

TABL3026/5526 TAX AND INVESTMENT REGULATION IN CHINA

Course Outline Semester 2, 2017

Course-Specific Information

The Business School expects that you are familiar with the contents of this course outline. You must also be familiar with the Course Outlines Policies webpage which contains key information on:

- Program Learning Goals and Outcomes
- Academic Integrity and Plagiarism
- Student Responsibilities and Conduct
- Special Consideration
- Student Support and Resources

This webpage can be found on the Business School website:

<https://www.business.unsw.edu.au/degrees-courses/course-outlines/policies>

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COURSE-SPECIFIC INFORMATION

1 STAFF CONTACT DETAILS

Lecturer-in-charge: Nolan Sharkey

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Consultation times are by appointment

Professor Nolan Sharkey

Barrister, Chartered Accountant, TEP, PhD, Juris Doctor Hons 1, MTax, UNSW, Grad Dip Legal Studies, UNE, BCom (Accounting), BA (Asian Studies) Murdoch

Professor Nolan Sharkey is a Barrister at Francis Burt Chambers in Perth, and Winthrop Professor of Law at the University of Western Australia (UWA) where he is also an Associate Dean of the Law Faculty. In addition, he is Professorial Fellow in Taxation at the School of Taxation and Business Law, University of New South Wales. He is a Fellow of the Institute of Chartered Accountants and holds a PhD in Law, a Juris Doctor with First Class Honours and a Master of Tax from UNSW. He holds additional qualifications in accounting, Asian studies, psychology and law.

Nolan has been involved in the tax advice industry for two decades and has been a tax academic for 15 years. Nolan has provided major tax policy advice and technical input to the United Nations, the Chinese National People's Congress, the ATO, the Korea Tax Office and other institutions. He has taught postgraduate tax courses at the School of Taxation and Business Law in international anti-avoidance, double tax agreements, international tax, Chinese tax, offshore financial centres and trusts.

Nolan has also published widely on Australian international tax and Chinese tax and is a leading expert on the Chinese administrative context. He has done extensive fieldwork in China.

Communication with Staff

When you contact staff by email, please:

- Use your University (not personal) email address
- Specify the course TABL3026/5526 as appropriate; and
- Sign off by using your name and student identity number.

2 COURSE DETAILS

2.1 Teaching Times and Locations

This course is fully online using the University's learning management system, Moodle.

2.2 Units of Credit

The course is worth 6 units of credit.

2.3 Summary of Course

The course is divided into six modules. The first module introduces China and explains its significance in the world economy. It also introduces the context in which China's laws operate and the many significant institutional issues that a businessperson or professional needs to understand to appreciate the actual operation of China's laws. The second module covers investment and business regulation in China. This is an essential precursor to the study of the tax regime that follows, as students need to understand the forms business can take in China if they are to understand its taxation. The remaining modules focus specifically on the taxation laws of Mainland China including Individual Income Tax, Enterprise Income Tax, Value-Added Tax and Business Tax in order to provide students with a thorough grounding in China's tax system.

The study guide for *Tax and Investment Regulation in China* comprises six modules:

- Module 1 The legal, administrative and political environment of China's tax system
- Module 2 Business and investment regulation: Types of business and investment vehicles and restrictions
- Module 3 Individual Income Tax
- Module 4 China's Enterprise Income Tax 2008
- Module 5 Chinese International Tax
- Module 6 Value added, business and other taxes

2.4 Course Aims and Relationship to Other Courses

Upon successful completion of this course, students should have:

- a practical knowledge of the operation of the tax laws of China
- a working knowledge of China's complex investment regulation regime
- an understanding of environmental context in which China's laws operate
- the capacity to provide accurate assessments on the likely taxation of individuals and businesses in China.
- This is an optional course offered in the School's Taxation programs. This course logically follows on from the foundation course TABL3020/5520 *Principles of Australian International Taxation* and is related to the more advanced postgraduate courses TABL5504 *Asia Pacific Tax Regimes* and TABL5508 *International Tax: Anti-Avoidance*. Whilst there are no prerequisites, an understanding of the material covered in TABL3020/5520 would be most desirable.

2.5 Student Learning Outcomes

The Business School Program Learning Goals reflect what we want all students to BE or HAVE by the time they successfully complete their degree, regardless of their individual majors or specialisations. For example, we want all our graduates to HAVE a high level of business knowledge, and a sound awareness of ethical, social, cultural and environmental implications of business. As well, we want all our graduates to BE effective problem-solvers, communicators and team participants. These are our overall learning goals for you and are sought by employers.

