UNSW Course Outline

LAWS8365 Intro to Chinese Regulation of Int'l Business - 2024

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General Course Information

Course Code : LAWS8365
Year : 2024
Term : Term 3
Teaching Period : T3A
Is a multi-term course? : No
Faculty : Faculty of Law and Justice
Academic Unit : School of Private and Commercial Law
Delivery Mode : In Person
Delivery Format : Standard
Delivery Location : Kensington
Campus : Sydney
Study Level : Postgraduate
Units of Credit : 6

<u>Useful Links</u>

<u>Handbook</u> <u>Class Timetable</u>

Course Details & Outcomes

Course Description

As China becomes one of the world's largest economies, an understanding of Chinese regulation of international business is crucial for students and lawyers working in the field of business and economic law. China's approach of regulating international business is in some ways different

from other countries such as Australia and is rapidly developing. Recently China has introduced an enormous number of new laws governing international business which affect international trade and investment in many aspects. This course will provide students a comprehensive introduction to China's regulation of international business, both law and practice, including the new developments. Unlike more specialised courses, this course will consider all these issues holistically and in context, showing how they relate to each other and together make up a coherent legal order of China.

This course is designed both for students who wish to have a thorough understanding of Chinese law and practice of international business and for commercial practitioners who are developing practice in a wider range of business areas with China.

Main Topics

- Chinese legal system and business environment
- Foreign Investment Law (FIL)
- Trade law
- Intellectual property protection
- Merger control and competition law
- Dispute resolution
- China's trade and investment agreements

Course Aims

To introduce students to important concepts in Chinese international regulation of business.

Course Learning Outcomes

Course Learning Outcomes
CLO1 : Demonstrate effective oral communication and collaboration through class discussion of complex legal, theoretical and/or professionally relevant subject matter in a scholarly and insightful manner (PLOs 1a, 3a & 3b)
CLO2 : Examine and engage in advanced critical analysis of the essential elements of Chinese regulation of international business law and its formation through an extended research essay (PLOs 1a, 1b, 2a, 2b, 3a & 4)
CLO3 : Engage in complex critical discussions of how the principles of Chinese regulation of international business law operate (PLOs 1a, 2a, 3a & 3b)

Course Learning Outcomes	Assessment Item
CLO1 : Demonstrate effective oral communication and collaboration through class discussion of complex legal, theoretical and/or professionally relevant subject matter in a scholarly and insightful manner (PLOs 1a, 3a & 3b)	• Class Participation • Research Essay Plan
CLO2 : Examine and engage in advanced critical analysis of the essential elements of Chinese regulation of international business law and its formation through an extended research essay (PLOs 1a, 1b, 2a, 2b, 3a & 4)	• Research Essay
CLO3 : Engage in complex critical discussions of how the principles of Chinese regulation of international business law operate (PLOs 1a, 2a, 3a & 3b)	• Research Essay Plan • Research Essay

Learning and Teaching Technologies

Moodle - Learning Management System

Assessments

Assessment Structure

Assessment Item	Weight	Relevant Dates
Class Participation Assessment Format: Individual	20%	
Research Essay Plan Assessment Format: Individual	20%	
Research Essay Assessment Format: Individual	60%	

Assessment Details
Class Participation

Assessment Overview

This assessment requires you to write a research essay.

Course Learning Outcomes

- CLO1 : Demonstrate effective oral communication and collaboration through class discussion of complex legal, theoretical and/or professionally relevant subject matter in a scholarly and insightful manner (PLOs 1a, 3a & 3b)

Detailed Assessment Description

Class participation is evaluated based on both your performance in presentations and your participation in class, which includes asking and answering questions and participating in class discussions.

Assignment submission Turnitin type

This is not a Turnitin assignment

Generative AI Permission Level

Not Applicable

Generative AI is not considered to be of assistance to you in completing this assessment. If you do use generative AI in completing this assessment, you should attribute its use.

For more information on Generative AI and permitted use please see here.

Research Essay Plan

Assessment Overview

This assessment requires you to write a plan for a research essay.

Course Learning Outcomes

- CLO1 : Demonstrate effective oral communication and collaboration through class discussion of complex legal, theoretical and/or professionally relevant subject matter in a scholarly and insightful manner (PLOs 1a, 3a & 3b)
- CLO3 : Engage in complex critical discussions of how the principles of Chinese regulation of international business law operate (PLOs 1a, 2a, 3a & 3b)

Detailed Assessment Description

Students are required to submit an essay outline for a research essay. Both assessments, i.e. Essay Outline and Research Essay, will be discussed in detail in the first class.

Assignment submission Turnitin type

This assignment is submitted through Turnitin and students do not see Turnitin similarity reports.

Generative AI Permission Level

Simple Editing Assistance

In completing this assessment, you are permitted to use standard editing and referencing functions in the software you use to complete your assessment. These functions are described below. You must not use any functions that generate or paraphrase passages of text or other media, whether based on your own work or not.

