



# BUSL377

## Japanese Trade Law

S1 Day 2018

*Dept of Accounting & Corporate Governance*

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#### **Disclaimer**

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## General Information

Unit convenor and teaching staff  
Unit Convenor and Teaching Staff  
Kay-Wah Chan

[kay.chan@mq.edu.au](mailto:kay.chan@mq.edu.au)

Contact via [kay.chan@mq.edu.au](mailto:kay.chan@mq.edu.au)

Room 241, E4A

Unless otherwise announced on iLearn, Mondays (10:30 a.m. - 12:30 p.m.)

Moderator

Patricia Blazey

[trish.blazey@mq.edu.au](mailto:trish.blazey@mq.edu.au)

Contact via [trish.blazey@mq.edu.au](mailto:trish.blazey@mq.edu.au)

Room 240, E4A

N/A

Credit points

3

Prerequisites

39cp at 100 level or above

Corequisites

Co-badged status

Unit description

This unit provides an overview of trade and investment environment, business negotiation, and commerce-related laws in Japan. Topics include: constitution and governmental structure; legal system and its role in business relations; contract law; business forms; corporation law and corporate governance; labour law; intellectual property law; and dispute resolution.

Students having satisfactorily completed the unit will have basic knowledge and understanding about the characteristics and principal elements of the aforesaid topics. The contents of and the issues raised in the unit are of benefit to all students and particularly to those who intend to pursue careers involving business in or trade with Japan.

## Important Academic Dates

Information about important academic dates including deadlines for withdrawing from units are available at <https://www.mq.edu.au/study/calendar-of-dates>

## Learning Outcomes

On successful completion of this unit, you will be able to:

Recognise, explain and critique the underlying principles, characteristics and principal elements of the Japanese legal system and some main areas of Japanese commercial law (listed in the Unit Schedule below).

Identify, discuss and critique the impact of cultural and social factors on the operation of Japanese law and legal system.

Identify and critique issues that arise in Japanese law and legal system.

Conduct and carry out effective legal research relevant to the Japanese commercial legal system.

## General Assessment Information

### Class Participation

Weekly attendance of tutorial classes is required (assessment includes class activities and discussions). A roll will be taken each week. A student who is absent for a tutorial will be considered as not having participated for that tutorial.

Details on the content of tutorial classes can be found on this Unit's iLearn site (<https://ilearn.mq.edu.au/login/index.php>)

### **Assessment Criteria**

Criteria upon which class participation is to be assessed are: students' preparation for the classes, understanding of the materials, depth of arguments, participation, presentation skills, and legal research (detailed explanations are provided on the iLearn site of the unit).

### **Estimated Student Workload (outside class time)**

On average, 1.5 - 2.5 hours per week from Week 1 to Week 13.

### Class Test 1

Criteria for assessment are: students' understanding of the materials, knowledge, and ability to analyse and evaluate issues concerning the topics covered in the unit for the test (detailed explanations of the assessment criteria provided on the iLearn site of the unit).

It is an Open Book test. It is a test with short-answer questions. Information about Class Test 1 (including materials allowed to be brought to Class Test 1 and the syllabus of Class Test 1) will be announced in the Lecture in Week 3 (Monday 12 March 2018).

Class Test 1 is a 30-minute test. It will be held during the time for the Lecture in Week 7 (on 9 April 2018 Monday).

Students are expected to present for Class Test 1 at 4:00 p.m. on 9 April 2018 at the venue for the BUSL377 lecture or such another venue as announced on the iLearn site of this unit.

The only exception to not sitting Class Test 1 at the designated time is because of documented illness or unavoidable disruption. In these circumstances, students may wish to consider applying for Special Consideration under the University's Special Consideration Policy, which is available at: <https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policies/special-consideration>. If a Supplementary Test is granted, the Supplementary Test will be scheduled by the Unit Convenor.

The marked Tests will be returned to the students in the week commencing on 30 April 2018. Feedback to individual students is given in writing on the marked tests. Feedback will also be given to students verbally in the lecture in Week 8 in the form of an explanation on the correct answers, common mistakes, and the level of difficulty (low, medium and high) of the questions.

