



The University of Southern Queensland

## Course specification

### Description: International Business Law

Subject	Cat-nbr	Class	Term	Mode	Units	Campus
LAW	8118	58057	3, 2006	ONC	1.00	Toowoomba

<b>Academic group:</b>	FOBUS
<b>Academic org:</b>	FOB010
<b>Student contribution band:</b>	3
<b>ASCED code:</b>	090909

### STAFFING

Examiner: Des Taylor  
Moderator: Caroline Hart

### OTHER-REQUISITES

Pre-requisite: Enrolment in a postgraduate program

### RATIONALE

A study of international business involves an examination of the environment in which such business is conducted. One important aspect of that environment is law. The law impacts not only on transactions which have a transnational aspect but also on the methods and structures through which an organisation, for example, one based in Australia, may conduct business overseas. It is clear that a failure to appreciate the legal ramifications of particular practices and transactions can have an adverse effect on the operations of an enterprise engaging in international business.

### SYNOPSIS

This course examines the impact of law on the enterprises that conduct international business and on particular transactions entered into by such enterprises. The law concerning the formation and other aspects of international sales contracts as well as the law relating to the international transport of goods and international payments will be examined. The course will also explore selected legal aspects of the World Trade Organisation and one particular regional grouping (namely the European Union). In addition, a study will be made of the law concerning the methods by which private international legal disputes are resolved.

### OBJECTIVES

The course objectives define the student learning outcomes for a course. The assessment item/s that may be used to assess student achievement of an objective is/are shown in parentheses after each objective. On successful completion of this course, students should be able to:

1. have some knowledge and understanding of the law relating to the common forms of contracts used in international sales transactions (Assignment, Examination)

2. understand the law and legal ramifications associated with the international transportation of goods (Examination)
3. understand how international payments are effected and some of the relevant legal issues associated therewith (Examination)
4. have some understanding of the World Trade Organization (WTO), especially its dispute settlement mechanism (Examination)
5. have some knowledge of regional groupings - particularly the European Union (EU) - and the relevance of same to international business law (Examination)
6. have some understanding of the methods by which private international legal disputes are resolved and the relative merits of resolution of international business disputes through the courts, by arbitration, and alternative dispute resolution (Examination).

## TOPICS

Description	Weighting (%)
1. Contracts for the international sale of goods	20.00
2. International transport of goods	20.00
3. International payments	20.00
4. The World Trade Organisation	10.00
5. Regional groupings - the European Union	15.00
6. International dispute resolution	15.00

## TEXT and MATERIALS required to be PURCHASED or ACCESSED

ALL textbooks and materials are available for purchase from USQ BOOKSHOP (unless otherwise stated). Orders may be placed via secure internet, free fax 1800642453, phone 07 46312742 (within Australia), or mail. Overseas students should fax +61 7 46311743, or phone +61 7 46312742. For costs, further details, and internet ordering, use the 'Textbook Search' facility at <http://bookshop.usq.edu.au> click 'Semester', then enter your 'Course Code' (no spaces).

LAW8118 study package available from the USQ Bookshop.

August, R 2004, *International business law: text, cases and readings*, 4th edn, Prentice Hall, Upper Saddle River, New Jersey.

Cuthbert, M 2006, *Nutshells - European Union law*, 5th edn, Thomson Sweet & Maxwell, London.

The Honourable Justice IPP, Weerasooria, WS, Nygh, PE & Butt, P (eds)  
*LexisNexus-Butterworths business and law dictionary*, (the latest edition), Butterworths, Sydney.  
 (or a similar legal dictionary)

## REFERENCE MATERIALS

Reference materials are materials that, if accessed by students, may improve their knowledge and understanding of the material in the course and enrich their learning experience.

Bennett, A 2005, *Guide to risk management in imports/exports*, CCH Australia Ltd, Sydney.

- Burnett, R 2004, *Law of international business transactions*, 3rd edn, The Federation Press, Leichhardt, New South Wales.
- Craig, P & de Burca, G 2003, *EU law text, cases and materials*, 3rd edn, Oxford University Press, Oxford.
- D'Arcy, L, Murray, C & Cleave, B 2000, *Schmitthoff's export trade - the law and practice of international trade*, 10th edn, Sweet & Maxwell, London.
- Davies, M & Dickey, A 2004, *Shipping law*, 3rd edn, Lawbook Co, Australia.
- Dockray, M 2004, *Cases and materials on the carriage of goods by sea*, 3rd edn, Cavendish Publishing, London.
- Honnold, JO 1999, *Uniform law for international sales under the 1980 United Nations convention*, 3rd edn, Kluwer Law International, The Hague.
- Islam, MR 1999, *International trade law*, LBC Information Services, Sydney.
- Moens, G & Gillies, P 2006, *International trade and business: law, policy and ethics*, 2nd edn, Routledge Cavendish, Abingdon, England.
- Pryles, M, Waincymer, J & Davies, M 2004, *International trade law commentary and materials*, 2nd edn, LBC Information Services, Sydney.
- Sanson, M 2005, *Essential international trade law*, 2nd edn, Cavendish Publishing, Sydney.
- Szyszczak, E & Cygan, A 2005, *Understanding EU law*, Sweet & Maxwell, United Kingdom.
- Todd, P 2003, *Cases and materials on international trade law*, Sweet & Maxwell, London.
- Van Houtte, H 2002, *The law of international trade*, 2nd edn, Sweet & Maxwell, London.
- Willes, JH & Willes, JA 2005, *International business law: environments and transactions*, McGraw-Hill Irwin, Boston, Massachusetts.
- Wilson, JF 2004, *Carriage of goods by sea*, 5th edn, Pearson Longman, London.
- Zeller, B 1999, *International commercial law for business*, The Federation Press, Leichhardt, New South Wales.

