

PATHFINDER

TOPIC: ASIA PACIFIC LAW

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1 Introduction

When researching Asia Pacific law, the researcher first needs to ascertain if the question revolves around regional or individual country issues. Then, once this has been addressed, articulate more precisely the information required. For example:

- act of parliament
- extrinsic materials such as government reports
- cases
- commentary

2 Legislation

Legislation consists of acts and statutory rules or regulations. Legislation comes in many formats. What matters most is not the medium, but whether it is **up to date**. Sometimes you may need the superseded legislation as it was at a particular point of time. Legislation may be found in the following formats:

- Sessional (as passed by houses of parliament)
- Reprints (as reprinted by government printers and commercial publishers)
- Loose leaf (as published in services by CCH)
- Electronic (as available via CD ROM's or the Internet or online)

- Digested in various works such as *Mallal's Monthly Digest: Malaysia, Singapore, Brunei*
- Sometimes the loose leaf versions of legislation are more up to date than the electronic ones, as the services are often updated weekly whereas the electronic databases subscribed to by the Library are for the most part are updated monthly (and sometimes quarterly).

The Law Library holds: Revised Laws of Papua New Guinea; Niue legislation; Yap State Code; Laws of Malaysia; Laws of the British Solomon Islands; Laws of Fiji; Laws of Tuvalu Revised; Palau National Code Annotated. Note the materials mentioned later under Online services: Web resources.

Reynolds, TH & Flores, *AA Foreign law: current sources of codes and basic legislation in jurisdictions of the world*, Littleton, Colo, FR Rothman, 1989- Law Reference 016.34 30

3 Cases

Cases are published in various formats. Some good places to look are:

- **Reports (check shelves on level 8):**

American Samoa Reports
 Fiji Law Reports
 Hong Kong Law Reports
 Malaysian and Singapore Tax Cases
 Papua New Guinea Law Reports
 Privy Council Cases: Malaysia, Singapore, Brunei
 South Pacific Law Reports
 Solomon Island Law Reports

- Digests:

Mallal's Monthly Digest: Malaysia, Singapore, Brunei
 Pacific Law Digest

If you have to get a case, make sure you have the correct case name, court and date if possible.

4 Using the catalogue

Where are the books on Asia Pacific law?

It depends on the subject matter. Many of the titles will appear under the individual countries. Some information may appear in non-specific regions such as Developing countries etc.

Here is a list of possible subject headings to look for:

Air - Pollution - Developing countries
 Antitrust law - (jurisdiction eg Pacific Area)
 Civil rights - (jurisdiction eg Philippines)
 Commercial law - (jurisdiction eg Asia; East Asia; Hong Kong; Pacific Area)
 Competition - (jurisdiction eg Pacific Area)

Courts (jurisdiction eg Oceania)
 Economic zones (Maritime law) - Asia, Southeastern
 Environmental law - (Jurisdiction eg Asia; Pacific Area)
 Finance - International co-operation
 Intellectual property - Law and Legislation - (jurisdiction eg East Asia)
 Investments, Foreign - Law and Legislation - (jurisdiction eg Pacific area)
 Islamic law - (jurisdiction eg Asia, Southeastern)
 Joint ventures - East Asia
 Justice, Administration of - (jurisdiction eg Oceania)
 Labor laws and legislation – Asia
 Law - East Asia - History
 Law (jurisdiction eg Oceania)
 Law reform - (jurisdiction eg Developing countries)
 Petroleum - (jurisdiction eg Pacific area; East Asia) – Prospecting
 Petroleum law and legislation (jurisdiction eg East China Sea Region)
 Rule of law - (jurisdiction eg East Asia; Developing countries)
 Technology transfer - Law and legislation - (jurisdiction eg East Asia)
 Territorial waters - East China Sea Region

5 Some current Asia Pacific texts and reports (post 1980)

These titles are those where the title covers either Asia or Pacific countries collectively. There are many titles covering individual countries, which are not listed here.

