SHANGHAI WINTER SCHOOL 2016

Program Dates:
28 November – 16 December 2016

Held at
International Exchange Centre
ECUPL
1575 Wan Hang Du Road
Shanghai 200042
People’s Republic of China
The Shanghai Winter School is an intensive three-week introduction to Chinese law and provides you 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 Sydney Law School and the East China University of Political Science and Law [ECUPL] and lectures are held on the old campus of ECUPL in Shanghai. Lectures are given in English by Chinese professors and the program is supervised by academic staff from Sydney Law School. Representatives of the Law School will be in residence in Shanghai for the duration of the course.

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

In the wake of the “Open Door Policy” announced at the end of 1978, 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. With the growth of the trade and investment relationship between Australia and China, China’s legal system has assumed much greater significance for Australian lawyers.

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 you to understand more about the character of law and the way legal systems develop. It will help you to acquaint yourself 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 you will be operating and the conditions in which you will be interacting, negotiating and trading.

The unit will provide you with an overall picture of the modern Chinese legal system. By developing 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.

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

Lecture topics may include:
- The Chinese legal system
- Chinese legal history
- Constitutional law
- Administrative law
- The lawyer system
- Criminal law and procedure
- Civil law and procedure
- Contract law
- Company law
- Financial law
- Foreign trade law
- Foreign investment law
- Intellectual property law
- Environmental law
- Property law
- People’s mediation
- Arbitration and mediation
Students are provided with copies of English translations of relevant legislation and a selection of readings to complement the lectures. Lecturers will also issue additional materials to students in Shanghai. It is anticipated that there will also be a visit to a Chinese law firm and/or a Chinese court.

**Accommodation**

Accommodation is provided from Sunday 27 November to Saturday 17 December 2016. You are expected to check-out no later than the morning of the 17th. Participants will be accommodated in the Guest House of the International Exchange Centre on the ECUPL campus.

All students, including Chinese nationals, must stay in the accommodation provided. 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. Please note that students may not allow anyone who is not participating in the course to stay in their room. There is therefore no accommodation in the guesthouse for non-participating spouses or partners.

The rooms are modern and well equipped. Extensive renovations to the guest house were completed last year. Students may select either single or twin share en-suite rooms. Please note that while we will try to provide students with single rooms when requested, this may not always be possible as it will depend on the total number of students enrolled in the course. ECUPL policy is that students of different genders may share rooms only if they are married to each other.
Breakfast and most lunches [Monday-Friday] will be provided at the guest house. There are many reasonably priced restaurants near the University. The rooms do not have cooking facilities. Any breakage or damage to property is the responsibility of the student causing the damage and must be paid for prior to departure.

**Getting around**

The course is conducted on the old campus of ECUPL which is located in the Changning District of Shanghai city adjoining Suzhou Creek and Zhongshan Park, just 20 minutes from the French Concession and city centre. The campus is situated on the north side of Zhongshan Park. On the south side of the park is the Zhongshan Park Metro Station which is located on Metro Line 2. This line takes you direct to Nanjing Rd and People’s Square and to Longyang Rd Station where you can connect with the high-speed Maglev train (which has a top speed of 430km/h) to Pudong International Airport. Travel by metro is cheap and efficient with trains arriving every few minutes. Station signs, announcements and automatic ticket machines are all in Chinese and English which makes metro travel very easy and stress-free for non-Chinese speakers.
There is a small supermarket on campus that offers a printing and photocopying service. The Cloud Nine Shopping Centre is located to the west of Zhongshan Park and there you will find many boutiques and restaurants, a cinema, Carrefour and ATMs. There are many other shopping centres and restaurants in the vicinity.

Other activities

An overnight trip to Hangzhou is included in the program. Hangzhou is one of China’s most famous tourist destinations: “In heaven there is paradise, on earth there is Suzhou and Hangzhou.”

Transport to Hangzhou is expected to be by fast train. Activities will include visits to some, if not all, of the following sites: a boat trip on West Lake, Lingyin Temple and the Felai Feng grottoes. Entry fees to tourist attractions are included.