If your Convenor has concerns that your submission contains passages of AI-generated text or media, you may be asked to account for your work. If you are unable to satisfactorily demonstrate your understanding of your submission you may be referred to UNSW Conduct & Integrity Office for investigation for academic misconduct and possible penalties.

For more information on Generative AI and permitted use please see here.

Research Essay

Assessment Overview

This assessment requires you to write a research essay.

Course Learning Outcomes

- CLO2 : Examine and engage in advanced critical analysis of the essential elements of Chinese regulation of international business law and its formation through an extended research essay (PLOs 1a, 1b, 2a, 2b, 3a & 4)
- CLO3 : Engage in complex critical discussions of how the principles of Chinese regulation of international business law operate (PLOs 1a, 2a, 3a & 3b)

Detailed Assessment Description

Students are required to submit a 6000-word research essay on a topic chosen from a list of topics to be distributed in the first class. Marking criteria will be discussed in class.

Assignment submission Turnitin type

This assignment is submitted through Turnitin and students do not see Turnitin similarity reports.

Generative AI Permission Level

Simple Editing Assistance

In completing this assessment, you are permitted to use standard editing and referencing functions in the software you use to complete your assessment. These functions are described below. You must not use any functions that generate or paraphrase passages of text or other media, whether based on your own work or not.

If your Convenor has concerns that your submission contains passages of AI-generated text or media, you may be asked to account for your work. If you are unable to satisfactorily demonstrate your understanding of your submission you may be referred to UNSW Conduct & Integrity Office for investigation for academic misconduct and possible penalties.

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General Assessment Information

For further information on generative AI use in the Faculty of Law & Justice, please review the section titled 'Academic Honesty and Plagiarism' under the 'Other Useful Information' tab.

<u>Grading Basis</u>

Standard

Course Schedule

Teaching Week/Module	Activity Type	Content
Week 1 : 9 September - 15 September	Lecture	10 September Topic 1 Introduction to Chinese Economy Topic 2 China's Political System and the Communist Party 12 September Topic 3 China's Judicial and Legal Systems Topic 4 Doing Business in China
Week 2 : 16 September - 22 September	Lecture	17 September Topic 5-A China's Regulation of Inbound Foreign Investment (IFDI) Topic 5-B China's Regulation of IFDI 19 September Topic 6 China's Regulation of Outbound Foreign Investment (OFDI) Topic 7 China's International Investment Agreements and Practice
Week 3 : 23 September - 29 September	Lecture	24 September Topic 8-A China's Regulation of International Trade: Import Topic 8-B China's Regulation of International Trade: Export 26 September Topic 9-A Data Protection and Cybersecurity Laws in China Topic 9-B DiDi Case and China's Data Laws
Week 4 : 30 September - 6 October	Lecture	1 October Topic 10 Anti-Trust Law and State Monopolies Topic 11 Protection of Intellectual Property Rights and Technology Transfer 3 October Topic 12 Alternative Dispute Resolution in China Conclusion and Revision

Attendance Requirements

Please see information about attendance requirements in **Law & Justice Assessment Procedure and Student Information** located in the Other Useful Information tab in the Academic Information field.

Please be advised there will be no classes on public holidays. If your class falls on a public holiday, alternative arrangements will be made by the course convenor to make up the missed class.

Course Resources

Prescribed Resources

There is no prescribed textbook for this course. Detailed information on reading assignment will be distributed via a detailed Course Outline which will be made avaliable on Moodle before Week 1.

Staff Details

Position	Name	Email	Location	Phone	Availability	Equitable Learning Services Contact	Primary Contact
Convenor	Weihuan Zhou		Room 368, the Law Buidling			Yes	Yes

Other Useful Information

Academic Information

Upon your enrolment at UNSW, you share responsibility with us for maintaining a safe, harmonious and tolerant University environment.

You are required to:

- Comply with the University's conditions of enrolment.
- Act responsibly, ethically, safely and with integrity.
- Observe standards of equity and respect in dealing with every member of the UNSW community.
- Engage in lawful behaviour.
- Use and care for University resources in a responsible and appropriate manner.
- Maintain the University's reputation and good standing.

For more information, visit the UNSW Student Code of Conduct Website.

UNSW Law & Justice Assessment Policy

It is essential that all students undertaking this course read and abide by the UNSW Law & Justice Assessment Policy & Student Information. This document includes information on Class Attendance, Late Work, Word Limits, Marking, Special Consideration, Workload, and Academic Misconduct & Plagiarism. More information can also be found at Assessment & Exam Information.

Information regarding Course Outlines are subject to change and students are advised to check updates. If there is a discrepancy between the information posted here and the handbook or the UNSW Law & Justice website, please contact Student Services via The Nucleus Hub for advice. UNSW Law & Justice reserves the right to discontinue or vary such courses or staff allocations at any time. If your course is not here, please visit Handbook for information.

