



# LAW 898

## International Commercial Law

S1 Day 2017

*Dept of Law*

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#### **Disclaimer**

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## General Information

Unit convenor and teaching staff

Unit Convenor and Lecturer

Dr Afroza Begum

[afroza.begum@mq.edu.au](mailto:afroza.begum@mq.edu.au)

Contact via afroza.begum@mq.edu.au

W3A 339

Friday 3pm – 4pm or by appointment

Credit points

4

Prerequisites

Admission to LLM or MIntTrdeComLaw or MIntRelMIntTrdeComLaw or 42cp in LAW or LAWS units at 400 or 500 level or (admission to JD and 24cp 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 critically assess their application;

Describe 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.

## **General Assessment Information**

### **1. Class Participation (in Tutorials and OCS) worth 10% mark**

Internal students are required to attend the tutorials in accordance with the schedule of classes/tutorials set out in this Unit Guide and complete the prescribed readings for each week. External students must attend the two-day OCS from 9 am to 4 pm as a compulsory and substantive academic requirement. 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.

Class Participation marks will be awarded based on the quality of performance and effective engagement in the tutorials/seminars. Active participation in the class will require students to read and understand various issues scheduled for discussions on a regular basis. Students are also required to participate in discussions that extend beyond these set topics and readings through their own evaluation of the issues raised.

#### **Assessment criteria:**

1. Regular and timely presence in tutorials or OCS ;
2. Active and effective class participation;
3. Knowledge and understanding of the subject matter;
4. Ability to develop ideas and think critically;
5. Problem solving skills; and
6. Oral communication skills.

### **2. Problem Solving worth 30% mark**

This assignment will be assessed based on the discipline specific knowledge, understanding and identification of the relevant legal issues, and their application to a given (real or hypothetical) fact situation/problem of contemporary international transactions. Students may be required to

take their research beyond the prescribed books and course materials (the supplementary books and journals provide a starting point for further research). Clarity of expression, presentation of argument, responsiveness to question, and correct and consistent reference style will also be taken into account.

**Assessment criteria:**

1. Originality of the work
2. Accurate identification and analysis of issues by using primary and secondary sources
3. Critical evaluation and efficient use of information
4. Concise and logical approach to address relevant aspects
5. Clear demonstration of knowledge and correct written expression
6. The degree of persuasion/depth of research evidenced from respective arguments
7. Coherent organisation of the paper/ structured presentation of ideas
8. Proper referencing and acknowledgement of sources

**3. Research Essay worth 60% mark**

Students will be required to write a research essay on a specific topic of the Unit. This task aims to assess students' independent research skills and critical analytical ability to examine relevant issues raised with adequate support and acknowledgement. Students will be assessed on the basis of their discipline specific knowledge, understanding and evaluation of the issues, quality and depth of research, critical, interdisciplinary, policy-oriented approach, and overall presentation.

**Assessment criteria:**

1. Identification and analysis of the relevant legal and theoretical issues;
2. Evidence of reflection and critical thinking in relation to the issues;
3. Delivery of a persuasive argument in relation to the issues raised by the topic including quality of evidence, reasoning, illustrations and examples;
4. Quality and thoroughness of research;
5. Logical structure and clear, concise written expression;
7. Accurate use of the Australian Guide to Legal Citation AGLC 3rd edition, including proper acknowledgment of all sources.

Detailed marking rubrics will be made available on iLearn.

**Formal requirements for both written (problem question and research) assignments**

The following requirements as to presentation of papers must be complied with:

- Both assignments are meant to be the independent works of individual student. Assignments are not group works or exercises.
- Both assignments must be typed with 12 point font in the text and 10 point font in footnotes.
- The word limit must be strictly maintained . The word limit does not include the footnotes, although footnotes must not include any substantive content. The actual word length of your assignment must be stated on the cover sheet.
- Footnotes and other referencing must be consistent with the *Australian Guide to Legal Citations*, which can be downloaded at <http://www.law.unimelb.edu.au/mulr>
- **Feedback prior to census date**
- Feedback may be given in tutorials based on the course requirements and student's contribution, the standards of preparation demonstrated, and timeliness. This should also include some specific approaches, eg, identifying students who experience difficulties in grasping various legal aspects of the unit and providing additional academic support and monitoring to facilitate their active and effective participation.

