



LAW 898

International Commercial Law

S1 Day 2018

Dept of Law

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Disclaimer

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General Information

Unit convenor and teaching staff
Unit Convenor and Lecturer
Sonya Willis
sonya.willis@mq.edu.au
Contact via sonya.willis@mq.edu.au
W3A 523
Wednesday 10am-12pm (by appointment)

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 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:

- Demonstrate comprehension of the regulatory framework and standards that govern International Sales of Goods, and critically assess their application;
- Describe the implications of electronic commerce for 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;

Explain the importance of risk in international commercial transactions and demonstrate a working knowledge of international insurance process and procedures;

Evaluate the role and use of letters of credit in international commercial transactions, and their impact on Australasian trade;

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

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

General Assessment Information

Further information about the assessment criteria for each task will be forthcoming throughout the semester.

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.

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.

Moderation

Detailed marking guidelines will be made available on iLearn. Assessments for Fail grade students will be double marked.

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

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

- All assessments should be the independent work of the student. Assignments are not group work 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 will be provided via the early feedback quiz.**

Assessment Tasks

Name	Weighting	Hurdle	Due
Early Feedback Quiz	10%	No	13 March 2018
Class Participation (CP)	10%	No	ongoing
Problem Question	20%	No	28 April 2018, 5:00pm
Research Essay Proposal	10%	No	18 May 2018 by 5:00pm
Research Essay	50%	No	10 June 2018 by 5:00pm

Early Feedback Quiz

Due: **13 March 2018**

Weighting: **10%**

This early feedback assessment will be available through ilearn from 7:00am on Tuesday 13 March 2018 to 7:00am on Wednesday 14 March. Students will have 30 minutes to complete the quiz once they commence. Students will only be allowed one attempt at the quiz. The quiz will involve 10 multiple choice questions on material covered in the first 2 weeks of the Unit.

The quiz is designed to provide students with feedback, prior to the census date, on their aptitude for the unit.

On successful completion you will be able to:

- Demonstrate comprehension of the regulatory framework and standards that govern International Sales of Goods, and critically assess their application;
- Describe the implications of electronic commerce for the traditional laws of contract, and identify legal issues, problems and risk factors that a business entity may encounter in operating cross-border transactions;

Class Participation (CP)

Due: **ongoing**

Weighting: **10%**

Each student will volunteer to be on call for one tutorial. The class participation mark will strongly reflect the student's participation in the on call tutorial but will also reflect weekly participation at tutorials. An attendance roll will be taken weekly. The on call participation structure is designed

to minimise stress and maximise the equality of opportunity to contribute. The on call enables students to focus their attention on the tutorial of greatest interest to them and to prepare carefully. At least one tutorial will be designated a moot tutorial and students interested in advocacy should select moot for their on call tutorial. The moot(s) will involve a mock international commercial arbitration dispute. More information will be provided on iLearn.

External students are to attend a two-day intensive on-campus session (9am-4pm) to be held on Saturday 14 and Sunday 15 April 2018. External students will be on call for one session during the 2 day intensive and will be given the opportunity to participation in a mock international commercial arbitration for their on-call participation.

On successful completion you will be able to:

- Demonstrate comprehension of the regulatory framework and standards that govern International Sales of Goods, and critically assess their application;
- Describe the implications of electronic commerce for 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;
- Explain the importance of risk in international commercial transactions and demonstrate a working knowledge of international insurance process and procedures;
- Evaluate the role and use of letters of credit in international commercial transactions, and their impact on Australasian trade;
- Analyse hypothetical international legal problem scenarios via constructing and defending arguments in a well structured, reasoned, coherent and logical manner;
- Exhibit a solid understanding of international commercial arbitration under different schemes and choice of law issues.

Problem Question

Due: **28 April 2018, 5:00pm**

Weighting: **20%**

This assignment will evaluate students' ability to identify, analyse and appraise relevant legal issues in a clear, concise and logical manner with reference to appropriate authorities. It will involve proposing resolutions to a hypothetical problem by identifying relevant factual issues and applying appropriate law.

The word limit is 1500 words The work must be submitted via turnitin. The assessment guidelines will be available on iLearn by Week 4.

On successful completion you will be able to:

- Demonstrate comprehension of 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;
- Explain the importance of risk in international commercial transactions and demonstrate a working knowledge of international insurance process and procedures;
- Analyse hypothetical international legal problem scenarios via constructing and defending arguments in a well structured, reasoned, coherent and logical manner;
- Exhibit a solid understanding of international commercial arbitration under different schemes and choice of law issues.

Research Essay Proposal

Due: **18 May 2018 by 5:00pm**

Weighting: **10%**

Students will be required to submit a proposal for their Research Essay. This proposal will be no more than 500 words (excluding the bibliography) and will provide the following:

- Essay Title.

-Concise articulation of the aims of the proposed research including the problem to be addressed by the essay.

-A review of relevant literature indicating how the proposed research will contribute to the field.

-Bibliography of sources identified to date.

The proposal will assist students to complete a timely and appropriate research essay by the 10 June 2018 deadline.

On successful completion you will be able to:

- Demonstrate comprehension of 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;
- Exhibit a solid understanding of international commercial arbitration under different schemes and choice of law issues.

