

LAWS90009 Chinese Law and Commerce

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| Credit Points: | 12.5 |
| Level: | 9 (Graduate/Postgraduate) |
| Dates & Locations: | 2016, Parkville This subject commences in the following study period/s: July, 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: | Melbourne Law Masters Students: None JD Students: 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 Student Equity and Disability Support. |
| Coordinator: | Prof Sean Cooney |
| Contact: | Lecturers Professor Sean Cooney (http://www.law.unimelb.edu.au/staff/Sean%20Cooney) (Coordinator) Mr Andrew Godwin (http://www.law.unimelb.edu.au/staff/Andrew%20Godwin) 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: | This subject has two main dimensions. The first is a general introduction to the Chinese legal system focusing on its development, structure and institutions. This provides an essential underpinning to any foreign lawyer who seeks to engage with China in relation to a specific issue. The second dimension of the course is to focus more specifically on the major spheres |

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| | <p>in which foreign lawyers interact with the Chinese legal system in relation to commercial transactions, including both corporate and employment law.</p> <p>The subject teachers aim to shed light on contemporary Chinese law, both on paper and in practice, by discussing examples and case studies that reveal the system in action, and its potential future trajectories.</p> <p>Principal topics include:</p> <ul style="list-style-type: none"> # Historical context of the current law and practice # Constitutional issues # Institutions of the Chinese legal system (courts, legislatures, government agencies, central and local governments and lawyers) # Law and economic reform # Regulation of fundamental economic and civil relationships including property and contract # The Chinese legal system and foreign investment environment # Investment forms and company law # The Chinese legal response to the social impact of economic reform; the example of employment regulation # Dispute resolution. |
| 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 Chinese legal system, including the distinct nature of Chinese law-making, judicial processes and governmental operation # The interaction between law and the economic reform process in China # The interaction and different dynamics between policy and commercial laws in China # Practical commercial dispute resolution # The role of lawyers and the importance of enabling foreign lawyers to function effectively as legal advisors in a cross-border context # Practical case studies relating to business, employment and investment in China. <p>A student who has successfully completed this subject should also have developed and demonstrated expert skills, including:</p> <ul style="list-style-type: none"> # Cognitive skills to demonstrate mastery of theoretical knowledge and to apply that knowledge in the context of commercial transactions in China # Cognitive, technical and creative skills to investigate, analyse and synthesise complex information, problems and concepts in a cross-jurisdictional context and from a comparative law perspective # Cognitive, technical and creative skills to generate and evaluate complex ideas and concepts in relation to commercial transactions in China at an abstract level, and the ability to translate those abstract ideas and concepts to practical problems # Technical skills to design, evaluate and analyse complex legal structures and issues, as well as communication skills to advise legal and non-legal audiences on such structures and issues. |
| Assessment: | Take-home examination (5,000-6,000 words as specified in the subject reading guide) (100%) (26 - 29 August) or 10,000 word research paper (100%) (12 October) on a topic approved by the subject coordinators A minimum of 75% attendance is a hurdle requirement. |
| Prescribed Texts: | Specialist printed materials will be made available free of charge from the Melbourne Law School prior to the pre-teaching period. |
| 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/LAWS90009/2016 |
| Related Course(s): | 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