



# LAW 896

## International Business Transactions

S2 External 2018

*Dept of Law*

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#### **Disclaimer**

Macquarie University has taken all reasonable measures to ensure the information in this publication is accurate and up-to-date. However, the information may change or become out-dated as a result of change in University policies, procedures or rules. The University reserves the right to make changes to any information in this publication without notice. Users of this publication are advised to check the website version of this publication [or the relevant faculty or department] before acting on any information in this publication.

## General Information

Unit convenor and teaching staff

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Shafiqur Khan

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Credit points

4

Prerequisites

Admission to LLM or MIntTrdeComLaw or MIntReIMIntTrdeComLaw 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

This unit examines the making, regulating and breaking of deals in the international business community. The unit will canvas the different legal forms of agreements (eg, direct foreign investment, international joint ventures); laws that influence the conduct of business internationally (eg, anti-trust laws, international financial regulation, international bankruptcy, international taxation laws); and the mechanisms available when disputes arise (eg, international arbitration, foreign litigation in domestic courts). Students will develop an understanding of key legal principles underpinning international business transactions from an international law perspective as well as in relation to selected jurisdictions.

## 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:

Understand the regulatory framework and standards that govern international business transactions and relationships

Demonstrate a sophisticated knowledge and understanding of relevant international agreements and principles that influence international business, domestic legal regime and parties involved in cross-border dealings, and develop an analytical ability to

critically assess their application

Evaluate the role of different institutions and organisations in guiding responsible business

Investigate the relationship between international and domestic regulations and the way in which Australia has endorsed those international standards

Identify legal issues, problems and risk factors that a business entity may encounter in operating cross-border transactions, and apply appropriate strategies to overcome these

Analyse the conduct of business in a complex international environment

## General Assessment Information

### Late Submission

Unless a Special Consideration request has been submitted and approved, (a) a penalty for lateness will apply – two (2) marks out of 100 will be deducted per day for assignments submitted after the due date – and (b) no assignment will be accepted more than seven (7) days (incl. weekends) after the original submission deadline. No late submissions will be accepted for timed assessments – e.g. quizzes, online tests.

### Special Consideration

Requests for Special Consideration will be dealt with centrally and decisions about the outcome will largely be made centrally.

### Moderation

Detailed marking rubrics will be made available on iLearn.

### Turnitin

All written assessments are to be submitted via iLearn through Turnitin.

### Referencing

All referencing is to be in accordance with AGLC3.

## Assessment Tasks

Name	Weighting	Hurdle	Due
<u>Weekly forum participation</u>	15%	No	Each Week
<u>Class Participation</u>	15%	No	On Campus Sessions
<u>Assignment</u>	30%	Yes	30/09/2018
<u>Research Paper</u>	40%	No	Week 13

## Weekly forum participation

Due: **Each Week**

Weighting: **15%**

Students will be given a question/scenario/case in relation to the relevant topic. Each week students will have to respond to the relevant question. This response should be posted to online discussion module for each week.

This is a timed assessment and no late submissions will be accepted.

On successful completion you will be able to:

- Understand the regulatory framework and standards that govern international business transactions and relationships
- Demonstrate a sophisticated knowledge and understanding of relevant international agreements and principles that influence international business, domestic legal regime and parties involved in cross-border dealings, and develop an analytical ability to critically assess their application
- Evaluate the role of different institutions and organisations in guiding responsible business
- Investigate the relationship between international and domestic regulations and the way in which Australia has endorsed those international standards
- Identify legal issues, problems and risk factors that a business entity may encounter in operating cross-border transactions, and apply appropriate strategies to overcome these
- Analyse the conduct of business in a complex international environment

## Class Participation

Due: **On Campus Sessions**

Weighting: **15%**

Students will be assessed through a quiz during the on campus sessions in September 2018. Quiz would include MCQ and short questions. Topics will be announced later.

