



# ACCG970

## Chinese Trade and Investment Law

S2 Evening 2018

*Dept of Accounting & Corporate Governance*

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## General Information

Unit convenor and teaching staff

Convenor and lecturer

Dr Patricia Blazey

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240

Monday 4pm to 5 pm

Moderator

Dr/ Assoc Professor Hope Ashiabor

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Credit points

4

Prerequisites

ACCG614 or (admission to MAdvProfAcc or MIntBus)

Corequisites

Co-badged status

Unit description

This unit broadens students' understanding of contemporary China's commercial law system, from both international and national perspectives. As China's Five Year Plans are crucial to understanding how China has developed and continues its development, they will be explored in detail in this unit. It also explores major changes in law and policies regarding labour issues, company, Corporate Governance, and foreign investments. China, the second largest economy in the world, has to address the downside of production exhibited through the environmental degradation of its air quality, water and waste. As these issues and that of energy production are the focus of China's development programs for the twenty-first century, they are examined in the latter part of this unit.

## 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:

Explain the importance of guanxi and business culture as it operates in China.

Identify, explain and critique issues concerning the characteristics and principal elements of Chinese commercial law.

Carry out effective legal research relevant to the Chinese commercial legal system.

## Assessment Tasks

Name	Weighting	Hurdle	Due
<u>Class Participation</u>	20%	No	ongoing
<u>Presentation</u>	30%	No	as allocated
<u>Assignment</u>	50%	No	19 November 2018

### Class Participation

Due: **ongoing**

Weighting: **20%**

#### Description

Students are required to participate in the weekly class seminar discussions and reflective activities. Weekly attendance at the seminars is compulsory. Students are required to prepare the material to be discussed in the seminar in advance of the seminar which will be posted on iLearn.

A roll will be taken each week documenting attendance. A student who is absent for a seminar will be considered as not participating in that seminar.

#### Assessment

A rubric on how students are assessed in the seminar is to be found on iLearn.

**Estimated Student Workload** (outside class time): on average, 2 - 2.5 hours per week from Week 1 to Week 13.

On successful completion you will be able to:

- Explain the importance of guanxi and business culture as it operates in China.
- Identify, explain and critique issues concerning the characteristics and principal elements of Chinese commercial law.
- Carry out effective legal research relevant to the Chinese commercial legal system.

### Presentation

Due: **as allocated**

Weighting: **30%**

## Description

Students will present power points in relation to their chosen research topic in class.

## Submission details

Students are required to submit a 100 word abstract and submit power point slides in advance of their presentation to the lecturer for approval. Each student will be allocated a date for their presentation which will take place in one of the seminars after 13 August.

The topic areas which students can undertake their presentations and subsequently their research essays are listed below. If a student wishes to research outside of these topic areas they must gain approval from the unit co-ordinator.

- Foreign investment law
- Energy law, renewable energy
- Electronic commerce
- Sustainable development in China
- Climate change and atmospheric pollution in China
- Property law
- Land Law
- Australia/China Trade Agreement
- Labour law
- Chinese import and export policy and laws
- Water pollution in China
- Waste disposal in China
- Company law
- Contract law

A rubric on how these presentations are assessed is to be found on iLearn.

## Penalties

Students who have not submitted the task prior to the date of their presentation will be awarded a mark of ) for the task except in cases in which an application for special consideration is made and approved.

**Estimated Student Workload** (outside class time): on average, 2.5 - 3 hours per week from Week 1 to the date of Class Presentation

On successful completion you will be able to:

- Identify, explain and critique issues concerning the characteristics and principal elements of Chinese commercial law.
- Carry out effective legal research relevant to the Chinese commercial legal system.

# Assignment

Due: **19 November 2018**

Weighting: **50%**

## Description

Students are required to submit a research assignment (excluding footnotes and bibliography: 3,800-4,000 words) by the due date. The research topic chosen by students requires significant research and an in depth analysis of the topic. Detailed instructions regarding this assignment will be posted on iLearn. A marking rubric to the take home assignment task will be posted on i-Learn.

. The topic areas listed below are based on what a student has undertaken in his/her oral and power point presentation:

- Foreign investment law
- Energy law, renewable energy
- Electronic commerce
- Sustainable development in China
- Climate change and atmospheric pollution in China
- Property law
- Land Law
- Australia/China Trade Agreement
- Labour law
- Chinese import and export policy and laws
- Water pollution in China
- Waste disposal in China
- Company law
- Contract law

## Submission details

There are 2 requirements.

1. All assignments must be submitted before 4:00 p.m. on 19 November 2018 via Turnitin on the iLearn site of this unit.
2. Students must also submit a printed copy to BESS. Students must hand in the Assignment before 4:00 p.m. on 19 November 2018

Do NOT submit via TURNITIN more than once. It is the student's responsibility to ensure that work is submitted correctly prior to the due date .