## **STUDENT WORKLOAD REQUIREMENTS**

ACTIVITY	HOURS
Assessment	40.00
Directed Study	56.00
Private Study	69.00

## ASSESSMENT DETAILS

Description	Marks out of	Wtg(%)	Due date
ASSIGNMENT	30.00	30.00	22 Dec 2006
EXAM A (MULTI CHOICE)	50.00	50.00	END S3 (see note 1)
EXAM B & C (T/F & PROBLEMS)	20.00	20.00	END S3

### NOTES

1. The examination is scheduled to be held in the end-of-semester examination period. Students will be advised of the official examination date for Exam (A, B and C) after the timetable has been finalised. The total working time for Exam (A, B and C) is 3 hours.

## IMPORTANT ASSESSMENT INFORMATION

- 1 Attendance requirements:  
It is the students' responsibility to attend and participate appropriately in all activities (such as lectures, tutorials, laboratories and practical work) scheduled for them, and to study all material provided to them or required to be accessed by them to maximise their chance of meeting the objectives of the course and to be informed of course-related activities and administration.
- 2 Requirements for students to complete each assessment item satisfactorily:  
To satisfactorily complete an individual assessment item a student must achieve at least 50% of the marks. (Depending upon the requirements in Statement 4 below, students may not have to satisfactorily complete each assessment item to receive a passing grade in this course.)
- 3 Penalties for late submission of required work:  
If students submit assignments after the due date without prior approval then a penalty of 20% of the total marks gained by the student for the assignment will apply for each working day late.
- 4 Requirements for student to be awarded a passing grade in the course:  
To be assured of receiving a passing grade a student must make a reasonable attempt in all of the weighted assessment items, achieve at least 50% in the examination and at least 50% of the total weighted marks available for the course.
- 5 Method used to combine assessment results to attain final grade:  
The final grades for students will be assigned on the basis of the aggregate of the weighted marks obtained for each of the summative assessment items in the course.
- 6 Examination information:  
This will be a closed examination. Candidates are allowed to bring only writing instruments into the examination.
- 7 Examination period when Deferred/Supplementary examinations will be held:  
Any Deferred or Supplementary examinations for this course will be held during the next examination period.
- 8 University Regulations:  
Students should read USQ Regulations 5.1 Definitions, 5.6. Assessment, and 5.10 Academic Misconduct for further information and to avoid actions which might contravene University Regulations. These regulations can be found at the URL <http://www.usq.edu.au/corporateservices/calendar/part5.htm>. Students should also read

the Faculty of Business Guide to Policies and Procedures of the Faculty which can be found at the URL <http://www.usq.edu.au/handbook/current/buspolproc.html>.

## **ASSESSMENT NOTES**

- 1 Assignments: (i) The due date for an assignment is the date by which a student must despatch the assignment to the USQ. (ii) Students must retain a copy of each item submitted for assessment. This must be produced within 24 hours if required by the Examiner. (iii) The Examiner may grant an extension of the due date of an assignment in extenuating circumstances. If students submit assignments after the due date and wish to claim extenuating circumstances then they shall provide validated documentary evidence with the assignment, explaining the circumstances. The Examiner shall consider the statement accompanying a late assignment and decide on the outcome. (iv) Assignments are to be submitted with the appropriate assignment cover. (v) The Examiner will normally only accept assessments that have been written, typed or printed on paper-based media. (vi) In the event that a due date for an assignment falls on a local public holiday in their area, such as a Show holiday, the due date for the assignment will be the next day. Students are to note on the assignment cover the date of the public holiday for the Examiner's convenience.
- 2 Course weightings: Course weightings of topics should not be interpreted as applying to the number of marks allocated to questions testing those topics in an examination paper. The examination may test material already tested in assignments.
- 3 Deferred work: Students who, for medical, family/personal, or employment-related reasons, are unable to complete an assignment or to sit for an examination at the scheduled time may apply to defer an assessment in a course. Such a request must be accompanied by appropriate supporting documentation. One of the following temporary grades may be awarded: IDS (Incomplete - Deferred Examination); IDM (Incomplete Deferred Make-up); IDB (Incomplete - Both Deferred Examination and Deferred Make-up).

## **OTHER REQUIREMENTS**

- 1 Learning resources: Prescribed texts and materials (see above); recommended reference materials (see above); printed Introductory Book\* and Study Book/s\*; and course Website accessible via USQConnect. \*part of the study package available from the USQ Bookshop.
  - 2 Internet access: It will be assumed by the Examiner that all students enrolled in LAW8118 will, at all relevant times during the semester, have Internet access and will be able to access such facilities as the course electronic discussion group.
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