

730-359 Commercial Law in Asia

Credit Points:	12.500
Level:	Undergraduate
Dates & Locations:	This subject is not offered in 2008.
Time Commitment:	Contact Hours: One 2-hour lecture per week Total Time Commitment: Estimated total time commitment of 120 +/- 24 hours.
Prerequisites:	Legal Method and Reasoning; Principles of Public Law; Torts; Legal Theory; Obligations; Contracts or in each case their equivalents.
Corequisites:	None
Recommended Background Knowledge:	None
Non Allowed Subjects:	None
Core Participation Requirements:	<p><p>For the purposes of considering request for Reasonable Adjustments under the Disability Standards for Education (Cwth 2005), and Student Support and Engagement Policy, academic requirements for this subject are articulated in the Subject Overview, Learning Outcomes, Assessment and Generic Skills sections of this entry.</p> <p>It is University policy to take all reasonable steps to minimise the impact of disability upon academic study, and reasonable adjustments will be made to enhance a student's participation in the University's programs. Students who feel their disability may impact on meeting the requirements of this subject are encouraged to discuss this matter with a Faculty Student Adviser and Student Equity and Disability Support: http://services.unimelb.edu.au/disability</p></p>
Coordinator:	Professor T Lindsey
Subject Overview:	<p>This subject will examine commercial regulation in at least three of the following Asian countries in the year that it is taught: China, Japan, Korea, Taiwan, Singapore, India, Indonesia, Malaysia, Thailand, the Philippines, East Timor and Vietnam. The subject will include a joint venture hypothetical, which will be expanded each week, to give students experience of managing an investment. The hypothetical is based on actual cases. There is no overlap in content between this subject and the faculty's complementary offerings in Asian law. No knowledge of Asia or Asian languages is assumed for this subject.</p> <p>Topics covered in the subject will include Asian legal systems: an overview; historical origins, colonial and postcolonial legal orders, civil codes in an Asian setting and transplantation of the common law; current issues in contract and foreign investment regulations; civil procedure; commercial codes and corporate forms; issues in corporate governance, labour organisation and its regulation, competition policy; dispute resolution and reform of legal institutions: current issues in domestic and transnational legal practice; and regional and multilateral regulation affecting commercial transactions including WTO.</p> <p>Note: The essay in this subject is regarded as a substantial piece of legal writing for honours purposes.</p>
Assessment:	Research assignment of 5000 words, 100% or a final examination of three hours, 100%.
Prescribed Texts:	Printed materials will be issued by the Faculty of Law.
Breadth Options:	This subject is not available as a breadth subject.
Fees Information:	Subject EFTSL, Level, Discipline & Census Date, http://enrolment.unimelb.edu.au/fees
Generic Skills:	<p>On completion of the subject, students should have developed the following generic skills:</p> <ul style="list-style-type: none"> # attitudes towards knowledge that include valuing truth, openness to new ideas and ethics associated with knowledge creation and usage # the capacity for close reading and analysis of a range of sources

- # the capacity for critical and independent thought and reflection
- # the capacity to solve problems, including through the collection and evaluation of information
- # the capacity to communicate, both orally and in writing
- # the capacity to plan and manage time
- # the capacity to participate as a member of a team
- # intercultural sensitivity and understanding

In addition, on completion of the subject, students should have developed the following skills specific to the discipline of law:

- # legal analysis and problem-solving, including an ability to:
 - # critically analyse legal rules with reference to fundamental principles
- # legal research skills, including an ability to:
 - # find foreign case law
 - # find foreign statutes and subordinate legislation
 - # identify the version of statutory provisions in force at a particular date
- # legal writing skills, including an ability to:
 - # use foreign case law, where available and in English, as part of legal analysis
 - # use statutes, where available and in English, as part of legal analysis
 - # identify and summarise legal principles
 - # identify and summarise fundamental principles
- # use proper referencing and citation
- # present an appropriately structured and supported complex legal argument, including the use of materials arising in foreign jurisdictions
- # oral communication skills in participating in classroom problem solving and discussion
- # have enhanced general cognitive skills in relation to reading and comprehending legal materials; logical analysis and reasoning; legal research and writing; application of legal principles to factual situations; identifying relevant factual information; identifying and considering options to resolve legal problems; and drawing on the knowledge of other disciplines to understand and resolve legal issues.