You can demonstrate your achievement of these goals by the specific outcomes you achieve by the end of your degree (e.g. be able to analyse and research business problems and propose well-justified solutions). Each course contributes to your development of two or more program learning goals/outcomes by providing opportunities for you to practise these skills and to be assessed and receive feedback.

Program Learning Goals for undergraduate and postgraduate students cover the same key areas (application of business knowledge, critical thinking, communication and teamwork, ethical, social and environmental responsibility), which are key goals for all Business students and essential for success in a globalised world. However, the specific outcomes reflect different expectations for these levels of study.

We strongly advise you to choose a range of courses which assist your development of these skills, e.g., courses assessing written and oral communication skills, and to keep a record of your achievements against the Program Learning Goals as part of your portfolio.

For more information on the Program Learning Goals and Outcomes, see:
<https://www.business.unsw.edu.au/degrees-courses/course-outlines/policies>

The following table shows how your Course Learning Outcomes relate to the overall Program Learning Goals and Outcomes, and indicates where these are assessed (they may also be developed in tutorials and other activities):

Program Learning Goals and Outcomes		Course Learning Outcomes	Course Assessment Item – TO BE CONFIRMED SHORTLY
<i>This course helps you to achieve the following learning goals:</i>		<i>On successful completion of the course, you should be able to:</i>	<i>This learning outcome will be assessed in the following items:</i>
1	Knowledge	Demonstrate a working knowledge of the Chinese tax system and regulatory regime incorporating an understanding of the specific legal, economic, social and historical conditions influencing their development.	
2	Critical thinking and problem solving	Critically analyse and provide accurate assessments on the likely taxation of individuals and businesses in China. Demonstrate enhanced skills of statutory construction and the ability to critically review interpretations of legislative provisions. Demonstrate a capacity to apply learned principles and practical approaches to solving taxation problems in a novel context.	
3a	Written communication	Recognise and resolve legal and tax problems. Write clear, effective and well-reasoned analysis of the tax consequences of practical scenarios	
3b	Oral communication	Not specifically addressed in this course.	
4	Teamwork	Not specifically addressed in this course.	

5a.	Ethical, social and environmental responsibility	Not specifically addressed in this course.	
5b.	Social and cultural awareness	Demonstrate the ability to compare and contrast the operation of different international tax jurisdictions, and advise on the likely tax treatment of international financial transactions and arrangements spanning more than one tax jurisdiction. Demonstrate enhanced skills to critically assess governments' tax design decisions.	Module Activities Assignments Examination

3 LEARNING AND TEACHING ACTIVITIES

3.1 Approach to Learning and Teaching in the Course

How to Use These Study Materials

If you are new to flexible learning you should carefully read this Course Outline. It contains most of the relevant information about how this course will be run and the expectations of you as a student. You should also refer to the Suggested Study Schedule as a guide to completing your coursework. So as to get the most out of your study we recommend that you follow this study schedule through the course and fit various time demands into a well-organised diary. Systematic study through the Semester is the key to success in a flexible learning program.

The Study Guide (which includes this Course Outline and the individual Modules and is sometimes referred to as the study materials or course materials) can help you in three ways.

1. It sets out a clear path of study over the Semester and helps you plan your workload. It also identifies learning outcomes and key concepts at the start of each module and provides a series of activities to help you learn actively and manage your own progress through the course.
2. It contains the core content for the course (often with reference to legislation, textbooks and other relevant material). The structure and layout of the Study Guide is designed to highlight key points and assist your revision for assignments, research papers and examinations.
3. It tells you when to refer to textbooks, legislation and other readings, giving precise details of what you should read.

Features of the Study Guide

Each module includes a range of features to assist you in managing your learning and developing study skills. These features include:

- Overview page
- Heading levels
- Learning outcomes and key concepts
- Module text
- Activities and feedback
- Readings
- Margin notes

- Instructional icons

Tax Distance Course Student Guide

The *Tax Distance Course Student Guide* is a vital source of information for students studying flexible learning courses. It provides administrative and other information specific to studying these courses and you should make a point of being familiar with its contents. You can access the 2017 Tax Distance Student Guide from your Moodle course website(s).

Webinars and Audio Conferences

Throughout this course, you will have the opportunity to attend live audio conferences (conducted by telephone) or webinars (conducted over the Internet). Instructions on preparing for and participating in conferences or webinars are available on the Taxation & Business Law website and in your course Moodle website.

