Year and Session: 2012 Session 1

Unit convenors: Ms Patricia Blazey and Dr Kaywah Chan

Prerequisites: ACCG614 or admission to MCorpGvnce

Credit points: 4

Students in this unit should read this unit guide carefully at the start of session/semester. It contains important information about the unit. If anything in it is unclear, please consult one of the teaching staff in the unit.

ABOUT THIS UNIT

Unit Description: The unit critically examines the legal system and the trade and commercial law regimes in the PRC. Topics examined include an analysis of China's legal system, rule of law, strategies relating to the WTO, contract law, company law, the banking system, tax law, IP law, China's foreign trade regime, bankruptcy law, and the settlement of commercial disputes. This unit broadens students' understanding of contemporary China's legal system as it relates to a global enterprise.

Unit Rationale: Commercial law plays a large part in China's transition to its status as a major trading nation. This unit focuses on areas of the law pertinent to China's continuing economic development. It provides an analysis of the Five Year Plans and their effect on the development of and changes in commercial law. China is focused on developing its internal market and the unit examines a number of highly relevant topics. China’s rapid development is affected by policy changes on issues such as urbanisation, the structure of the industrial sector and the environment. These changes and their effect on the national economy and the legal system are addressed in this course.

TEACHING STAFF

Convenors:  Ms Patricia Blazey – E4A room 240 phone 98507683
email: trish.blazey@mq.edu.au

Dr. Kaywah Chan – E4A room 241 phone 98507088
email: kay.chan@mq.edu.au
CONTACTING STAFF

Consultation times (unless otherwise advised through announcement on iLearn):
Patricia Blazey - Wednesday 4 to 6pm
Kay-Wah Chan – Tuesdays 2-3 pm or Wednesdays 2-3 pm

You are encouraged to seek help at a time that is convenient to you from a staff member teaching on this unit during their regular consultation hours. In special circumstances, an appointment may be made outside regular consultation hours. Staff will not conduct consultations by email. You may, however, phone staff during their consultation hours.

In order to gain access to staff located at levels 1, 2 and 3 of building E4A during their consultation hours please ring the staff member from the phones available in the lobby (phone numbers of relevant staff members will be provided on iLearn and are available next to the phones).

Students experiencing significant difficulties with any topic in the unit must seek assistance immediately.

CLASSES

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

The timetable for classes can be found on the University web site at:
http://www.timetables.mq.edu.au/

➢ Attendance is compulsory.
➢ Students are to arrive on time and not leave until the class ends unless they inform the lecturer prior to the class.
➢ Mobile phones must not be accessed or ring during a seminar. Texting is not permitted.

REQUIRED AND RECOMMENDED TEXTS AND/OR MATERIALS

Required Texts and Materials

• Textbook 1: Patricia Blazey and Kay-Wah Chan (ed), Commercial Law of the People’s Republic of China (Sydney, Thomson Lawbook, 2012). It can be purchased from the Macquarie University Co-op Bookshop.
• Textbook 2: 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.
• Materials that students are required to bring to classes (as specified in the Class Activity Instructions). These materials are available on the Internet or through database(s) subscribed by the Macquarie University Library (details to be specified in the Class Activity Instructions).

**Recommended Texts and/or Materials**

Recommended (not mandatory) readings as described in the Class Activity Instructions.

**TECHNOLOGY USED AND REQUIRED**

**Access to the internet**

There is an iLearn web site. Students are required to frequently access the iLearn site for the Lecture Notes, announcements and detailed information regarding the unit.

The Macquarie University library’s Information and Technology Training Unit (ITTU) provides a range of computing and library research skills. ITTU web page: [http://www.lib.edu.au/services/](http://www.lib.edu.au/services/)

**UNIT WEB PAGE**

The web page for this unit can be found on iLearn.

The site contains all lecture notes presented in lectures, links to relevant legislation links to other useful sites. It contains extracts from relevant articles and reports.