Travel arrangements

Participants are responsible for their own travel arrangements to and from Shanghai. Students should arrive in Shanghai on Sunday 27 November 2016. You must obtain permission to arrive after the beginning of the course.
Students are strongly advised not to make travel bookings until you have received official notification from Sydney Law School that you have been accepted into the program.

Australian citizens are advised to register their travel and contact details with the Department of Foreign Affairs and Trade (DFAT) prior to leaving Australia. Travel advice for China is available at www.smartraveller.gov.au/zw/cgi/view/Advice/China.

**Important information for Chinese- Australian dual nationals:**

DFAT 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 website)

**Airport transfers**

Airport transfers are provided on Sunday 27 November only and only from Pudong International Airport. If you arrive on any other day you will have to make your own way to the campus. Some international and most domestic flights land at Hongqiao Airport. Please note that ECPL is unable to provide airport transfers from Hongqiao Airport. Hongqiao Airport is, however, quite close to the Campus and there is a metro connection to Zhongshan Park station.

Airport transfers are not provided at the conclusion of the course and you will be expected to make your own way to the airport by taxi or public transport. The guest house staff will assist you in booking taxis on departure, if required. The cost of a taxi to Pudong International Airport is around RMB240.
Travel insurance

During the course students are covered by the University of Sydney Student Travel Insurance Policy. Please note the policy is limited in its coverage. For example personal travel, loss of personal items and many routine medical costs are not covered. Further information can be found at: http://sydney.edu.au/audit_risk/insurance/travel/student.shtml

The Faculty strongly recommends all students (including Chinese nationals) consider purchasing additional travel insurance. Please note that your travel insurance policy should 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 program is cancelled. It is strongly recommended that you purchase your travel insurance when you purchase your flight ticket. If you plan to take a laptop or other electronic devices, 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 unforseen medical expenses, as most Chinese doctors and hospitals will require cash payment up-front for treatment. These expenses can generally be claimed on return to your home country through your travel insurance provider.

Any students with pre-existing medical conditions must obtain a letter from their treating doctor which should then be supplied to Audit and Risk Management for insurance purposes advising:

- details of the condition
- management of the condition
- suitability for overseas travel

Further information:

General Insurance and Claims Officer

Vlad Nesic

Phone: +61 2 9351 4127

Email: vlad.nesic@sydney.edu.au
Visas
Most students will require visas. Students are responsible for obtaining visas and the University of Sydney accepts no responsibility if a student is unable to obtain a Chinese visa. ECUPL will facilitate the issuance of visas by providing supporting documentation to students, if required. For this reason, we require details of the passport on which you will be travelling, at the time of application.

Health
It is recommended that you consult your doctor with respect to vaccinations. Please note that some vaccinations may need to be administered well in advance of departure in order to be effective. If you require a specific medication, you should bring it with you.

Please note: students with food allergies or respiratory problems are advised to consult their medical practitioner before applying. The University of Sydney is unable to verify or control, the use of any ingredients or food production techniques used for meals provided throughout the program. Students are also advised that they may be exposed to high levels of pollution whilst in Shanghai.

Who should enrol
Enrolment in the Shanghai Winter School is available to:
-Current undergraduate, Juris Doctor and postgraduate law students from the University of Sydney
-Undergraduate, Juris Doctor and postgraduate cross-institutional law students currently enrolled in an Australian or overseas university who are seeking to obtain credit 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.

Non-degree, non-law and cross-institutional applications are considered if space permits.

Cross-institutional applicants are advised to contact their home institution to confirm that the unit of study can be credited to their degree. Students are required to obtain written confirmation from their home institution before applying to the program and paying the non-refundable deposit.
Please note that preference is given to University of Sydney Law students and then other University of Sydney students. Cross-institutional, non-degree and non-law applications are considered only if space permits.

