



The
University
of Sydney



Sydney
Law School

Shanghai Winter School

22 November - 12 December 2009

Information for students



THE 16TH WINTER SCHOOL IN SHANGHAI FOR THE STUDY OF CHINESE LAW

The Shanghai Winter School is an intensive three-week introduction to Chinese Law and provides students with an opportunity to study, on an intensive and introductory basis, the laws and legal system of China whilst experiencing life in that country.

The Winter School is jointly organised by the Sydney Law School and the East China University of Political Science and Law (ECUPL) and is held on the campus of ECUPL in Shanghai, China. Lectures are given by Chinese Professors in English and students are assessed by academic staff from the Sydney Law School. A representative of the Law School will be in residence in Shanghai to oversee the course and to assist students.

Accommodation and meals are provided on the ECUPL campus.

The aims of the Winter School are:

- to provide an introduction to the Chinese legal system and Chinese laws;
- to encourage independent research into specific areas of Chinese law.

It is hoped that the Winter School will stimulate interest in, and analysis of, Chinese legal styles, attitudes and structures, including traditional Chinese legal values and processes, as significant factors in the understanding of modern Chinese law and the legal system.

CONTENT OF THE UNIT

Interest in Chinese society and law has increased in the wake of the "Open Door Policy" announced at the end of 1978. The Four Modernisations – of agriculture, industry, national defence, and science and technology – have been accompanied by a "Fifth Modernisation," that of law and the legal system destroyed during the Cultural Revolution. Since 1979, China has embarked on the development of a modern legal system. While geared expressly to meet the needs of its new economic policies, this development has had profound implications for civil, criminal and administrative law and other aspects of social and political life.

Both investors and scholars are now confronted by a China which appears to seek to do things differently from the past – to use and rely on law, to spell out in codes and other enactments legal rights and duties, and to encourage citizens to turn to courts for resolution of their disputes and for remedies for injuries to their rights.

How successful has China been in building a legal system? What sort of legal and judicial system has been created? What is the nature and what are the characteristics of the laws passed? To what extent do past institutions and traditions affect present laws, their implementation and citizens' perceptions of and attitudes to the law? How are the laws and legal institutions affecting citizens, foreign business interests and investors? How do Chinese courts function? How do Chinese lawyers operate and organise themselves?

These are some of the questions that will be raised in this unit. Considering them will help the thoughtful lawyer understand more about the character of law and the way legal systems develop. It will help students to acquaint themselves with the formal structure of the legal system, the legislative process, and the hierarchy of legal authority, courts and laws and to compare and contrast the operation of law in China and its operation in other countries. It will also help those who intend to undertake commercial activities in China to understand the political, legal and cultural context in which they will be operating – the conditions in which they will be interacting, negotiating and trading.

The unit will provide students with an overall picture of the modern Chinese legal system. It will develop a perception of its unique character by tracing its role through major social epochs and the role of law in a socialist market economy. It will examine the concept of law as a political function and the implementation of law, not so much through courts, as through administrative fiat and authority, making law essentially a function of politics and administration.

The unit will illustrate these perceptions through the study of various legal regimes.

Lecture topics may include:

- Legal History
- Constitutional Law
- Administrative Law
- Criminal Law and Procedure
- Civil Law and Procedure
- Contract Law
- Company Law
- Foreign Trade Law
- Foreign Joint Venture Law
- Intellectual Property Law
- Environmental Law
- Property Law
- People's Mediation
- Arbitration
- The Lawyer System

There will also be a visit to a Chinese law firm or a Chinese court.

Students are provided with copies of English translations of relevant legislation and a selection of readings to complement the lectures. Lecturers may also issue additional materials to students in Shanghai.

ASSESSMENT

Assessment varies according to the course in which students are enrolled. All students must attend lectures and sit a take-home examination in Shanghai. The exam will be marked by academic staff from the Sydney Law School.

Postgraduate students must also submit a research essay following the Winter School. The essay is due on **Thursday 25 February 2010**. Essays will also be marked by an academic staff member from the Sydney Law School.

Please note that assessment has changed for 2009.

The assessment details for each unit of study are as follows:

LAWS3068 Chinese Laws and Chinese Legal Systems

6 credit points

Assessment: One take-home examination to be completed in Shanghai (100%).