On successful completion you will be able to:

- Demonstrate a sophisticated knowledge and understanding of relevant international agreements and principles that influence international business, domestic legal regime and parties involved in cross-border dealings, and develop an analytical ability to critically assess their application
- Evaluate the role of different institutions and organisations in guiding responsible business

## Assignment

Due: **30/09/2018**

Weighting: **30%**

**This is a hurdle assessment task (see [assessment policy](#) for more information on hurdle assessment tasks)**

Students will be required to answer a set question provided within the first four weeks of the semester. Students will be encouraged to reflect not only on their interaction with legal principles, but also with the contextual and ethical issues that have arisen. The paper should be well structured including sub-headings where appropriate. The introduction should set out the scope of the paper. Students need to include sufficient detail of the specific legal principles or regime and analysis/application of that law. Be sure to answer the question asked. The conclusion should include recommendations for law reform, further research and/or creative application of the existing law where appropriate. The assignment should be fully referenced according to the Australian Guide to Legal Citation.

This Assessment Task relates to the following Learning Outcomes:

- Understand the regulatory framework and standards that govern international business transactions and relationships
- Demonstrate a sophisticated knowledge and understanding of relevant international agreements and principles that influence international business, domestic legal regime and parties involved in cross-border dealings, and develop an analytical ability to critically assess their application
- Evaluate the role of different institutions and organisations in guiding responsible business
- Identify legal issues, problems and risk factors that a business entity may encounter in operating cross-border transactions, and apply appropriate strategies to overcome these

Word Limit: 2,000 words.

On successful completion you will be able to:

- Understand the regulatory framework and standards that govern international business transactions and relationships
- Demonstrate a sophisticated knowledge and understanding of relevant international agreements and principles that influence international business, domestic legal regime and parties involved in cross-border dealings, and develop an analytical ability to critically assess their application
- Evaluate the role of different institutions and organisations in guiding responsible business

- Investigate the relationship between international and domestic regulations and the way in which Australia has endorsed those international standards
- Analyse the conduct of business in a complex international environment

## Research Paper

Due: **Week 13**

Weighting: **40%**

Students will be required to prepare a research paper (excluding footnotes and bibliography) on the laws impacting on international business transactions. Students can choose any lecture topic.

This Assessment Task relates to the following Learning Outcomes:

- Demonstrate a sophisticated knowledge and understanding of relevant international agreements and principles that influence international business, domestic legal regime and parties involved in cross-border dealings, and develop an analytical ability to critically assess their application
- Evaluate the role of different institutions and organisations in guiding responsible business
- Investigate the relationship between international and domestic regulations and the way in which Australia has endorsed those international standards
- Analyse the conduct of business in a complex international environment

Word Limit: 3,000 words.

On successful completion you will be able to:

- Understand the regulatory framework and standards that govern international business transactions and relationships
- Demonstrate a sophisticated knowledge and understanding of relevant international agreements and principles that influence international business, domestic legal regime and parties involved in cross-border dealings, and develop an analytical ability to critically assess their application
- Evaluate the role of different institutions and organisations in guiding responsible business
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- Identify legal issues, problems and risk factors that a business entity may encounter in operating cross-border transactions, and apply appropriate strategies to overcome these

## Delivery and Resources

This unit will be delivered via seminar-format involving a combination of lecturing by the convener and active class discussion by students. There will also be a strong focus on online participation. Students will be required to participate in discussion based upon the readings, as well as any problem and discussion questions set by the convener.

Weekly readings will be provided on the iLearn website. There is no textbook for the course. Rather, students will be expected to have a detailed understanding of the weekly journal articles and textbook extracts posted under each week on iLearn.

## Unit Schedule

Topics are subject to change based on student responses to the online participation assessment.

