

# LAWS50094 International Commercial Law & Disputes

| <b>Credit Points:</b>                    | 12.50  |                |  |         |                            |                |                                      |          |       |                                    |            |       |                 |                      |       |                       |            |       |                              |            |       |                     |            |       |
|--|--|----------------|--|---------|----------------------------|----------------|--------------------------------------|----------|-------|------------------------------------|------------|-------|-----------------|----------------------|-------|-----------------------|------------|-------|------------------------------|------------|-------|---------------------|------------|-------|
| <b>Level:</b>                            | 5 (Graduate/Postgraduate)  |                |  |         |                            |                |                                      |          |       |                                    |            |       |                 |                      |       |                       |            |       |                              |            |       |                     |            |       |
| <b>Dates &amp; Locations:</b>            | This subject is not offered in 2014. 30 hours of seminar classes offered intensively, or 10 weekly 3-hour seminars over a semester.  |                |  |         |                            |                |                                      |          |       |                                    |            |       |                 |                      |       |                       |            |       |                              |            |       |                     |            |       |
| <b>Time Commitment:</b>                  | Contact Hours: 30 hours. Total Time Commitment: 144 hours.   |                |  |         |                            |                |                                      |          |       |                                    |            |       |                 |                      |       |                       |            |       |                              |            |       |                     |            |       |
| <b>Prerequisites:</b>                    | <table border="1"> <thead> <tr> <th>Subject</th> <th>Study Period Commencement:</th> <th>Credit Points:</th> </tr> </thead> <tbody> <tr> <td>LAWS50023 Legal Method and Reasoning</td> <td>February</td> <td>12.50</td> </tr> <tr> <td>LAWS50024 Principles of Public Law</td> <td>Semester 1</td> <td>12.50</td> </tr> <tr> <td>LAWS50025 Torts</td> <td>November, Semester 2</td> <td>12.50</td> </tr> <tr> <td>LAWS50026 Obligations</td> <td>Semester 1</td> <td>12.50</td> </tr> <tr> <td>LAWS50027 Dispute Resolution</td> <td>Semester 1</td> <td>12.50</td> </tr> <tr> <td>LAWS50029 Contracts</td> <td>Semester 2</td> <td>12.50</td> </tr> </tbody> </table>   |                |  | Subject | Study Period Commencement: | Credit Points: | LAWS50023 Legal Method and Reasoning | February | 12.50 | LAWS50024 Principles of Public Law | Semester 1 | 12.50 | LAWS50025 Torts | November, Semester 2 | 12.50 | LAWS50026 Obligations | Semester 1 | 12.50 | LAWS50027 Dispute Resolution | Semester 1 | 12.50 | LAWS50029 Contracts | Semester 2 | 12.50 |
| Subject                                  | Study Period Commencement:   | Credit Points: |  |         |                            |                |                                      |          |       |                                    |            |       |                 |                      |       |                       |            |       |                              |            |       |                     |            |       |
| LAWS50023 Legal Method and Reasoning     | February   | 12.50          |  |         |                            |                |                                      |          |       |                                    |            |       |                 |                      |       |                       |            |       |                              |            |       |                     |            |       |
| LAWS50024 Principles of Public Law       | Semester 1   | 12.50          |  |         |                            |                |                                      |          |       |                                    |            |       |                 |                      |       |                       |            |       |                              |            |       |                     |            |       |
| LAWS50025 Torts                          | November, Semester 2   | 12.50          |  |         |                            |                |                                      |          |       |                                    |            |       |                 |                      |       |                       |            |       |                              |            |       |                     |            |       |
| LAWS50026 Obligations                    | Semester 1   | 12.50          |  |         |                            |                |                                      |          |       |                                    |            |       |                 |                      |       |                       |            |       |                              |            |       |                     |            |       |
| LAWS50027 Dispute Resolution             | Semester 1   | 12.50          |  |         |                            |                |                                      |          |       |                                    |            |       |                 |                      |       |                       |            |       |                              |            |       |                     |            |       |
| LAWS50029 Contracts                      | Semester 2   | 12.50          |  |         |                            |                |                                      |          |       |                                    |            |       |                 |                      |       |                       |            |       |                              |            |       |                     |            |       |
| <b>Corequisites:</b>                     | None.  |                |  |         |                            |                |                                      |          |       |                                    |            |       |                 |                      |       |                       |            |       |                              |            |       |                     |            |       |
| <b>Recommended Background Knowledge:</b> | None.  |                |  |         |                            |                |                                      |          |       |                                    |            |       |                 |                      |       |                       |            |       |                              |            |       |                     |            |       |
| <b>Non Allowed Subjects:</b>             | <table border="1"> <thead> <tr> <th>Subject</th> <th>Study Period Commencement:</th> <th>Credit Points:</th> </tr> </thead> <tbody> <tr> <td>LAWS70028 International Trade Law</td> <td>June</td> <td>12.50</td> </tr> </tbody> </table>   |                |  | Subject | Study Period Commencement: | Credit Points: | LAWS70028 International Trade Law    | June     | 12.50 |                                    |            |       |                 |                      |       |                       |            |       |                              |            |       |                     |            |       |
| Subject                                  | Study Period Commencement:   | Credit Points: |  |         |                            |                |                                      |          |       |                                    |            |       |                 |                      |       |                       |            |       |                              |            |       |                     |            |       |
| LAWS70028 International Trade Law        | June   | 12.50          |  |         |                            |                |                                      |          |       |                                    |            |       |                 |                      |       |                       |            |       |                              |            |       |                     |            |       |
| <b>Core Participation Requirements:</b>  | <p>The Melbourne Law School welcomes applications from students with disabilities. It is University and Law School policy to take all reasonable steps to enable the participation of students with disabilities, and reasonable adjustments will be made to enhance a student's participation in the School's programs. The inherent academic requirements for the study in the Melbourne Law School are: The ability to attend classes and actively engage in the analysis of complex materials and debate; The ability to read, analyse and comprehend complex written legal materials and complex interdisciplinary materials; The ability to clearly and independently communicate in writing a knowledge and application of legal principles and interdisciplinary materials and critically evaluate these; The ability to clearly and independently communicate orally a knowledge and application of legal principles and interdisciplinary materials and critically evaluate these; The ability to work independently and as a part of a group; The ability to present orally and in writing legal analysis to a professional standard. Students must possess behavioural and social attributes that enable them to participate in a complex learning environment. Students are required to take responsibility for their own participation and learning. They also contribute to the learning of other students in collaborative learning environments, demonstrating interpersonal skills and an understanding of the needs of other students. Assessment may include the outcomes of tasks completed in collaboration with other students. Students who feel their disability will prevent them from participating in tasks involving these inherent academic requirements are encouraged to contact the Disability Liaison Unit: <a href="http://www.services.unimelb.edu.au/disability/">http://www.services.unimelb.edu.au/disability/</a>.</p> |                |  |         |                            |                |                                      |          |       |                                    |            |       |                 |                      |       |                       |            |       |                              |            |       |                     |            |       |
| <b>Contact:</b>                          | Melbourne Law School Student Centre<br>Email: <a href="mailto:law-studentcentre@unimelb.edu.au">law-studentcentre@unimelb.edu.au</a> (mailto:law-studentcentre@unimelb.edu.au)<br>Tel: +61 3 8344 4475   |                |  |         |                            |                |                                      |          |       |                                    |            |       |                 |                      |       |                       |            |       |                              |            |       |                     |            |       |
| <b>Subject Overview:</b>                 | This subject will examine, from an advanced and specialist point of view, a number of common commercial transactions entered into between private individuals located in different countries and between individuals and foreign governments. It will also cover important related issues  |                |  |         |                            |                |                                      |          |       |                                    |            |       |                 |                      |       |                       |            |       |                              |            |       |                     |            |       |