LAWS3014 Chinese Laws and Chinese Legal Systems

8 credit points

Assessment: One take-home examination to be completed in Shanghai (100%).

LAWS6001 Chinese Laws and Chinese Legal Systems

12 credit points

Assessment: One take-home examination to be completed in Shanghai (30%); one 8,000 word essay (70%).

Please note that assessment may be subject to change.

RESULTS

Results for the Winter School may not be available until **July 2010**. Final year University of Sydney students please note that this means you may not be able to graduate in May 2010. Final year cross-institutional students should also note that this may delay your graduation.

Official result notices will be mailed to students, so it is important to ensure that the University has your correct contact details.

Students can request official University of Sydney transcripts from the Student Centre of the University of Sydney. Please go to www.usyd.edu.au/studentcentre/records/index.shtml for further details.

READING MATERIALS

Printed materials will be made available to students, including articles on topics related to the course and English translations of legislation. Students may also be provided with references to available material on the internet and asked to download it themselves prior to the commencement of the course.

WEBCT

On enrolment, students will receive a WebCT login. WebCT will be used to notify students of important notices and information as well as additional readings required for the unit. Please note that this will be the primary means of providing unit information to students enrolled in the Winter School program.

EMAIL COMMUNICATION

Please ensure you provide a current email address on your application form and inform the Winter School office should these details change.

WHO SHOULD ENROL?

Enrolment in the Winter School is available to:

- Current undergraduate and postgraduate law students at the University of Sydney;
- Undergraduate and postgraduate law students currently enrolled in an Australian or overseas university who are seeking to obtain credit for the Winter School for a tertiary award;
- Students with appropriate tertiary education qualifications who are seeking to enrol for non-degree purposes, or for credit towards a non-law tertiary award.

Please note that preference is given to University of Sydney law students and then to cross-institutional law students. Non-degree and non-law applications will be considered only if space permits.

Undergraduate law students from the University of Sydney

The unit is offered as a 6 credit point elective in the Bachelor of Laws degree and is available to undergraduate law students who have completed at least 3rd year Combined Law, or 1st year Graduate Law. Combined Law students please note that you must have completed all the requirements of your 1st degree by the end of Semester 2, 2009, including all law units of study, in order to be eligible for the Winter School.

University of Sydney undergraduate law students should take note that this elective does not satisfy the Part 2 (Jurisprudence) requirement of the LLB degree.

Please note: Combined Law students who enrolled prior to 2006 and Graduate Law students who enrolled prior to 2008 and who are proceeding under the old LLB resolutions are normally required to enrol in the 8 credit point unit of study – LAWS3014 CHINESE LAWS AND CHINESE LEGAL SYSTEMS, if this is their final unit of study. Students who are proceeding under the old resolutions and have further electives to complete in 2010 should seek advice from the Undergraduate Team.

Undergraduate law students from Universities other than Sydney

The Winter School is available to undergraduate and graduate cross-institutional law students who have completed at least the equivalent of 1 year of a Bachelor of Laws or JD program.

Students have the option of either enrolling in an 8 credit point elective (one-sixth of an annual full time workload) or a 6 credit point elective (one-eighth of an annual full-time workload).

Cross-institutional applicants are advised to confirm with their home institution that the Winter School can be credited to their degree. Students are required to obtain written permission from their home institution before applying to the Winter School and paying the non-refundable deposit.

Postgraduate students

The Winter School can be credited towards the following University of Sydney postgraduate degrees and diplomas:

- Master of Laws (LLM)
- Master of Business Law (MBL)
- Master of International Law (MIL)
- Master of International Business and Law (MIntBus&Law)
- Graduate Diploma of Law (GradDipLaw).

The postgraduate unit LAWS6001 CHINESE LAWS AND CHINESE LEGAL SYSTEMS is worth 12 credit points (one-quarter of an annual full-time workload).

Please note that postgraduate students who have previously undertaken LAWS6857 INTRODUCTION TO CHINESE LAW or completed a law degree in the People's Republic of China are not eligible to enrol in the Winter School.

Master of International Business and Law candidates who do not have law qualifications must complete LAWS6252 LEGAL REASONING AND THE COMMON LAW SYSTEM prior to undertaking the Winter School.

