



LAWS8098

International Commercial Law

Session 1, Special circumstances, Other 2021

Macquarie Law School

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Disclaimer

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Notice

As part of [Phase 3 of our return to campus plan](#), most units will now run tutorials, seminars and other small group activities on campus, and most will keep an online version available to those students unable to return or those who choose to continue their studies online.

To check the availability of face-to-face activities for your unit, please go to [timetable viewer](#). To check detailed information on unit assessments visit your unit's iLearn space or consult your unit convenor.

General Information

| |
|---|
| Unit convenor and teaching staff Convenor Sonya Willis Contact via iLearn |
| Credit points 10 |
| Prerequisites Admission to LLM or MIntTrdeComLaw or (admission to JD and 80cp in LAW or LAWS units at 6000 level or above) |
| Corequisites |
| Co-badged status |
| Unit description International Commercial Law examines contract law as it applies in an international context, addressing, in particular; the international sale of goods; Incoterms, contracts of sale under the Vienna Sales Convention; contracts for carriage of goods by sea, air and land; and bills of exchange, marine insurance and letters of credit in international trade. This unit incorporates analyses of different legal systems, an introduction to conflicts of law as well as political contexts underpinning the operation of this body of law. International commercial arbitration is highlighted as the key mode of dispute settlement for international contractual disputes. |

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:

ULO1: Demonstrate comprehension of the regulatory framework and standards that govern International Sales of Goods.

ULO2: Understand the legal aspects of international commercial transactions, and identify legal issues, problems and risk factors that a business entity may encounter in operating cross-border transactions.

ULO3: Demonstrate a sophisticated knowledge and understanding of relevant laws and

conventions that influence international commercial transactions by sea and air

ULO4: Explain the importance of risk in international commercial transactions and demonstrate a working knowledge of international insurance process and procedures.

ULO5: Analyse hypothetical international legal problem scenarios via constructing and defending arguments in a well-structured, reasoned, coherent and logical manner.

ULO6: Demonstrate the ability to independently research contentious and timely issues in international commercial law.

General Assessment Information

Late Submission Penalty

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.

Assessment Tasks

| Name | Weighting | Hurdle | Due |
|--|-----------|--------|----------------------------------|
| <u>Early Feedback Quiz</u> | 10% | No | Monday, 15 March 2021 |
| <u>Tutorial Presentation</u> | 20% | No | In tutorial on nominated weeks |
| <u>Preparation of legal advice</u> | 30% | No | Wednesday, 28 April 2021, 9:00am |
| <u>Take Home Hypothetical Legal Problem Test</u> | 40% | No | Monday, 14 June 2021, 1:00pm |

Early Feedback Quiz

Assessment Type ¹: Quiz/Test

Indicative Time on Task ²: 5 hours

Due: **Monday, 15 March 2021**

Weighting: **10%**

Students will complete a brief quiz involving multiple choice questions on material covered in the first weeks of the Unit. The quiz is designed to provide students with early feedback 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.

Tutorial Presentation

Assessment Type ¹: Presentation

Indicative Time on Task ²: 15 hours

Due: **In tutorial on nominated weeks**

Weighting: **20%**

Students must contribute in class through an on call presentation and contributions across the semester. The time for this task will be covered in tutorials.

On successful completion you will be able to:

- Demonstrate comprehension of the regulatory framework and standards that govern International Sales of Goods.
- Understand the legal aspects of international commercial transactions, 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 international commercial transactions by sea and air
- Explain the importance of risk in international commercial transactions and demonstrate a working knowledge of international insurance process and procedures.

Preparation of legal advice

Assessment Type ¹: Professional writing

Indicative Time on Task ²: 35 hours

Due: **Wednesday, 28 April 2021, 9:00am**

Weighting: **30%**

Students will advise a client on a contentious hypothetical international commercial sale scenario (or scenarios) assessing students' ability to independently research contentious issues, and to identify, analyse and appraise the legal issues covered throughout the first part of the course in a clear, concise and logical manner with reference to appropriate authorities. Students will be required to identify relevant factual issues and to research and apply appropriate law. This assessment and the feedback provided will assist student preparation for the final assessment.

On successful completion you will be able to:

- Demonstrate comprehension of the regulatory framework and standards that govern International Sales of Goods.
- Understand the legal aspects of international commercial transactions, 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 international commercial transactions by sea and 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.
- Demonstrate the ability to independently research contentious and timely issues in international commercial law.