These conferences provide an opportunity for you to clarify and extend your understanding of the material in this course. They are designed to try out new ideas and give you a forum to ask questions and discuss issues with your lecturer and other students. Do not be afraid to participate—it is only by trying out new ideas and exploring their dimensions that you will learn in any real depth.

Thorough preparation is essential if you are to gain maximum benefit from a webinar. You can only start to come to grips with material if you work on it actively. As a general rule each webinar/conference will cover the module/s between the previous webinar and the week it falls within on the Suggested Study Schedule. However, more specific information on material to be covered in each webinar may be provided via Moodle throughout the Semester. Exact dates and times for webinars will be advised via a timetable that you will find on Moodle and on the TBL Website (under Timetables).

There are six webinars scheduled for this course during the Semester. Each webinar is of approximately one and a half hours' duration.

Remember webinars are not lectures—your active participation is an important part of the learning experience and preparation for examinations!

4 ASSESSMENT

4.1 Formal Requirements

All assessment items must be submitted electronically through Moodle. Please refer to the *Assignment Preparation and Submission* section for guidelines.

In order to pass this course, you must obtain:

- 50% or more of the total marks available in the course **and**
- at least 40% of the marks available for the final examination in the course.

IMPORTANT NOTE: There are different assessment tasks for undergraduate students and postgraduate students. Ensure you complete the correct tasks.

4.2 Assessment Details

To be advised

Take Home Exam

The final assessment for this course will be a take-home exam which will be made available on Moodle during the University exam period (3 November 2017 to 20 November 2017). The final examination timetable is published prior to the examination period via the Atax Weekly Bulletin and on the School's website at: <https://www.business.unsw.edu.au/about/schools/taxation-business-law/student-support/examinations>.

You should check this timetable to find the dates of your take-home exams. **This is not a negotiable schedule.**

Exams will be released at 9am at regular intervals throughout the exam period. Submissions are due at 7am on the third day after the release date. For example, an exam released at 9am on 3 November 2017 will be due at 7am on 6 November 2017. All times are based on Sydney time.

Submissions will be made online through a Turnitin submission link on Moodle. Students will be permitted to use a range of resources and materials to prepare responses. Students will be required to state that they have not consulted any other person in relation to the content of the exam or responses to questions during the date of the exam's release on Moodle and the closing time for submissions of responses via Turnitin.

Students will only have one opportunity to submit (i.e. no resubmission of drafts) and no late submissions will be accepted.

For information on studying and preparing for a take home exam, please visit: <https://student.unsw.edu.au/open-book-and-take-home-exams>.

4.3 Assignment Submission Procedure

The following guidelines are offered as a general indication of what is expected in terms of the presentation of both assignments and research papers in flexible distance (Atax) courses.

Each assessment task may also have particular requirements not covered here. Where information here is in conflict with information provided by the course lecturer, you should follow the advice of your lecturer.

Assignment cover sheets

You must ensure that you include a cover page with each of your assignments that has the following information:

- your name
- your student ID
- the course code
- the course name
- the due date

- number of words

You should also include your name, ID and course code in the footer of your assignment document along with page numbers. A sample cover sheet can be found on Moodle in the Assessments section.

Abstract

An abstract is used to summarise the subject of a research paper. Abstracts are only required for research papers and should contain 100 to 200 words. Do not write an abstract for a problem-type assignment.

Margins

You should allow the following standard margins in your assignments to allow space for the lecturer's comments: Left and right margins — 3.5 cm; Top and bottom margins — 2.5 cm.

Headings/Table of contents

Headings should be typed in bold. Only capitalise the first letter of the heading. Do not capitalise the entire heading. If you have written a long essay with many parts, a table of contents should be used. Otherwise, do not include one.

Style of presentation

Your assignment should be typed using an 11 or 12 point font. Single line spacing should normally be used, unless your lecturer tells you otherwise. Leave a line after each paragraph. Do not indent the first line of the paragraph. You should number each page of the assignment.

Footnotes and citation system

You should use footnotes as your referencing tool. Use end notes only if your computer cannot produce footnotes. Use the rules set out in a recognised citation and style guide such as the *Australian Guide to Legal Citation*. Footnotes are not normally included in the word limit, unless you include substantial commentary or discussion in the footnotes.

Bibliography

Details of works cited in the text are provided in a bibliography which is placed at the end of the document on a new page under the heading 'Bibliography'. The bibliography is not included in the word limit.