Cross-institutional applicants are advised to confirm with their home institution that the Winter School can be credited to their degree. Students are required to obtain written permission from their home institution before applying to the Winter School and paying the non-refundable deposit.

ACCOMMODATION

Accommodation is provided from 21 November to 13 December 2009 (i.e. you are expected to checkout on Sunday 13 December). Students who wish to arrive earlier or depart later can generally be accommodated at ECUPL at an additional cost.

Participants are accommodated in the Guest House of the International Exchange Center on the campus of ECUPL. All rooms include heating, linen and blankets, towels and television, and are serviced daily. A basic laundry service is available at a small cost.

There are two types of room:

- **BASIC ROOMS** accommodate 2 persons per room with shared bathroom facilities (4 students per bathroom).
- **STANDARD ROOMS** (twin share or single) have private bathrooms.

Most of the rooms in the building are Standard Rooms. There are only a few Basic Rooms.

Please note that while we will try to provide students with single rooms when requested, this may not always be possible and will depend on the total number of students enrolled in the course.

The use of electrical appliances for cooking purposes, and electric blankets, are prohibited. The rooms do not have cooking facilities. Three meals a day are provided in the dining room of the Guest House.

Persons of different genders may share rooms only if they are married couples. Students are required to observe the rules of ECUPL. Any breakage or damage to property is the responsibility of the student causing the damage and must be paid for prior to departure from ECUPL.

Please note that a deposit is payable by each student on arrival for room keys (this was RMB100 in 2008) and will be refunded on departure.

All students must stay in the accommodation provided by ECUPL. This is a requirement of the course. Students are not permitted to stay with family or friends or to otherwise arrange their own accommodation under any circumstances.

TRAVEL

Participants are responsible for their own travel arrangements to and from Shanghai. Students should arrive in Shanghai no later than Sunday 22 November 2009.

Students are strongly advised not to make travel bookings until notification of their acceptance into the program has been received from the Sydney Law School.

Australian citizens are advised to register their travel and contact details with the Australian Department of Foreign Affairs and Trade (<https://www.orao.dfat.gov.au/orao/weborao.nsf/homepage?Openpage>) prior to leaving Australia.

Travel advice for China is available at <http://www.smartraveller.gov.au/zw-cgi/view/Advice/China>.

Important information for dual nationals

The Australian Department of Foreign Affairs and Trade advises the following:

“The Chinese government does not recognise dual nationality and will not allow consular access by the Australian Embassy or Consulate to Australians detained by Chinese authorities if they have entered China on a Chinese passport, a Hong Kong or Macau identity card or any non-Australian foreign passport. This includes identity cards issued in Taiwan. Consular access is, however, allowed to those who have entered on Australian passports. Therefore, if you are an Australian/Chinese dual national, you should travel on your Australian passport, obtain a visa for China and present yourself as Australian at all times.” ([smartraveller.gov.au](http://www.smartraveller.gov.au) website)

INSURANCE

Students are responsible for organising their own travel insurance.

Travel insurance is a compulsory requirement for all students. Students will not be permitted to participate in the program if proof of valid travel insurance is not provided.

Please note that your travel insurance policy must provide comprehensive coverage for medical expenses incurred overseas, including medical evacuation, and personal liability coverage. You should also ensure you are covered for cancellation costs in the event that the Winter School program is cancelled. If you plan on taking a laptop, please ensure that you have arranged appropriate insurance.

Students are strongly advised to ensure they have sufficient funds while in Shanghai to cover the payment of unforeseen medical expenses, as most Chinese doctors and hospitals will require cash payment upfront for treatment. These expenses can generally be claimed on return to your home country through your travel insurance provider.

VISAS

Most students will require visas. Students are responsible for obtaining visas from the Chinese Embassy or Consulate and the University of Sydney accepts no responsibility if a student is unable to obtain a Chinese visa. ECUPL will facilitate the issuing of visas by providing supporting documentation to students. For this reason, we require details of the passport on which you will be travelling at the time of application. Visa documentation will be sent to you as soon as it is received from ECUPL.