## Penalties

No extensions will be granted. 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 4 - 5 hours to 19 November 2018.

On successful completion you will be able to:

- Identify, explain and critique issues concerning the characteristics and principal elements of Chinese commercial law.
- Carry out effective legal research relevant to the Chinese commercial legal system.

## **Delivery and Resources**

### **Seminars**

The lecture component of seminars will be recorded where appropriate. When a lecture is given power point slides will be posted on iLearn prior to the lecture. These outlines are only core notes and are not intended to be treated as stand alone resources nor in place of seminar attendance. They are provided for your convenience. You cannot rely on these outlines to the exclusion of the allocated reading tasks for each week. You are expected to prepare your own notes from the prescribed readings set out on the seminar guide posted on iLearn. It is essential that adequate preparation is undertaken before each seminar in order for the full benefit to be gained.

Students are expected to attend and participate in at least 10 out of 12 seminar's during the session. Failure to do so will result in 0.5 marks per missed seminar being deducted from the overall seminar participation mark that would have been allocated to you. In cases where classes have been missed because of illness or misadventure it is up to the student to provide the relevant documentation such as medical certificates or other reports. The documentation must be lodged with BESS in accordance with the special consideration application procedure.

Students are expected to arrive on time and not to leave unit the class ends. Students who disturb or disrupt in classes will be asked to leave.

### **CONSULTATIONS**

Staff teaching in the unit will be available for individual consultation with students. A timetable of when staff will be available will be posted on the unit i-Learn site. Students experiencing difficulties with any topic in the unit must seek assistance immediately. You are encouraged to seek help at a time that is convenient to you from a staff member teaching in this unit during their regular consultation hours. In special circumstances an appointment may be made outside their regular consultation hours.

### **Required and Recommended Texts and/or Materials**

#### **Required Texts and Materials**

- Textbook: Patricia Blazey and Kay-Wah Chan, *Commercial Law of the People's Republic of China* (Sydney, Thomson Lawbook, 2012). It can be purchased from the Macquarie

University Coop Bookshop.

- Materials that students are required to bring to classes (as specified in the Seminar Instructions on the iLearn site). These materials are available on the Internet or through database(s) subscribed by the Macquarie University Library (details to be specified in the Seminar Instructions on the iLearn site).

### Recommended Texts and/or Materials

- Patricia Blazey and Kay-Wah Chan (ed), *The Chinese Commercial Legal System* (Sydney, Thomson Lawbook, 2008). It can be purchased from the Macquarie University Co-op Bookshop.
- Recommended (not mandatory) readings as described in the Seminar Instructions (on the iLearn site).

### **Technology Used and Required**

Access to the Internet is required in order to access i-Learn for seminar instructions and announcements and for research purposes. This Unit's iLearn site is to be found at [ilearn.mq.edu.au](http://ilearn.mq.edu.au).

The Macquarie University library's Information and Technology Training Unit (ITTU) provides a range of computing and library research skills.

## **Unit Schedule**

	SEMINAR TOPICS	READINGS Textbook and notes
<b>Seminar 1</b> 30 July	<u>Introduction to Unit</u> Doing Business in China Guanxi Chinese Culture	Chapter 1 Blazey and Chan Lecture notes
<b>Seminar 2</b> 6 Aug	<u>Government</u> The Constitution and Governmental System	Chapter 3 Blazey and Chan Lecture notes

<b>Seminar 3</b> 13 Aug	<b><u>The Legal System</u></b> Court Structure , Civil Procedure Law presentations	Chapters 4 and 5 Blazey and Chan Lecture notes
<b>Seminar 4</b> 20 Aug	<b><u>Economic Plans and Trade Agreements</u></b> Five Year Plans, Gross Domestic Product Australia China Trade Agreement presentations	Chapter 2 Blazey and Chan Lecture notes
<b>Seminar 5</b> 27 Aug	<b><u>Contractual relations</u></b> Contract Law presentations	Chapters 6 and 7 Blazey and Chan lecture notes
<b>Seminar 6</b> 3 Sept	<b><u>Contractual Relations</u></b> Agency Law presentations	Chapters 6 and 7 Blazey and Chan lecture notes
<b>Seminar 7</b> 10 Sept	<b><u>The Laws of Property and Land Onwership</u></b> Property Law Land Law presentations	Chapter 8 Blazey and Chan lecture notes
	Mid Term Break	
<b>Seminar 8</b> 1 Oct	<b><u>Company Law</u></b> presentations	Textbook Chapters 12 13 Blazey and Chan Lecture notes
<b>Seminar 9</b> 8 Oct	<b><u>Foreign Investment Law</u></b> presentations	Textbook Chapters 18 19 Blazey and Chan Lecture notes



