



# LAWS20062 *International Commercial Law*

## Term 2 - 2020

Profile information current as at 24/04/2024 12:32 pm

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 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.



## 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

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## 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, <i>Business Law</i> (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, <i>Business Law</i> (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, <i>International Commercial Law</i> (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, <i>International Commercial Law</i> (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, <i>International Commercial Law</i> (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, <i>International Commercial Law</i> (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  <b>Research Assignment</b> 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, <i>International Commercial Law</i> (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, <i>International Commercial Law</i> (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, <i>International Commercial Law</i> (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, <i>International Commercial Law</i> (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, <i>International Commercial Law</i> (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
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### Exam Week - 19 Oct 2020

Module/Topic	Chapter	Events and Submissions/Topic
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## 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

#### Learning Outcomes Assessed

- Assess and summarise the Marrakesh Agreement establishing the World Trade Organization, and the dispute

settlement system contained in the Dispute Settlement Understanding

### **Graduate Attributes**

- 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

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

### **Graduate Attributes**

- 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