### **Estimated Student Workload (outside class time)**

On average, 2 - 2.5 hours per week from Week 1 to the date of Class Test 1 (9 April 2018) in Week 7.

### **Class Test 2**

Criteria for assessment are: students' understanding of the materials, knowledge, and ability to analyse and evaluate issues concerning the topics covered in the unit for the test (detailed explanations of the assessment criteria provided on the iLearn site of the unit).

It is an Open Book test. It is a test with short-answer questions. Information about Class Test 2 (including materials allowed to be brought to Class Test 2 and the syllabus of Class Test 2) will be announced in the Lecture in Week 9 (7 May 2018).

Class Test 2 is a 60-minute test. It will be held during the time for the Lecture in Week 12 (on 28 May 2018 Monday).

Students are expected to present for Class Test 2 at 4:00 p.m. on 28 May 2018 at the venue for the BUSL377 lecture or such another venue as announced on the iLearn site of this unit.

The only exception to not sitting Class Test 2 at the designated time is because of documented illness or unavoidable disruption. In these circumstances, students may wish to consider applying for Special Consideration under the University's Special Consideration Policy, which is available at: <https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policies/special-consideration>. If a Supplementary Test is granted, the Supplementary Test will be scheduled by the Unit Convenor.

Because the University's policy stipulates that "all assessments worth 20% or more must be archived", the marked Class Test 2 papers will now be kept by the University. The teaching staff will however bring the marked Class Test 2 papers to the tutorial class in Week 13 for students to view their own test papers. The teaching staff will also verbally provide feedback about the Class Test 2. Before the end of the tutorial class and students leave the classroom, the teaching

staff will collect the marked Class Test 2 papers for the University to keep. If students want to view the test papers again, please make arrangement with the administrative staff of the Department of Accounting and Corporate Governance.

### **Estimated Student Workload (outside class time)**

On average, 2.5 - 3 hours per week from Week 5 to the date of the Class Test 2 (28 May 2018) in Week 12.

### **Essay**

Students will be required to submit an Essay (excluding footnotes and bibliography: 2,800-3,000 words).

The Essay topic and Instructions will be posted on iLearn in Week 3.

The Essay is research based. Students will not be able to rely simply on the required and/or recommended reading materials for classes. Students will be expected to conduct their own research. The Essay is a task for each individual student. Collective or collaborative work is NOT ACCEPTABLE.

Footnotes and bibliography (in Australian Guide to Legal Citation (3rd ed) style) are required.

Criteria upon which the Essay is assessed are: the contents, structure, presentation, and referencing (footnoting and bibliography) of the essay which show the students' understanding of the materials, the depth of arguments and critique, the thoroughness of legal research, and adequacy of referencing (detailed explanations are provided on the iLearn site of this Unit).

Students must before 4:00 p.m. on 4 June 2018 hand in BOTH an electronic version of the Essay via **TURNITIN** on the iLearn site of this unit and a hard copy of the Essay to **BESS (Business and Economics Student Services)** at E4B106.

For both BESS and TURNITIN: The first submission is final. Do NOT submit to BESS more than once. Do NOT submit via TURNITIN more than once.

All text based assessments (such as the Essay) must be submitted through Turnitin as per instructions provided in the Essay Instructions (available on the iLearn site of this unit). It is the student's responsibility to ensure that work is submitted correctly prior to the due date. No hard copies of assessments will be accepted alone and only Turnitin records will be taken as records of submission. Multiple submissions via Turnitin are NOT POSSIBLE in this unit. Originality reports are NOT made available to students to view and check their work. Please refer to these instructions on how to submit your Essay through Turnitin. Should you have questions about Turnitin or experience issues submitting through the system, you must inform your unit coordinator immediately. If the issue is technical in nature, you may also lodge OneHelp Ticket or refer to the IT help page. It is the responsibility of the student to retain a copy of any work submitted. Students must produce these documents upon request. Copies should be retained

until the end of the grade appeal period each term. In the event that a student is asked to produce another copy of work submitted and is unable to do so, they may be awarded zero (0) for that particular assessment task.

