



LAWS20062 *International Commercial Law*

Term 1 - 2020

Profile information current as at 19/09/2024 11:17 am

All details in this unit profile for LAWS20062 have been officially approved by CQU University and represent a learning partnership between the University and you (our student). The information will not be changed unless absolutely necessary and any change will be clearly indicated by an approved correction included in the profile.

General Information

Overview

The unit introduces you to the laws that govern international commercial or business transactions, particularly those that govern international sales, transportation, payments, and commercial disputes. You will examine the Marrakesh Agreement Establishing the World Trade Organization, and the dispute settlement system under the Agreement. By introducing you to international commercial law, the unit will enable you to critically evaluate and propose strategies for entering and operating in international markets.

Details

Career Level: *Postgraduate*

Unit Level: *Level 9*

Credit Points: 6

Student Contribution Band: 10

Fraction of Full-Time Student Load: 0.125

Pre-requisites or Co-requisites

There are no requisites for this unit.

Important note: Students enrolled in a subsequent unit who failed their pre-requisite unit, should drop the subsequent unit before the census date or within 10 working days of Fail grade notification. Students who do not drop the unit in this timeframe cannot later drop the unit without academic and financial liability. See details in the [Assessment Policy and Procedure \(Higher Education Coursework\)](#).

Offerings For Term 1 - 2020

- Brisbane
- Melbourne
- Online
- Sydney

Attendance Requirements

All on-campus students are expected to attend scheduled classes - in some units, these classes are identified as a mandatory (pass/fail) component and attendance is compulsory. International students, on a student visa, must maintain a full time study load and meet both attendance and academic progress requirements in each study period (satisfactory attendance for International students is defined as maintaining at least an 80% attendance record).

Website

[This unit has a website, within the Moodle system, which is available two weeks before the start of term. It is important that you visit your Moodle site throughout the term. Please visit Moodle for more information.](#)

Class and Assessment Overview

Recommended Student Time Commitment

Each 6-credit Postgraduate unit at CQUniversity requires an overall time commitment of an average of 12.5 hours of study per week, making a total of 150 hours for the unit.

Class Timetable

[Regional Campuses](#)

Bundaberg, Cairns, Emerald, Gladstone, Mackay, Rockhampton, Townsville

[Metropolitan Campuses](#)

Adelaide, Brisbane, Melbourne, Perth, Sydney

Assessment Overview

1. **Practical and Written Assessment**

Weighting: 50%

2. **Practical and Written Assessment**

Weighting: 50%

Assessment Grading

This is a graded unit: your overall grade will be calculated from the marks or grades for each assessment task, based on the relative weightings shown in the table above. You must obtain an overall mark for the unit of at least 50%, or an overall grade of 'pass' in order to pass the unit. If any 'pass/fail' tasks are shown in the table above they must also be completed successfully ('pass' grade). You must also meet any minimum mark requirements specified for a particular assessment task, as detailed in the 'assessment task' section (note that in some instances, the minimum mark for a task may be greater than 50%). Consult the [University's Grades and Results Policy](#) for more details of interim results and final grades.

CQUniversity Policies

All University policies are available on the [CQUniversity Policy site](#).

You may wish to view these policies:

- Grades and Results Policy
- Assessment Policy and Procedure (Higher Education Coursework)
- Review of Grade Procedure
- Student Academic Integrity Policy and Procedure
- Monitoring Academic Progress (MAP) Policy and Procedure – Domestic Students
- Monitoring Academic Progress (MAP) Policy and Procedure – International Students
- Student Refund and Credit Balance Policy and Procedure
- Student Feedback – Compliments and Complaints Policy and Procedure
- Information and Communications Technology Acceptable Use Policy and Procedure

This list is not an exhaustive list of all University policies. The full list of University policies are available on the [CQUniversity Policy site](#).

Previous Student Feedback

Feedback, Recommendations and Responses

Every unit is reviewed for enhancement each year. At the most recent review, the following staff and student feedback items were identified and recommendations were made.

Feedback from Discussion with colleagues, including e-mail correspondence with the Head of Project Management Courses.

Feedback

Self-reflection

Recommendation

In-class assessment should be introduced to improve student participation and class attendance (with grading completed outside class time).

Feedback from Discussion with colleagues, including e-mail correspondence with the Head of Project Management Courses.

Feedback

Self-reflection

Recommendation

A consistent rubric should be used in all units within the relevant courses (the Head of Project Management Courses has provided an example rubric).

Feedback from Discussion with colleagues, including e-mail correspondence with the Head of Project Management Courses.

Feedback

Self-reflection

Recommendation

As there is no pre-requisite for the unit, the first two weeks of term should be used to introduce students to the study of law and to accommodate for this some topics in later weeks can be merged.

Feedback from Discussions with colleagues

Feedback

Self-reflection

Recommendation

Students should be provided with weekly reminders to complete their readings, attend class, etc.

