



LAW 898

International Commercial Law

S1 Day 2016

Dept of Law

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General Information

Unit convenor and teaching staff

Afroza Begum

afroza.begum@mq.edu.au

Monday 11am-12pm

Credit points

4

Prerequisites

Admission to LLM or MIntTrdeComLaw or PGDipIntTrdeComLaw or PGCertIntTrdeComLaw or MIntRelMIntTrdeComLaw or 42cp in LAW or LAWS units at 400 or 500 level or (admission to JD and 32cp in LAW or LAWS units at 800 level)

Corequisites

Co-badged status

Unit description

International Commercial Law examines contract law as it applies in an international context, addressing in particular concepts of the international sale of goods; contracts of sale under the Vienna Sales Convention; contracts for carriage of goods by sea, air and land; and bills of exchange and letters of credit in international trade. These studies incorporate analyses of different legal systems and relevant national jurisdictions, as well as key economic theories and political contexts underpinning the operation of this body of law. International commercial arbitration is highlighted as the key mode of dispute settlement.

Important Academic Dates

Information about important academic dates including deadlines for withdrawing from units are available at <https://www.mq.edu.au/study/calendar-of-dates>

Learning Outcomes

On successful completion of this unit, you will be able to:

Comprehend the regulatory framework and standards that govern International Sales of Goods, and develop an analytical ability to critically assess their application.

Explore the implications of electronic commerce to the traditional laws of contract, and identify legal issues, problems and risk factors that a business entity may encounter in operating cross-border transactions.

Demonstrate a sophisticated knowledge and understanding of relevant laws and

conventions that influence commercial transactions by sea and by air.

Recognise the importance of marine insurance and develop a working knowledge of the insurance process and procedures.

Evaluate the role/use of letters of credit in international commercial transactions, and the Australasian trade relationship.

Analyse hypothetical international legal problem scenarios via constructing and defending arguments in a well structured, reasoned, coherent and logical manner.

Develop a solid understanding of international commercial arbitration under different schemes and choice of law issues.

Assessment Tasks

Name	Weighting	Due
<u>Class Participation (CP)</u>	10%	on going
<u>Problem Question</u>	30%	29 April 2016, 5 pm
<u>Research Essay</u>	60%	11 June, 2016 by 5:00pm

Class Participation (CP)

Due: **on going**

Weighting: **10%**

Face-to-face-seminars/tutorials provide an important opportunity for the students to learn through interaction with the teacher and fellow students. This task is designed to develop the students' interpersonal skills and attitudes to work collaboratively and their critical analytical ability to appreciate relevant legal issues. Seminars will focus on, *inter alia*, group discussion and the problem-solving methods in evaluating various legal topics/aspects provided each week. Students are required to attend seminars for each of the weeks that the unit runs during the semester and complete the prescribed readings for each week. CP marks will be awarded based on the quality of performance and effective engagement in the seminars. Attendance in itself is not enough to achieve a pass mark. All applications for disruption should be made via Ask.mq.edu.au.

External students must attend a three-day intensive on-campus session (9:30am-3:30pm) to be held on 18-20 April 2016. Exemptions may be granted only in exceptional circumstances and subject to the provision of appropriate documentation. If an exemption is granted, work in lieu will need to be submitted.

On successful completion you will be able to:

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Problem Question

Due: **29 April 2016, 5 pm**

Weighting: **30%**

This written assignment aims to evaluate students' ability to identify, analyse and appraise relevant legal issues in a clear, concise and logical manner with scholarly support. It will involve examining a hypothetical problem by applying appropriate laws and judicial decisions to the scenario and by formulating and defending solutions.

Word length 2000 words The work must be submitted via turnitin. The assessment guidelines will be released in Week 6.

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defending arguments in a well structured, reasoned, coherent and logical manner.

- Develop a solid understanding of international commercial arbitration under different schemes and choice of law issues.

Research Essay

Due: **11 June, 2016 by 5:00pm**

Weighting: **60%**

Students will be required to complete a research essay on a specific topic of the Unit. The paper should reflect an independent research that requires an in-depth analysis of legal literature/ materials and application of relevant laws and standards. The essay topic, the structure of the paper and guidelines will be discussed and released in week 9.

The word limit is 3500 words which must be strictly maintained.

The paper should be submitted via turnitin.

On successful completion you will be able to:

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Delivery and Resources

This course will be delivered via lectures (also available on iLearn) and through seminars/ tutorials. Students will be required to actively participate in discussion based on the readings, as well as any problem and discussion questions set by the convenor.

Our primary text will be the 5th Edition of International Trade Law by Indira Carr. Students should

purchase the textbook from the Co-Op Bookshop. Additional readings will be needed to supplement the textbook. Relevant resources including journal articles and judicial decisions will be posted on iLearn each week. Students are expected to check iLearn on a regular basis. External students are encouraged to contribute to each week's discussions on uploaded online topics.

External students are required to attend three-day intensive (9:30am-3:30pm) on-campus sessions to be held on 18-20 April 2016.

Unit Schedule

Reading Assignments will be posted in iLearn.

Attendance will be taken at seminars/tutorials and MQ attendance policies apply.

The prescribed text is International Trade Law by Indira Carr (5th edition, 2013)

Additional readings may be posted on iLearn

The following schedule is for guidance only, refer to iLearn for updates:

Week 1 - Introduction - Standard Trade Terms. Please note that there will be a tutorial in Week 1 and that the lecture will be available through the iLearn system.