VACCINATIONS

It is recommended that participants consult their doctors with respect to vaccinations. Please note some vaccinations must be administered well in advance of departure for China.

AIRPORT TRANSFERS

ECUPL will endeavour to provide transportation between Pudong International airport and the ECUPL campus on 21 and 22 November only. Airport transfers will NOT be provided following the completion of the Winter School. Students will be required to make their own way to the airport by taxi or public transport. Please note that there may be circumstances in which it is not possible for ECUPL to provide airport transfers. All students will be provided with clear travel instructions in English and Chinese.

FEES

The Shanghai Winter School is offered on a full-fee basis only. Commonwealth supported places (HECS-HELP) are not available.

Two fees are payable:

1. The University of Sydney tuition fee (which varies depending on your enrolment)
2. A fee covering in-Shanghai expenses (which varies depending on your choice of accommodation).

The tuition fee covers tuition cost (including reading materials) in Shanghai and Sydney. This fee is set by the University of Sydney and is based on the standard full fee rate.

The fee for in-Shanghai expenses covers:

- accommodation, including linen, blankets, towels, heating, television and cleaning
- three meals per day (excluding drinks)
- airport transfers on arrival (for students arriving on 21 or 22 November only)
- a three-day trip to Hangzhou
- administrative overhead.

Both fees are payable to the Sydney Law School.

Commonwealth Assistance (FEE-HELP)

Eligible students may apply to defer their tuition fee payment through the Commonwealth Government's FEE-HELP scheme. FEE-HELP enables eligible undergraduate and postgraduate full-fee paying students to obtain a loan from the Government to cover the tuition fees incurred. Please refer to the current FEE-HELP information booklet (available from the information counter on Level 3 of the new Law School building) or visit www.goingtouni.gov.au for further details on the scheme.

Please note that FEE-HELP cannot be used for payment of the fee for in-Shanghai expenses.

Important note for undergraduate students:

A loan fee of 20% applies to FEE-HELP loans for undergraduate units of study. The loan fee is charged for the amount of FEE-HELP assistance that you receive for the unit. For example, if you take out a FEE-HELP loan of \$3,330, your loan fee will be \$666 and your FEE-HELP debt reported to the Tax Office will be \$3,996.

A loan fee does not apply to FEE-HELP loans for postgraduate units of study.

2009 Tuition fee schedule

Local students

Student type	Credit points	Tuition fee (AUD)
Undergraduate	6	\$3,330
	8	\$4,440
Postgraduate	12	LLM, MBL, GradDipLaw, Non-degree, Cross-institutional: \$5,100
		MIL: \$4,620
		MIntBus&Law: \$5,100

International students

Student type	Credit points	Tuition fee (AUD)
Undergraduate	6	\$3,840
	8	\$5,120
Postgraduate	12	LLM, MIL, MBL, GradDipLaw, Non-degree, Cross-institutional: \$6,480
		MIntBus&Law: \$6,720

2009 Fees for in-Shanghai expenses

Accommodation type	Fee per person (AUD)
Basic twin-share	\$1,650
Standard twin-share	\$1,960
Standard single	\$2,420

REFUND POLICY

1. In the event that the Winter School is cancelled, students will receive a 100% refund of tuition fees and in-Shanghai expenses.
2. Upon application, students pay a deposit of AUD500 which will only be refunded if your application is unsuccessful or in the event that the Winter School is cancelled.
3. Students who withdraw from the Winter School prior to close of business on Friday 25 September 2009 will receive a full refund of any tuition fees and in-Shanghai expenses paid, less the AUD500 deposit.
4. Students who withdraw from the Winter School between 26 September 2009 and prior to close of business on Friday 9 October 2009 will receive a full refund of tuition fees paid and 60% of their in-Shanghai expenses.
5. Students who withdraw from the Winter School between 10 October 2009 and prior to close of business on Friday 23 October 2009 will receive a full refund of tuition fees paid and 50% of their in-Shanghai expenses.
6. Students who withdraw from the Winter School after close of business on 23 October 2009 and before the census date will receive a full refund of tuition fees paid and no refund of their in-Shanghai expenses.
7. 100% tuition fee liability or FEE-HELP debt will be incurred after the census date. No refund of either tuition fees or in-Shanghai expenses is payable for unit of study withdrawals received after this date.