Unit Learning Outcomes

On successful completion of this unit, you will be able to:

1. Examine and discuss the laws that govern international commercial or business transactions
2. Analyse the laws that govern international sales, transportation, payments, and commercial disputes
3. Assess and summarise the Marrakesh Agreement Establishing the World Trade Organization, and the dispute settlement system contained in the Dispute Settlement Understanding
4. Critically evaluate and propose strategies for entering and operating in international markets.

Textbooks and Resources

Textbooks

LAWS20062

Prescribed

International Commercial Law

6th Edition (2015)

Authors: John Mo

LexisNexis

ISBN: 9780409341560

Binding: Paperback

Additional Textbook Information

Copies are available for purchase at the CQUni Bookshop here: <http://bookshop.cqu.edu.au> (search on the Unit code)

[View textbooks at the CQUniversity Bookshop](#)

IT Resources

You will need access to the following IT resources:

- CQUniversity Student Email
- Internet
- Unit Website (Moodle)

Referencing Style

All submissions for this unit must use the referencing style: [Australian Guide to Legal Citation, 4th ed](#)

For further information, see the Assessment Tasks.

Teaching Contacts

Angelo Capuano Unit Coordinator

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Schedule

Week 1 - 09 Mar 2020

Module/Topic	Chapter	Events and Submissions/Topic
An Introduction to the Study of Law	Nickolas James, <i>Business Law</i> (Wiley, 4th ed), Chapter 1, 2, 3 and 4	

Week 2 - 16 Mar 2020

Module/Topic	Chapter	Events and Submissions/Topic
An Introduction to the Study of Law	Nickolas James, <i>Business Law</i> (Wiley, 4th ed), Chapter 1, 2, 3 and 4	

Week 3 - 23 Mar 2020

Module/Topic	Chapter	Events and Submissions/Topic
International commercial law and the sale of goods legislation	John Mo, <i>International Commercial Law</i> (Lexis Nexis, 2015), pp 1-62	

Week 4 - 30 Mar 2020

Module/Topic	Chapter	Events and Submissions/Topic
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International commercial law and the CISG John Mo, International Commercial Law (Lexis Nexis, 2015), chapter 2

Week 5 - 06 Apr 2020

Module/Topic	Chapter	Events and Submissions/Topic
Contracts for carriage by sea	John Mo, International Commercial Law (Lexis Nexis, 2015), pp 212-308	

Vacation Week - 13 Apr 2020

Module/Topic	Chapter	Events and Submissions/Topic
Assignment preparation		

Week 6 - 20 Apr 2020

Module/Topic	Chapter	Events and Submissions/Topic
Contracts for carriage by air and land	John Mo, International Commercial Law (Lexis Nexis, 2015), pp 308-424	

Week 7 - 27 Apr 2020

Module/Topic	Chapter	Events and Submissions/Topic
International trade and marine insurance	John Mo, International Commercial Law (Lexis Nexis, 2015), pp 509-556	

Week 8 - 04 May 2020

Module/Topic	Chapter	Events and Submissions/Topic
International trade and payments	John Mo, International Commercial Law (Lexis Nexis, 2015), ch 4	Assignment 1 (problem solving task) due 5.00pm (AEST) on Friday 8 May 2020 Problem solving task Due: Week 8 Friday (8 May 2020) 5:00 pm AEST

Week 9 - 11 May 2020

Module/Topic	Chapter	Events and Submissions/Topic
Foreign investment law	John Mo, International Commercial Law (Lexis Nexis, 2015), ch 6	

Week 10 - 18 May 2020

Module/Topic	Chapter	Events and Submissions/Topic
The World Trade Organization	John Mo, International Commercial Law (Lexis Nexis, 2015), ch 7	

Week 11 - 25 May 2020

Module/Topic	Chapter	Events and Submissions/Topic
Regional trade agreements and free trade agreements	John Mo, International Commercial Law (Lexis Nexis, 2015), ch 8	Assignment 2 (research assignment) due 5.00pm (AEST) Friday 31 May 2020. RESEARCH ASSIGNMENT AND PRESENTATION Due: Week 11 Friday (29 May 2020) 5:00 pm AEST

Week 12 - 01 Jun 2020

Module/Topic	Chapter	Events and Submissions/Topic
Settlement of international commercial disputes	John Mo, International Commercial Law (Lexis Nexis, 2015), ch 9	In-class presentations to be completed by students as part of assignment 2

Review/Exam Week - 08 Jun 2020

Module/Topic	Chapter	Events and Submissions/Topic
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Exam Week - 15 Jun 2020

Module/Topic	Chapter	Events and Submissions/Topic
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Assessment Tasks

1 Problem solving task

Assessment Type

Practical and Written Assessment

Task Description

This task will require students to apply law, rules and contractual clauses to a fictitious set of facts, and make a conclusion based on legal analysis. A rubric will be available on Moodle.