In view of the time given to students to complete the Essay, no extensions will be granted. There will be a deduction of 10% of the total available marks made from the total awarded mark for each 24 hour period or part thereof that the submission is late (for example, 25 hours late in submission – 20% penalty). For example, if the Essay is worth 40 marks, a student is 23 hours late in submission and (before penalty) this student's mark is 30, the penalty will be a deduction of 4 marks (40 marks x 10% = 4 marks) (i.e. this student will obtain 26 marks for the Essay). This penalty does not apply for cases in which an application for special consideration is made and approved.

### Estimated Student Workload (outside class time)

On average, 5 hours per week from Week 3 to 4 June 2018.

## Assessment Tasks

Name	Weighting	Hurdle	Due
<a href="#">Class Participation</a>	20%	No	Ongoing
<a href="#">Class Test 1</a>	15%	No	9 April 2018
<a href="#">Class Test 2</a>	25%	No	28 May 2018
<a href="#">Essay</a>	40%	No	4 June 2018

### Class Participation

Due: **Ongoing**

Weighting: **20%**

Class attendance and participation

On successful completion you will be able to:

- Recognise, explain and critique the underlying principles, characteristics and principal elements of the Japanese legal system and some main areas of Japanese commercial law (listed in the Unit Schedule below).
- Identify, discuss and critique the impact of cultural and social factors on the operation of Japanese law and legal system.
- Identify and critique issues that arise in Japanese law and legal system.
- Conduct and carry out effective legal research relevant to the Japanese commercial legal system.

## Class Test 1

Due: **9 April 2018**

Weighting: **15%**

In-Class Test

On successful completion you will be able to:

- Recognise, explain and critique the underlying principles, characteristics and principal elements of the Japanese legal system and some main areas of Japanese commercial law (listed in the Unit Schedule below).
- Identify and critique issues that arise in Japanese law and legal system.

## Class Test 2

Due: **28 May 2018**

Weighting: **25%**

In-Class Test

On successful completion you will be able to:

- Recognise, explain and critique the underlying principles, characteristics and principal elements of the Japanese legal system and some main areas of Japanese commercial law (listed in the Unit Schedule below).
- Identify and critique issues that arise in Japanese law and legal system.

## Essay

Due: **4 June 2018**

Weighting: **40%**

Research-based essay

On successful completion you will be able to:

- Recognise, explain and critique the underlying principles, characteristics and principal elements of the Japanese legal system and some main areas of Japanese commercial law (listed in the Unit Schedule below).
- Identify, discuss and critique the impact of cultural and social factors on the operation of Japanese law and legal system.
- Identify and critique issues that arise in Japanese law and legal system.
- Conduct and carry out effective legal research relevant to the Japanese commercial legal system.

## Delivery and Resources

### Classes

3 hours face-to-face teaching per week consisting of 1 x 1.5-hour lecture and 1 x 1.5-hour tutorial.

The timetable for classes can be found on the University web site at:

<http://www.timetables.mq.edu.au/>.

Weekly attendance of tutorial classes is required (assessment includes class activities and discussions).

Details on the content of tutorial classes can be found on this Unit's iLearn site (<https://ilearn.mq.edu.au/login/index.php>).

### Prizes

Prizes for this unit (if applicable): The Macquarie University Accounting and Corporate Governance Prizes: [http://www.businessandconomics.mq.edu.au/undergraduate\\_degrees/prizes\\_scholarships](http://www.businessandconomics.mq.edu.au/undergraduate_degrees/prizes_scholarships).

### Required and Recommended Texts and/or Materials

#### Required Text

Anderson Mori & Tomotsune, *Introduction to Japanese Business Law & Practice* (Second Edition) (Japan, LexisNexis, 2014) (ISBN: 978-4-908069-00-0).

It can be purchased from the Macquarie University Co-op Bookshop.

It is available in the Macquarie Library (Call Number: KNX920 .I58 2014).

