



LAWS8098

International Commercial Law

Session 1, In person-scheduled-weekday, North Ryde 2025

Macquarie Law School

Contents

<u>General Information</u>	2
<u>Learning Outcomes</u>	2
<u>General Assessment Information</u>	3
<u>Assessment Tasks</u>	4
<u>Delivery and Resources</u>	6
<u>Unit Schedule</u>	7
<u>Policies and Procedures</u>	9

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

Lisa Spagnolo

lisa.spagnolo@mq.edu.au

Contact via iLearn

17WW 311

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.

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

All written assessments submitted electronically must be submitted through the link provided in iLearn. This unit will utilise Turnitin plagiarism detection software. Students should carefully check that they submit the correct file for an assessment, as re-submissions will not be accepted after the due date and time, including instances where students upload an incorrect file in error.

The design, moderation and feedback of all assessments is in accordance with the Macquarie University Assessment Procedure (link provided under 'Policies and Procedures' below).

Late Submission Policy

A maximum penalty of five (5) percentage points of the total possible marks will be applied per day to late submissions, for up to a maximum of seven calendar days. Tasks that have not been submitted within the maximum number of additional late days will receive a mark of zero. This provision does not apply to online exams or other assessment with a time limit of less than 24 hours.

Penalties for late submission will be applied consistently and equitably to all students enrolled in the unit. Where short-term, serious and unavoidable circumstances have affected their ability to submit an assessment task, a student must submit a formal application for Special Consideration as per the Special Consideration Policy. Students should not request an informal arrangement from their tutor, lecturer or Unit Convenor.

Where an application for Special Consideration is approved, and the outcome is an extension to the due date of a task, submissions that are received after the new due date will be subject to late penalties that are calculated from the new due date. This only applies where the outcome is an extension to the due date – see the Special Consideration Policy for a schedule of all possible outcomes.

Special Consideration

Students should submit applications for Special Consideration electronically via the Service Connect portal, along with the supporting documentation. Before submitting their applications, students should refer to the Special Consideration Policy (link provided under 'Policies and Procedures' below).

Assessment Tasks

Name	Weighting	Hurdle	Due
<u>Preparation of legal advice</u>	40%	No	Friday 4 April 2025 at 11:55PM (Sydney time)
<u>Professional Skills</u>	20%	No	Ongoing plus On-Call
<u>Take Home Test</u>	40%	No	Tuesday 17 June 2025, between 10:00AM-1:00PM (Sydney time)

Preparation of legal advice

Assessment Type ¹: Professional writing

Indicative Time on Task ²: 15 hours

Due: **Friday 4 April 2025 at 11:55PM (Sydney time)**

Weighting: **40%**

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.

Professional Skills

Assessment Type ¹: Practice-based task

Indicative Time on Task ²: 0 hours

Due: **Ongoing plus On-Call**

Weighting: **20%**

Students will develop essential legal professional skills through structured classroom activities such as oral advocacy, critical reasoning, strategic problem-solving, collaborative work, team leadership, mooting, simulated client consultations, legal presentations or demonstrations, doctrinal analysis and problem solving, and/or collaborative legal research. These activities are designed to develop students' professional capabilities including capacity to communicate legal concepts clearly and engage professionally with diverse audiences in diverse contexts.

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.

Take Home Test

Assessment Type ¹: Quiz/Test

Indicative Time on Task ²: 15 hours

Due: **Tuesday 17 June 2025, between 10:00AM-1:00PM (Sydney time)**

Weighting: **40%**

Timed assessment 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

DELIVERY

LECTURES This course will be delivered via **lectures and tutorials**. **Lectures are weekly, prerecorded, and made available online through Echo360 by Mondays 5pm.**

TUTORIALS

INTERNAL STUDENTS: 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: Tutorials will commence in Week 2 for external students. Zoom links will be posted on iLearn, and each tutorial will run for 2 hours, *each of which will cover 2 topics*.

This unit is worth 10 credit points, which equates to 150 hours of work. Therefore, students should expect to commit an average of 10 hours per week to this unit, including all scheduled and unscheduled activities and preparing and executing the assessment tasks.

RESOURCES

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 Giovanni Di Lieto & David Treisman (eds), *International Trade Law* (Federation Press, 2018).

There are also reading materials provided by links in the weekly reading schedule on iLearn and through Leganto.

Students require access to a computer, internet with decent speed and a secure/reliable server. The iLearn page contains all Unit requirements and a weekly schedule for teaching, readings and tutorials. Information about all assessment tasks is also available on iLearn.

Unit Schedule

LECTURE SCHEDULE (ALL STUDENTS) - Lectures are prerecorded.

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/Payments

- Mid-Session Break –

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 - International Trade and the Environment

TUTORIALS (INTERNAL STUDENTS ONLY):

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/Payment

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

Week 8 - International Commercial Arbitration: Institutions and Agreements

- *Mid-Session Break* –

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 - Environmental/other matters affecting International Commercial Transactions

TUTORIALS (EXTERNAL STUDENTS ONLY):

5 Mar - Tute 1

- INCOTERMS & Electronic Commerce,
- CISG

19 Mar - Tute 2

- Transport of Goods by Sea & Air Pt 1 – Shippers
- Transport of Goods by Sea & Air Pt 2 - Transporters

2 Apr - Tute 3

- Marine Insurance
- Letters of Credit/Payment

- *Mid session break* -

30 Apr - Tute 4

- Choice of Law, Conflicts of Law, Jurisdiction
- Dispute Resolution – Arbitration [*No On-Call for this topic*]

14 May - Tute 5

- Dispute Resolution – Arbitration Moot - see Unit Guide for details

28 May - Tute 6

- Multilateral & Bilateral Treaties
- Intellectual Property & Free Trade Agreements

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 connect.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](#).

Late Penalty (applicable to Assignment only)

Late Assessment Submission Penalty

Unless a Special Consideration request has been submitted and approved, a 5% penalty (of the

total possible mark) will be applied each day a written assessment is not submitted, up until the 7th day (including weekends). After the 7th day, a mark of, 0 (zero) will be awarded even if the assessment is submitted. Submission time for all written assessments is set at 11.55pm. A 1-hour grace period is provided to students who experience a technical issue.

This late penalty will apply to non-timed sensitive assessment (incl essays, reports, posters, portfolios, journals, recordings etc). Late submission of time sensitive tasks (such as tests/ exams, performance assessments/presentations, scheduled practical assessments/labs etc) will only be addressed by the unit convenor in a Special consideration application. Special Consideration outcome may result in a new question or topic.

Student Support

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

Academic Success

[Academic Success](#) 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 Advocacy](#) provides independent advice on MQ policies, procedures, and processes

Student Enquiries

Got a question? Ask us via the [Service Connect Portal](#), 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.

Unit information based on version 2025.02 of the [Handbook](#)