

Law for Practising Managers
MNGT 4191
(Elective)

Andrew Terry

Session 1, 2008

Class Dates: 19-22, 24-27 April 2008
Examination: 4 June 2008
Payment Due: 21 March 2008

Course aims / objectives:

The law is not simply peripheral to commerce. The transactions and relationships that constitute commerce are embedded in the law. Indeed the whole fabric of commerce is woven from a complex legal regime, judicial and statutory, which regulates all commercial activity.

Terry & Giugni, "Management and the Law",
CCH Management Manual, p. 70.011

The broad aims of Law for Practising Managers are to introduce students to the nature, role and processes of the law and the legal system, and to provide an overview of the operation and significance of law with a key impact on business. There are also subsidiary aims: to refine other business skills, to develop analytical, evaluative and communication skills and to elevate consciousness of business ethics.

In particular the course aims to:

- provide students with an understanding of the implications and functioning of the rule of law
- provide students with a working knowledge of how the legal system operates in Hong Kong and other important and comparative jurisdictions (notably the US, UK, EU and Australia)
- introduce students to the major areas of substantive law impacting on contemporary business operation.
- demystify legal advocacy and jargon in a manner that will enable managers to make more effective use of the law and legal principles in their daily working lives
- enable students to analyse facts by the application of legal principles, apply those principles in a rational and coherent manner, and articulate that process intelligently
- ensure that students will be able to identify legal issues and work confidently and effectively with legal professionals
- produce, in students, an ability to appreciate and manage legal and other risk

Assessment:

Group project (assignment 1)	20%
Individual project (assignment 2)	20%
Final examination	60%

Course details / modules:

Day 1: Saturday, 19 April 2008 (2.00pm – 8.00pm)

- Business, Law and Strategy
- Law and Legal Systems
- Legal Method

Day 2: Sunday, 20 April 2008 (10.00am – 7.00pm)

Contracts

- nature and function of contract law
- making the contract
- defects in the contract

- contents of the contract
- parties to the contract
- key issues in business contracts

Day 3: Monday, 21 April 2008

(7:00pm – 10:15pm)

Fair Trading

- unconscionable contracts
- misleading conduct
- advertising
- unsafe goods
- contracts for the supply of goods and services

Day 4: Tuesday, 22 April 2008

(7:00pm – 10:15pm)

Torts

- nature and function of the law of torts
- the tort of negligence
- liability for economic loss
- liability for misrepresentation

Day 5: Thursday, 24 April 2008

(7:00pm – 10:15pm)

Competition

- competition law and policy internationally
- competition law and policy in Hong Kong
- collusion
- exclusive dealing
- resale price maintenance
- abuse of market power

Day 6: Friday, 25 April 2008

(7:00pm – 10:15pm)

Intellectual Property

- IP law and policy internationally
- trade marks
- copyright
- patents
- designs
- confidential information

Day 7: Saturday, 26 April 2008

(2.00pm – 8.00pm)

Business Structures and Business Operation

- structures
 - sole trader
 - partnership
 - joint venture
 - corporation
 - trust
- operation
 - agency
 - employment
 - licensing
 - franchising

Day 8: Sunday, 27 April 2008

(10.00am – 7.00pm)

- Privacy and Data Protection
- International Business
- Dispute Resolution
- Regulatory Compliance

Course materials and text/s:

Course Materials and text

Text

Srivastava, D.K. (editor) *Business Law in Hong Kong*, (2nd edition Thomson/Sweet & Maxwell Asia, Hong Kong 2007)

Course materials

Detailed topic outlines, powerpoint slides and additional materials will be distributed during the course.

Instructor details:

Andrew Terry

School of Business Law and Taxation

Australian School of Business

University of New South Wales

Sydney, NSW, 2052, Australia

Tel: +61 2 9385 3372

Fax: +61 2 9313 6658

Email: a.terry@unsw.edu.au

Professor Andrew Terry is Head of School of Business Law and Taxation in the Australian School of Business at UNSW, and Special Counsel to Deacons Lawyers working with the firm's franchising division. His teaching in law, business and management Schools, and his research activities have primarily been in the areas of competition, fair trading and intellectual property Law. His publications include *Business and the Law* (4th edition 2005 Thomson) and *Misleading or Deceptive Conduct* (1991 CCH).

Andrew's primary interest is franchising. He has researched, published and lectured extensively on franchising law, practice and development in both Australia and overseas and is the co-author of the leading Australian text, *Franchising Law and Practice*. Andrew has wide international experience, particularly in relation to franchising development in Asia. He is Honorary President and Visiting Professor of Beijing Normal University's International Franchise Academy in Zhuhai and drafted Vietnam's franchising law which came into effect in 2006. He has had a close collaboration over many years with the Franchise Council of Australia and is a former director. He is a long serving head of the judging panel for the National Franchising Awards and is Governor of the FCA's Franchise Academy which oversees sector education and research. He contributes a regular column to Australian Franchising Magazine and has been inducted into the Australian Franchising Hall of Fame.