



The University of Southern Queensland

## Course Specification

### Description: E-Law

Subject	Cat-Nbr	Class	Term	Mode	Units	Campus
LAW	2301	20143	1, 2003	EXT	1.00	TWMBA

<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: Ritesh Patel

### PRE-REQUISITES

Pre-requisite: LAW1101

### 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 & Quirk, P 2001, *Electronic commerce and the law*, John Wiley & Sons Australia Ltd, Milton, Queensland.

### **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: 4th annual recent developments program: Program handbook, January 2001*, Continuing Education of the Bar, Berkeley, California.

Adam, NR, Dogranadi, O, Gangopadhyay, A & Vaha, Y 1999, *Electronic commerce: Technical, business, and legal issues*, Prentice Hall, Upper Saddle River, New Jersey.

Akindemowo, O 1999, *Information technology law in Australia*, LBC Information Services, North Ryde, New South Wales.

Fair, P et al 1998, *'Cyberlaw' proceedings of the BLEC seminar*, BLEC Books, Sydney, New South Wales.

(There are 13 papers in this set)

Fitzgerald, AM, Fitzgerald, B, Cifuentes, C & Cook, P (eds) 1999, *Going digital 2000: Legal issues for e-commerce, software and the Internet*, 2nd edition, Prospect Media, Sydney.

UNSW Law Journal 1998, 'Electronic commerce: legal issues for the information age'212 (Available: [www.austlii.edu.au/au/other/unswlj/issues.htm#V21N2THEME](http://www.austlii.edu.au/au/other/unswlj/issues.htm#V21N2THEME)) .

Yee, FL 2002, *Cyberspace law: Commentaries and materials*, Oxford University Press, Australia.

## 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	14 Apr 2003
EXAMINATION (2.5 HOURS)	70.00	70.00	Y	END S1 (see note )

### NOTES:

- . The examination is scheduled to be held in the end-of-semester examination period. Students will be advised of the official examination date after the timetable has been finalised.

## IMPORTANT ASSESSMENT INFORMATION

- 1 Attendance requirements:  
If you are an International student in Australia it is a requirement of your student visa that you attend all classes at your campus. For all other students, there are no attendance requirements for this course. However, it is the students' responsibility to study all material provided to them or required to be accessed by them to maximise their chance of meeting the objectives of the course and to be informed of course-related activities and administration.
- 2 Requirements for students to complete each assessment item satisfactorily:  
Students must submit assignments that represent a reasonable attempt as determined by the Examiner. Students must obtain at least 50% of the marks available for the examination.
- 3 Penalties for late submission of required work:  
If students submit assignments after the due date without prior approval then a penalty of 20% of the total marks gained by the student for the assignment will apply for each working day late.
- 4 Requirements for student to be awarded a passing grade in the course:  
To be assured of receiving a passing grade a student must attempt all of the summative assessment items, achieve at least 50% in the examination and achieve an aggregated mark of at least 50% of the available weighted marks for the summative assessment items.
- 5 Method used to combine assessment results to attain final grade:  
The final grades for students will be assigned on the basis of the weighted aggregate of the marks obtained for each of the summative assessment items in the course.
- 6 Examination information:

This is a restricted examination. Candidates are allowed access to specific materials during the examination. The only materials that candidates may use in the restricted examination for this course are: writing materials (non-electronic and free from material which could give the student an unfair advantage in the examination); English translation dictionaries (but not technical dictionaries); a copy of the Electronic Funds Transfer Code of Conduct - 1 April 2001; a copy of the Privacy Act 1988 (Cth); and a copy of the Electronic Transactions Act 1999 (Cth). Students are not permitted to take mobile telephones, pagers or other electronic means of communication into the examination room.

- 7 Examination period when Deferred/Supplementary examinations will be held:  
Any Deferred or Supplementary examinations for this course will be held during the next examination period.
- 8 University Regulations:  
Students should read USQ Regulations 5.1 Definitions, 5.6 Assessment, and 5.10 Academic Misconduct for further information and to avoid actions which might contravene University Regulations. These regulations can be found at the URL: <http://www.usq.edu.au/SECARIAT/calendar/Part5/> or in the printed version of the current USQ Handbook. Students should also read The Guide to Policies and Procedures of the Faculty which can be found at the URL: <http://www.usq.edu.au/handbook/2003/business/polproc/index.htm> or in the printed version of the current USQ Handbook.

## **ASSESSMENT NOTES**

- 1 Assignments: (i) The due date for an assignment is the date by which a student must despatch the assignment to the USQ. The onus is on the student to provide proof of the despatch date, if requested by the Examiner. (ii) Students must retain a copy of each item submitted for assessment. This must be produced within five days if required by the Examiner. (iii) The Examiner may grant an extension of the due date of an assignment in extenuating circumstances. 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. The Examiner shall consider the statement accompanying a late assignment and decide on the outcome. (iv) Assignments are to be submitted in the appropriate assignment folders. (v) The Examiner will normally only accept assessments that have been written, typed or printed on paper-based media. (vi) The Examiner will not accept submission of assignments by facsimile. (vii) Students who do not have regular access to postal services or who are otherwise disadvantaged by these regulations may be given special consideration. They should contact the Examiner to negotiate such special arrangements. (viii) In the event that a due date for an assignment falls on a local public holiday in their area, such as a Show holiday, the due date for the assignment will be the next day. Students are to note on the assignment cover the date of the public holiday for the Examiner's convenience.
- 2 Course Weightings: Course weightings of topics should not be interpreted as applying to the number of marks allocated to questions testing those topics in an examination paper. The examination may test material already tested in assignments.

- 3 Deferred Work: Students who, for medical, family/personal, or employment-related reasons, are unable to complete an assignment or to sit for an examination at the scheduled time may apply to defer an assessment in a course. Such a request must be accompanied by appropriate supporting documentation. One of the following temporary grades may be awarded: IDS (Incomplete - Deferred Examination); IDM (Incomplete Deferred Make-up); IDB (Incomplete - Both Deferred Examination and Deferred Make-up).