The Faculty of Law requests that candidates intending to withdraw from the Shanghai Winter School do so no later than Friday 13 November 2009.

Please note that applications to withdraw from Winter School must be received in writing and lodged with the Winter School office or the information counter on Level 3 of the new Law School building by the relevant date.

HOW TO APPLY

Application

A completed and signed application form accompanied by a AUD500 deposit and relevant evidentiary and permission documents must be received by the Sydney Law School by **Friday 24 July 2009**.

Please note that a maximum of 65 students will be accepted into the program. Applicants are strongly urged to submit applications without delay to avoid disappointment. Preference is given to University of Sydney law students and then to cross-institutional law students. Non-degree and non-law applications will be considered only if space permits.

Applications received after 24 July may be considered but only if places in the program are still available.

Enrolment with the Sydney Law School

Students will enrol in one of the following units of study depending on their enrolment status:

- LAWS3068 CHINESE LAWS AND CHINESE LEGAL SYSTEMS (6 credit points)
This unit is available to University of Sydney undergraduate students proceeding under the new resolutions (Combined Law students who first enrolled in 2006 and Graduate Law students who first enrolled in 2008 or later), and undergraduate cross-institutional students.
- LAWS3014 CHINESE LAWS AND CHINESE LEGAL SYSTEMS (8 credit points)
This unit is available to undergraduate students from the University of Sydney proceeding under the old resolutions and undergraduate cross-institutional students. (Please note that University of Sydney Combined Law students and Graduate Law students who are proceeding under the new LLB resolutions, are required to enrol in the 6 credit point unit if study. Enrolment in the 8 credit point unit is not permitted by these students).
- LAWS6001 CHINESE LAWS AND CHINESE LEGAL SYSTEMS (12 credit points)
This unit is available to postgraduate students only.

Undergraduate students from the University of Sydney

Students undertaking Winter School will enrol in either LAWS3014 CHINESE LAWS AND CHINESE LEGAL SYSTEMS or LAWS3068 CHINESE LAWS AND CHINESE LEGAL SYSTEMS which are offered as a summer semester units for 2010. Students will be permitted to enrol in a standard load in Semester 1, 2010 in addition to LAWS3014 or LAWS3068.

Students will not be able to enrol online. Enrolments will be processed by undergraduate student administration once all fees (in-Shanghai expenses and tuition) have been paid to the Sydney Law School.

The full tuition fee (or completed Request for FEE-HELP Assistance form) and the balance of the in-Shanghai expenses must be received by **Friday 25 September 2009**.

Payments can be made by credit card (MasterCard or VISA) or by cheque made payable to the University of Sydney.

Undergraduate cross-institutional students

Undergraduate cross-institutional students will enrol in either LAWS3014 or LAWS3068.

Please note that cross-institutional students are required to obtain written permission from their home institution and must also provide a current academic transcript at the time of application. For further information regarding the supporting documentation required at the time of application, please refer to the application form.

Enrolments will be processed by undergraduate student administration once all fees (in-Shanghai expenses and tuition) have been paid to the Sydney Law School, and all supporting documentation has been received.

The full tuition fee (or completed Request for FEE-HELP Assistance form) and the balance of the in-Shanghai expenses must be received by **Friday 25 September 2009**.

Payments can be made by credit card (MasterCard or VISA) or by cheque made payable to the University of Sydney.

Postgraduate students

Postgraduate students enrol in LAWS6001 CHINESE LAWS AND CHINESE LEGAL SYSTEMS which is offered as a 2009 late intensive unit. Enrolments will be processed by postgraduate student administration. Students will not be able to enrol online.

Postgraduate students are required to pay tuition fees as soon as they have been formally enrolled in the unit. Postgraduate law students are advised to contact postgraduate student administration on

+61 2 9351 0347 or at law.postgrad@usyd.edu.au for further information. *Master of International Business & Law* students should contact the Faculty of Economics & Business.

The balance of the in-Shanghai expenses must be received by **Friday 25 September 2009**. Payment can be made by credit card (MasterCard or VISA) or by cheque made payable to the University of Sydney.

