

COMMONWEALTH OF AUSTRALIA

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Family Name	
Given Names	
Student Number	
Teaching Period	Semester 2, 2016

EXAMINATION	DURATION
LWZ212 – Transnational Law	Reading Time: 20 minutes
	Writing Time: 120 minutes

INSTRUCTIONS TO CANDIDATES

EXAM CONDITIONS

You may begin writing from the commencement of the examination session. The reading time indicated above is provided as a guide only.

This is an OPEN BOOK examination

Any calculator is permitted

Any handwritten material is permitted

Any hard copy, English dictionary is permitted (annotated allowed)

ADDITIONAL AUTHORISED MATERIALS	EXAMINATION MATERIALS TO BE SUPPLIED
Any printed material with the exception of CDU Library books	3 x 8 Page Book 1 x Scrap Paper

**THIS EXAMINATION IS PRINTED
DOUBLE-SIDED.**

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Section A

Short Essay Question

Total No of Marks for this section: 30

This section should be answered in the Answer Booklet provided.

Please Note students are required to answer ONLY ONE question in this section

Marks for each question are indicated.
Suggested Time allocation for Section A: 60 mins

All students must answer question one.

QUESTION ONE

Taking any of the practical examples you have studied in this unit, consider if it is possible to achieve global legal harmonisation or are practical transnational arrangements the inevitable future of law? Practical Examples you have studied include the following:

- Hague Conventions relating to children
- International Commercial Surrogacy
- International Trade
- Alternative Dispute Resolution
- Human Security
- Human Trafficking
- Transnational Organised Crime
- Extradition

(Marks: 30)

Section B

Problem Solving Questions

Total Number of Marks for this section: 30

Answer ONLY 2 of 5 questions

This section should be answered in the Answer Booklet provided.

Marks for each question are indicated.

Suggested Time allocation for Section B: 60 mins

Answer any TWO of the following 5 questions:

QUESTION TWO

Can transnational legal theory be applied as between mainstream post-colonial Australia and First Nation peoples of Australia?

QUESTION THREE

Should all countries have the same laws to protect victims of human trafficking who commit crime? In answering this question, have regard to the legal theoretical scholarship on transnational organised crime you have studied.

QUESTION FOUR

International Commercial Surrogacy (I.C.S.) is outlawed in many countries and accepted in others. Argue the pros and cons of Australia accepting a regulated introduction of I.C.S

QUESTION FIVE

Explain UNDP's concept of Human Security. Applying your understanding of transnational legal theory by Roger Cotterrell or other scholars, can such a concept be considered part of Transnational Law? Provide an example on the application of such a concept in resolving a transnational legal issue.

QUESTION SIX

Adrien has been living in Australia for 3 years. He resides in Victoria, where he is the owner and manager of a butter factory. His extradition is now sought from South Africa. He grew up in that country and, prior to moving to Australia, operated a number of businesses there. The statement of conduct constituting the South African offence provided by the South African authorities alleges that:

- In February 2016, through his computer, he hacked into the bank account of a South African company held at a Japanese bank in Tokyo.
- In that process, and without any lawful authority, he transferred US\$300,000 from the South African company's bank account into his own account with a different bank in Germany.
- At the time of the alleged offence he was residing in Germany.
- Adrien is a South African citizen.

Pursuant to an arrest warrant issued under s 12 of the Australian *Extradition Act*, Adrien was arrested in Victoria and has been remanded in custody pending the conduct of an extradition hearing.

Adrien seeks your advice as to the steps to be taken in the extradition process (a brief outline). More importantly, he seeks your advice as to whether he is likely to be extradited and what arguments he might raise to resist extradition.

Advise Adrien

(15 marks per question)

(Total 30 marks)

END OF EXAM