

# LAWS70230 Commercial Law in Asia

<b>Credit Points:</b>	12.5						
<b>Level:</b>	7 (Graduate/Postgraduate)						
<b>Dates &amp; Locations:</b>	2016, Parkville This subject commences in the following study period/s: Semester 2, Parkville - Taught on campus. This subject has a quota of 30 students. Please refer to the Melbourne Law Masters website for further information about the management of subject quotas and waitlists.						
<b>Time Commitment:</b>	Contact Hours: 24-26 hours Total Time Commitment: 136-150 hours The pre-teaching period commences four weeks before the subject commencement date. From this time, students are expected to access and review the Reading Guide that will be available from the LMS subject page and the subject materials provided by the subject coordinator, which will be available from Melbourne Law School. Refer to the Reading Guide for confirmation of which resources need to be read and what other preparation is required before the teaching period commences.						
<b>Prerequisites:</b>	<p><b>Melbourne Law Masters Students:</b> None</p> <p><b>JD Students:</b> Successful completion of the below subject:</p> <table border="1"> <thead> <tr> <th>Subject</th> <th>Study Period Commencement:</th> <th>Credit Points:</th> </tr> </thead> <tbody> <tr> <td>LAWS50029 Contracts</td> <td>Semester 2</td> <td>12.5</td> </tr> </tbody> </table>	Subject	Study Period Commencement:	Credit Points:	LAWS50029 Contracts	Semester 2	12.5
Subject	Study Period Commencement:	Credit Points:					
LAWS50029 Contracts	Semester 2	12.5					
<b>Corequisites:</b>	None						
<b>Recommended Background Knowledge:</b>	Applicants without legal qualifications should note that subjects are offered in the discipline of law at an advanced graduate level. While every effort will be made to meet the needs of students trained in other fields, concessions will not be made in the general level of instruction or assessment. Most subjects assume the knowledge usually acquired in a degree in law (LLB, JD or equivalent). Applicants should note that admission to some subjects in the Melbourne Law Masters will be dependent upon the individual applicant's educational background and professional experience.						
<b>Non Allowed Subjects:</b>	None						
<b>Core Participation Requirements:</b>	The Melbourne Law Masters welcomes applications from students with disabilities. The inherent academic requirements for study in the Melbourne Law Masters are: The ability to attend a minimum of 75% of classes and actively engage in the analysis and critique 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 to 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 who feel their disability will inhibit them from meeting these inherent academic requirements are encouraged to contact Student Equity and Disability Support.						
<b>Coordinator:</b>	Dr Benny Tabalujan						
<b>Contact:</b>	<p><b>Lecturers</b></p> <p><b>Associate Professor Benny Tabalujan</b> (<a href="http://www.law.unimelb.edu.au/staff/Benny%20Tabalujan">http://www.law.unimelb.edu.au/staff/Benny%20Tabalujan</a>) (Coordinator)</p> <p>Email: <a href="mailto:law-masters@unimelb.edu.au">law-masters@unimelb.edu.au</a> (<a href="mailto:law-masters@unimelb.edu.au">mailto:law-masters@unimelb.edu.au</a>)</p> <p>Phone: +61 3 8344 6190</p> <p>Website: <a href="http://www.law.unimelb.edu.au/masters">www.law.unimelb.edu.au/masters</a> (<a href="http://www.law.unimelb.edu.au/masters">http://www.law.unimelb.edu.au/masters</a>)</p>						

<b>Subject Overview:</b>	<p>The emergence of Asia as an economic powerhouse is driving enormous interest in doing business in the region. This subject provides students with an opportunity to examine commercial law in an Asian context. Although parallels can be drawn between Asian jurisdictions in terms of their economic and legal development, their commercial law systems are too diverse to be treated uniformly. Instead, the focus is on analysing key legal aspects of doing business in Asia – including contracts, business entities, international trade, competition law, dispute resolution and the role of lawyers – by reference to systems and case studies in various Asian jurisdictions. Singapore and Australia will be used as reference jurisdictions. The lecturer previously worked as a lawyer and academic in Australia, Hong Kong and Singapore and has written extensively on specific Asian business law topics.</p> <p>Principal topics include:</p> <ul style="list-style-type: none"> <li># Introduction to economic, political and cultural context of Asian laws</li> <li># Commercial contracts</li> <li># Business entities</li> <li># Foreign investment</li> <li># Overview of World Trade Organization and international trade regulation</li> <li># Competition law</li> <li># Overview of finance and capital markets</li> <li># Courts and dispute resolution in Asia</li> <li># The role and regulation of lawyers.</li> </ul>
<b>Learning Outcomes:</b>	<p>A student who has successfully completed this subject will:</p> <ul style="list-style-type: none"> <li># Have an advanced and integrated understanding of the theoretical and practical challenges to the study of Asian legal systems from the perspective of commercial law, including recent trends in this area</li> <li># Be able to critically examine, analyse, interpret and assess the effectiveness of specific aspects of Asian commercial laws, such corporate law and competition law, in their respective contexts</li> <li># Be an engaged participant in debate regarding the effectiveness of courts and alternative dispute resolution methods in specific Asian jurisdictions from the perspective of resolving commercial disputes</li> <li># Have an advanced understanding of how economic, cultural and political factors can affect the functioning of commercial law in key Asian jurisdictions, especially in the context of foreign investment and international trade</li> <li># Have a detailed understanding of specific case studies which demonstrate various legal issues encountered when contracting or undertaking commercial transactions in Asia</li> <li># Have the cognitive and technical skills to generate critical and creative ideas relating to Asian commercial law and to critically evaluate specific proposals in this area of law and practice</li> <li># Have the cognitive and technical skills to independently examine, research and analyse existing and emerging issues in Asian commercial law</li> <li># Have the communication skills to clearly articulate and convey complex information regarding specific issues in Asian commercial law to relevant specialist and non-specialist audiences</li> <li># Be able to demonstrate autonomy, expert judgment and responsibility as a practitioner and learner in the field of Asian commercial laws.</li> </ul>
<b>Assessment:</b>	<p>Take-home examination (5,000-6,000 words as specified in the subject reading guide) (100%) (11 - 14 November) or 10,000 word research paper (100%) (14 November) on a topic approved by the subject coordinator A minimum of 75% attendance is a hurdle requirement.</p>
<b>Prescribed Texts:</b>	<p>Specialist printed materials will be made available free of charge from the Melbourne Law School prior to the pre-teaching period.</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>Links to further information:</b>	<p><a href="http://www.law.unimelb.edu.au/subject/LAWS70230/2016">www.law.unimelb.edu.au/subject/LAWS70230/2016</a></p>

<b>Related Course(s):</b>	Graduate Diploma in Asian Law Graduate Diploma in Legal Studies Juris Doctor Master of Commercial Law Master of Law and Development Master of Laws Master of Public and International Law
---------------------------	---