Class Participation

Assessment Overview

This assessment requires you to prepare for and actively engage in class-based and online activities.

Course Learning Outcomes

- CLO1 : Demonstrate a comprehension of the principles of banking law and its relationship to banks and customers (PLOs 1 & 3)
- CLO2 : Demonstrate an awareness of law and practice in a banking context (PLOs 1, 2, 3, 4, 5, 6, 7 & 8)
- CLO3 : Engage in critical analysis of the practice of banking law from a range of perspectives (PLOs 1, 7, 9, 10 & 11)
- CLO6 : Self-manage through self-assessment of capabilities and performance with the integration of previous feedback, to discuss and debate course concepts in a scholarly, reflective and respectful manner (PLOs 5, 6, 9, 10 & 12)

Generative AI Permission Level

No Assistance

This assessment is designed for you to complete without the use of any generative AI. You are not permitted to use any generative AI tools, software or service to search for or generate information or answers.

For more information on Generative AI and permitted use please see [here](#).

Research Essay Plan

Assessment Overview

This assessment requires you to write a plan for a research essay.

Course Learning Outcomes

- CLO1 : Demonstrate a comprehension of the principles of banking law and its relationship to banks and customers (PLOs 1 & 3)
- CLO2 : Demonstrate an awareness of law and practice in a banking context (PLOs 1, 2, 3, 4, 5, 6, 7 & 8)
- CLO3 : Engage in critical analysis of the practice of banking law from a range of perspectives (PLOs 1, 7, 9, 10 & 11)
- CLO4 : Organise information as it relates to the regulation of banking products and services and the issues to which that information gives rise (PLOs 1, 4, 5 & 6)
- CLO5 : Write in a timely and effective manner as evidenced by a concise writing style that makes use of the information available to analyse, synthesise, critically judge, reflect on and

- evaluate its application, and carry out legal and inter-disciplinary research using legal citations (PLOs 6, 8 & 9)
- CLO6 : Self-manage through self-assessment of capabilities and performance with the integration of previous feedback, to discuss and debate course concepts in a scholarly, reflective and respectful manner (PLOs 5, 6, 9, 10 & 12)

Detailed Assessment Description

Choose from a list of suggested research essay topics. Once the topic is selected, your research essay plan and the research essay itself must be on the same topic.

Generative AI Permission Level

No Assistance

This assessment is designed for you to complete without the use of any generative AI. You are not permitted to use any generative AI tools, software or service to search for or generate information or answers.

For more information on Generative AI and permitted use please see [here](#).

Research Essay

Assessment Overview

This assessment requires you to write a research essay.

Course Learning Outcomes

- CLO1 : Demonstrate a comprehension of the principles of banking law and its relationship to banks and customers (PLOs 1 & 3)
- CLO2 : Demonstrate an awareness of law and practice in a banking context (PLOs 1, 2, 3, 4, 5, 6, 7 & 8)
- CLO3 : Engage in critical analysis of the practice of banking law from a range of perspectives (PLOs 1, 7, 9, 10 & 11)
- CLO4 : Organise information as it relates to the regulation of banking products and services and the issues to which that information gives rise (PLOs 1, 4, 5 & 6)
- CLO5 : Write in a timely and effective manner as evidenced by a concise writing style that makes use of the information available to analyse, synthesise, critically judge, reflect on and evaluate its application, and carry out legal and inter-disciplinary research using legal citations (PLOs 6, 8 & 9)
- CLO6 : Self-manage through self-assessment of capabilities and performance with the integration of previous feedback, to discuss and debate course concepts in a scholarly, reflective and respectful manner (PLOs 5, 6, 9, 10 & 12)

Detailed Assessment Description

Choose from a list of suggested research essay topics. Once the topic is selected, your research essay plan and the research essay itself must be on the same topic.

Generative AI Permission Level

No Assistance

This assessment is designed for you to complete without the use of any generative AI. You are not permitted to use any generative AI tools, software or service to search for or generate information or answers.

For more information on Generative AI and permitted use please see [here](#).

General Assessment Information

For further information on generative AI use in the Faculty of Law & Justice, please review the section titled 'Academic Honesty and Plagiarism' under the 'Other Useful Information' tab.

