

LAWS70457 Investment and Risk in Southeast Asia

Credit Points:	12.5																					
Level:	7 (Graduate/Postgraduate)																					
Dates & Locations:	2016, Parkville This subject commences in the following study period/s: May, 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.																					
Time Commitment:	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.																					
Prerequisites:	<p>Melbourne Law Masters Students: None</p> <p>JD Students: Successful completion of all the below subjects:</p> <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>12.5</td> </tr> <tr> <td>LAWS50030 Property</td> <td>Semester 1</td> <td>12.5</td> </tr> <tr> <td>LAWS50029 Contracts</td> <td>Semester 2</td> <td>12.5</td> </tr> <tr> <td>LAWS50033 Trusts</td> <td>Semester 1</td> <td>12.5</td> </tr> <tr> <td>LAWS50028 Constitutional Law</td> <td>Semester 2</td> <td>12.5</td> </tr> <tr> <td>LAWS50025 Torts</td> <td>November, Semester 2</td> <td>12.5</td> </tr> </tbody> </table>	Subject	Study Period Commencement:	Credit Points:	LAWS50023 Legal Method and Reasoning	February	12.5	LAWS50030 Property	Semester 1	12.5	LAWS50029 Contracts	Semester 2	12.5	LAWS50033 Trusts	Semester 1	12.5	LAWS50028 Constitutional Law	Semester 2	12.5	LAWS50025 Torts	November, Semester 2	12.5
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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 Student Equity and Disability Support.																					
Contact:	<p>Lecturers</p> <p>Mr Thomas Miller (http://www.law.unimelb.edu.au/staff/Thomas%20Miller) (Coordinator)</p>																					

	<p>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)</p>
Subject Overview:	<p>Investors involved in transactions in developing jurisdictions face a different set of risks from those working in developed countries. Lawyers, wherever located, need to know where to look for these risks, how to interpret them for clients, employers and counterparties and how to manage them. This knowledge is fundamental to advising investors how to avoid delays, cost overruns and transaction failure. This subject is explicitly transactional and designed to assist students who wish to be involved in deals in the region.</p> <p>Materials and case studies will look at a number of countries in the region with examples taken principally from Thailand, Vietnam, Indonesia and Myanmar. However, skills learnt will be generally applicable to investing and advising in unfamiliar jurisdictions.</p> <p>Thomas Miller has spent most of the past 20 years in private practice in Asia working on Asian transactions as a partner in the law firm Allens Linklaters.</p> <p>Principal topics include:</p> <ul style="list-style-type: none"> # The characteristics of developing country legal systems that require a different transactional approach # The identification of areas of investment where investment challenges are most likely to occur in developing countries # The conduct of due diligence focusing on those areas where risk profiles differ significantly from those in a developed jurisdiction, such as land entitlements and disputes # Structuring a foreign investment # Funding a foreign investment # Acquisitions of existing businesses # Financing issues—and in particular foreign exchange controls, loan registration, the adequacy of securities and securities registers, the non-recognition of trusts and the relevance of political risk insurance # Strategies for managing risk using documentation, negotiation and transaction structures.
Learning Outcomes:	<p>A student who has successfully completed this subject will:</p> <ul style="list-style-type: none"> # Acquire the analytical skills required to identify a broad range of legal risks in unfamiliar legal environments. Particular focus will be given to foreign investment, acquisition and financing transactions and at a more detailed level subject areas including due diligence, foreign exchange remittance and convertibility and enforcement # Be able to interpret risk factors for clients, employers or counterparties who are only familiar with developed country transactional standards # Be able to devise and implement strategies to manage legal risk and achieve investment goals through documentation, negotiation and transaction structuring # Be able to identify those particular risks which can only be addressed through pricing changes, additional support or transaction abandonment.
Assessment:	<p>Take-home examination (5,000-6,000 words as specified in the subject reading guide) (100%) (1 - 4 July) A minimum of 75% attendance is a hurdle requirement.</p>
Prescribed Texts:	<p>Specialist printed materials will be made available free of charge from the Melbourne Law School prior to the pre-teaching period.</p>
Breadth Options:	<p>This subject is not available as a breadth subject.</p>
Fees Information:	<p>Subject EFTSL, Level, Discipline & Census Date, http://enrolment.unimelb.edu.au/fees</p>
Links to further information:	<p>www.law.unimelb.edu.au/subject/LAWS70457/2016</p>
Related Course(s):	<p>Graduate Diploma in Asian Law Graduate Diploma in Legal Studies Juris Doctor Master of Commercial Law Master of Law and Development Master of Laws</p>

Master of Public and International Law