#### Other Required Materials

See the List of Weekly Topics and Prescribed Readings for Lectures and Tutorials in this Unit Guide.

They can be obtained from the Internet and/or database subscribed by the Macquarie University Library.

#### Recommended Materials

Hiroshi Oda, *Japanese Law* (Third Edition) (Oxford, Oxford University Press, 2009/2011).

Kay-Wah Chan, "Regulating Judges, Japanese-Style: The Prevalence of Informal Mechanisms" in Richard Devlin and Adam Dodek (eds) *Regulating Judges: Beyond Independence and Accountability* (Edward Elgar Publishing, 2016), pp.262-278.



Other recommended readings (if any) are as described in the Tutorial Instructions.

### **Technology Used and Required**

Technology used: learning management system (<https://ilearn.mq.edu.au/login/index.php>).

Students have to frequently access this Unit's iLearn site (<https://ilearn.mq.edu.au/login/index.php>) for the Lecture Notes, Tutorial Instructions, announcements and detailed information regarding the unit.

### **Unit Web Page**

Lecture notes (from the lectures' PowerPoint slides) are available on the learning management system (iLearn): <https://ilearn.mq.edu.au/login/index.php>.

### **Teaching and Learning Strategy**

The weekly classes will be a combination of one 1.5-hour lecture and one 1.5-hour tutorial (with case studies, simulations and reflective activities).

As assessment includes class participation in the tutorials, students will be expected to complete the required reading prior to class and to contribute to class activities (in small groups).

**Tutorials will commence in the second week of the semester: Week 2.**

Detailed tutorial instructions are available on this Unit's iLearn site (<https://ilearn.mq.edu.au/login/index.php>).

## **Unit Schedule**

### **LECTURES**

<b>Week</b>	<b>Topics</b> <small>(unless otherwise announced on the iLearn site of this unit)</small>	<b>Prescribed Readings (for Lectures)</b> <small>(unless otherwise announced on the iLearn site of this unit)</small>
<b>Week 1</b> <small>(26 February 2018)</small>	<b>Introduction &amp; Course Overview</b> <b>Understanding Japan</b> <b>Origin of the Japanese Legal System</b>	<ol style="list-style-type: none"><li>1. <b>Textbook Chapter I (Section 1)</b></li><li>2. <b>Lecture Notes</b></li><li>3. <b>Japan Country Brief</b> (URL: please see iLearn site of this unit)</li></ol>

<p><b>Week 2</b> (5 March 2018)</p>	<p><b>Governmental Structure and the Constitution</b></p>	<ol style="list-style-type: none"> <li>1. Textbook Chapter I (Sections 2 and 3)</li> <li>2. Lecture Notes</li> <li>3. <i>The Constitution</i> (URL: please see iLearn site of this unit)</li> </ol>
<p><b>Week 3</b> (12 March 2018)</p>	<p><b>Sources of Law</b> <b>Courts &amp; the Judiciary</b></p>	<ol style="list-style-type: none"> <li>1. Textbook Chapter I (Section 4)</li> <li>2. Lecture Notes</li> <li>3. "Court System of Japan"(URL: please see iLearn site of this unit)</li> </ol>
<p><b>Week 4</b> (19 March 2018)</p>	<p><b>Prosecutors</b> <b>Lawyers &amp; Quasi-Legal Professions</b> <b>Justice System Reform</b></p>	<ol style="list-style-type: none"> <li>1. Textbook Chapter I (Section 5)</li> <li>2. Lecture Notes</li> </ol>
<p><b>Week 5</b> (26 March 2018)</p>	<p><b>Doing Business in/with Japan</b> <b>Corporation Law and Corporate Governance I</b></p>	<ol style="list-style-type: none"> <li>1. Textbook Chapter I (Sections 7 and 8) and Chapter II (Sections 1 and 2)</li> <li>2. Textbook Chapter II (Sections 3 - 5) and Chapter I Section 6 (p.12)</li> <li>3. Lecture Notes</li> </ol>
<p><b>Week 6</b> (2 April 2018)</p>	<p><b>No Lecture</b> (due to public holiday)</p>	
<p><b>Week 7</b> (9 April 2018)</p>	<p><b>Class Test 1</b></p>	
<p><b>MID TERM BREAK</b> (16 - 27 April 2018)</p>		
<p><b>Week 8</b> (30 April 2018)</p>	<p><b>Corporation Law and Corporate Governance II</b></p>	<ol style="list-style-type: none"> <li>1. Textbook Chapter II (Section 5) and Chapter IV (Section 2: 3.(1)-(4) (pp.90-91))</li> <li>2. Lecture Notes</li> </ol>
<p><b>Week 9</b> (7 May 2018)</p>	<p><b>Labour Law</b></p>	<ol style="list-style-type: none"> <li>1. Textbook Chapter VIII</li> <li>2. Lecture Notes</li> </ol>
<p><b>Week 10</b> (14 May 2018)</p>	<p><b>Intellectual Property Law</b></p>	<ol style="list-style-type: none"> <li>1. Textbook Chapter V</li> <li>2. Lecture Notes</li> </ol>
<p><b>Week 11</b> (21 May 2018)</p>	<p><b>General Principles of Civil Law</b></p>	<ol style="list-style-type: none"> <li>1. Lecture Notes</li> <li>2. <b>Parts of the Civil Code (relevant articles to be announced on iLearn site of this unit)</b> (URL: please see iLearn site of this unit)</li> </ol>
<p><b>Week 12</b> (28 May 2018)</p>	<p><b>Class Test 2</b></p>	