- *Asia - Pacific: a guide to international corporate activity and investment*, London, Euromoney, Publications, 1997. (Special supplement to January 1997 issue of *International Financial Law Review*). Fisher Research 341.752095 1
- Australia Dept of Foreign Affairs and Trade *In the national interest, Australia's Foreign and Trade Policy White Paper*, August 1997 <<http://www.dfat.gov.au/ini/wp.html>>
- Baehr, P et al (eds) *Human rights in developing countries: Yearbook 1995*, The Hague, Kluwer Law International, 1995. Fisher Research 323.091724 2
- Brown, RS *Law of the sea and internal waters: with special reference to state practice in South and East Asia*, University of Sydney Thesis (SJD), 1996. Fisher Rare Book Thesis. Not for loan.
- Buchholz, HJ *Law of the sea zones in the Pacific Ocean*, Singapore, Institute of Southeast Asian Studies, 1987. Law Research 341.75662 1
- Buhart, J (ed) *Joint ventures in East Asia: legal issues*, London, Graham & Trotman, 1992. Law Research 346.50682 1
- Campbell, D & Wolff, *A Legal aspects of business transactions and investment in the Far East*, Deventer, The Netherlands, Kluwer, 1989. Law Research 346.507 4
- Chiba, M (ed) *Asian indigenous law: an interaction with received law*, London, KPI, 1986. Law Research 349.5 12
- Crawford, J & Rothwell, DR (eds) *Law of the sea in the Asian Pacific region: developments and prospects*, Dordrecht, Nijhoff, 1995.
- Law Undergraduate 341.7566091 1
- Deery, S & Mitchell, R *Labour law and industrial relations in Asia: eight country studies*, Melbourne, Longman Cheshire, 1993. Law Research 344.501 1
- Faundez, J (ed) *Good government and law: legal and institutional reform in developing countries*, Houndmills, Basingstoke, Hampshire, Macmillan Press, 1997. Law Research 340.3091724 1
- Ghai, Y (ed) *Law, government and politics in the Pacific Island States*, (Suva), University of

the South Pacific, Institute of Pacific Studies, 1988.

- Fisher Research 320.996 4
- Green, CJ & Rosenthal, DE *Competition regulation in the Pacific Rim*, New York, Oceana Publications, 1996. Law Research 343.0721 9
- Gutterman, AS *Intellectual property law in East Asia*, London, Sweet & Maxwell Asia, 1997. Law Research 341.758 37
- Gutterman, AS & Brown, R (eds) *Commercial laws of East Asia*, Hong Kong, Sweet & Maxwell Asia, 1997. Law Research 346.507 7
- Hooker, MB *Islamic law in South-East Asia*, Singapore, Oxford University Press, 1984. Law Research 340.590959 1
- Hooker, MB (ed) *Laws of South-East Asia*, Singapore, Butterworth, 1986-88. Law Research 340.0959 3
- Kim, D et al (eds) *UN Convention on the law of the sea and East Asia*, Republic of Korea, Institute of East and West Studies, Yonsei University, Seoul Press, 1996. Law Research 341.45 75
- Kittichaisaree, K *Law of the sea and maritime boundary delimitation in South- East Asia*, Singapore, Oxford University Press, 1987. Law Research 341.448 54
- Koh, KL *Selected ASEAN documents on the environment*, Singapore, Asia Pacific Centre for Environmental Law, 1996. Law Research 363.700959 4
- Kriangsak, K *Law of the sea and maritime boundary delimitation in South-East Asia*, Singapore, Oxford University Press, 1987. Law Research 341.448 54
- Lambert, JD & Fesharaki, F (eds) *Economic and political incentives to petroleum exploration: developments in the Asia- Pacific region*, Washington DC, International Law Institute, 1990. Fisher Research 338.2328209 1
- Leaney, I *Some aspects of the modern law of the sea: a Southern Pacific fisheries perspective*, (Kensington, NSW), University of New South Wales, Centre for Applied Economic Research, 1993. Law Research 341.7622099 1
- Levine, MJ *Workers rights and labor standards in Asia's four new tigers: a comparative perspective*, New York, Plenum Press, 1997. Fisher Research/Wolstenholme 331.011095 1
- Ma, Ying-chiu *Legal problems of seabed boundary delimitation in the East China Sea*, Baltimore, Occasional Papers/ Reprints Series in Contemporary Asia Studies, 1984. Fisher Research 346.046823 1
- McKnight, BE (ed) *Law and the state in traditional East Asia: six studies on the sources of East Asian law*, Honolulu, University of Hawaii Press, 1987. Law Research 349.5 11
- Nichols, A & White, P *Refugee dilemmas: reviewing the comprehensive plan of action for Vietnamese asylum seekers*, Manila, LAWASIA Human Rights Committee, 1993. Law Research 325.2109597 7
- Ntuny, MA *South Pacific islands legal systems*, Honolulu, University of Hawaii Press, 1993. Law Research 349.95 7
- Palmier, LH (ed) *State and law in Eastern Asia*, Aldershot, Brookfield, USA, Dartmouth, 1996. Law Research 340.11 104
- Powles, G & Pulea, M *Pacific courts and legal systems*, Suva, Fiji, University of South Pacific/ Clayton, Vic, Faculty of Law, Monash University, 1988.
- Law Research 349.92
- Roebuck, D et al *Pacific contract law*, Waigani, Papua New Guinea, University of Papua New Guinea Press, 1987. Law Research 346.902 1
- Sihombing, JE et al *Business law in Hong Kong, Malaysia and Singapore*, (Hong Kong), CCH Asia Ltd, 1991. Law Research 346.507 5
- Sik, KS *Nationality and international law in Asian perspective*, Dordrecht, M Nijhoff, 1990. Law Research 341.482 4
- Tan, P *Asian legal systems: rhetoric and reality of law in East Asia*, Sydney, Butterworths,