## Assessment Tasks

Name	Weighting	Hurdle	Due
<a href="#"><u>Class Participation (CP)</u></a>	10%	No	on going
<a href="#"><u>Problem Question</u></a>	30%	No	29 April 2017, 5 pm
<a href="#"><u>Research Essay</u></a>	60%	No	11 June, 2017 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 two-day intensive on-campus session (9am-4pm) to be held on 18-19 April 2017. 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:

- Comprehend the regulatory framework and standards that govern International Sales of Goods, and critically assess their application;
- Describe 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.

## Problem Question

Due: **29 April 2017, 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.

On successful completion you will be able to:

- Comprehend the regulatory framework and standards that govern International Sales of Goods, and critically assess their application;

- 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;
- 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.

## Research Essay

Due: **11 June, 2017 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 **3000** words which must be strictly maintained.

The paper should be submitted via turnitin.

On successful completion you will be able to:

- Comprehend the regulatory framework and standards that govern International Sales of Goods, and critically assess their application;
- Demonstrate a sophisticated knowledge and understanding of relevant laws and conventions that influence commercial transactions by sea and by air;
- Develop a solid understanding of international commercial arbitration under different schemes and choice of law issues.

## 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.

External students are required to attend two-day intensive (9am-4pm) on-campus sessions to be held on 18-19 April 2017.

### Required and Recommended Readings

#### Required Textbook

Indira Carr, *International Trade Law* (Routledge, New York, 5<sup>th</sup> ed, 2014 ).

Weekly reading schedule/list will be posted on iLearn .

### **Recommended Readings**

John Mo, *International Commercial Law* (LexisNexis, Butterworths, 6th ed, 2015).

Ray A August, *International Business Law* (Pearson, 6th ed, 2013).

Bryan Mercurio et al, *International Business Law* (Oxford University Press, 2010).

Simon Lester and Bryan Mercurio, *World Trade Law: Text Materials and Commentary* ( Hart Publishing, 2008).

Bossche, Peter et al, *The Law and Policy of the World Trade Organization: Text, Cases and Materials* (Cambridge University Press, 3rd ed. 2014).

Vagts D et al, *Transnational Business Problems* (Foundation Press, 4<sup>th</sup> ed, 2010).

Arup, Christopher, *The New World Trade Organization Agreements: Services and Intellectual Property* (Cambridge University Press, 2010).

Islam, M R, *International Trade Law of the WTO* (Oxford University Press, 2006).

Moens G, *International Trade & Business, Law Policy & Ethics* (Cavendish, 2004).

Sandra M et al, 'International Commercial Law' (2009) 64.4 *Business Lawyer* 1263-1280.

John H. Dunning, 'The Study of International Business: A Plea for a More Interdisciplinary Approach' (1989) 20.3 *Journal of International Business Studies* 411-436.

Casuccio Paul, 'Modernization of the Incoterms' (2012) 7.2 *Global Trade and Customs Journal* 70-73.

Ndlovu Portia, 'Incoterms 2010: A Consideration of Certain Implications of the Amendments to the Traditional Incoterms 2000' (2011) 44.1 *Comparative and International Law Journal of Southern Africa* 204-224.

Coetzee Juana, 'Incoterms: Development and Legal Nature -A Brief Overview' (2002) 13.1 *Stellenbosch Law Review* 115-134.

Lisa Spagnolo, 'The Last Outpost: Automatic CISG Opt Outs, Misapplications and the Cost of Ignoring the Vienna Sales Convention for Australian Lawyer' (2009) 10.1 *Melbourne Journal of International Law* 1-76.