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|                           | <p>such as corruption, foreign investment and dispute resolution. This course aims at equipping students with an expert knowledge of the major topics within the field as well as integrating new skills in international and comparative analysis. The topics to be examined are:</p> <ul style="list-style-type: none"> <li># International trade in goods, including the contracts for sale, transport and financing of goods to and from Australia;</li> <li># Corruption in global business;</li> <li># Entry into a foreign market through the mechanisms of distributorship, agency, franchising, licensing, technology transfer and foreign direct investment; and</li> <li># International dispute resolution—negotiation, mediation, litigation and arbitration (both commercial and investment).</li> </ul>  |
| <b>Learning Outcomes:</b> | <p>Students who successfully complete this subject should have:</p> <ul style="list-style-type: none"> <li># Advanced, high level awareness of the kinds of legal problems that arise from international commercial transactions;</li> <li># Acquired an expert knowledge of how the law of sale of goods, negotiable instruments, carriage of goods and dispute settlement, is affected when goods cross national boundaries;</li> <li># A mastery of the principal mechanisms that trading parties use to resolve or reduce those problems; and</li> <li># A sophisticated understanding of the problem of corruption in international business and possible solutions.</li> </ul>  |
| <b>Assessment:</b>        | <p>An independent research paper on a topic set or approved by the subject co-ordinator with a word limit of 6,000 words. The research paper will demand advanced research skills, critical analysis of a complex and diverse array of international and comparative law source materials and an articulation of a clear and sophisticated legal argument. OR A day long, 8 hour examination.</p>   |
| <b>Prescribed Texts:</b>  | <p>Pryles, Waincymer and Davies, International Trade Law: Commentary and Materials (most recent edition); Specialist printed materials will be made available from Melbourne Law School.</p>  |
| <b>Breadth Options:</b>   | <p>This subject is not available as a breadth subject.</p>  |
| <b>Fees Information:</b>  | <p>Subject EFTSL, Level, Discipline &amp; Census Date, <a href="http://enrolment.unimelb.edu.au/fees">http://enrolment.unimelb.edu.au/fees</a></p>  |
| <b>Generic Skills:</b>    | <p>On completion of the subject, students should have developed and demonstrated expert skills in the following areas:</p> <ul style="list-style-type: none"> <li># Advanced cognitive skills to solve problems by practical application of often complex legal principles;</li> <li># Cognitive and technical skills to interpret, analyse and draft effective clauses in international commercial contracts;</li> <li># Strong conceptual understanding of preferred methods of cross-border dispute resolution and a demonstrated ability to provide sophisticated and informed advice to commercial and government clients on such methods;</li> <li># Cognitive and technical skills to establish mastery in using comparative legal materials;</li> <li># Creative and technical skills to understand and critically reflect upon diverse cultural approaches to business and dispute resolution; and</li> <li># Independent communication and technical research skills as demonstrated in either scholarly writing to a publishable level or client advice work.</li> </ul> |
| <b>Notes:</b>             | <p>This subject has a quota of 60 students.</p>   |