Local postgraduate cross-institutional students are required to complete an *Application for Admission* form in addition to the Winter School application form. Both forms should be submitted to the Winter School office for processing. *Application for Admission* forms can be obtained by emailing law.winterschools@usyd.edu.au. For information regarding the supporting documentation required at the time of application, please refer to the Winter School application form.

International postgraduate cross-institutional students are advised to contact the Sydney Law School's International Student Liaison Officer on +61 2 9351 0314 or at christine.jones@usyd.edu.au for further information regarding admission to the Sydney Law School as an international cross-institutional student.

CONDITIONS OF ENROLMENT

Units of Study and arrangements for these, including staff allocated, as stated in any publication, announcement or advice of the University are an expression of intent only and are not to be taken as a firm offer or undertaking. The University reserves the right to discontinue or vary such units, arrangements or staff at any time without notice. The University reserves the right to cancel your enrolment in the following circumstances:

1. Provision of false or misleading information;
2. Failure to pay outstanding loans, fines and/or fees;
3. Payment by a cheque which is dishonoured or by a credit card authorisation which your credit provider refuses to pay.

Students are advised not to make travel bookings until official notification of acceptance into the Winter School program by the Sydney Law School has been received. All students must obtain travel insurance to cover illness and cancellation of fares in the event that the course is cancelled. The University of Sydney will not pay any amounts in respect of travel or other costs incurred by a student in the event that the course is cancelled at any time or if the student is unable to obtain a Chinese visa or if for any reason a student is unable or decides not to participate in the course.

FURTHER ENQUIRIES

Academic Coordinator

Vivienne Bath

Senior Lecturer & Director of CAPLUS

Email: v.bath@usyd.edu.au

Tel: +61 2 9351 0209

Fax: +61 2 9351 0200

Please contact Vivienne for all academic enquiries relating to the course.

Administrative Coordinator

Craig Bromley

Email: law.winterschools@usyd.edu.au

Tel: + 61 2 9351 0275

Fax: + 61 2 9351 0200

Please contact Craig for all administrative enquiries, including application, enrolment and fee related matters.

Shanghai Winter School
Sydney Law School
Faculty of Law F10
The University of Sydney NSW 2006

SAMPLE PROGRAM*

DATE	9:00 – 11:45	PROFESSOR	13:30 – 15:30	PROFESSOR
Sat 21 Nov	ARRIVE ECUPL			
Sun 22 Nov	ARRIVE ECUPL			
Mon 23 Nov	Chinese Legal System	Luo Peixin	Chinese Legal System	Luo Peixin
Tue 24 Nov	Civil Law	Si Pingping	Civil Procedure	Si Pingping
Wed 25 Nov	Chinese Legal History	Wang Limin	Chinese Legal History	Wang Limin
Thu 26 Nov	Constitutional Law	Zhang Xuezhong	Constitutional Law	Zhang Xuezhong
Fri 27 Nov	Corporation Law	Jin Tao	Corporation Law	Jin Tao
Sat 28 Nov	SUZHOU TRIP (OPTIONAL)			
Sun 29 Nov	FREE TIME			
Mon 30 Nov	Criminal Law	Zheng Wei	Criminal Procedure	Zheng Wei
Tue 1 Dec	Lawyer System	Gu Baizhong	Law Firm Visit	-
Wed 2 Dec	Financial Regulation	Wang Kangmao	Contract Law	Xu Shiying
Thu 3 Dec	Foreign Joint Venture Law	Gu Baizhong	Arbitration & Mediation	Gu Baizhong
Fri 4 Dec	HANGZHOU TRIP			
Sat 5 Dec	HANGZHOU TRIP			
Sun 6 Dec	HANGZHOU TRIP			
Mon 7 Dec	Intellectual Property Law	Zhu Lanye	Intellectual Property Law	Zhu Lanye
Tue 8 Dec	Environmental Law	Li Weifang	Foreign Trade Law	Wang Qian
Wed 9 Dec	Take-home examination issued 9 December			
Thu 10 Dec	Take-home examination to be submitted			
Fri 11 Dec	CONFERRAL OF CERTIFICATES, CLOSING CEREMONY & BANQUET			
Sat 12 Dec	DEPART ECUPL			
Sun 13 Dec	DEPART ECUPL			

* Subject to change