1997 (forthcoming)

- Taylor, V (ed) *Asian laws through Australian eyes*, Sydney, LBC Information Services, 1997. Law Research 349.5 13
- Zhang, Y (ed) *Comparative studies on the judicial review system in East and Southeast Asia*, The Hague, Kluwer Law International, 1997. Law Research. At cataloguing.

6 Loose leaf services

In this section, loose leaf services covering regions, specific countries and subjects are listed.

- *China business law guide*, 1991-. LL346.5107 10
- *China laws for foreign businesses*, 1985-. LL346.5107 5
- Blaustein, AP & Flanz, GH *Constitutions of the countries of the world*, 1971-. LL342.008 1
- Blaustein, AP & EB *Constitutions of dependencies and special sovereignties*, 1975-. LL342.023 5
- Kitagawa, Z *Doing business in Japan*, 1980-. LL346.5207 1
- *International encyclopaedia for labour law and industrial relations*, 1977-. LL 344.01 2
- Rosen, RC et al *International securities regulation*, 1986-. LL346.06666 3
- International Centre for Settlement of Investment Disputes *Investment laws of the world*, 1972-. LL346.092 3
- *Japan business law guide*, 1988-. LL343.52087 3
- *Taxes and investment in Asia and the Pacific*, 1978-. LL336.200959 2
- Davidson, P (Comp & ed) *Trading arrangements in the Pacific Rim: Asean and APEC*, New York, Oceana Publications, 1995-. LL341.2473 25
- Khan, A *Taxation laws of Indonesia*, Singapore, Asian Pacific Tax and Investment Research Centre, 1984-. LL343.59804 8

7 Bibliographies

- Aguirre, VV *Asean law: a select bibliography*, (Sydney), BISA (Bibliographic Information on Southeast Asia), University of Sydney, 1986. Law Research 016.34959 1
- Al-Zwaini, L & Peters, R *Bibliography of Islamic law 1980-1993*, Leiden, New York, EJ Brill, 1994. Fisher Research 016.34059 2
- Ball, J *Bibliography of material on Indonesian law in the English language*, 5th ed, Sydney, Oughtershaw Press, 1996. Law Reference 016.349598 1B
- Cheang, M et al (eds) *Index to Singapore/Malaysia legal periodicals 1932-1984*, Singapore, Malayan Law Journal, 1986. Law Reference 060
- Elliott, JD *Pacific law bibliography*, 2nd ed, (Hobart), Pacific Law Press, 1990. Law Reference 349.9 1

8 Conference/seminar proceedings

There are many conference/seminar proceedings covering aspects of Asia Pacific law. The Law Library holds a number of these. Here is a sample of proceedings held:

- *Australian investment and the foreign legal order in the USSR, East-Central Europe and*

Asia: workshop (papers). Continuing Legal Education, Faculty of Law, University of Sydney, Sydney, Committee for Postgraduate Studies in the Dept of Law, University of Sydney, 1991. Law Research 342.03 5. (10 vols).