Monica Kilian, 'CISG and the Problem with Common Law Jurisdictions' (2001) 10.2 *Journal of Transnational Law & Policy* 217-243.

Zeller Bruno, 'Significance of the Vienna Convention on the International Sale of Goods for the Harmonisation and Transplantation of International Commercial Law' (2006) 17.3. *Stellenbosch Law Review* 466-481.

Ingeborg S and Pascal H, 'The CISG—Successes and Pitfalls' (2009) 57.2 *The American Journal of Comparative Law* 457-478.

JJ Callaghan, 'U.N. Convention on Contracts for the International Sale of Goods: Examining the Gap-Filling Role of CISG in Two French Decisions' (1994-1995) 14 *J.L. & Com.* 183.

Haluk Demirkan, 'Enhancing ECommerce Outcomes with IT Service Innovations' (2015) 19:3 *International Journal of Electronic Commerce* 2-6.

Ravi Bapna et al, 'Special Issue: Economics of Electronic Commerce' (2014) 31.2 *Journal of Management Information Systems* 7-10.

Robin Mansell, 'Electronic commerce: conceptual pitfalls and practical realities' (2003) 21.4 *Prometheus* 429-447.

Lijun Zhao, 'The limited scope of seaborne cargo liability regime: new political-economic environments in the 21st century' (2016) 43.6 *Maritime Policy & Management* 748-762.

Trudi Hogg & Samrat Ghosh, 'Autonomous merchant vessels: examination of factors that impact the effective implementation of unmanned ships' (2016) 8.3 *Australian Journal of Maritime & Ocean Affairs* 206-222.

A. Brooke Overby, 'Will Cyberlaw Be Uniform? An Introduction to the UNCITRAL Model Law on Electronic Commerce' (1999) 7 *Tulane Journal of International & Comparative Law* 219-232.

Isaiah Okorie, 'Are current port liability provisions in international maritime law adequate in an era of automation?' (2016) 8.2 *Australian Journal of Maritime & Ocean Affairs* 8:2 147-160.

Theodora Nikaki and Barış Soyer, 'A New International Regime for Carriage of Goods by Sea: Contemporary, Certain, Inclusive AND Efficient, or Just Another One for the Shelves?' (2012) 30 *Berkeley Journal of International Law* 303.

Samrat Ghosh & Christopher Rubly, 'The emergence of Arctic shipping: issues, threats, costs, and risk-mitigating strategies of the Polar Code' (2015) 7.3 *Australian Journal of Maritime & Ocean Affairs* 171-182.

Luis Lobo-Guerrero, 'Lloyd's and the Moral Economy of Insuring Against Piracy' (2012) 5.1 *Journal of Cultural Economy* 67-83.

Jasper L. Tran, 'Rethinking Intellectual Property Transactions' (2016) 43.1 *Southern University Law Review* 150-162.

Claude Crampes & Corinne Langinier, 'Are Intellectual Property Rights Detrimental to Innovation?' (2009) 16.3 *International Journal of the Economics of Business* 249-268.

Peter. K. Yu, 'TRIPS Enforcement and Developing Countries' (2011) 26 *American University International Law Review* 727-782.

Sell, S, 'Post TRIPs Developments: The Tension between Commercial and Social Agendas in the Context of Intellectual Property' (2002) 14 *Florida J I L* 195.

Tamir Agmon' and Mary Ann Von Glinow, 'Technology Transfer in International Business' (1993) 6 *Harvard Journal of Law & Technology*.

Fiona Murraya et al, 'Do formal intellectual property rights hinder the free flow of scientific knowledge?: An empirical test of the anti-commons hypothesis', (2007) 63:4 *Journal of*

*Economic Behavior & Organization* 648–687.

LR Helfer, 'Regime Shifting: The TRIPs Agreement and New Dynamics of International Intellectual Property Lawmaking' (2004) 29.1 *Yale Journal of international Law*.

KM Murphy, 'Conflict, Confusion, and Bias Under TRIPs Articles 22-24' (2003-2004) 19 *Am. U. Int'l L. Rev.* 1181.

