



The University of Southern Queensland

## Course Specification

### Description: E-Law

Subject	Cat-Nbr	Class	Term	Mode	Units	Campus
LAW	2301	10142	1, 2002	EXT	1.00	TWMB A

<b>Academic Group:</b>	FOBUS
<b>Academic Org:</b>	FOB010
<b>HECS Band:</b>	3
<b>ASCED Code:</b>	090999

### STAFFING

Examiner: Judith McNamara

Moderator: Michael Maguire

### SYNOPSIS

This course seeks to introduce students to the law as it relates to the Internet and in particular e-commerce. It will examine the most problematic areas from a legal point of view. These areas include consumer protection, digital and electronic signatures, Internet banking, copyright, trademarks, privacy, censorship and also taxation. In each area the application of existing legal principles to e-commerce as well as the newly developed 'cyberlaw' principles will be examined. In some of these areas of law the growth in e-commerce has outstripped the growth in the law. In these areas we will identify the legal issues and look at any proposed laws that seek to clarify these new issues.

### OBJECTIVES

On successful completion of this course students will be able to:

- explain the general legal issues that have arisen as a result of the establishment and growth of e-commerce;
- apply the existing legislation and case law that is relevant to e-commerce to given case studies;
- evaluate the proposed Australian legislation that will impact on e-commerce;
- describe developments in e-commerce law in jurisdictions outside Australia;
- demonstrate satisfactory skills in communication.

### TOPICS

Description	Weighting (%)
1. Introduction and overview of the legal implications of the growth in electronic commerce	5.00

2. Issues for contract law	15.00
3. Digital and electronic signatures	10.00
4. Payment	10.00
5. Electronic banking	15.00
6. Protection of intellectual property	15.00
7. Privacy and censorship	15.00
8. Tax and electronic commerce	15.00

### **TEXT and MATERIALS required to be PURCHASED or ACCESSED:**

Books can be ordered by fax or telephone. For costs and further details use the 'Book Search' facility at <http://bookshop.usq.edu.au> by entering the author or title of the text.

Forder, J. and Quirk, P. 2001 *Electronic Commerce and the Law*, John Wiley and Sons Australia Ltd, Australia.

### **REFERENCE MATERIALS**

Reference materials are materials that, if accessed by students, may improve their knowledge and understanding of the material in the course and enrich their learning experience.

*Electronic commerce and Internet law & practice: 2nd annual recent developments program: program handbook, January 1999*, 1998, Continuing Education of the Bar, Berkeley, CA.

*Electronic commerce: legal issues for the information age*, 1998, Faculty of Law, University of NSW, Sydney.

Adam Nabil et al, 1999 *Electronic commerce: technical, business, and legal issues*, Prentice Hall, Upper Saddle River, NJ.

Fair, P. et al, 1998, 'Cyberlaw' *Proceedings of the BLEC seminar*, BLEC Books, Sydney, NSW.

Fitzgerald, A.M. et al, (eds), 1999 *Going Digital 2000: Legal Issues for e-commerce, software and the Internet*, 2nd edn, Prospect Media, Sydney.

Sexton, C. 1999 *E commerce and security*, Butterworth-Heineman, Oxford, UK.

Vaughan, J., Sowards, T. & Kelso, R. 1997 *The law of Internet commercial transactions: issues analysis*, Centre for International Research on Communication, Melbourne, Vic.

### **STUDENT WORKLOAD REQUIREMENTS**

ACTIVITY	HOURS
Assessment	20
Directed Study	52
Private Study	93

## ASSESSMENT DETAILS

Description	Marks Out of	Wtg(%)	Required	Due Date
ASSIGNMENT	30.00	30.00	Y	04 Mar 2002
EXAMINATION (2.5 HOURS)	70.00	70.00	Y	END S1 (see note 2)