<p><b>Week 13</b> (4 June 2018)</p>	<p><b>Contract Law and Dispute Resolution</b></p>	<ol style="list-style-type: none"> <li>1. <b>Parts of the Civil Code (relevant articles to be announced on iLearn site of this unit)</b> (URL: please see iLearn site of this unit)</li> <li>2. <b>Textbook Chapter IX</b></li> <li>3. <b>Lecture Notes</b></li> </ol>
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## Tutorials

<p><b>Week</b></p>	<p><b>Topics</b>  (unless otherwise announced on the iLearn site of this unit)</p>	<p><b>Prescribed Readings</b>  (unless otherwise announced on the iLearn site of this unit)</p>
<p><b>Week 1</b> (26 February 2018)</p>	<p><b>No tutorials this week.</b></p>	
<p><b>Week 2</b> (5 March 2018)</p>	<p><b>Introduction &amp; Course Overview</b>  <b>Understanding Japan</b>  <b>Origin of the Japanese Legal System</b></p>	<ol style="list-style-type: none"> <li>1. <b>Textbook Chapter I (Section 1)</b></li> <li>2. <b>Lecture Notes</b></li> <li>3. <b>Japan Country Brief</b> (URL: please see iLearn site of this unit)</li> </ol>
<p><b>Week 3</b> (12 March 2018)</p>	<p><b>Governmental Structure and the Constitution</b></p>	<ol style="list-style-type: none"> <li>1. <b>Textbook Chapter I (Sections 2 and 3)</b></li> <li>2. <b>Lecture Notes</b></li> <li>3. <b>The Constitution</b> (URL: please see iLearn site of this unit)</li> </ol>
<p><b>Week 4</b> (19 March 2018)</p>	<p><b>Sources of Law</b>  <b>Courts &amp; the Judiciary</b></p>	<ol style="list-style-type: none"> <li>1. <b>Textbook Chapter I (Section 4)</b></li> <li>2. <b>Lecture Notes</b></li> <li>3. <b>"Court System of Japan"</b>(URL: please see iLearn site of this unit)</li> </ol>
<p><b>Week 5</b> (26 March 2018)</p>	<p><b>Prosecutors</b>  <b>Lawyers &amp; Quasi-Legal Professions</b>  <b>Justice System Reform</b></p>	<ol style="list-style-type: none"> <li>1. <b>Textbook Chapter I (Section 5)</b></li> <li>2. <b>Lecture Notes</b></li> </ol>
<p><b>Week 6</b> (2 April 2018)</p>	<p><b>No tutorials</b> (due to public holiday)</p>	
<p><b>Week 7</b> (9 April 2018)</p>	<p><b>No tutorials</b> (due to Class Test 1 in this week)</p>	
<p><b>MID-TERM BREAK</b> (16 - 27 April 2018)</p>		