Week 2 - Contracts of Sale Under the CISG

Week 3 - Electronic Commerce

Week 4 - Transport of Goods by Sea and Bills of Lading

Week 5 - Transport of Goods by Sea: Hague - Visby Rules, Hamburg Rules and Recent Developments

Week 6 - Marine Insurance; Problem Question uploaded

Mid-Session Break - On campus sessions for external students only on 18-20 April 2016, 9:30am - 3:30pm

Week 7 - Intellectual Property in International Transactions; Problem Question Due

Week 8 - Letters of Credit and Finance

Week 9 - International and Australasian Treaty Regimes Relating to Investment

Week 10 - Choice of Laws Concepts

Week 11 - International Commercial Arbitration

Week 12 - Enforcement of Arbitration Awards - The New York Convention

Week 13 - Fighting Corruption in International Commercial Transactions; Review

Final Research Essay Due: 11 June 2016 by 5:00pm.

Policies and Procedures

Macquarie University policies and procedures are accessible from [Policy Central](#). Students should be aware of the following policies in particular with regard to Learning and Teaching:

Academic Honesty Policy http://mq.edu.au/policy/docs/academic_honesty/policy.html

New Assessment Policy in effect from Session 2 2016 http://mq.edu.au/policy/docs/assessment/policy_2016.html. For more information visit http://students.mq.edu.au/events/2016/07/19/new_assessment_policy_in_place_from_session_2/

Assessment Policy prior to Session 2 2016 <http://mq.edu.au/policy/docs/assessment/policy.html>

Grading Policy prior to Session 2 2016 <http://mq.edu.au/policy/docs/grading/policy.html>

Grade Appeal Policy <http://mq.edu.au/policy/docs/gradeappeal/policy.html>

Complaint Management Procedure for Students and Members of the Public http://www.mq.edu.au/policy/docs/complaint_management/procedure.html

Disruption to Studies Policy http://www.mq.edu.au/policy/docs/disruption_studies/policy.html *The Disruption to Studies Policy is effective from March 3 2014 and replaces the Special Consideration Policy.*

In addition, a number of other policies can be found in the [Learning and Teaching Category](#) of Policy Central.

Student Code of Conduct

Macquarie University students have a responsibility to be familiar with the Student Code of Conduct: https://students.mq.edu.au/support/student_conduct/

Results

Results shown in *iLearn*, or released directly by your Unit Convenor, are not confirmed as they are subject to final approval by the University. Once approved, final results will be sent to your student email address and will be made available in [eStudent](#). For more information visit ask.mq.edu.au.

Student Support

Macquarie University provides a range of support services for students. For details, visit <http://students.mq.edu.au/support/>

Learning Skills

Learning Skills (mq.edu.au/learningskills) provides academic writing resources and study strategies to improve your marks and take control of your study.

- [Workshops](#)
- [StudyWise](#)
- [Academic Integrity Module for Students](#)

- [Ask a Learning Adviser](#)

Student Services and Support

Students with a disability are encouraged to contact the [Disability Service](#) who can provide appropriate help with any issues that arise during their studies.

Student Enquiries

For all student enquiries, visit Student Connect at ask.mq.edu.au

IT Help

For help with University computer systems and technology, visit http://www.mq.edu.au/about_us/offices_and_units/information_technology/help/.

When using the University's IT, you must adhere to the [Acceptable Use of IT Resources Policy](#). The policy applies to all who connect to the MQ network including students.

Graduate Capabilities

PG - Capable of Professional and Personal Judgment and Initiative

Our postgraduates will demonstrate a high standard of discernment and common sense in their professional and personal judgment. They will have the ability to make informed choices and decisions that reflect both the nature of their professional work and their personal perspectives.

This graduate capability is supported by:

Learning outcomes

- Comprehend the regulatory framework and standards that govern International Sales of Goods, and develop an analytical ability to critically assess their application.
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- Develop a solid understanding of international commercial arbitration under different schemes and choice of law issues.

Assessment tasks

- Class Participation (CP)
- Research Essay

PG - Discipline Knowledge and Skills

Our postgraduates will be able to demonstrate a significantly enhanced depth and breadth of knowledge, scholarly understanding, and specific subject content knowledge in their chosen fields.

This graduate capability is supported by:

Learning outcomes

- Comprehend the regulatory framework and standards that govern International Sales of Goods, and develop an analytical ability to critically assess their application.
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- Research Essay

PG - Critical, Analytical and Integrative Thinking

Our postgraduates will be capable of utilising and reflecting on prior knowledge and experience, of applying higher level critical thinking skills, and of integrating and synthesising learning and knowledge from a range of sources and environments. A characteristic of this form of thinking is the generation of new, professionally oriented knowledge through personal or group-based critique of practice and theory.

This graduate capability is supported by:

Learning outcomes

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Assessment tasks

- Class Participation (CP)
- Problem Question
- Research Essay

PG - Research and Problem Solving Capability

Our postgraduates will be capable of systematic enquiry; able to use research skills to create new knowledge that can be applied to real world issues, or contribute to a field of study or practice to enhance society. They will be capable of creative questioning, problem finding and problem solving.

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Learning outcomes

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- Problem Question
- Research Essay

PG - Effective Communication

Our postgraduates will be able to communicate effectively and convey their views to different social, cultural, and professional audiences. They will be able to use a variety of technologically supported media to communicate with empathy using a range of written, spoken or visual formats.

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Learning outcomes

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Assessment task

- Class Participation (CP)

PG - Engaged and Responsible, Active and Ethical Citizens

Our postgraduates will be ethically aware and capable of confident transformative action in relation to their professional responsibilities and the wider community. They will have a sense of connectedness with others and country and have a sense of mutual obligation. They will be able to appreciate the impact of their professional roles for social justice and inclusion related to national and global issues

This graduate capability is supported by:

Learning outcomes

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