Assessment Due Date

Week 8 Friday (8 May 2020) 5:00 pm AEST

Return Date to Students

Week 9 Friday (15 May 2020)

Weighting

50%

Assessment Criteria**Criteria:****Identification of relevant issues**

- demonstrated understanding of issues raised by the problem
- demonstrated ability to identify relevant issues raised by the problem

Identification of relevant law or rules

- demonstrated ability to identify relevant law/rules
- demonstrated understanding of relevant law/rules
- use of most appropriate law/rules

Application of law or rules to facts

- demonstrated ability to apply law/rules to facts
- demonstrated understanding of applicable law/rules
- demonstrated ability to find and apply relevant contractual clauses
- demonstrated ability to think critically
- demonstrated ability to consider both sides of an argument

Conclusion based on legal analysis

- demonstrated ability to reach a conclusion based on sound reasoning and application of law/rules

Clarity of expression and flow of argument

- clear structure
- clear expression
- use of headings and sub-headings, where necessary
- clear argument
- proper grammar and correct spelling

Proper referencing

- compliance with the Australian Guide to Legal Citation, 4th edition

Referencing Style

- [Australian Guide to Legal Citation, 4th ed](#)

Submission

Online

Submission Instructions

Online via Moodle.

Graduate Attributes

- Knowledge
- Communication
- Cognitive, technical and creative skills
- Research
- Self-management
- Ethical and Professional Responsibility

Learning Outcomes Assessed

- Examine and discuss the laws that govern international commercial or business transactions
- Analyse the laws that govern international sales, transportation, payments, and commercial disputes
- Assess and summarise the Marrakesh Agreement Establishing the World Trade Organization, and the dispute settlement system contained in the Dispute Settlement Understanding

2 RESEARCH ASSIGNMENT AND PRESENTATION

Assessment Type

Practical and Written Assessment

Task Description

This task will require students to research a set topic in international commercial law. The assessment will include a practical component in week 12 of term which will require each student to give an in-class presentation.

Assessment Due Date

Week 11 Friday (29 May 2020) 5:00 pm AEST

Return Date to Students

Review/Exam Week Friday (12 June 2020)

Weighting

50%

Assessment Criteria

Criteria:

Clarity of expression and flow of argument

Originality

Accuracy

Demonstrated research

Clarity of structure

Demonstrated ability to critique law, rules and/or institutions

Balance of argument

Proper referencing

Referencing Style

- [Australian Guide to Legal Citation, 4th ed](#)

Submission

Offline Online

Submission Instructions

Assignment to be submitted: (1) online through Moodle by the due date; and (2) in hard copy in week 12 of class.

Graduate Attributes

- Knowledge
- Communication
- Cognitive, technical and creative skills
- Research
- Self-management
- Ethical and Professional Responsibility

Learning Outcomes Assessed

- Critically evaluate and propose strategies for entering and operating in international markets.

Academic Integrity Statement

As a CQUniversity student you are expected to act honestly in all aspects of your academic work.

Any assessable work undertaken or submitted for review or assessment must be your own work. Assessable work is any type of work you do to meet the assessment requirements in the unit, including draft work submitted for review and feedback and final work to be assessed.

When you use the ideas, words or data of others in your assessment, you must thoroughly and clearly acknowledge the source of this information by using the correct referencing style for your unit. Using others' work without proper acknowledgement may be considered a form of intellectual dishonesty.

Participating honestly, respectfully, responsibly, and fairly in your university study ensures the CQUniversity qualification you earn will be valued as a true indication of your individual academic achievement and will continue to receive the respect and recognition it deserves.

As a student, you are responsible for reading and following CQUniversity's policies, including the [Student Academic Integrity Policy and Procedure](#). This policy sets out CQUniversity's expectations of you to act with integrity, examples of academic integrity breaches to avoid, the processes used to address alleged breaches of academic integrity, and potential penalties.

What is a breach of academic integrity?

A breach of academic integrity includes but is not limited to plagiarism, self-plagiarism, collusion, cheating, contract cheating, and academic misconduct. The Student Academic Integrity Policy and Procedure defines what these terms mean and gives examples.

Why is academic integrity important?

A breach of academic integrity may result in one or more penalties, including suspension or even expulsion from the University. It can also have negative implications for student visas and future enrolment at CQUniversity or elsewhere. Students who engage in contract cheating also risk being blackmailed by contract cheating services.

Where can I get assistance?

For academic advice and guidance, the [Academic Learning Centre \(ALC\)](#) can support you in becoming confident in completing assessments with integrity and of high standard.

What can you do to act with integrity?



Be Honest

If your assessment task is done by someone else, it would be dishonest of you to claim it as your own



Seek Help

If you are not sure about how to cite or reference in essays, reports etc, then seek help from your lecturer, the library or the Academic Learning Centre (ALC)



Produce Original Work

Originality comes from your ability to read widely, think critically, and apply your gained knowledge to address a question or problem