Academic Honesty and Plagarism

As a student at UNSW you are expected to display academic integrity in your work and interactions. Where a student breaches the UNSW Student Code with respect to academic integrity, the University may take disciplinary action under the Student Misconduct Procedure. To assure academic integrity, you may be required to demonstrate reasoning, research and the process of constructing work submitted for assessment.

To assist you in understanding what academic integrity means, and how to ensure that you do comply with the UNSW Student Code, it is strongly recommended that you complete the Working with Academic Integrity module before submitting your first assessment task. It is a free, online self-paced Moodle module that should take about one hour to complete.

Generative AI

Using generative AI to conduct research or to organise your argument is not prohibited but is not encouraged. We note that the output from generative AI tools is often incorrect and almost always more superficial than is required to achieve a passing grade. Moreover, any substantive errors in the assessment, such as inappropriate references or incorrect statements, will be regarded negatively by the marker, just as they would if not generated by AI. You should limit your use of AI to simple editorial assistance, such as standard editing and referencing functions in word processing software in the creation of your submission. You must not use any functions that generate or paraphrase passages of text, whether based on your own work or not. If your marker or Turnitin identify the use of generative AI in the text of your assessment submission, including the use of paraphrasing software, your assessment may be referred to the Student Integrity team for investigation. Please go to the link for further information about referencing and acknowledging the use of artificial intelligence tools.

Prohibition on use of translation apps

With limited exceptions for language study, the course of study and assessment in Australian universities must be in English (Higher Education Standard Framework (Threshold Standards)

2021 1.5 6(c)).

In Law & Justice many classes have assessable class participation. This must be in English. **Use of a translation device to assist with contributions to class discussion is not allowed.** Similar prohibitions apply to use of any other generative text app that is not specifically permitted by the class teacher. However, use of translation software to assist a student to understand material outside of class, or to assist with preparation for assessment is generally permitted.

Further considerations apply to LLB and JD students. International lawyers who seek to be admitted in NSW must satisfy an English proficiency test. That test is expressed as equivalent to IELTS scores of 7.0 -8.0 across the tests. It is assumed that UNSW graduates are at or above those levels of English proficiency. Use of translation apps can impede the attainment of that level of proficiency. Students should avoid behaviours that put them at risk of breach of legal requirements which can have significant consequences, including potential consequences for your admission as a lawyer.

Submission of Assessment Tasks

Before submitting assessment items all students must read and abide by the UNSW Law & Justice Assessment Policy & Student Information.

Special consideration

Special consideration is primarily intended to provide you with an extra opportunity to demonstrate the level of performance of which you are capable. To apply, and for further information, see Special Consideration on the UNSW Current Students page.

Feedback

UNSW Law & Justice appreciates the need for students to have feedback on their progress prior to the last date for withdrawal without failure. All courses will therefore provide feedback to students prior to this date, as well as throughout the course. However, students should note that feedback does not take the form only of formal grades and written comments on written assessments. Rather, formative feedback, which helps students to self-assess, to identify misunderstandings, and to identify areas requiring further work, will occur during class and possibly online. For example, where a teacher asks the class a question, all students should think about how they might answer. Even though not all students will necessarily be able to respond orally, everyone can reflect on their tentative answer in light of the teacher's response and

subsequent class discussion. If you are struggling to understand what is being asked in class, or if your tentative answers prove incorrect and subsequent discussion does not clear things up, then you should continue to ask questions (of yourself, your peers or your teacher). Similarly, you can get a sense of your ability in a course through peer feedback during group work, your teacher's responses to your in-class contributions, and your own response to in-class problems and examples (whether or not you are called on to relay your answer to the class) and also your online activities and responses by others to those activities. Students enrolled in this course may check their Moodle course page for details on the specific feedback used in this course.

Faculty-specific Information

Additional support for students

- Student support: https://www.student.unsw.edu.au/support
- Academic Skills and Support: https://student.unsw.edu.au/academic-skills
- Student Wellbeing, Health and Safety: https://student.unsw.edu.au/wellbeing
- Equitable Learning Services: https://student.unsw.edu.au/els
- UNSW IT Service Centre: https://www.myit.unsw.edu.au

Course improvement

Student feedback is very important to continual course improvement. This is demonstrated within the Faculty of Law & Justice by the implementation of the UNSW online student survey myExperience, which allows students to evaluate their learning experiences in an anonymous way. myExperience survey reports are produced from each survey. They are released to staff after all student assessment results are finalised and released to students. Course convenors will use the feedback to make ongoing improvements to the course. Students enrolled in this course may check their Moodle course page for details on the actions taken in response to evaluation feedback in Student Survey.

School Contact Information

Please contact Nucleus Student Hub for all enquiries. The Nucleus acts as a central communications hub for UNSW and will distribute your enquiry to the best person to respond.