Take Home Hypothetical Legal Problem Test

Assessment Type ¹: Quiz/Test

Indicative Time on Task ²: 15 hours

Due: **Monday, 14 June 2021, 1:00pm**

Weighting: **40%**

Timed assessment answering problem questions from a hypothetical international commercial sale scenario or scenarios assessing students' ability to identify, analyse and appraise the legal issues covered throughout the course in a clear, concise and logical manner with reference to appropriate authorities. Students will be required to identify relevant factual issues and apply appropriate law

On successful completion you will be able to:

- Demonstrate comprehension of the regulatory framework and standards that govern International Sales of Goods.
- Understand the legal aspects of international commercial transactions, 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 international commercial transactions by sea and 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.

¹ If you need help with your assignment, please contact:

- the academic teaching staff in your unit for guidance in understanding or completing this type of assessment
- the [Writing Centre](#) for academic skills support.

² Indicative time-on-task is an estimate of the time required for completion of the assessment task and is subject to individual variation

Delivery and Resources

This course will be delivered via lectures and tutorials. Students will be assessed on their participation in the tutorial questions set out for each week in iLearn, particularly their nominated on-call tutorials. Tutorials will commence on Week 1 for internal students with an introductory tutorial. For all other tutorials, the tutorial questions are based on the preceding week's lecture and readings. External students will begin tutorials with a full day during the lecture break weeks.

Recommended Reading

There is no compulsory text for this unit but students looking for a textbook which covers the topics addressed in this Unit should acquire a copy of:

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

This text is now somewhat out of date but provides a useful introduction to many of the key concepts covered in International Commercial Law.

Weekly reading schedule/list will be posted on iLearn and through Leganto.

Unit Schedule

Please note lectures and tutorials (for internal students) will commence in Week 1 and lectures will be available through Echo 360/iLearn. Weekly readings and tutorial questions will be available to enrolled students via iLearn. Tutorials (other than Tutorial 1) will be based upon the preceding week's lecture and readings. Attendance and participation will be recorded at weekly seminars/tutorials and will affect participation grades.

LECTURE SCHEDULE:

Part 1: Law for Buyers and Sellers in International Commercial Transactions

Week 1 - Introduction - Standard Trade Terms and Electronic Commerce

Week 2 - Contracts of Sale Under the CISG

Part 2: Law for Interactions with Other Parties to International Commercial Transactions (Shippers/transporters, Insurers and Banks)

Week 3 - Transport of Goods by Sea and Air

Week 4 - Transport of Goods by Sea and Air (cont)

Week 5 - Marine Insurance

Week 6 - Financing International Transactions; Letters of Credit

Mid-Session Break – Includes first online day for external students

Part 3: Resolving international commercial disputes between parties

Week 7 -Conflicts of Law between Courts: Jurisdiction and Choice of Law

Week 8 - International Commercial Arbitration: Institutions and Agreements

Week 9 - International Commercial Arbitration and Courts: Enforcement

Part 4: State/Treaty Influence on International Commercial Transactions

Week 10 - International, Multilateral and Bilateral Trade Related Treaties

Week 11 - Intellectual Property in International Transactions

Week 12 - Fighting Corruption in International Commercial Transactions

Policies and Procedures

Macquarie University policies and procedures are accessible from [Policy Central \(https://policies.mq.edu.au\)](https://policies.mq.edu.au). 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](#)

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

To find other policies relating to Teaching and Learning, visit [Policy Central \(https://policies.mq.edu.au\)](https://policies.mq.edu.au) and use the [search tool](#).

Student Code of Conduct

Macquarie University students have a responsibility to be familiar with the Student Code of Conduct: <https://students.mq.edu.au/admin/other-resources/student-conduct>

Results

Results published on platform other than [eStudent](#), (eg. iLearn, Coursera etc.) 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> or if you are a Global MBA student contact globalmba.support@mq.edu.au

Student Support

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

Learning Skills

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

- [Getting help with your assignment](#)
- [Workshops](#)
- [StudyWise](#)
- [Academic Integrity Module](#)

The Library provides online and face to face support to help you find and use relevant information resources.

- [Subject and Research Guides](#)
- [Ask a Librarian](#)

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>

If you are a Global MBA student contact globalmba.support@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.

Changes from Previous Offering

The assessment for LAWS8098 has changed. Students are no longer required to undertake a research essay and essay plan. Instead, students will complete a hypothetical assignment and the end of semester examination will be a more substantial assessment. Class participation is now worth 20% and students will be on call for 2 tutorials.