- Boer, B (ed) *Strengthening environmental legislation in the Pacific region: workshop proceedings, Apia, Nov, 1992*, Apia, Western Samoa, South Pacific Regional Environmental Programme, 1993. Law Research 344.95046 1

- *Asian Seminar on consumer law - Developing consumer law in Asia: proceedings of the Asian Seminar on Consumer Law 9-12 August 1993* ed SS Rachagan, Kuala Lumpur, Faculty of Law, University of Malaya, 1994. Law Undergraduate 343.5071 1

- Green, CJ & Brewer, TL *Investment issues in Asia and the Pacific Rim*, New York, Oceana Publications, 1995. This resulted from a four day symposium on "An investment regime for APEC" held at Georgetown University in Washington DC, 31 Oct - 3 Nov 1994 under sponsorship of the Program in Asian Law and Policy of Georgetown University Law Center. Law Research. 332.673095 16

- Sack, P (ed) *Pacific constitutions: proceedings of the Canberra Law Workshop VI*, Canberra, Law Dept, Research School of Social Sciences, Australian National University, 1982. Law Research 342.02 8

- *Environmental treaties - the Asia Pacific dimension, an international conference, 20-21 July 1995*, Darwin, hosted by the National Environmental Law Association of ACT and the Dept of Foreign Affairs & Trade, (1995).

- Law Research 344.046 19

- *Harmonising Asia - Pacific law conference, 18-20 November 1994*, Sydney, Conference Papers/NSW Young Lawyers, 1994. Law Research 349.9 3

9 Asia Pacific law journals held in the Law Library

Please note we hold many law journals for individual countries eg Malayan law journal; Hong Kong law journal etc. Listed here are those covering more than a few countries.

- Asia-Pacific constitutional yearbook
- Asia Pacific journal of environmental law
- Asia Pacific law review
- Asia-Pacific tax bulletin
- Asian Pacific review of computers, technology and the law 1984-85
- Asian yearbook of international law
- Boston College third world law journal
- International journal of refugee law
- Journal of South Pacific law
- Lawasia
- Openlines: international humanitarian law bulletin for the Asian and Pacific region.
- Pacific Rim law & policy journal
- UCLA Pacific Basin law journal

10 Journal indexes

On the Law Library database network on Level 8 we have the following electronic and hard copy versions of journal indexes:

Australasian Legal Literature Index (ALLI) This is published by Monash University Law Library and is a general law index with an Australian focus.

Austrom# This contains a number of separate data bases including the Attorney-General's Information Service (**AGIS**) and the Australian Public Affairs Information Service (**APAIS**). These index Australian law journals.

Current Law Index (LegalTrac)% A major general law periodicals index. It is an American index but includes other jurisdictions and has the widest coverage of any of our indexes.

Index to Foreign Legal Periodicals This focuses on journals neither indexed in Current Law Index or Index to Legal Periodicals.

Index to Legal Periodicals and Books (WilsonDisc) This is a major law index. It has an American focus and includes a wide coverage of other jurisdictions.

Pais International# An index to the literature of public and social policy, and the social sciences, in general.

Key:

= Access via Electronic Reference Library (ERL). Available on Law Library workstations and via the internet (for students of the university). For internet access see the Library homepage: <http://www.library.usyd.edu.au/Databases/>)

% = Also available on trial via the internet, but only to those using a workstation with a University of Sydney IP address. For further information see the Library homepage: <http://www.library.usyd.edu.au/Databases/>)

We also have the print editions of many of the above (look under Title in the online catalogue for locations).

Please note the US spellings and terms when using US based journal indexes eg labor not labour, organization not organisation, antitrust not trade practices, condominiums not strata title, eminent domain not land acquisition.

11 Online services

Web Resources

- By logging onto the Australasian Legal Information Institute site <<http://www.austlii.edu.au>>, you can click onto World links and then onto: Countries; International organisations (Asian Development Bank); Regions (South-East Asia; South Pacific); Indices (Multi-national law indexes).
- Asian Studies: Asia-Pacific Meta Resources: a guide to sources of information about information on the whole of the Asia-Pacific region. Part of the Asian Studies WWW Virtual Library <<http://coombs.anu.edu.au/WWWVLPages/AsianPages/WWWVL-AsianMetaRsrcs.html>>
- Centre for Asia/Pacific Law and Business (CAPLAB). This provides and coordinates Asia/Pacific business and law teaching and research in the Faculty of Commerce and Administration, Victoria University of Wellington, NZ <<http://www.vuw.ac.nz/~caplab>>

- Centre for Asian and Pacific Law (CAPLUS) - University of Sydney Faculty of Law <<http://www.law.usyd.edu.au/capl.html>>
- Centre for Southeast Asian Law (CSEAL) - Northern Territory University Faculty of Law <<http://www.ntu.edu.au/faculties/law/cseal>>
- Pacific Law Resource Unit of Monash University Law Library and Faculty of Law <<http://www.lib.monash.edu.au/law/pacificlaw/index.htm>>
- pngInLaw - the papua new guinean legal information network. Provides up to date PNG laws <<http://www.niimedia.com.au/pnginlaw>>

Lexis/Nexis

The LEXIS service contains a wealth of material on primarily US, Australian, UK, Asian, Canadian, NZ, South African and European law.

