

LAWS70414 Deals with China

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| Credit Points: | 12.5 |
| Level: | 7 (Graduate/Postgraduate) |
| Dates & Locations: | This subject is not offered in 2016. |
| Time Commitment: | Contact Hours: The total class time is between 24 and 26 hours. Total Time Commitment: 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. |
| Prerequisites: | None |
| Corequisites: | None |
| Recommended Background Knowledge: | 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. |
| Non Allowed Subjects: | None |
| Core Participation Requirements: | 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 the Disability Liaison Unit: www.services.unimelb.edu.au/disability/ |
| Contact: | For more information: Email: law-masters@unimelb.edu.au (mailto:law-masters@unimelb.edu.au) Phone: +61 3 8344 6190 Website: www.law.unimelb.edu.au/masters (http://www.law.unimelb.edu.au/masters) |
| Subject Overview: | <p>This subject examines the legal issues and practical challenges that arise in relation to a cross-border transaction with China. Students will work through a type of foreign investment transaction (a joint venture), which will be used as a point of reference throughout the subject. In this way, students will develop an advanced and integrated understanding of the nature of a cross-border transaction with China (involving a foreign investor and assets in China) and also the legal issues that are relevant to each stage of the transaction. These issues will include the following:</p> <ul style="list-style-type: none"> # The legal and regulatory framework for foreign investment in China # The different ways in which foreign investment is structured, including joint ventures and acquisitions # The various stages of a foreign investment transaction in China # Key legal issues arising in relation to documentation, including the impact of foreign investment law, contract law, property law, company law and private international law # Mechanisms for resolving disputes, including arbitration clauses |

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| | <ul style="list-style-type: none"> # The regulation and role of lawyers in a deal with China and the theory behind the skills that they require, including advisory skills, drafting skills, cross-cultural communication skills and negotiation skills. <p>Principal topics will include:</p> <ul style="list-style-type: none"> # The Chinese legal system and foreign investment environment # Preliminary agreements and deal stages # Investment forms and company law # Merger control # Contract law # Property law # Dispute resolution # Termination, insolvency and winding-up # The role of lawyers # Skills—drafting, negotiation and cross-cultural communication skills. |
| Learning Outcomes: | <p>A student who has successfully completed this subject will have an advanced understanding of, and be able to critically analyse:</p> <ul style="list-style-type: none"> # Fundamental aspects of the practice of commercial law from the perspective of a foreign investment transaction with China and the importance of understanding the different models and approaches; # The structure and operation of the Chinese legal system; # The interaction and different dynamics between policy, legal systems and commercial laws in China; # Practical commercial dispute resolution and contract management; # The role of commercial lawyers and the importance of developing a commercial awareness so that lawyers can function effectively as legal advisors in a cross-border context; # The challenges facing lawyers practising in a foreign jurisdiction; and # Practical case studies relating to business and investment in China. |
| Assessment: | Take-home examination (100%) or 10,000 word research paper (100%) on a topic approved by the subject coordinator |
| Prescribed Texts: | Core subject materials will be provided free of charge to all students. Some subjects require further texts to be purchased. Details regarding any prescribed texts will be provided prior to the commencement of the subject. |
| 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 |
| Links to further information: | www.law.unimelb.edu.au/subject/LAWS70414/2014 |
| Notes: | This subject has a quota of 30 students. Please refer to the website www.law.unimelb.edu.au/masters/courses-and-subjects/subjects/subject-timing-and-format (http://www.law.unimelb.edu.au/masters/courses-and-subjects/subjects/subject-timing-and-format) for further information about the management of subject quotas and waitlists. |
| Related Course(s): | <p>Graduate Diploma in Asian Law Graduate Diploma in Legal Studies Master of Commercial Law Master of Laws Master of Public and International Law</p> |