



# ACCG970

## Chinese Trade and Investment Law

S2 Evening 2019

*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

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E4A 241

Consultation hours: see iLearn site of the Unit.

Moderator

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 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.

## **General Assessment Information**

### **Class Participation**

Students are required to participate in weekly class seminar discussions and reflective activities.

Criteria upon which class participation is assessed are: students' preparation, understanding of the materials, depth of arguments, presentation skills, and legal research (detailed explanations of the assessment criteria and marking rubric are provided on the iLearn site of the Unit).

Feedback in writing will be provided to individual students in class in Week 8.

Estimated Student Workload (outside class time): on average, 3 hours per week from Week 1 to Week 13 (except Week 8).

### **Presentation**

Students will need to make an oral presentation (with PowerPoint slides) in class on 1 October 2019 (Week 8). Students must use PowerPoint slides to assist presentations.

Each student will need to submit a research topic and an abstract of 100-150 words (for his/her presentation and Assignment) to the unit convenor via email by **12 August 2019** for approval. Students are strongly encouraged to submit the proposed topic and abstract to the unit convenor as soon as possible. Each student will be informed whether his/her proposed topic is approved so that he/she can start to conduct research and prepare a verbal presentation (with PowerPoint slides) to be made in class in Week 8. The proposed research topic must be a topic that is commercial law-related AND within any one of the topic areas listed below. If a student wishes to research outside of these topic areas, prior approval from the unit convenor is required.

1. Foreign investment
2. Consumer protection / food safety
3. Electronic commerce
4. Sustainable development in China
5. Labour/employment law
6. Anti-monopoly
7. Intellectual property
8. Company law
9. China's "One Belt, One Road"

## 10. China and the World Trade Organisation

**Students need to submit their PowerPoint slides (in electronic version: PPT format) to the unit convenor via email no later than 30 September 2019.**

Criteria upon which presentation is assessed are: students' preparation, understanding of the materials, depth of arguments and critique, presentation skills, and legal research (detailed explanations of the assessment criteria and marking rubric are provided on the iLearn site of the Unit).

Marks on the Presentation will be released via Gradebook on iLearn in or before Week 9.

No extensions of time will be granted in relation to the making of the presentation. Students who have not made the presentation in class in Week 8 will be awarded a mark of 0 (ZERO) for the presentation, except for cases in which an application for special consideration is made and approved.

Feedback in writing will be provided to individual students in class in Week 9.

Estimated Student Workload (outside class time): on average, 3-3.5 hours per week from Week 1 to the date of Class Presentation in Week 8.

### **Assignment**

Students will be required to submit an Assignment (excluding footnotes and bibliography: 3,300-3,500 words). The research topics will, as described under Presentation above, be chosen by the students (subject to the convenor's approval).

The Assignment is research based.

Criteria upon which assignment is assessed are: the contents, structure, presentation, and referencing (footnoting and bibliography) of the assignments 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 of the assessment criteria and marking rubric are provided on the iLearn site of the Unit).

Footnotes and bibliography (in Australian Guide to Legal Citation (4th ed) style) are required.

Students must before 4:00 p.m. on 11 November 2019 hand in BOTH an electronic version of the Assignment via TURNITIN on the iLearn site of this unit and a hard copy of the Assignment to BESS (Business and Economics Student Services).

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. 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 assignment through Turnitin. Should you

have questions about Turnitin or experience issues submitting through the system, you must inform your Unit convenor 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 Assignment, no extensions of time will be granted for submission of the Assignment. 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 Assignment is worth 50 marks, a student is 23 hours late in submission and (before penalty) this student's mark is 40, the penalty will be a deduction of 5 marks (50 marks x 10% = 5 marks) (i.e. this student will obtain 35 marks for the Assignment). This penalty does not apply for cases in which an application for special consideration is made and approved.

Because the University's policy stipulates that "all assessments worth 20% or more must be archived" and the Assignment is the last assessment task, all the Assignments will be retained by the University. For viewing of the marked Assignments after the University has released the final results, please make arrangement with the administrative staff of the Department of Accounting and Corporate Governance. Feedback is provided on each of the marked Assignments.

Estimated Student Workload (outside class time): on average, 5.5 hours per week from Week 1 to 11 November 2019.