**Undergraduate students**

LAWS3068 Chinese Laws and Chinese Legal Systems (Shanghai Winter School) is offered as a 6 credit point summer session elective in the Bachelor of Laws degree. Combined Law students who are still enrolled in their first degree are eligible to enrol in this unit only if they are on track to complete their first degree by the end of Semester 2, 2016. Cross-institutional applicants must have completed at least one year of full-time law studies to be eligible.

*Students who have previously undertaken LAWS6857 or LAWS 3068 onshore or completed a law degree in the People’s Republic of China are not eligible to enrol in this unit of study.*

**Juris Doctor students**

LAWS5368 Chinese Laws and Chinese Legal Systems (Shanghai Winter School) is offered as a 6 credit point summer session elective in the Juris Doctor degree. To be eligible to enrol in this unit, Juris Doctor students must be on track to have completed at least one year of full-time study in the Juris Doctor by the end of semester 2 2016. Cross-institutional applicants must have completed at least one year of full-time law studies.

*Students who have previously undertaken LAWS6857 or LAWS 5368 onshore or completed a law degree in the People’s Republic of China are not eligible to enrol in this unit of study.*

**Postgraduate students**

The unit of study can be credited towards the following University of Sydney postgraduate degrees and diplomas offered by the Law Faculty:

- Doctor of Juridical Studies (SJD)
- Master of Business Law (MBL)
- Master of Global Law (MGlobL)
- Master of International Business and Law (MIntBus&L)
- Master of International Law (MIL)
- Master of Laws (LLM)
- Graduate Diploma of Law (GradDipLaw)
- Master of Law and International Development
The postgraduate unit LAWS6001 CHINESE LAWS AND CHINESE LEGAL SYSTEMS is worth 12 credit points (one-quarter of an annual full-time workload) and is available to both University of Sydney and cross-institutional postgraduate students. 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 course unless an exemption is obtained from the Academic Coordinator.

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.

Fees

This unit of study is offered on a full-fee basis only. Commonwealth supported places (HECS-HELP) are not available. Eligible students may apply to defer their tuition fee payment using FEE-HELP (there is a 25% loan fee that is applied to FEE-HELP loans for undergraduate courses of study).

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).

### 2016 FEES for IN-SHANGHAI EXPENSES

<table>
<thead>
<tr>
<th>ACCOMMODATION TYPE</th>
<th>FEE PER PERSON $AUD</th>
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<tbody>
<tr>
<td>Standard Single</td>
<td>$2950</td>
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<tr>
<td>Standard Twin Share</td>
<td>$2300</td>
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The fee for in-Shanghai expenses covers:

- accommodation
- breakfast and most lunches (excluding drinks)
- arrival transfer from Pudong Airport (for students arriving on 27 November only)
- an overnight trip to Hangzhou
- administrative overheads

2016 TUITION FEE SCHEDULE

<table>
<thead>
<tr>
<th>Domestic Students</th>
<th>Credit points</th>
<th>Tuition Fee ($AUD)</th>
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<tbody>
<tr>
<td>Student type</td>
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</tr>
<tr>
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<td>6</td>
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</tr>
<tr>
<td>Juris Doctor</td>
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<td>$4625</td>
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<tr>
<td>Postgraduate</td>
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<tr>
<td>LLM, MBL, MGlobl, MIL, GradDipLaw, MLID Non-degree, Cross-institutional</td>
<td>12</td>
<td>$8375</td>
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The tuition fee covers all tuition costs (including reading materials). This fee is set by the University of Sydney and is based on the standard full fee rate.
OS-HELP

Domestic Commonwealth Supported Students may be eligible to able to apply for OS-HELP assistance. Amounts available are $2500, $5000, $7635. For further information please consult the website: http://sydney.edu.au/study/finances-fees-costs/fees-and-loans/os-help-loans.html

nb the application dates advertised on the website are for students going on exchange.

How to apply

Students must submit a web based application form accompanied by a A$500 deposit (which is part-payment of the fee for the in-Shanghai expenses):


A maximum of 60 students will be accepted into the program and applicants are strongly urged to submit applications without delay to avoid disappointment.

