LAWS20062 *International Commercial Law*

Term 2 - 2020

Profile information current as at 12/10/2024 12:33 pm

All details in this unit profile for LAWS20062 have been officially approved by CQUniversity 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 2 - 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. **In-class Test(s)**
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 Student

Feedback

Confusion about how to comply with the Australian Guide to Legal Citation

Recommendation

Moving forward, assessments should use the referencing style which is adopted in business units rather than the Australian Guide to Legal Citation. However, it should be made clear that footnotes may need to be used to properly reference case law, legislation and treaty.

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.

Alignment of Learning Outcomes, Assessment and Graduate Attributes

— N/A Level | • Introductory Level | • Intermediate Level | • Graduate Level | ∘ Professional Level | ∘ Advanced Level

Alignment of Assessment Tasks to Learning Outcomes

Assessment Tasks	Learning Outcomes			
	1	2	3	4
1 - In-class Test(s) - 50%	•	•		•
2 - Practical and Written Assessment - 50%			•	

Alignment of Graduate Attributes to Learning Outcomes

Graduate Attributes	Learning Outcomes			
	1	2	3	4
1 - Knowledge	∘	∘	∘	∘
2 - Communication	∘	∘	∘	∘
3 - Cognitive, technical and creative skills	∘	∘	∘	
4 - Research	∘		∘	
5 - Self-management		∘		∘
6 - Ethical and Professional Responsibility			∘	∘
7 - Leadership				
8 - Aboriginal and Torres Strait Islander Cultures				

Alignment of Assessment Tasks to Graduate Attributes

Assessment Tasks	Graduate Attributes							
	1	2	3	4	5	6	7	8
1 - In-class Test(s) - 50%	∘	∘	∘	∘	∘	∘		
2 - Practical and Written Assessment - 50%	∘	∘	∘	∘	∘	∘		

Textbooks and Resources

Textbooks

LAWS20062

Prescribed

International Commercial Law
Edition: 6th (2015)
Authors: John Mo
LexisNexis
Sydney , NSW , Australia
ISBN: 9780409341560
Binding: Paperback

Additional Textbook Information
If you prefer to study with a paper copy, they are available at the CQUni Bookshop here: http://bookshop.cqu.edu.au (search on the Unit code). eBooks are available at the publisher's website.

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 styles below:

- Australian Guide to Legal Citation, 4th ed
- American Psychological Association 7th Edition (APA 7th edition)

For further information, see the Assessment Tasks.

Teaching Contacts

Matt Nichol Unit Coordinator
m.nichol@cqu.edu.au

Schedule

Week 1 - What is Law? - 13 Jul 2020

Module/Topic	Chapter	Events and Submissions/Topic
Business and Law, the Australian Legal System	Nikolas James, *Business Law* (4th ed, 2017: Wiley), Chapters 1, 2, 3 and 4	

Week 2 - Studying Law - 20 Jul 2020

Module/Topic	Chapter	Events and Submissions/Topic
Legal Research and Writing	Nikolas James, *Business Law* (4th ed 2017: Wiley), Chapters 1, 2, 3 and 4	

Week 3 - International Commercial Contracts and Domestic Law - 27 Jul 2020

Module/Topic	Chapter	Events and Submissions/Topic
Contract Law and Sale of Goods Legislation	John Mo, *International Commercial Law* (6th ed 2015: Lexis Nexis), Chapter 1	

Week 4 - International Commercial Contracts and International Law - 03 Aug 2020

Module/Topic	Chapter	Events and Submissions/Topic
The Convention on Contracts for the International Sale of Goods ('CISG')	John Mo, *International Commercial Law* (6th ed 2015: Lexis Nexis), Chapter 2	

Week 5 - Contracts for the Carriage of Goods by Sea - 10 Aug 2020

Module/Topic	Chapter	Events and Submissions/Topic
Laws Governing Goods Shipped by Sea	John Mo, *International Commercial Law* (6th ed 2015: Lexis Nexis), Chapter 3 (pp 212-308)	

Vacation Week - 17 Aug 2020

Module/Topic	Chapter	Events and Submissions/Topic
		Zoom Consultation on Assessment Task 1

Week 6 - Contracts for the Carriage of Goods by Air and Land - 24 Aug 2020

Module/Topic	Chapter	Events and Submissions/Topic
Laws Governing Goods Shipped by Air and Land	John Mo, *International Commercial Law* (6th ed 2015: Lexis Nexis), Chapter 3 (pp 308-424)	Assignment is due in Week 6. Due date and time to be confirmed in Moodle during term 2 **Research Assignment** Due: Week 6 Friday (28 Aug 2020) 5:00 pm AEST

Week 7 - International Trade and Marine Insurance - 31 Aug 2020

Module/Topic	Chapter	Events and Submissions/Topic
Types of Marine Insurance Contracts	John Mo, *International Commercial Law* (6th ed 2015: Lexis Nexis), Chapter 5	