<p><b>Week 8</b></p> <p>(30 April 2018)</p>	<p><b>Essay Writing Workshop</b></p>	<p>Please see iLearn site regarding the Essay Writing Workshop</p>
<p><b>Week 9</b></p> <p>(7 May 2018)</p>	<p><b>Corporation Law and Corporate Governance I &amp; II</b></p>	<ol style="list-style-type: none"> <li>1. Textbook Chapter II (Sections 3 - 5), Chapter I Section 6 (p.12), and Chapter IV (Section 2: 3.(1)-(4) (pp.90-91))</li> <li>2. Lecture Notes</li> </ol>
<p><b>Week 10</b></p> <p>(14 May 2018)</p>	<p><b>Labour Law</b></p>	<ol style="list-style-type: none"> <li>1. Textbook Chapter VIII</li> <li>2. Lecture Notes</li> </ol>
<p><b>Week 11</b></p> <p>(21 May 2018)</p>	<p><b>Intellectual Property Law</b></p>	<ol style="list-style-type: none"> <li>1. Textbook Chapter V</li> <li>2. Lecture Notes</li> </ol>
<p><b>Week 12</b></p> <p>(28 May 2018)</p>	<p><b>No tutorials</b> (due to Class Test 2 in this week)</p>	
<p><b>Week 13</b></p> <p>(4 June 2018)</p>	<p><b>General Principles of Civil Law</b></p>	<ol style="list-style-type: none"> <li>1. Lecture Notes</li> <li>2. <b>Parts of the Civil Code (relevant articles to be announced on iLearn site of this unit)</b> (URL: please see iLearn site of this unit)</li> </ol>

## Policies and Procedures

Macquarie University policies and procedures are accessible from [Policy Central \(https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central\)](https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central). Students should be aware of the following policies in particular with regard to Learning and Teaching:

- [Academic Appeals Policy](#)
- [Academic Integrity Policy](#)
- [Academic Progression Policy](#)
- [Assessment Policy](#)
- [Fitness to Practice Procedure](#)
- [Grade Appeal Policy](#)
- [Complaint Management Procedure for Students and Members of the Public](#)
- [Special Consideration Policy](#) (**Note:** *The Special Consideration Policy is effective from 4 December 2017 and replaces the Disruption to Studies Policy.*)

Undergraduate students seeking more policy resources can visit the [Student Policy Gateway \(https://students.mq.edu.au/support/study/student-policy-gateway\)](https://students.mq.edu.au/support/study/student-policy-gateway). It is your one-stop-shop for the

key policies you need to know about throughout your undergraduate student journey.

If you would like to see all the policies relevant to Learning and Teaching visit [Policy Central \(http://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central\)](http://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central).

## Student Code of Conduct

Macquarie University students have a responsibility to be familiar with the Student Code of Conduct: <https://students.mq.edu.au/study/getting-started/student-conduct>

## Results

Results shown in *iLearn*, or released directly by your Unit Convenor, are not confirmed as they are subject to final approval by the University. Once approved, final results will be sent to your student email address and will be made available in [eStudent](#). For more information visit [ask.mq.edu.au](http://ask.mq.edu.au).

## Grades

Macquarie University uses the following grades in coursework units of study:

- HD - High Distinction
- D - Distinction
- CR - Credit
- P - Pass
- F - Fail

All final grades in the Department of Accounting and Corporate Governance are determined by a grading committee and are not the sole responsibility of the Unit Coordinator.

Students will be awarded one of these grades.

The final grade that is awarded reflect the corresponding grade descriptor in the Grading Policy.

There is no hurdle assessment task in this unit.