The NEXIS service contains the full text of news and business information from more than 2,300 full text sources.

12 Just published and forthcoming publications

To find recent and forthcoming publications use: *Legal research in Australia and New Zealand* (Centre for International and Public Law, Faculty of Law, Australian National University). Of particular interest, note the following subject heading: Asian law

13 Fellow travelers

Note the following directories of legal academics whose interests cover Asia Pacific law:

- Australasian Law Teachers Association Interest Groups, in particular: Comparative and Asian Law; South Pacific Legal Studies. URL: <<http://www.lbc.com.au/lbc/cgi-bin/wrapper3.0?home.html>> under the category Resources, then *ALTA Directory*, then Interest groups.
- Edwards, G & Sullivan, T (eds) *Australian directory of academics*, 4th ed, Kenmore, Qld, Universal Consultancy Services, 1995. Law Reference 378.111025 1. Using the Index, look up Law then the subdivisions of: Asian labour law; Asian law; Chinese commercial law; Chinese law; Chinese legal reform; Colonial law; Constitutional law of Bangladesh; Indonesia; Malaysian laws; Multiculturalism and the law; Pacific comparative law; Pacific legal systems; Refugee law.
- NZ Asia - NZ Asian Studies Society. *Directory of Asian Studies and Expertise* <<http://www.vuw.ac.nz/~caplab/directy.htm>>. Click onto Index to Subject keywords: Law ...; History - Legal; Human rights.
- Note also the following: Beshar, A *Pacific Rim almanac*, New York, Harper Perennial, 1991. Fisher Research 382.099 6

14 Dictionaries of legal abbreviations

There are many places to look for legal abbreviations. A list of Asia Pacific legal abbreviations by Colin Fong is near completion. In the interim the ones frequently used in the Law Library and held on Law Reserve are:

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- Fong, C & Edwards, *A Australian and New Zealand legal abbreviations*, 2nd ed, Sydney, Australian Law Librarians' Group NSW Division, 1995.
- Kavass, II & Prince, MM *World dictionary of legal abbreviations*, Buffalo, NY, Hein & Co, 1991- .(Looseleaf)
- Prince, MM Bieber's *Dictionary of legal abbreviations*, 4th ed, Buffalo, NY, Hein & Co, 1993.
- Raistrick, D *Index to legal citations and abbreviations*, 2nd ed, London, Bowker-Saur, 1993.

- For **non-legal abbreviations**, suggest: Jones, DJ *Australian dictionary of acronyms and abbreviations*, 4th ed, Canberra, ALIA Press, 1995. Fisher Reference 423.1 80A

15 Not held, try ...

There are some resources which the Law Library does not hold and these are listed as some of you may have access to these in other libraries:

Finding Primary Materials: you can find out which libraries hold Pacific island states' primary law holdings, held by the libraries of the High Court of Australia; Monash University Law Library and the National Library of Australia <<http://www.lib.monash.edu.au/law/pacificlaw/paclaw.htm>>

Finding Journals: you can find out which Australian library holds it by looking up the electronic database called SIAL (Serials in Australian Libraries) which is available on the Law Library Network under Legal Reference Tools.

Finding Books etc: try the UNSW or Macquarie Library Catalogues (links available from the Library homepage (<http://www.library.usyd.edu.au/>) or library staff can access a database called the Australian Bibliographic Network (ABN) for you to see which library holds the title needed.

*For help with finding information in the Law Library,
feel free to ask at the
Library Information Desk on Level 8.*

For specific research assistance, the following Library staff will be happy to help:

*Margaret McAleese, Law Librarian 9351 0220
Jeannine Goasdoue, Reader Services Librarian 9351 0293
Colin Fong, Research Librarian 9351 0217 (part-time)*

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