**LEARNING OUTCOMES**

The learning outcomes of this unit are to:

Students’ learning outcomes of this unit are to:

1. Recognise and distinguish the link between China’s Five Year Plans and its economic and legal directions
2. Explain the importance of guanxi as it operates in China.
3. Carry out effective legal research relevant to the Chinese commercial legal system.
4. Critique issues that arise in Chinese commercial law.
5. Identify and explain the characteristics and principal elements of Chinese commercial law, as it operates in China’s civil law system.
6. Interpret the operation of Chinese foreign investment and trade laws
GRADUATE CAPABILITIES

In addition to the discipline-based learning objectives, all academic programs at Macquarie seek to develop the capabilities the University's graduates will need to develop to address the challenges, and to be effective, engaged participants in their world.

This unit contributes to this by developing the following post graduate capabilities:

Cognitive Capabilities

1. 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.

2. 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.

3. 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.

Interpersonal and Personal Dispositions

4. Engaged and Responsible, Active and Ethical Citizens
   Our postgraduates will be ethically aware and capable of confident transformative action in relation to their professional responsibilities and the wider community. They will have a sense of connectedness with others and country and have a sense of mutual obligation. They will be able to appreciate the impact of their professional roles for social justice and inclusion related to national and global issues.

LEARNING AND TEACHING ACTIVITIES

• The unit is comprised of a weekly 3 hour seminar. Attendance at the seminar is required and rolls will be taken. 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, newspaper reports will be posted on iLearn.
<table>
<thead>
<tr>
<th>Week</th>
<th>Topic(s)</th>
<th>Readings</th>
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</thead>
<tbody>
<tr>
<td>Seminar Module 1 -  29/2/2012 (PB)</td>
<td>Introduction: Five-Year Plans, Guanxi and Overview</td>
<td>Textbook 2 Chapters 1-3, Textbook 1 Chapter 2 &amp; lecture notes</td>
</tr>
<tr>
<td>Seminar Module 2 - 7/3/2012 (KWC)</td>
<td>The Constitution and Governmental System</td>
<td>Textbook 2 Chapter 4 Textbook 1 Chapter 3</td>
</tr>
<tr>
<td>Seminar Module 3 - 14/3/2012 (PB)</td>
<td>Civil Law, Contract Law and Agency</td>
<td>Textbook 2 Chapters 8 and 21; Textbook 1 Chapters 6 &amp; 7</td>
</tr>
<tr>
<td>Seminar Module 4 - 21/3/2012 (KWC)</td>
<td>Legal System</td>
<td>Textbook 2 Chapter 5 Textbook 1 Chapters 4 &amp; 5</td>
</tr>
<tr>
<td>Seminar Module 5 - 28/3/2012 (PB)</td>
<td>Property Law and Intellectual Property Law</td>
<td>Textbook 1 Chapters 8 &amp; 9 Textbook 2 Chapter 15</td>
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<tr>
<td>Seminar Module 6 - 4/4/2012 (KWC)</td>
<td>Foreign Investment Law</td>
<td>Textbook 1 Chapters 18, 19, 20 &amp; 21</td>
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<tr>
<td>MID TERM BREAK</td>
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<tr>
<td>25 April 2012</td>
<td>Public Holiday: Anzac Day</td>
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<tr>
<td>Seminar - 2/5/2012 (PB &amp; KWC)</td>
<td>Students’ Presentation</td>
<td></td>
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<tr>
<td>Seminar Module 7 - 9/5/2012 (KWC)</td>
<td>Company Law (I)</td>
<td>Textbook 1 Chapter 12</td>
</tr>
<tr>
<td>Seminar Module 8 - 16/5/2012 (PB)</td>
<td>Energy Law – fossil fuel, nuclear and renewable Environmental Law</td>
<td>Textbook 1 Chapter 22, 23, 24, 25 &amp; 26</td>
</tr>
<tr>
<td>Seminar Module 9 - 23/5/2012 (KWC)</td>
<td>Company Law (II) – Corporate Governance &amp; Corporate Social Responsibilities</td>
<td>Textbook Chapter 13</td>
</tr>
<tr>
<td>Seminar Module 10 - 30/5/2012 (PB)</td>
<td>Arbitration</td>
<td>Textbook 1 Chapter 17</td>
</tr>
<tr>
<td>Seminar - 6/6/2012</td>
<td>Revision</td>
<td></td>
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</tbody>
</table>
Researchers • This unit uses research by Macquarie University researchers:


- Patricia Blazey ‘China’s Rapid Economic Growth and Resultant Negative Externalities’, *University of New South Wales Law Journal* November 2007

### Relationship Between Assessment and Learning Outcomes

<table>
<thead>
<tr>
<th>Title/Name</th>
<th>Assessment Task 1</th>
<th>Assessment Task 2</th>
<th>Assessment Task 3</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Title/Name</strong></td>
<td>Class Participation</td>
<td>Presentation</td>
<td>Assignment</td>
</tr>
<tr>
<td><strong>Description (including length or similar as applicable)</strong></td>
<td>Students are required to participate in class seminar discussions.</td>
<td>In class in Week 2, each student will be given a topic to conduct a research and prepare a verbal presentation to be made in Class on 2 May 2012.</td>
<td>Students will be required to submit an Assignment (excluding footnotes and bibliography: 3,800-4,000 words). The topics will be given to the students in class in Week 2 (7 March 2012). The Assignment is research based.</td>
</tr>
<tr>
<td><strong>Due date</strong></td>
<td>Every class</td>
<td>Week 7 (in Class)</td>
<td>4:30 pm on 14 June 2012</td>
</tr>
<tr>
<td><strong>% Weighting</strong></td>
<td>20%</td>
<td>30%</td>
<td>50%</td>
</tr>
<tr>
<td>Grading method - marking criteria/standards - expectations in relation to presentation - referencing requirements</td>
<td>Assessment Task 1</td>
<td>Assessment Task 2</td>
<td>Assessment Task 3</td>
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<tr>
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<tr>
<td>Criteria upon which class participation is to be assessed are: students’ understanding, argumentation, presentation, legal research skills, and frequency of participation (detailed explanations are provided on the iLearn site of the unit).</td>
<td></td>
<td>Criteria upon which class participation is to be assessed are: students’ understanding, argumentation, presentation and legal research skills (detailed explanations are provided on the iLearn site of the unit).</td>
<td>Criteria upon which class participation is to be assessed are: students’ understanding, argumentation, presentation, legal research and referencing skills as shown in the contents, structure, presentation, and referencing of the assignments (detailed explanations are provided on the iLearn site of the unit). Footnotes and bibliography (in Australian Guide to Legal Citation style) are required.</td>
</tr>
<tr>
<td>Submission method</td>
<td>N/A</td>
<td>N/A</td>
<td>Students must hand in the Assignment before 4:30 p.m. on 14 June 2012 to: B.E.S.S. - Business &amp; Economics Student Services E4B 106.</td>
</tr>
<tr>
<td>Feedback (type, method, date)</td>
<td>In Week 7, each student will be provided a written feedback regarding his/her performance in participation of class activities from Weeks 1-6</td>
<td>In Week 8, each student will be given a written feedback regarding his/her performance in the presentation.</td>
<td>Feedback will be marked on student’s respective assignments. From the afternoon of 20 July 2012, students can</td>
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<tr>
<td></td>
<td>Assessment Task 1</td>
<td>Assessment Task 2</td>
<td>Assessment Task 3</td>
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<tr>
<td>so that students can understand their strength and weakness and can improve their performance in class participation from Week 8.</td>
<td>collect the marked assignments from the B.E.S.S. - Business &amp; Economics Student Services (see above for address) by presenting their student identity cards.</td>
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<tr>
<td>Estimated student workload (hours)</td>
<td>On average, 2-2.5 hours per week from Week 1-Week 13.</td>
<td>On average, 3-4 hours per week from Week 2 to Week 7 (the presentation).</td>
<td>On average, 4 hours per week from Week 2 to the submission of the Assignment (14 June 2012)</td>
</tr>
<tr>
<td>Learning outcomes assessed (max 6)</td>
<td>1 √</td>
<td>2 √</td>
<td>3 √</td>
</tr>
<tr>
<td></td>
<td>4 √</td>
<td>5 √</td>
<td>6 √</td>
</tr>
<tr>
<td>Graduate capabilities assessed (max 4)</td>
<td>1 √</td>
<td>2 √</td>
<td>3 √</td>
</tr>
<tr>
<td></td>
<td>4 √</td>
<td></td>
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</tbody>
</table>