Barnes James G, 'Letters of Credit' (2014) 69.4 *The Business Lawyer* 1201-1210.

Ken Milier, 'Using Letters of Credit, Credit Default Swaps and other forms of Credit Enhancements in Net Lease Transactions' (2009) 4.45 *Virginia Law & Business Review* 45-80.

Gao Xiang and Ross P. Buckley, 'The Unique Jurisprudence of Letters of Credit: Its Origin and Sources' (2003) 4 *San Diego Int'l L.J.* 91-125.

Luke Nottage, 'Investment Treaty Arbitration Policy in Australia, New Zealand and Korea' (2015) 25.3 *Journal of Arbitration Studies* 185-226.

Leon Trakman, 'Foreign Direct Investment: An Australian Perspective' (2010) 13 *International Trade & Business Law Review* 31-85.

Douglas H et al, 'Foreign Direct Investment: Trends, TRIMs, and WTO Negotiations, (2003) 20.1 *Asian Development Review* 1-33.

Matthias Busse and José Luis Groizard, 'Foreign Direct Investment, Regulations and Growth' (2008) 31.7 *The World Economy* 861-886.

Alan A. Bevan and Saul Estrin 'The determinants of foreign direct investment into European transition economies' (2004) 32.4 *Journal of Comparative Economics* 775–787.

Peari Sagi, 'The Choice-Based Perspective of Choice-of-Law' (2013) 23.3 *Duke Journal of Comparative and International Law* 477-502.

Strong S I, 'Limits of Procedural Choice of Law' (2014) 39.3 *Brooklyn Journal of International Law* 1027-1122.

Brooke Adele Marshall, 'Reconsidering the proper Law of the Contract' (2012) 13 *Melbourne Journal of International Law* 1-35.

A F M Maniruzzaman, 'Choice of Law in International Contracts: Some Fundamental Conflict of Law Issues' (1999) 16.4 *Journal of International Arbitration* 141-172.

Slipachuk T, 'Practical Aspects of Taking Evidence in International Commercial Arbitration' (2011) 2011.2 2011.2 *Law of Ukraine: Legal Journal* 132-138. Wong

Ronald, 'Interim Relief in Aid of International Commercial Arbitration-A Critique on the International Arbitration Act' (2012) 24.2 *Singapore Academy of Law Journal* 499-532.

Schroeder et al, 'Recent Trends regarding Dissenting Opinions in International Commercial Arbitration', (2012) 2 *Yearbook on International Arbitration* 133-150.

Rutledge Peter B, 'The Testamentary Foundations of Commercial Arbitration' (2015) 30.2 *Ohio State Journal on Dispute Resolution* 275.

David J Mclean, 'Toward a New International Dispute Resolution Paradigm: Assessing the Congruent Evolution of Globalisation and International Arbitration' (2009) 30:4 *U. Pa. J. Int'l L.* 1087-97.

Christopher R Drahozal et al, 'The Economics of Litigation and Arbitration: An Application to Franchise Contracts' (2003) 32:2 *The Journal of Legal Studies* 549-584.

Joseph T. McLaughlin Laurie Genevro, 'Enforcement of Arbitral Awards under the New York Convention - Practice in U.S. Courts' (1986) 3:2 *Berkeley Journal of International Law* 1-24.

Simon Bronitt, 'Policing corruption and corporations in Australia: Towards a new national agenda' (2013) 37 *Crim LJ* 283.

Jordan J, 'Recent Developments in the Foreign Corrupt Practices Act and the New UK Bribery Act: A Global Trend Towards Greater Accountability in the Prevention of Foreign Bribery' (2011) 7 *NYU J L & Bus* 866.

Indira Carr and Opi Outhwaite, 'Surveying Corruption in International Business' (2008) 5:2 *Manchester Journal of International Economic Law* 3-70.

Lesile A. Benton et al, 'International Anti-Corruption' (2012) 47 *International Legal Developments Year in Review* 367-386.