Seminar 10 15 Oct	<u>Labour law</u> presentations	Chapter 11 Blazey and Chan Lecture notes
Seminar 11 22 Oct	<u>Energy Production</u> Energy Law Renewable Energy Conservation of Energy presentations	Chapter 23 Blazey and Chan Lecture notes
Seminar 12 29 Oct	<u>Environmental Law</u> presentations	Chapters 23, 24, 25 & 26 Blazey and Chan Lecture notes
Seminar 13 5 Nov	<u>Pollution</u> Climate Change Air Pollution presentations	Chapters 23, 24, 25 & 26 Lecture notes
12 Nov	<u>Pollution and Waste</u> Water Pollution Waste Management Plastic waste presentations	Chapters 23, 24, 25 & 26 Lecture notes

## 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).

## 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.

## Graduate Capabilities

### PG - Discipline Knowledge and Skills

Our postgraduates will be able to demonstrate a significantly enhanced depth and breadth of knowledge, scholarly understanding, and specific subject content knowledge in their chosen fields.

This graduate capability is supported by:

#### Learning outcomes

- Explain the importance of guanxi and business culture as it operates in China.
- Identify, explain and critique issues concerning the characteristics and principal elements of Chinese commercial law.
- Carry out effective legal research relevant to the Chinese commercial legal system.

#### Assessment tasks

- Class Participation
- Presentation
- Assignment

### PG - Critical, Analytical and Integrative Thinking

Our postgraduates will be capable of utilising and reflecting on prior knowledge and experience, of applying higher level critical thinking skills, and of integrating and synthesising learning and knowledge from a range of sources and environments. A characteristic of this form of thinking is the generation of new, professionally oriented knowledge through personal or group-based critique of practice and theory.

This graduate capability is supported by:

## Learning outcomes

- Explain the importance of guanxi and business culture as it operates in China.
- Identify, explain and critique issues concerning the characteristics and principal elements of Chinese commercial law.

## Assessment tasks

- Presentation
- Assignment

## PG - Research and Problem Solving Capability

Our postgraduates will be capable of systematic enquiry; able to use research skills to create new knowledge that can be applied to real world issues, or contribute to a field of study or practice to enhance society. They will be capable of creative questioning, problem finding and problem solving.

This graduate capability is supported by:

## Learning outcomes

- Identify, explain and critique issues concerning the characteristics and principal elements of Chinese commercial law.
- Carry out effective legal research relevant to the Chinese commercial legal system.

## Assessment tasks

- Class Participation
- Presentation
- Assignment

## Changes from Previous Offering

With regard to the class presentation students are required to submit both power points and an abstract to the unit convenor prior to their presentation

## Research and Practice, Global and Sustainability

### Research and Practice

1. This unit uses research by Macquarie University researchers:

- Patricia Blazey and Xiangbai He, "China's Past, Present and Future approach to Climate Change" in S. Miyazawa et al. (eds) *East Asia's Renewed Respect for the Rule of Law in the 21st Century: The Future of Legal and Judicial Landscapes in East Asia* (Brill, 2015) 213-242.
- Patricia Blazey, "Will China's 12th Five Year Plan Allow for Sufficient Nuclear Power to

Support its Booming Economy in the Next Twenty Years" (2012) *Pacific Rim Law & Policy Journal* 21(3): 461-484.

- Kay-Wah Chan, "The Global Financial Crisis and Labor Law in China" (2012) *The Chinese Economy* 45(3): 24-41.
- Patricia Blazey, "Approaches to Increasing Desertification in Northern China" (2012) *The Chinese Economy* 45(3): 88-101.
- Patricia Blazey and Kay-Wah Chan, *Commercial Law of the People's Republic of China* (Sydney, Thomson Reuters, 2012).
- Patricia Blazey and Kay-Wah Chan (ed), *The Chinese Commercial Legal System* (Sydney, Thomson Lawbook, 2008).
- Kay-Wah Chan, "China's Labour Law in Transition" in John Garrick (ed) *Law Wealth and Power in China: Commercial Law Reforms in Context* (Routledge, 2011) 163-181.
- Patricia Blazey and P Gillies, "China – Growth and Current Challenges" *Business Law Journal* June 2009.
- Patricia Blazey and P Gillies, "Recognition and Enforcement of Foreign Judgments in China" *International Journal of Private Law* November 2008.
- Patricia Blazey, "China's Rapid Economic Growth and Resultant Negative Externalities" *University of New South Wales Law Journal* November 2007.

2. This unit uses research from external sources:

See the Required Reading List above and Class Activity 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 Chinese 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 Chinese Trade and Investment Law unit), including the contents of the seminars and its assessments tasks.