Grading Basis

Standard

Course Schedule

Teaching Week/Module	Activity Type	Content
Week 1 : 9 September - 15 September	Topic	Introduction to the banking system in Australia. The key regulators
Week 2 : 16 September - 22 September	Topic	Fundamentals of banking sector regulation
Week 3 : 23 September - 29 September	Topic	Relationship between a bank and its client
Week 4 : 30 September - 6 October	Topic	Payments: Part One
Week 5 : 7 October - 13 October	Topic	Payments: Part Two
Week 6 : 14 October - 20 October	Other	Reading week - no class
Week 7 : 21 October - 27 October	Topic	Basics of secured lending
Week 8 : 28 October - 3 November	Topic	Banking in the age of FinTech and RegTech
Week 9 : 4 November - 10 November	Topic	Basics of structured financial transactions
Week 10 : 11 November - 17 November	Topic	Cutting edge issues in banking

Attendance Requirements

Please see information about attendance requirements in **Law & Justice Assessment Procedure and Student Information** located in the Other Useful Information tab in the Academic Information field.

Please be advised there will be no classes on public holidays. If your class falls on a public holiday, alternative arrangements will be made by the course convenor to make up the missed class.

Course Resources

Prescribed Resources

The course uses a range of complementary sources. The key reading resource will be Anton Didenko, *Banking Law in Australia* (11th edn, LexisNexis, 2024). We will also use *Everett and McCracken's Banking & Financial Institutions Law* (9th edn, 2017).

Course Evaluation and Development

We will continue to collect course feedback through myExperience surveys and on an ongoing basis - and adjust the course parameters based on constructive feedback. Recently, the overall weighting of class participation and research essay plan has been increased in order to offer a more even distribution of marks across the different forms of assessment.

Staff Details

Position	Name	Email	Location	Phone	Availability	Equitable Learning Services Contact	Primary Contact
Convenor	Anton Didenko					Yes	Yes

Other Useful Information

Academic Information

Upon your enrolment at UNSW, you share responsibility with us for maintaining a safe, harmonious and tolerant University environment.

You are required to:

- Comply with the University's conditions of enrolment.
- Act responsibly, ethically, safely and with integrity.
- Observe standards of equity and respect in dealing with every member of the UNSW community.
- Engage in lawful behaviour.
- Use and care for University resources in a responsible and appropriate manner.
- Maintain the University's reputation and good standing.

For more information, visit the [UNSW Student Code of Conduct Website](#).

UNSW Law & Justice Assessment Policy

It is essential that all students undertaking this course read and abide by the [UNSW Law & Justice Assessment Policy & Student Information](#). This document includes information on Class Attendance, Late Work, Word Limits, Marking, Special Consideration, Workload, and Academic Misconduct & Plagiarism. More information can also be found at [Assessment & Exam Information](#).

Information regarding Course Outlines are subject to change and students are advised to check updates. If there is a discrepancy between the information posted here and the handbook or the UNSW Law & Justice website, please contact [Student Services via The Nucleus Hub](#) for advice. UNSW Law & Justice reserves the right to discontinue or vary such courses or staff allocations at any time. If your course is not here, please visit [Handbook](#) for information.

Academic Honesty and Plagiarism

As a student at UNSW you are expected to display [academic integrity](#) in your work and interactions. Where a student breaches the [UNSW Student Code](#) with respect to academic integrity, the University may take disciplinary action under the Student Misconduct Procedure. To assure academic integrity, you may be required to demonstrate reasoning, research and the process of constructing work submitted for assessment.

To assist you in understanding what academic integrity means, and how to ensure that you do comply with the UNSW Student Code, it is strongly recommended that you complete the [Working with Academic Integrity](#) module before submitting your first assessment task. It is a free, online self-paced Moodle module that should take about one hour to complete.

