

# LAWS50088 Commercial Law In Asia

<b>Credit Points:</b>	12.5																											
<b>Level:</b>	5 (Graduate/Postgraduate)																											
<b>Dates &amp; Locations:</b>	This subject is not offered in 2015.																											
<b>Time Commitment:</b>	Contact Hours: 36 hours of seminar classes usually offered intensively, or as 12 weekly 3-hour seminars over a semester. 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>LAWS50028 Constitutional Law</td> <td>Semester 2</td> <td>12.50</td> </tr> <tr> <td>LAWS50029 Contracts</td> <td>Semester 2</td> <td>12.50</td> </tr> <tr> <td>LAWS50035 Corporations Law</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	LAWS50028 Constitutional Law	Semester 2	12.50	LAWS50029 Contracts	Semester 2	12.50	LAWS50035 Corporations Law	Semester 2	12.50
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<b>Corequisites:</b>	None																											
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<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>LAWS70230 Commercial Law in Asia</td> <td>Semester 2</td> <td>12.50</td> </tr> </tbody> </table>	Subject	Study Period Commencement:	Credit Points:	LAWS70230 Commercial Law in Asia	Semester 2	12.50																					
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<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/">www.services.unimelb.edu.au/disability/</a>.</p>																											
<b>Contact:</b>	<p>Melbourne Law School Student Centre  Email: <a href="mailto:law-studentcentre@unimelb.edu.au">law-studentcentre@unimelb.edu.au</a> (mailto:law-studentcentre@unimelb.edu.au)  Tel: +61 3 8344 4475</p>																											

<b>Subject Overview:</b>	<p>This subject examines the law and practice relating to commercial transactions in a single Asian jurisdiction and will be offered by country specialists. The countries that may be examined include China, Viet Nam, Indonesia, Japan, India or Korea. This subject will provide graduates with expert, specialist knowledge about the domestic legal regime governing commercial transactions, the conditions of commercial practice and the international rules that impact on these domestic regulatory regimes.</p> <p>Topics covered may include: trade and investment policy, contract, property, trade in goods and services, investment, finance, corporations law, securities regulation, competition law and policy, commercial dispute resolution including arbitration and litigation and insolvency. A series of hypothetical transactions will be used throughout the subject to provide students with an opportunity to integrate an understanding of law and its relationship to practice in depth in a specific area of corporate life.</p> <p>Drawing upon the set reading, students will develop their own research proposals. All readings will be in English, and students are neither expected nor required to read an Asian language for satisfactory completion of this course.</p> <p>This subject provides students with expert, specialised knowledge and skills for the purposes of research and professional practice about the law and practice of commercial transactions in a single jurisdiction.</p>
<b>Learning Outcomes:</b>	<p>A student who has successfully completed this subject should have an advanced and integrated understanding of, and be able to analyse critically and reflect on:</p> <ul style="list-style-type: none"> <li># The substantive law regulating commercial transactions such as contract, trade, investment and finance in the selected jurisdiction;</li> <li># The structure and operation of domestic legal regimes and their policies for doing business in the selected Asian jurisdiction;</li> <li># The interaction between policy, law and institutional capacity in formulating and implementing commercial laws;</li> <li># Practical aspects of trade and investment and case studies relating to business and investment in the selected Asian country;</li> <li># Arguments and analyses about the role that law may play in the regulation and enforcement of commercial transactions; and</li> <li># Comparative methodologies for understanding and evaluating the regulation of commercial transactions.</li> </ul> <p>In addition, a student who has completed the subject will have obtained:</p> <ul style="list-style-type: none"> <li># The ability to integrate knowledge from a range of disciplines and to apply this understanding to new situations and contexts; and</li> <li># A highly developed ability to communicate their analysis effectively in appropriate scholarly and professional formats.</li> </ul>
<b>Assessment:</b>	<p>Students will prepare a 600 word research proposal on a topic of their choice in consultation with the coordinator. Students will then obtain and incorporate feedback from class mates and the coordinator. The research essay proposal is a hurdle requirement that will be assessed on a pass/resubmit basis; Research essay of 6,000 words due in accordance with the assessment schedule. Research essays are expected to demonstrate a sophisticated understanding of the substantive subject matter and the methodological approaches relevant to their area of research. In addition they should integrate a highly developed understanding of the legal regulatory regime with an appreciation the practical environment in which commercial relations are transacted.</p>
<b>Prescribed Texts:</b>	Specialist printed materials will be made available from Melbourne Law School.
<b>Breadth Options:</b>	This subject is not available as a breadth subject.
<b>Fees Information:</b>	Subject EFTSL, Level, Discipline & Census Date, <a href="http://enrolment.unimelb.edu.au/fees">http://enrolment.unimelb.edu.au/fees</a>
<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># The capacity to locate and critically evaluate a range of primary and secondary source materials to investigate the regulation of commercial transactions in the selected Asian jurisdiction;</li> </ul>

	<ul style="list-style-type: none"><li># The capacity to apply core legal principles and concepts (building upon and extending beyond those in compulsory JD subjects) in analysing a commercial transaction in an Asian jurisdiction and from a comparative law perspective;</li><li># The capacity for critical and independent thought and reflection, as well as intercultural sensitivity and understanding;</li><li># An expanded capacity for legal research involving interdisciplinary materials;</li><li># The capacity to identify and solve legal problems at an advanced level and to apply those solutions to complex commercial transactions;</li><li># The capacity to prepare and present sophisticated oral and written argument and defend that argument, to demonstrate rigorous legal analysis and to understand the practical environment in which the law is practised.</li></ul>
<b>Notes:</b>	This subject has a quota of 60 students. Details on <b>quota subject selection</b> ( <a href="http://www.law.unimelb.edu.au/jd/current-students/enrolments/quota-subject-selection/">http://www.law.unimelb.edu.au/jd/current-students/enrolments/quota-subject-selection/</a> ) are available on the JD website.