Research Essay

Due: **10 June 2018 by 5:00pm**

Weighting: **50%**

Students will be required to complete a research essay on a specific topic from the Unit. The

essay should demonstrate 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 detailed guidelines will be discussed and released on iLearn by Week 8.

The word limit is 3000 words, exclusive of footnotes and bibliography (footnotes must not contain substantive argument).

The paper should be submitted via turnitin.

On successful completion you will be able to:

- Demonstrate comprehension of 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;
- Exhibit 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 14-15 April 2018.

Required and Recommended Readings

Required Textbook

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

Weekly reading schedule/list will be posted on iLearn .

Recommended Further 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, 4th 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.

Bames 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 *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.

Students should note that this reading list is by no means exhaustive but neither is it expected that students will read all of the above material. This list provides a useful starting point for research. 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, tutorial questions, 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:

Please note tutorials will commence in Week 1 and that the lectures will be available through Echo 360/iLearn.

Week 1 - Introduction - Standard Trade Terms and Electronic Commerce

Week 2 - Contracts of Sale Under the CISG

Week 3 - Transport of Goods by Sea and Bills of Lading

Week 4 - Transport of Goods by Sea (cont): Hague - Visby Rules, Hamburg Rules

Week 5 - Marine Insurance

Week 6 - 2 APRIL 2018 - EASTER MONDAY PUBLIC HOLIDAY - NO LECTURES OR TUTORIALS

Mid-Session Break - On campus sessions for external students only on 14-15 April 2018, 9am - 4pm

Week 7 - Intellectual Property in International Transactions

Week 8 - Financing International Transactions; Letters of Credit

Week 9 - International and Australasian Treaty Regimes Relating to Investment

Week 10 - Choice of Laws Concepts

Week 11 - International Commercial Arbitration

Week 12 - International Commercial Arbitration (continued)

Week 13 - Fighting Corruption in International Commercial Transactions

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 \(https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central\)](https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central).

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.

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) 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

- Demonstrate comprehension of the regulatory framework and standards that govern International Sales of Goods, and critically assess their application;
- Describe the implications of electronic commerce for 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;
- Explain the importance of risk in international commercial transactions and demonstrate

- a working knowledge of international insurance process and procedures;
- Analyse hypothetical international legal problem scenarios via constructing and defending arguments in a well structured, reasoned, coherent and logical manner;
- Exhibit a solid understanding of international commercial arbitration under different schemes and choice of law issues.

Assessment tasks

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

- Demonstrate comprehension of the regulatory framework and standards that govern International Sales of Goods, and critically assess their application;
- Describe the implications of electronic commerce for 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;
- Explain the importance of risk in international commercial transactions and demonstrate a working knowledge of international insurance process and procedures;
- Evaluate the role and use of letters of credit in international commercial transactions, and their impact on Australasian trade;
- Analyse hypothetical international legal problem scenarios via constructing and defending arguments in a well structured, reasoned, coherent and logical manner;
- Exhibit a solid understanding of international commercial arbitration under different schemes and choice of law issues.

Assessment tasks

- Early Feedback Quiz
- Class Participation (CP)

- Problem Question
- Research Essay Proposal
- 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

- Demonstrate comprehension of the regulatory framework and standards that govern International Sales of Goods, and critically assess their application;
- Describe the implications of electronic commerce for 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;
- Explain the importance of risk in international commercial transactions and demonstrate a working knowledge of international insurance process and procedures;
- Evaluate the role and use of letters of credit in international commercial transactions, and their impact on Australasian trade;
- Analyse hypothetical international legal problem scenarios via constructing and defending arguments in a well structured, reasoned, coherent and logical manner;
- Exhibit a solid understanding of international commercial arbitration under different schemes and choice of law issues.

Assessment tasks

- Early Feedback Quiz
- Class Participation (CP)
- Problem Question
- Research Essay Proposal
- 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

- Demonstrate comprehension of 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;
- Explain the importance of risk in international commercial transactions and demonstrate a working knowledge of international insurance process and procedures;
- Analyse hypothetical international legal problem scenarios via constructing and defending arguments in a well structured, reasoned, coherent and logical manner;
- Exhibit a solid understanding of international commercial arbitration under different schemes and choice of law issues.

Assessment tasks

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

- Demonstrate comprehension of 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;
- Explain the importance of risk in international commercial transactions and demonstrate a working knowledge of international insurance process and procedures;
- Evaluate the role and use of letters of credit in international commercial transactions, and

their impact on Australasian trade;

- Analyse hypothetical international legal problem scenarios via constructing and defending arguments in a well structured, reasoned, coherent and logical manner;
- Exhibit a solid understanding of international commercial arbitration under different schemes and choice of law issues.

Assessment tasks

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

- Demonstrate comprehension of the regulatory framework and standards that govern International Sales of Goods, and critically assess their application;
- Describe the implications of electronic commerce for 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;
- Explain the importance of risk in international commercial transactions and demonstrate a working knowledge of international insurance process and procedures;
- Evaluate the role and use of letters of credit in international commercial transactions, and their impact on Australasian trade;
- Analyse hypothetical international legal problem scenarios via constructing and defending arguments in a well structured, reasoned, coherent and logical manner;
- Exhibit a solid understanding of international commercial arbitration under different schemes and choice of law issues.

Assessment tasks

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