Generative AI

Using generative AI to conduct research or to organise your argument is not prohibited but is not encouraged. We note that the output from generative AI tools is often incorrect and almost always more superficial than is required to achieve a passing grade. Moreover, any substantive errors in the assessment, such as inappropriate references or incorrect statements, will be regarded negatively by the marker, just as they would if not generated by AI. You should limit your use of AI to simple editorial assistance, such as standard editing and referencing functions in word processing software in the creation of your submission. You must not use any functions that generate or paraphrase passages of text, whether based on your own work or not. If your marker or Turnitin identify the wrongful use of generative AI in the text of your assessment submission, including the use of paraphrasing software, your assessment may be referred to the

Student Integrity team for investigation. Please go to the link for further information about [referencing and acknowledging the use of artificial intelligence tools](#).

Prohibition on use of translation apps

With limited exceptions for language study, the course of study and assessment in Australian universities must be in English (Higher Education Standard Framework (Threshold Standards) 2021 1.5 6(c)).

In Law & Justice many classes have assessable class participation. This must be in English. **Use of a translation device to assist with contributions to class discussion is not allowed.** Marks for class participation may be reduced where use of translation devices is detected. Similar prohibitions apply to use of any other generative text app that is not specifically permitted by the class teacher. However, use of translation software to assist a student to understand material outside of class, or to assist with preparation for assessment is generally permitted.

Further considerations apply to LLB and JD students. International lawyers who seek to be admitted in NSW must satisfy an English proficiency test. That test is expressed as equivalent to IELTS scores of 7.0 -8.0 across the tests. It is assumed that UNSW graduates are at or above those levels of English proficiency. Use of translation apps can impede the attainment of that level of proficiency. Students should avoid behaviours that put them at risk of breach of legal requirements which can have significant consequences, including potential consequences for your admission as a lawyer.

Submission of Assessment Tasks

Before submitting assessment items all students must read and abide by the [UNSW Law & Justice Assessment Policy & Student Information](#).

Special consideration

Special consideration is primarily intended to provide you with an extra opportunity to demonstrate the level of performance of which you are capable. To apply, and for further information, see Special Consideration on the UNSW [Current Students](#) page.

Feedback

UNSW Law & Justice appreciates the need for students to have feedback on their progress prior

to the last date for withdrawal without failure. All courses will therefore provide feedback to students prior to this date, as well as throughout the course. However, students should note that feedback does not take the form only of formal grades and written comments on written assessments. Rather, formative feedback, which helps students to self-assess, to identify misunderstandings, and to identify areas requiring further work, will occur during class and possibly online. For example, where a teacher asks the class a question, all students should think about how they might answer. Even though not all students will necessarily be able to respond orally, everyone can reflect on their tentative answer in light of the teacher's response and subsequent class discussion. If you are struggling to understand what is being asked in class, or if your tentative answers prove incorrect and subsequent discussion does not clear things up, then you should continue to ask questions (of yourself, your peers or your teacher). Similarly, you can get a sense of your ability in a course through peer feedback during group work, your teacher's responses to your in-class contributions, and your own response to in-class problems and examples (whether or not you are called on to relay your answer to the class) and also your online activities and responses by others to those activities. Students enrolled in this course may check their Moodle course page for details on the specific feedback used in this course.

Faculty-specific Information

Additional support for students

- Student support: <https://www.student.unsw.edu.au/support>
- Academic Skills and Support: <https://student.unsw.edu.au/academic-skills>
- Student Wellbeing, Health and Safety: <https://student.unsw.edu.au/wellbeing>
- Equitable Learning Services: <https://student.unsw.edu.au/els>
- UNSW IT Service Centre: <https://www.myit.unsw.edu.au>

Course improvement

Student feedback is very important to continual course improvement. This is demonstrated within the Faculty of Law & Justice by the implementation of the UNSW online student survey myExperience, which allows students to evaluate their learning experiences in an anonymous way. myExperience survey reports are produced from each survey. They are released to staff after all student assessment results are finalised and released to students. Course convenors will use the feedback to make ongoing improvements to the course. Students enrolled in this course may check their Moodle course page for details on the actions taken in response to evaluation feedback in Student Survey.

School Contact Information

Please contact [Nucleus Student Hub](#) for all enquiries. The Nucleus acts as a central communications hub for UNSW and will distribute your enquiry to the best person to respond.