## Assessment Tasks

Name	Weighting	Hurdle	Due
<u>Class Participation</u>	20%	No	Ongoing
<u>Presentation</u>	30%	No	Week 8 (1 October 2019)
<u>Assignment</u>	50%	No	11 November 2019

### Class Participation

Due: **Ongoing**

Weighting: **20%**

Class Participation

On successful completion you will be able to:

- Explain the importance of 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: **Week 8 (1 October 2019)**

Weighting: **30%**

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: **11 November 2019**

Weighting: **50%**

Assignment

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

### Classes

The unit is comprised of one 3 hour seminar per week.

The timetable for classes can be found on the University website at: <https://timetables.mq.edu.au/2019/>.

Attendance at the seminar is required and a roll will be taken each week. Students are advised to prepare in advance for the seminar. The week-by-week list of the topics to be covered is set out below. All material inclusive of lecture notes, work to be undertaken in class (reflective activities and discussion forum), videos, reports and/or newspaper reports will be posted on iLearn.

### 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**

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 Notes, Class Activity Instructions, announcements and detailed information regarding the Unit.

**Unit Web Page**

The web page for this unit can be found on iLearn. The site contains notes and links to useful sites (if any).

**Teaching and Learning Strategy**

The weekly class is a 3-hour seminar. As assessment includes class participation, students will be expected to complete the required reading prior to class and to contribute to class discussions. Detailed seminar instructions are available on this Unit's iLearn site.

# Unit Schedule

## Seminars

Week	Seminar Topics (unless otherwise announced on the iLearn site of this unit)	Prescribed Readings (unless otherwise announced on the iLearn site of this unit)
Week 1	Introduction and Course Overview Understanding China; Doing Business in China	1. Textbook Chapter 1 2. Lecture Notes
Week 2	The Constitution and Governmental System	1. Textbook Chapter 3 2. Lecture Notes
Week 3	The Legal System	1. Textbook Chapters 4 and 5 2. Lecture Notes
Week 4	Five Year Plans	1. Textbook Chapter 2 2. Lecture Notes
Week 5	Company Law	1. Textbook Chapters 12 & 13 2. Lecture Notes
Week 6	Labour Law	1. Textbook Chapter 11 2. Lecture Notes
Week 7	Essay Writing Workshop	
MID-TERM BREAK		
Week 8	Presentations	
Week 9	Contract Law; Agency Law	1. Textbook Chapters 6 & 7 2. Lecture Notes
Week 10	Foreign Investment Law I	1. Textbook Chapters 18 & 19 2. Lecture Notes
Week 11	Foreign Investment Law II	1. Textbook Chapters 20 & 21 2. Lecture Notes
Week 12	China-Australia Free Trade Agreement	1. Lecture Notes



Week 13	Energy Production, Environmental Law, Pollution, Waste	<ol style="list-style-type: none"> <li>1. Textbook Chapters 23-26</li> <li>2. Lecture Notes</li> </ol>
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## 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](http://students.mq.edu.au/support/study/student-policy-gateway) (<http://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](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>).

## 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 published on platform other than [eStudent](#), (eg. iLearn, Coursera etc.) 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) or if you are a Global MBA student contact [globalmba.support@mq.edu.au](mailto:globalmba.support@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)

If you are a Global MBA student contact [globalmba.support@mq.edu.au](mailto:globalmba.support@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 Macquarie Business School 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

### 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 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 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

As compared with the offering in 2018, the main change(s) are:

1. "The importance of guanxi" has been removed/deleted from the learning outcome "Explain the importance of guanxi and business culture as it operates in China".

2. The order/sequence of the topics to be covered has been adjusted.
3. The topic "Understanding China" has been added.
4. The topic "China-Australia Free Trade Agreement" has replaced "Australia China Trade Agreement".
5. The following topics have been removed/deleted: "Guanxi", "Chinese Culture", "Property Law", "Land Law" and "Civil Procedure Law".
6. There are changes in the topic areas that students can choose for their Presentations and Assignments.
7. The word length requirement of the Assignment has been changed from 3800-4000 words to become 3300-3500 words.
8. An Essay Writing Workshop will be held in Week 7.

## **Research and Practice, Global and Sustainability**

### **Research and Practice**

1. This unit uses research by Macquarie University researchers:

- Kay-Wah Chan, "The Global Financial Crisis and Labor Law in China" (2012) *The Chinese Economy* 45(3): 24-41.
- 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.

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.

