



LAWS8098

International Commercial Law

Session 1, In person-scheduled-weekday, North Ryde 2022

Macquarie Law School

Contents

<u>General Information</u>	2
<u>Learning Outcomes</u>	2
<u>General Assessment Information</u>	3
<u>Assessment Tasks</u>	3
<u>Delivery and Resources</u>	6
<u>Unit Schedule</u>	7
<u>Policies and Procedures</u>	7
<u>Changes since First Published</u>	9

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General Information

Unit convenor and teaching staff

Associate Professor

Lisa Spagnolo

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Contact via Email

516

By appointment

Credit points

10

Prerequisites

Admission to LLM or MIntTrdeComLaw or (Admission to JD and LAWS600 or LAWS8001)

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.

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

ULO3: Demonstrate a sophisticated knowledge and understanding of relevant laws and conventions that influence international commercial transactions by sea and air

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

Unless a Special Consideration request has been submitted and approved, (a) a **penalty for lateness will apply** – 10 marks out of 100 credit will be deducted per day for assignments submitted after the due date – and (b) **no assignment will be accepted seven days (incl. weekends) after the original submission deadline. No late submissions will be accepted for timed assessments** - e.g. quizzes, online tests.

All written assessments are submitted electronically. Turnitin plagiarism detection software is used to check all written assessments.

Students should carefully check that they submit the correct file for an assessment as no re-submissions will be accepted after the due date and time, including instances where students upload an incorrect file in error.

Word limits are strictly applied. Work above the word limit will not be marked. Footnotes are to be used only for referencing. Referencing must conform to the requirements set out in the Australian Guide to Legal Citation.

Assessment Tasks

Name	Weighting	Hurdle	Due
<u>Tutorial Presentation</u>	20%	No	29/2/22 to 26/5/22 (to be confirmed)
<u>Take Home Hypothetical Legal Problem Test</u>	40%	No	17/06/22 10am-1pm (3 hour window)
<u>Early Feedback Quiz</u>	10%	No	14/03/22 (30 min window once commenced)
<u>Preparation of legal advice</u>	30%	No	29/04/22 5pm

Tutorial Presentation

Assessment Type ¹: Presentation

Indicative Time on Task ²: 15 hours

Due: **29/2/22 to 26/5/22 (to be confirmed)**

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:

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- 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.
- Explain the importance of risk in international commercial transactions and demonstrate a working knowledge of international insurance process and procedures.
- Demonstrate a sophisticated knowledge and understanding of relevant laws and conventions that influence international commercial transactions by sea and air

Take Home Hypothetical Legal Problem Test

Assessment Type ¹: Quiz/Test

Indicative Time on Task ²: 15 hours

Due: **17/06/22 10am-1pm (3 hour window)**

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.

- Explain the importance of risk in international commercial transactions and demonstrate a working knowledge of international insurance process and procedures.
- Demonstrate a sophisticated knowledge and understanding of relevant laws and conventions that influence international commercial transactions by sea and air
- Analyse hypothetical international legal problem scenarios via constructing and defending arguments in a well-structured, reasoned, coherent and logical manner.

Early Feedback Quiz

Assessment Type ¹: Quiz/Test

Indicative Time on Task ²: 5 hours

Due: **14/03/22 (30 min window once commenced)**

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.

Preparation of legal advice

Assessment Type ¹: Professional writing

Indicative Time on Task ²: 35 hours

Due: **29/04/22 5pm**

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.
- Explain the importance of risk in international commercial transactions and demonstrate a working knowledge of international insurance process and procedures.
- Demonstrate a sophisticated knowledge and understanding of relevant laws and conventions that influence international commercial transactions by sea and air
- 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.

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

The unit text is John Mo, *International Commercial Law* (LexisNexis Butterworths, 6th edn, 2015). Rather than buying this text (please refer to my email to students and iLearn announcement about this) you can choose to instead use the e-Book at the library, and/or purchase alternative books. Potential alternative texts vary in suitability:

- Indira Carr & Peter Stone, *International Trade law* (2018, 6th edn, Taylor & Francis) (Covers Trade in Goods, Electronic Commerce, Insurance and Finance, Transport, Dispute Resolution. The most comprehensive alternative, although it has a European perspective)
- Vivienne Bath, Gabriel Moens, *Law of International Business in Australasia* (2019, Federation) (only covers Trade in Goods, and more generally, Bilateral & Multilateral treaties. Australian perspective. However, does not cover all areas of the course).

Lectures in LAWS8098 will commence in **the first week of Session 1**. Lectures are pre-recorded and will be uploaded by 5pm every Monday. Lectures are likely to be in multiple parts. The first lecture will be available by Monday 21 February 2022.

Internal students will attend face to face tutorials weekly on Tuesdays from 10am-11am. Students unable to attend campus due to COVID related issues, should attend the external tutorials. Face to face tutorials may be required to switch to an online format depending on COVID restrictions as advised by the University.

External students will attend tutorials fortnightly on Thursdays from 7pm-9pm (Sydney time) [10 March, 24 March, 7 April, 5 May, 19 May, and 2 June].

Unit Schedule

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 Air
Week 4	Transport of Goods by Sea and Air (cont)
Week 5	Marine Insurance
Week 6	Financing International Transactions; Letters of Credit
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
Week 10	International, Multilateral and Bilateral Trade Related Treaties
Week 11	Intellectual Property in International Transactions
Week 12	Fighting Corruption in International Commercial Transactions
Week 13	Revision

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](#)
- [Assessment Procedure](#)
- [Complaints Resolution 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

Academic Integrity

At Macquarie, we believe [academic integrity](#) – honesty, respect, trust, responsibility, fairness and courage – is at the core of learning, teaching and research. We recognise that meeting the expectations required to complete your assessments can be challenging. So, we offer you a range of resources and services to help you reach your potential, including free [online writing and maths support](#), [academic skills development](#) and [wellbeing consultations](#).

Student Support

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

The Writing Centre

[The Writing Centre](#) provides resources to develop your English language proficiency, academic writing, and communication skills.

- [Workshops](#)
- [Chat with a WriteWISE peer writing leader](#)
- [Access StudyWISE](#)
- [Upload an assignment to Studiosity](#)
- [Complete the 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

Macquarie University offers a range of [Student Support Services](#) including:

- [IT Support](#)
- [Accessibility and disability support](#) with study
- Mental health [support](#)
- [Safety support](#) to respond to bullying, harassment, sexual harassment and sexual assault
- [Social support including information about finances, tenancy and legal issues](#)

Student Enquiries

Got a question? Ask us via [AskMQ](#), or contact [Service Connect](#).

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 since First Published

Date	Description
06/04/2022	Changed date for Take Home Exam from 13 June to 17 June 2022
10/02/2022	Clarified timing of Early Feedback Quiz and added Unit Schedule.
07/02/2022	Details added regarding resources - the text book.