All publications (books, articles, theses etc.) are included in the bibliography. Legal cases and legislation are not included in the bibliography. If a list of cases is considered necessary due to the large number used, it should be in alphabetical order under a separate heading 'Legal cases'. A similar separate list, headed 'Legislation', is used if needed for legislation.

Your bibliography must be presented in the following format:

1. Items in the bibliography are listed alphabetically by author or source.
2. The citation style of the item should be in accordance with a recognised and appropriate citation and style guide, except that specific page references are not included.

Assignment submissions and deadlines

This course uses UNSW Moodle for the electronic delivery and submission of assignments.

Please check your submission link – you may only be entitled to submit an assignment once in which case additional and subsequent submissions will not be accepted.

Step-by-step guides have been produced to assist students through the assignment submission process, and are available for download from the UNSW Teaching Gateway at <https://student.unsw.edu.au/moodle>.

Due date and time

Each assignment should be submitted via Moodle by midnight AEST (or AEDT, Australian Eastern Daylight Time, where applicable) on the specified due date unless otherwise stipulated. You are advised to submit your assignment early if possible, and to allow at least 15 minutes for the Moodle submission process. Most assignments will be parsed through Turnitin which will check the originality of your work. If you are given the opportunity to resubmit your assignment up until the due date you should be aware that even though you can submit more than once each day, Turnitin will only produce one originality report every 24 hours so there may be a delay on receiving your updated originality report after the first submission. The version of your assignment that is submitted at the due date will be the version that is accepted for marking. For information on submitting assignments via Turnitin please see <https://student.unsw.edu.au/Turnitin>. For information on how to interpret originality reports please see: <http://www.Turnitin.com/static/training/student.php>.

Name and save your assignment documents

For identification purposes you are required to name all of your assignment files that you are submitting using the following naming convention:

Surname_GivenName_Course Code format.

For example: 'Lawson_Henry_TABL1001As1.doc'

You must also retain both an electronic and hard copy of every assignment. No mark can be given or concession awarded should an assignment be lost and no evidence of completion is able to be provided by the student.

Problems with Moodle assignment submission

If you encounter technical difficulties while attempting to access Moodle, and are unable to submit your assignment, please contact the IT Service Desk by email to ITServiceCentre@unsw.edu.au or by telephone on +61 (2) 9385 1333. Your lecturer will not be able to assist with assignment submission issues, and cannot accept assignments emailed direct to him/her.

Assignment return

Assignments may be marked electronically or on paper. Feedback for electronically-marked assignments will be made available electronically, usually through Moodle. Feedback for assignments marked by paper will be returned in hard copy format to the mailing address you have recorded on myUNSW. It is therefore important that you keep your address details up-to-date on myUNSW (<https://www.my.unsw.edu.au>). Lecturers will make every effort to return assignments (which are submitted on time) within two weeks with appropriate comments and feedback.

4.4 Late Submission and Penalties

An assignment is not considered to be late if it has been submitted via Moodle on or before the due time and date. Posted, faxed or e-mailed assignments will NOT be marked and should not be sent.

If you submit an assignment after the due date, please be aware that the following penalties will be applied.

- Where assignments are up to one week (i.e. 1–5 working days) late: 10% of the maximum marks available for the assessment item will be deducted.
- Where assignments are more than one week late and up to two weeks (i.e. 6–10 working days) late: 20% of the maximum marks available for the assessment item will be deducted.
- Where assignments are more than two weeks (i.e. 11 or more working days) late: the assignment can be perused, but no marks will be awarded. Assignments will be recorded only as having been submitted.

Please note that the penalties are applied to the maximum marks available for the assignment, not the actual mark awarded. For example, a student is due to submit an assignment by 16 August 2017. The assignment is in fact submitted on 30 August 2017 (10 working days late).

The penalty for lateness will be 20% of the maximum marks for the assessment. If the student's mark before the imposition of the penalty was a credit mark of 65%, after taking the penalty into account this mark will fall to 45%—a failure.

If illness or other verified circumstances beyond your control have a significant effect on your ability to submit an assignment by the due date, the normal penalty may be remitted. Doctor's reasons must be sufficiently detailed and specifically address the effect of the medical condition on your ability to complete assignments. For information on applying for penalty remissions through myUNSW Special Consideration portal, please visit: <https://www.business.unsw.edu.au/about/schools/taxation-business-law/student-support/penalty-remissions>

General points

- The School's Administration Team supervises all penalty remission requests. Lecturers are not permitted to grant penalty remissions and you should not approach lecturers for this purpose.
- You should not anticipate that a Penalty Remission will be granted, and should endeavour to submit all assignments as soon as possible.
- If you require academic assistance contact your lecturer or the School's Administration Team (tbi@unsw.edu.au) during the period that you are preparing assignments.
- You have only 13 weeks in the Semester, during which time all assignments must be completed. You also need to prepare for the final examination in all courses. Therefore, your time management is very important.

