



The University of Southern Queensland

Course specification

The current and official versions of the course specifications are available on the web at <http://www.usq.edu.au/coursespecification/current>.
Please consult the web for updates that may occur during the year.

Description: International Business Law

Subject	Cat-nbr	Class	Term	Mode	Units	Campus
LAW	8118	84042	3, 2008	EXT	1.00	Toowoomba

Academic group:	FOBUS
Academic org:	FOB010
Student contribution band:	3
ASCED code:	090909

STAFFING

Examiner: Des Taylor
Moderator: Noeleen McNamara

OTHER REQUISITES

Pre-requisite: Enrolment in a postgraduate program. Students are required to have access to a personal computer, e-mail capabilities and Internet access to USQConnect. Current details of computer requirements can be found at <http://www.usq.edu.au/business/aboutfob.htm>.

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).

Chuah, J 2005, *Law of international trade*, 3rd edn, Sweet & Maxwell, London.

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

Malbon, J & Bishop, B 2006, *Australian export: a guide to law and practice*, Cambridge University Press, Cambridge, UK.

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.

Arnull, A, Dashwood, A, Dougan, M, Ross, M, Spaventa, E & Wyatt, D Q.C. 2006, *Wyatt & Dashwood's European Union law*, 5th edn, Sweet & Maxwell, London.

Burnett, R 2004, *Law of international business transactions*, 3rd edn, Federation Press, Annandale, New South Wales.

Davies, M & Dickey, A 2004, *Shipping law*, 3rd edn, Lawbook Co, Pyrmont, New South Wales.

Dockray, M 2004, *Cases and materials on the carriage of goods by sea*, 3rd edn, Cavendish Publishing, London.

Fairhurst, J 2007, *Law of the European Union*, 6th edn, Pearson Longman, London.

Honnold, JO 1999, *Uniform law for international sales under the 1980 United Nations convention*, 3rd edn, Kluwer Law International, The Hague.

Moens, G & Gillies, P 2006, *International trade and business: law, policy and ethics*, 2nd edn, Routledge Cavendish, Abingdon, England.

Murray, C, Holloway, D & Timson-Hunt, D 2007, *Schmitthoff's export trade - the law and practice of international trade*, 11th edn, Sweet & Maxwell, London.

Pryles, M, Waincymer, J & Davies, M 2004, *International trade law commentary and materials*, 2nd edn, LBC Information Services, North Ryde, New South Wales.

Sanson, M 2005, *Essential international trade law*, 2nd edn, Cavendish Publishing, Sydney, New South Wales.

Szyszczak, E & Cygan, A 2005, *Understanding EU law*, Sweet & Maxwell, London.

Todd, P 2003, *Cases and materials on international trade law*, Sweet & Maxwell, London.

Willes, JH & Willes, JA 2005, *International business law: environments and transactions*, McGraw-Hill Irwin, Boston, Massachusetts.

Wilson, JF 2008, *Carriage of goods by sea*, 6th edn, Pearson Longman, London.

STUDENT WORKLOAD REQUIREMENTS

ACTIVITY	HOURS
Assessments	40.00
Directed Study	56.00
Private Study	69.00

ASSESSMENT DETAILS

Description	Marks out of	Wtg (%)	Due date
ASSIGNMENT	30.00	30.00	19 Dec 2008
EXAM PART A (MULTI-CHOICE)	60.00	60.00	END S3 (see note 1)
EXAM PART B (WRITTEN)	10.00	10.00	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 (Parts A and B) after the timetable has been finalised. The total working time for Exam (Parts A and B) is 2 hours.

IMPORTANT ASSESSMENT INFORMATION

- 1 Attendance requirements:
If you are an international student in Australia, you are advised to attend all classes at your campus. For all other students, there are no attendance requirements for this course. However, it is the students' responsibility 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 of the examiner, then a penalty of 5% of the total marks gained by the student for the assignment may apply for each working day late up to ten working days at which time a mark of zero may be recorded.
- 4 Requirements for student to be awarded a passing grade in the course:
To be assured of receiving a passing grade a student must achieve 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 an open examination. Candidates may have access to any printed or written material and a calculator during the examination. In line with regulation 5.6.4.2 'Use of Electronic Devices during Examinations', laptop and notebook computers are not permitted.
- 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 Student Academic Misconduct for further information and to avoid actions which might contravene university regulations. These regulations can be found at <<http://www.usq.edu.au/corporateservices/calendar/part5.htm>>. Students should also read the Faculty of Business Policies and Procedures which can be found at <<http://www.usq.edu.au/business/aboutfob.htm>>.

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. The onus is on the student to provide proof of the despatch date, if requested by the examiner. (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 in the appropriate assignment folders. (v) The examiner will normally only accept assessments that have been written, typed or printed on paper-based media. (vi) The examiner will not accept submission of assignments by facsimile, email or other electronic methods. (vii) Students who do not have regular access to postal services or who are otherwise disadvantaged by these regulations may be given special consideration. They should contact the examiner to negotiate such special arrangements. (viii) 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 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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