**To pass the unit, the students need an overall mark of 50%.**

## Student Support

Macquarie University provides a range of support services for students. For details, visit <http://students.mq.edu.au/support/>

## Learning Skills

Learning Skills ([mq.edu.au/learningskills](http://mq.edu.au/learningskills)) provides academic writing resources and study strategies to improve your marks and take control of your study.

- [Workshops](#)
- [StudyWise](#)

- [Academic Integrity Module for Students](#)
- [Ask a Learning Adviser](#)

## Student Services and Support

Students with a disability are encouraged to contact the [Disability Service](#) who can provide appropriate help with any issues that arise during their studies.

## Student Enquiries

For all student enquiries, visit Student Connect at [ask.mq.edu.au](http://ask.mq.edu.au)

## IT Help

For help with University computer systems and technology, visit [http://www.mq.edu.au/about\\_us/offices\\_and\\_units/information\\_technology/help/](http://www.mq.edu.au/about_us/offices_and_units/information_technology/help/).

When using the University's IT, you must adhere to the [Acceptable Use of IT Resources Policy](#). The policy applies to all who connect to the MQ network including students.

Access to all student computing facilities within the Faculty of Business and Economics is restricted to authorised coursework for approved units. Student ID cards must be displayed in the locations provided at all times.

Students are expected to act responsibly when using University IT facilities. The following regulations apply to the use of computing facilities and online services:

- Accessing inappropriate web sites or downloading inappropriate material is not permitted. Material that is not related to coursework for approved units is deemed inappropriate.
- Downloading copyright material without permission from the copyright owner is illegal, and strictly prohibited. Students detected undertaking such activities will face disciplinary action, which may result in criminal proceedings.

Non-compliance with these conditions may result in disciplinary action without further notice.

Students must use their Macquarie University email addresses to communicate with staff as it is University policy that the University issued email account is used for official University communication.

**Consultation is not available via email or telephone.**

## Graduate Capabilities

### Discipline Specific Knowledge and Skills

Our graduates will take with them the intellectual development, depth and breadth of knowledge, scholarly understanding, and specific subject content in their chosen fields to make them competent and confident in their subject or profession. They will be able to demonstrate, where relevant, professional technical competence and meet professional standards. They will be able

to articulate the structure of knowledge of their discipline, be able to adapt discipline-specific knowledge to novel situations, and be able to contribute from their discipline to inter-disciplinary solutions to problems.

This graduate capability is supported by:

## **Learning outcomes**

- Recognise, explain and critique the underlying principles, characteristics and principal elements of the Japanese legal system and some main areas of Japanese commercial law (listed in the Unit Schedule below).
- Identify, discuss and critique the impact of cultural and social factors on the operation of Japanese law and legal system.
- Identify and critique issues that arise in Japanese law and legal system.
- Conduct and carry out effective legal research relevant to the Japanese commercial legal system.

## **Assessment tasks**

- Class Participation
- Class Test 1
- Class Test 2
- Essay

## **Critical, Analytical and Integrative Thinking**

We want our graduates to be capable of reasoning, questioning and analysing, and to integrate and synthesise learning and knowledge from a range of sources and environments; to be able to critique constraints, assumptions and limitations; to be able to think independently and systemically in relation to scholarly activity, in the workplace, and in the world. We want them to have a level of scientific and information technology literacy.

This graduate capability is supported by:

## **Learning outcomes**

- Recognise, explain and critique the underlying principles, characteristics and principal elements of the Japanese legal system and some main areas of Japanese commercial law (listed in the Unit Schedule below).
- Identify, discuss and critique the impact of cultural and social factors on the operation of Japanese law and legal system.
- Identify and critique issues that arise in Japanese law and legal system.
- Conduct and carry out effective legal research relevant to the Japanese commercial legal system.

## Assessment tasks

- Class Participation
- Class Test 1
- Class Test 2
- Essay

## Problem Solving and Research Capability

Our graduates should be capable of researching; of analysing, and interpreting and assessing data and information in various forms; of drawing connections across fields of knowledge; and they should be able to relate their knowledge to complex situations at work or in the world, in order to diagnose and solve problems. We want them to have the confidence to take the initiative in doing so, within an awareness of their own limitations.