- In view of the time given to students to complete the Assignment, normally no extension of time will be given for submission of the Assignment.

- Late submissions: Late submissions of Assignment will be penalised at 2 marks for each day late. Submission made on 14 June 2012 but after 4:30 p.m. is considered as one day late. After 18 June 2012, submission of Assignment will not be accepted.

- Attendance: Attendance is required for all students and a roll will be taken at each class.

- Examinations
  There is no final examination for this unit.
ACADEMIC HONESTY

The nature of scholarly endeavour, dependent as it is on the work of others, binds all members of the University community to abide by the principles of academic honesty. Its fundamental principle is that all staff and students act with integrity in the creation, development, application and use of ideas and information. This means that:

- all academic work claimed as original is the work of the author making the claim
- all academic collaborations are acknowledged
- academic work is not falsified in any way
- when the ideas of others are used, these ideas are acknowledged appropriately.

Further information on the academic honesty can be found in the Macquarie University Academic Honesty Policy at http://www.mq.edu.au/policy/docs/academic_honesty/policy.html


It is available to download free from the University of Melbourne by clicking on the AGLC3 Download (view only) link, however you can not print from the guide. The AGLC uses a system of footnotes and provides in-depth information on referencing primary and secondary material, including examples.

To help you get started with using the AGLC style have a look at the Overview of Australian Guide to Legal Citation table (PDF 205KB)

GRADES

Macquarie University uses the following grades in coursework:

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

Grade descriptors and other information concerning grading are contained in the Macquarie University Grading Policy which is available at: http://www.mq.edu.au/policy/docs/grading/policy.html

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 plus a Standardised Numerical Grade (SNG). The SNG is not necessarily a summation of the individual assessment components. The final grade and SNG that are awarded reflect the corresponding grade descriptor in the Grading Policy.

In addition, there is a requirement to pass the Assignment to be awarded a final grade of a Pass or a higher grade.

**Grading Appeals and Final Examination Script Viewing**

If, at the conclusion of the unit, you have performed below expectations, and are considering lodging an appeal of grade and/or viewing your final exam script please refer to the following website which provides information about these processes and the cut off dates in the first instance. Please read the instructions provided concerning what constitutes a valid grounds for appeal before appealing your grade.

http://www.businessandeconomics.mq.edu.au/new_and_current_students/undergraduate_current_students/how_do_i/grade_appeals

**Special Consideration**

The University is committed to equity and fairness in all aspects of its learning and teaching. In stating this commitment, the University recognises that there may be circumstances where a student is prevented by unavoidable disruption from performing in accordance with their ability. A special consideration policy exists to support students who experience serious and unavoidable disruption such that they do not reach their usual demonstrated performance level. In order to apply for special consideration a student must have achieved satisfactory progress in terms of coursework to the date of the request otherwise the request will be rejected.

The University policy is available at:

For an application to be valid, the student must have been performing satisfactorily in the unit prior to experiencing serious and unavoidable disruption. Satisfactory performance in this respect means achievement of 50% or above of the total marks in assessment task(s) that are prior to the aforesaid serious and unavoidable disruption.

**Student Support Services**

Macquarie University provides a range of Academic Support Services. Details of these and other services for students can be accessed at http://www.student.mq.edu.au.
[Individual Unit Conveners may wish to add Unit/ Faculty specific support e.g. BESS, Room, PAL, E4B Consultation Room.]

**IT CONDITIONS OF USE**

Access to all student computing facilities within the Faculty of Business and Economics is restricted to authorized 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.