This reading list is by no means exclusive. For additional resources students are encouraged to use the library catalogue and databases.

### **Journals**

- *The Journal of International Business & Law*
- *Law & Policy in International Business*
- *Australian Journal of Maritime & Ocean Affairs*
- *International Business Review*
- *International Trade and Business Law Review*
- *Yale Journal of International Law*
- *Harvard Journal of International Law*
- *Journal of World economy*
- *Journal of World Trade*
- *World Trade Review*
- *Journal of International Business Studies*
- *Global Journal of International Business Research*

### **Relevant Website**

- <https://www.wto.org/>
- (<http://www.uncitral.org>; <http://www.iccwbo.org>; <http://untreaty.un.org>;
- <http://www.worldtradelaw.net>; <http://www.wto.org>;

- <http://www.unidroit.org>; <http://www.ilo.org>;
- <http://www.asic.gov.au>; <http://www.imf.org/external>;
- <http://www.accc.gov.au>;
- <http://dfat.gov.au/trade/agreements/pages/trade-agreements.aspx> <http://www.austrade.gov.au> (Austrade-Australian Trade Commission);
- <http://dfat.gov.au/trade/topics/investment/Pages/australias-bilateral-investment-treaties.aspx>
- <http://www.austlii.edu.au>;

Subject **website**- iLearn. Students are expected to check iLearn on a regular basis.

For lecture times and classrooms please consult the MQ Timetable website: <http://www.timetables.mq.edu.au>. This website will display up-to-date information on your classes and classroom locations.

## Unit Schedule

Weekly reading schedule, assignment topics and guidelines will be posted on iLearn.

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

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 18-19 April 2017, 9am - 4pm; Problem Question Due

Week 7 - Intellectual Property in International Transactions

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

Final Research Essay Due: 11 June 2017 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](http://mq.edu.au/policy/docs/academic_honesty/policy.html)

Assessment Policy [http://mq.edu.au/policy/docs/assessment/policy\\_2016.html](http://mq.edu.au/policy/docs/assessment/policy_2016.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](http://www.mq.edu.au/policy/docs/complaint_management/procedure.html)

Disruption to Studies Policy (in effect until Dec 4th, 2017): [http://www.mq.edu.au/policy/docs/disruption\\_studies/policy.html](http://www.mq.edu.au/policy/docs/disruption_studies/policy.html)

Special Consideration Policy (in effect from Dec 4th, 2017): <https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policies/special-consideration>

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/](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](http://ask.mq.edu.au).

In the absence of a successful application for special consideration due to a disruption to studies, any assessment task submitted after its published deadline will not be graded and will receive a mark of zero. Applications for a Disruption to Studies are made electronically via [ask.mq.edu.au](http://ask.mq.edu.au) and should be accompanied by supporting documentation. Students should refer to the [Disruption to Studies policy](#) for complete details of the policy and a description of the

supporting documentation required.

Word limits will be strictly applied and work above the word limit will not be marked.

All assessments in the unit are to be submitted electronically. Plagiarism detection software is used in this unit.

## 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](http://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](http://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/](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 critically assess their application;
- Describe 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;
- 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

- Class Participation (CP)
- Problem Question
- 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 critically assess their application;
- Describe 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**

- Class Participation (CP)
- Problem Question
- 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**

- Comprehend the regulatory framework and standards that govern International Sales of Goods, and critically assess their application;
- Describe 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**

- 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.

This graduate capability is supported by:

### Learning outcomes

- Comprehend the regulatory framework and standards that govern International Sales of Goods, and critically assess their application;
- 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;
- 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

- Class Participation (CP)
- 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.

This graduate capability is supported by:

### Learning outcomes

- Comprehend the regulatory framework and standards that govern International Sales of Goods, and critically assess their application;
- 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**

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

## **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**

- Comprehend the regulatory framework and standards that govern International Sales of Goods, and critically assess their application;
- Describe 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**

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