1. Introduction to international business transactions.
2. The global trading system and the role of regional economic, political and legal integration.
3. Forms of doing business internationally (I) - Agents, distributor, contract manufacturing, technology transfer.
4. Forms of doing business internationally (II) - Franchise, joint ventures, mergers and acquisition.
5. Regulation of international business transactions (I) - Customs, Trade, Competition.
6. Regulation of international business transactions (II) - Export, import, economic sanctions.
7. Foreign Direct Investment (FDI); Investment Treaty Arbitration.
8. Corruption in international business transactions: Laws and corporate compliance.
9. Payments and the international movement of money.
10. Corporate social responsibility in an international context.
11. Export Laws and National Security.
12. Dispute Resolution in International Business Transactions: Arbitration, Litigation, Commercial Courts.
13. Review.

## Policies and Procedures

Macquarie University policies and procedures are accessible from [Policy Central \(https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central\)](https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central). Students should be aware of the following policies in particular with regard to Learning and

Teaching:

- [Academic Appeals Policy](#)
- [Academic Integrity Policy](#)
- [Academic Progression Policy](#)
- [Assessment Policy](#)
- [Fitness to Practice Procedure](#)
- [Grade Appeal Policy](#)
- [Complaint Management Procedure for Students and Members of the Public](#)
- [Special Consideration Policy](#) (**Note:** *The Special Consideration Policy is effective from 4 December 2017 and replaces the Disruption to Studies Policy.*)

Undergraduate students seeking more policy resources can visit the [Student Policy Gateway](https://students.mq.edu.au/support/study/student-policy-gateway) (<https://students.mq.edu.au/support/study/student-policy-gateway>). It is your one-stop-shop for the key policies you need to know about throughout your undergraduate student journey.

If you would like to see all the policies relevant to Learning and Teaching visit [Policy Central](http://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central) (<http://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/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/study/getting-started/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).

## 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

- Evaluate the role of different institutions and organisations in guiding responsible business
- Analyse the conduct of business in a complex international environment

#### Assessment tasks

- Weekly forum participation
- Assignment

### 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

- Understand the regulatory framework and standards that govern international business transactions and relationships

- Demonstrate a sophisticated knowledge and understanding of relevant international agreements and principles that influence international business, domestic legal regime and parties involved in cross-border dealings, and develop an analytical ability to critically assess their application
- Evaluate the role of different institutions and organisations in guiding responsible business
- Investigate the relationship between international and domestic regulations and the way in which Australia has endorsed those international standards
- Identify legal issues, problems and risk factors that a business entity may encounter in operating cross-border transactions, and apply appropriate strategies to overcome these

### **Assessment tasks**

- Weekly forum participation
- Class Participation
- Research Paper

## **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**

- Demonstrate a sophisticated knowledge and understanding of relevant international agreements and principles that influence international business, domestic legal regime and parties involved in cross-border dealings, and develop an analytical ability to critically assess their application
- Investigate the relationship between international and domestic regulations and the way in which Australia has endorsed those international standards
- Identify legal issues, problems and risk factors that a business entity may encounter in operating cross-border transactions, and apply appropriate strategies to overcome these
- Analyse the conduct of business in a complex international environment

### **Assessment tasks**

- Class Participation
- Research Paper

## 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

- Demonstrate a sophisticated knowledge and understanding of relevant international agreements and principles that influence international business, domestic legal regime and parties involved in cross-border dealings, and develop an analytical ability to critically assess their application
- Investigate the relationship between international and domestic regulations and the way in which Australia has endorsed those international standards
- Identify legal issues, problems and risk factors that a business entity may encounter in operating cross-border transactions, and apply appropriate strategies to overcome these

### Assessment task

- Research Paper

## 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:

### Assessment tasks

- Weekly forum participation
- Assignment

## 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

- Understand the regulatory framework and standards that govern international business transactions and relationships
- Evaluate the role of different institutions and organisations in guiding responsible business
- Analyse the conduct of business in a complex international environment

## Assessment tasks

- Weekly forum participation
- Class Participation
- Assignment

## Changes since First Published

Date	Description
19/08/2018	Reflects the change in assessment following the resignation of the former convenor