The following is very important:

If your assignment is up to one week (i.e. 1–5 working days) late, your penalty remission request must clearly show that you are seeking a one week penalty remission and you must clearly state your reasons and provide all relevant documentation. If your reasons are judged insufficient you will receive no remission of penalty.

If your assignment is more than one week late but less than two weeks (i.e. 6–10 working days) late, your penalty remission request should indicate whether you are seeking a 10% or a 20% remission. You must clearly show why the penalty remission you are seeking is valid and provide all relevant documentation. If you have requested remission of a 20% penalty and your reasons are judged insufficient, you may receive either a 10% remission or no remission depending on the judged validity of your request. If you requested 10% and your reasons are judged insufficient you will receive no remission of penalty.

Quality Assurance

The Business School is actively monitoring student learning and quality of the student experience in all its programs. A random selection of completed assessment tasks may be used for quality assurance, such as to determine the extent to which program learning goals are being achieved. The information is required for accreditation purposes, and aggregated findings will be used to inform changes aimed at improving the quality of Business School programs. All material used for such processes will be treated as confidential.

5 COURSE RESOURCES

Prescribed text:

CCH China Master Tax Guide (CCH Asia, 12th ed, 2015).

Citation and Style Guide:

In presenting written work for assessment in this course you must use an appropriate and consistent style for referencing and citation. The following is a selection of acceptable citation and style guides, which you may use as the basis for your written work. You must purchase or have access to one of the following publications.

- *Australian guide to legal citation* (Melbourne University Law Review Association & Melbourne Journal of International Law, 3rd ed, 2010). Available from <http://mulr.law.unimelb.edu.au/go/aglc>

(This is free to download and is the citation style guide used by the majority of Australian legal journals.)

- Rozenberg P, *Australian guide to uniform legal citation* (Sydney: Lawbook Co, 2nd ed, 2003).
- Stuhmcke A, *Legal referencing* (Sydney: LexisNexis, 4th ed, 2012).

Recommended References:

Below is a list of further references that you may find useful in this course. Purchase of recommended references is not required.

- Sharkey S (ed), *Taxation in ASEAN and China* (Routledge, 2012).

Electronic Databases:

The UNSW library subscribes to several electronic databases. The UNSW library database can be accessed at: <https://www.library.unsw.edu.au/study/information-resources/databases>

The website for this course is on Moodle at: <https://moodle.telt.unsw.edu.au/login/index.php>

6 COURSE EVALUATION AND DEVELOPMENT

The School of Taxation & Business Law's quality enhancement process involves regular review of its courses and study materials by content and educational specialists, combined with feedback from students. Towards the end of the semester, you will be asked to complete an online myExperience survey via Moodle to evaluate the effectiveness of your course lecturer and the actual course content. Your input into this quality enhancement process through the completion of these surveys is extremely valuable in assisting us in meeting the needs of our students and in providing an effective and enriching learning experience. The results of all surveys are carefully considered and do lead to action towards enhance the quality or course content and delivery.

7 COURSE SCHEDULE

Assignment due dates and Audio Conference/Webinar sessions will be advised closer to date

Wk	Beginning	Module	Topic	Events / Submissions
1	24 July	1	The legal, administrative and political environment of China's tax system	
2	31 July	1	The legal, administrative and political environment of China's tax system	
3	7 August	2	Business and investment regulation: Types of business and investment vehicles and restrictions	
4	14 August	2	Business and investment regulation: Types of business and investment vehicles and restrictions	
5	21 August	3	Individual Income Tax	
6	28 August	3	Individual Income Tax	
7	4 September	4	China's Enterprise Income Tax 2008	
8	11 September	4	China's Enterprise Income Tax 2008	
9	18 September	5	Chinese International Tax	
Mid-semester break from Saturday, 23 September to Monday, 2 October 2017 (NOTE: Daylight saving begins on Sunday, 1 October 2017)				
10	3 October	5	Chinese International Tax	
11	9 October	6	Value added, business and other taxes	
12	16 October		Revision	
13	23 October		Revision	
Examination period from Friday 3 November to Monday 20 November 2017				