### NOTES:

2. Students will be advised of the official examination date after the timetable has been finalised.

## OTHER REQUIREMENTS

- 1 To be assured of a passing grade in this course, students must attempt all of the assessments, achieve at least 50% in the examination and at least 50% of the available marks for the course. Final grades for the course will be determined by the addition of the marks obtained in each assessment item, weighted as in the Assessment Details and by considering the student's level of achievement of the objectives of the course.
- 2 Students must retain a copy of all pieces of assessment which must be produced if/when required by the lecturer.
- 3 **LATE ASSIGNMENTS** (i) All assessments submitted after the due date (and not approved for extension) in accordance with university policy will be penalised 20% per working day. (ii) If students submit assignments after the due date and wish to claim extenuating circumstances then they shall provide validated documentary evidence with the assignment, explaining the circumstances. (iii) The course examiner shall consider the statement accompanying a late assignment and decide on the outcome.
- 4 Assignments not submitted in the appropriate assignment folders will be deemed as not being received.
- 5 **DISHONEST ACTIONS** (i) Any student who is alleged to having performed a dishonest action relating to any assessment in the course will have a course of action taken against him/her as outlined in the Academic Regulations. (ii) Pieces of assessment should be the work of individual students. Joint pieces of assessment are not permitted unless written approval has been obtained from the course leader. (iii) Dishonest action in relation to assessment includes: copying or attempting to copy the work of others; use of or attempting to use information prohibited from use in that form of assessment; submitting the work of another as your own; consciously committing acts of plagiarism, ie taking and using another's thoughts or writings as one's own with intent to deceive, which occurs when paragraphs, sentences, a single sentence or significant parts of a sentence which are copied directly, are not enclosed in quotation marks and appropriately footnoted or referenced in the text, direct quotations are not used, but text is paraphrased or summarised, and the source of the material is not acknowledged by footnoting or other reference in the text.
- 6 **DEFERRED EXAMINATIONS** (i) Deferred examinations will be granted at the Dean's discretion based on non-attendance for medical, compassionate or

employment-related reasons having regard to item 1. If a deferred examination is granted students shall sit the deferred examination in the next semester examination period. If, for whatever reason, this deferred examination is not taken then the student will be graded 'F'. (ii) To be eligible for consideration for a deferred examination, students must have submitted a genuine attempt at all mandatory assessment items. (iii) Deferral of an examination CANNOT be granted on an existing deferral in that course. (iv) Requests must be in writing to the Faculty Operations Manager clearly stating student name, student number, current address, course alpha-numeric identifier and name for the examination not attended. (v) Requests MUST BE supported by original or suitably authenticated documentation. (vi) Requests and documentation must be submitted to the Faculty Operations Manager within ten (10) calendar days of the missed examination date. (vii) Requests based on medical reasons must be supported by medical evidence on the appropriate University of Southern Queensland medical certificate or doctor's certificate. A medical certificate must be dated with the same date as the period of illness for which the absence from examination is being sought and clearly indicate the student's name and, if possible, student number (retrospective medical certificates will not be accepted for either assignment work or examinations). Only original or authenticated medical certificates will be accepted. A student's medical condition must be stated clearly (IN ENGLISH). (Certificates stating a student has a 'medical condition' may not be sufficient grounds for deferment of examination). Medical evidence must cover the student for the day(s) of the missed examination(s). (viii) Requests based on family/personal reasons must be supported by a clear statement (IN ENGLISH) from a medical practitioner, counsellor or independent member of the community. (ix) Requests based on employment-related reasons must be supported by a clear statement (IN ENGLISH) from the student's employer. (x) Students who have a medical condition or genuine compassionate or employment-related problems on the day of the examination are advised to obtain the relevant documentary evidence and NOT attempt the examination. If a student makes an attempt at the examination, the assessment item will be marked and a grade awarded. In these cases, a student cannot, after receiving a 'fail' grade, request a deferred examination or special consideration. (xi) Students who have been granted deferred examinations will not be granted a waiver of prerequisites, without the permission of the Heads of Department, in subsequent semesters (if they do not have a passing grade).

7 Course weightings of the topics should not be interpreted as applying to the number of marks allocated to questions that test those topics in an examination paper. The examination may test material already tested in assignments.

8 The examination will be RESTRICTED. You ARE permitted to take the following into the exam (a) writing implements (b) a photocopy of the Electronic Funds Transfer Code of Conduct -1 April 2001 and (c) a photocopy of Schedule 3 of the {Privacy Act 1988} (Cth). Items (a) and (b) may be only highlighted, underlined and/or flagged. You are NOT permitted to take an electronic device of any kind into the exam room. In particular you will not be permitted to take in a computer of any kind, electronic organizer, mobile phone, pager etc. Dictionaries are not to be used in the exam. .