Week 8 - International Trade and Payments - 07 Sep 2020

Module/Topic	Chapter	Events and Submissions/Topic
Methods of Payment for International Trade and Governing Domestic and International Laws	John Mo, *International Commercial Law* (6th ed 2015: Lexis Nexis), Chapter 4	

Week 9 - Foreign Investment Law - 14 Sep 2020

Module/Topic	Chapter	Events and Submissions/Topic
Methods of Foreign Investment and Governing Regulations	John Mo, *International Commercial Law* (6th ed 2015: Lexis Nexis), Chapter 6	

Week 10 - The World Trade Organization - 21 Sep 2020

Module/Topic	Chapter	Events and Submissions/Topic
The World Trade Organization's History, Structure, Functions and Agreements	John Mo, *International Commercial Law* (6th ed 2015: Lexis Nexis), Chapter 7	

Week 11 - Regional Trade Agreements and Free Trade Agreements - 28 Sep 2020

Module/Topic	Chapter	Events and Submissions/Topic
Key Regional and Free Trade Agreements	John Mo, *International Commercial Law* (6th ed 2015: Lexis Nexis), Chapter 8	

Week 12 - International Commercial Trade and Dispute Resolution - 05 Oct 2020

Module/Topic	Chapter	Events and Submissions/Topic

Litigation, Alternative Dispute Resolution, Arbitration and Enforcement	John Mo, *International Commercial Law* (6th ed 2015: Lexis Nexis), Chapter 9	The test will be conducted in Week 12. The date and time will be confirmed in Moodle in term 2. **Test** Due: Week 12 Monday (5 Oct 2020) 2:00 pm AEST
Review/Exam Week - 12 Oct 2020		
Module/Topic	**Chapter**	**Events and Submissions/Topic**
Exam Week - 19 Oct 2020		
Module/Topic	**Chapter**	**Events and Submissions/Topic**

Assessment Tasks

1 Research Assignment

Assessment Type
Practical and Written Assessment

Task Description
The research assignment requires students to analyse and evaluate a key legal rule, principle or law that governs international commercial law.
An assignment question and instructions will be released to students on Moodle.

Assessment Due Date
Week 6 Friday (28 Aug 2020) 5:00 pm AEST

Assessment Task 2 is to be submitted as a Word document (.doc or docx) in Moodle

Return Date to Students
Week 8 Friday (11 Sept 2020)

Marks and feedback will be provided by Moodle

Weighting
50%

Assessment Criteria
Assessment Task 2 will be assessed using the following criteria:

1. Problem solving: demonstrate problem solving skills by identifying and applying relevant legal rules and principles.
2. Critical thinking: demonstrate critical thinking by analysing, applying and evaluating facts and law in a problem solving context.
3. Information literacy: demonstrate information literacy by identifying, understanding and applying legal rules and principles in the context of international commercial law.
4. Writing and presentation: students are required to submit answers with a clear writing style that uses appropriate grammar and expression. Ideas and arguments are to be presented in a logical structure and order.
5. Referencing: students must use appropriate referencing when using international laws, domestic legislation, cases and secondary materials (for example, websites, books or journal articles).

A marking rubric is available on Moodle.

Referencing Style

- Australian Guide to Legal Citation, 4th ed
- American Psychological Association 7th Edition (APA 7th edition)

Submission
Online

assessmentOutcome

- Assess and summarise the Marrakesh Agreement establishing the World Trade Organization, and the dispute settlement system contained in the Dispute Settlement Understanding

assessmentGradAttribute

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

2 Test

Assessment Type
In-class Test(s)

Task Description
The test requires students to answer a number of legal problem and short answer questions on key areas of international commercial law covered in this unit. Examinable topics on the test include all materials covered in seminars in Weeks 1 to 12.
Further details on the test will be provided in Moodle.

Assessment Due Date
Week 12 Monday (5 Oct 2020) 2:00 pm AEST

The test is to be completed in Moodle. More information on the test is in Moodle

Return Date to Students
Exam Week Friday (23 Oct 2020)

Marks and feedback will be provided to students in Moodle

Weighting
50%

Assessment Criteria
Assessment Task 1 will be assessed using the following criteria:

1. Problem solving: demonstrate problem solving skills by identifying and applying relevant legal rules and principles.
2. Critical thinking: demonstrate critical thinking by analysing, applying and evaluating facts and law in a problem solving context.
3. Information literacy: demonstrate information literacy by identifying, understanding and applying legal rules and principles in the context of international commercial law.

A marking rubric is available on Moodle.

Referencing Style

- Australian Guide to Legal Citation, 4th ed
- American Psychological Association 7th Edition (APA 7th edition)

Submission
Online

assessmentOutcome

- Examine and discuss the laws that govern international commercial or business transactions
- Analyse the laws that govern international sales, transportation, payments, and commercial disputes
- Critically evaluate and propose strategies for entering and operating in international markets.

assessmentGradAttribute

- Knowledge
- Communication
- Cognitive, technical and creative skills

- Research
- Self-management
- Ethical and Professional Responsibility

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