This graduate capability is supported by:

### Learning outcomes

- Recognise, explain and critique the underlying principles, characteristics and principal elements of the Japanese legal system and some main areas of Japanese commercial law (listed in the Unit Schedule below).
- Identify and critique issues that arise in Japanese law and legal system.
- Conduct and carry out effective legal research relevant to the Japanese commercial legal system.

## Assessment tasks

- Class Participation
- Class Test 1
- Class Test 2
- Essay

## Effective Communication

We want to develop in our students the ability to communicate and convey their views in forms effective with different audiences. We want our graduates to take with them the capability to read, listen, question, gather and evaluate information resources in a variety of formats, assess, write clearly, speak effectively, and to use visual communication and communication technologies as appropriate.

This graduate capability is supported by:

### Learning outcomes

- Recognise, explain and critique the underlying principles, characteristics and principal elements of the Japanese legal system and some main areas of Japanese commercial



law (listed in the Unit Schedule below).

- Identify, discuss and critique the impact of cultural and social factors on the operation of Japanese law and legal system.
- Identify and critique issues that arise in Japanese law and legal system.

## Assessment tasks

- Class Participation
- Essay

## Changes from Previous Offering

As compared with the offering in 2017, the main change(s) is/are:

1. The order/sequence of the topics to be covered has been slightly changed.

## Research and Practice, Global and Sustainability

### Research and Practice

1. This unit uses research by Macquarie University researcher:

- Kay-Wah Chan, "What Have They Done Wrong? An Analysis of Disciplinary Actions against Japanese Lawyers: Past and Present" in Keiichi Ageishi, Hiroshi Otsuka, Katsuhiko Musashi and Mari Hirayama (eds) *The Legal Process in Contemporary Japan: A Festschrift in Honor of Professor Setsuo Miyazawa's 70th Birthday* Vol.1 (Shinzansha Publisher Co., Ltd, 2017) pp.625-642.
- Kay-Wah Chan, "Legal Malpractice Lawsuits in Japan: Past, Present and Future," (2017) 24(2) *International Journal of the Legal Profession* pp.159-176.
- Kay-Wah Chan, "Regulating Judges, Japanese-Style: The Prevalence of Informal Mechanisms" in Richard Devlin and Adam Dodek (eds) *Regulating Judges: Beyond Independence and Accountability* (Edward Elgar Publishing, 2016), pp.262-278.
- Kay-Wah Chan, "Setting the Limits: Who Controls the Size of the Legal Profession in Japan?" (2012) 19 (2-3) *International Journal of the Legal Profession* pp.321-337.
- Kay-Wah Chan, "Justice System Reform and Legal Ethics in Japan" (2011) 14 (1) *Legal Ethics* pp.73-108.
- Kay-Wah Chan "The Reform of the Profession of Lawyers in Japan and Its Impact on the Role of Law" in Yves Dezalay and Bryant Garth (eds) *Lawyers and the Rule of Law in an Era of Globalization* (Routledge, 2011; ISBN: 978-0-415-58117-2) pp.185-216.
- Kay-Wah Chan, "The Emergence of Large Law Firms in Japan: Impact on Legal Professional Ethics" (2008) 11 (2) *Legal Ethics* pp.154-180.
- Kay-Wah Chan, "Foreign Law Firms: Implications for Professional Legal Education in

Japan” (2005) 10 (20) *Zeitschrift für Japanisches Recht (Journal of Japanese Law)* pp.55-79.

2. This unit uses research from external sources:

- See the Required Reading List above and Tutorial Instructions.

### **Global and Sustainability**

This unit addresses global and sustainability issues as direct areas of study and/or as necessary implications arising from the materials, assessment and academic discussion and debate in classes. We promote sustainability by developing ability in students to research and locate information within the Japanese law discipline. We aim to provide students with an opportunity to obtain skills which will benefit them throughout their career. The global contexts of this unit are found in the contents of the unit (as it is a Japanese Trade Law unit), including the contents of the lectures, the tutorials and its assessments tasks.