Preference is given to Sydney Law School students and then to other University of Sydney students. Cross-institutional, Non-degree and non-law applications are considered if space permits.

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<td>12</td>
<td>$10500</td>
</tr>
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</table>
All relevant evidentiary and permission documents must be submitted by this date. Applications will be assessed and you will be notified as to whether your application has been successful early in September.

Final subject - if this unit will be your final unit of study toward your degree, please indicate this on your application form. We will endeavour to process your application and advise you of the outcome so you may withdraw from a S2 subject before census date.

**Cross-institutional students**

Cross-institutional applicants are required to provide a current academic transcript at the time of application.

Cross-institutional applicants who are notified of approval to undertake the Shanghai Winter School must then proceed to apply online for admission to the University of Sydney:

Bachelor of Laws:  

Juris Doctor:  

The online application should include:

A written letter from your home institution to confirm that the unit of study can be credited to your degree.

An official current academic transcript from your home institution.

Valid proof of residency status i.e. Australian passport, birth/citizenship certificate

A fee statement which confirms your liability status at your home institution (e.g. Commonwealth Supported, Fee Paying).

Masters Students:  
[https://sydneystudent.sydney.edu.au/sitsvision/courses/dcplawlaw1000-0.htm](https://sydneystudent.sydney.edu.au/sitsvision/courses/dcplawlaw1000-0.htm)

The online application should include:

A written letter from your home institution to confirm that the unit of study can be credited to your degree.

An official current academic transcript from your home institution.

Valid proof of residency status i.e. Australian passport, birth/citizenship certificate
Enrolment with 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 and cross-institutional undergraduate students.

Assessment: One examination to be completed in Shanghai (100%) or
An interim assessment task (20%) and examination to be completed in Shanghai (80%).

Note: This unit is a 2016 summer session unit and is not part of your semester 2 2016 study load.

**LAWS5368 CHINESE LAW AND CHINESE LEGAL SYSTEMS (6 credit points)**

This unit is available to University of Sydney and cross-institutional Juris Doctor students.

Assessment: One examination to be completed in Shanghai (100%) or
An interim assessment task (20%) and examination to be completed in Shanghai (80%).

Note: This unit is a 2016 summer session unit and is not part of your semester 2 2016 study load.

**LAWS6001 CHINESE LAWS AND CHINESE LEGAL SYSTEMS (12 credit points)**

This unit is available to University of Sydney and cross-institutional and postgraduate students only.

Assessment: One examination to be completed in Shanghai (30%); one 8000 word research essay (70%). Research Essay due date: Monday 20th February 2017 (extensions will not be granted). The essay topics will be made available on the LMS site. Students may not select their own topic. Enrolments will be processed by Postgraduate student administration. Students will not be able to enrol online.
Postgraduate students: Please note that results may not be released until May 2017. If this is your final unit of study, you may not be eligible to graduate until Semester 2, 2017.

Should you require further information regarding tuition fee payment procedures, postgraduate law students are advised to contact postgraduate student administration on +61 2 9351 0267. Master of International Business and Law students should contact the University of Sydney Business School.

Please note that you will be required to pay your tuition fee as soon as you have received notification from the University that your enrolment has been finalised.

**Reading Materials**

Materials will be made available to students, including articles on topics related to the course and English translations of legislation. You may also be provided with references to additional online material and asked to download it yourself prior to the commencement of the course.

**Refund Policy**

1. In the event that the Shanghai Winter School is cancelled, students will receive a 100% refund of tuition fees and in-Shanghai expenses.

2. Upon application, all students must pay a deposit of A$500 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 Tuesday 5 October 2016 will receive a full refund of any tuition fees and in-Shanghai expenses paid, less the A$500 deposit.

4. Students who withdraw from the course after close of business on Tuesday 5 October 2016 and before the relevant census date will receive a full refund of tuition fees paid and no refund of the fee for in-Shanghai expenses.

5. No refund of either tuition fees or in-Shanghai expenses is payable for unit of study withdrawals received after the census date. This includes Fee-HELP debt.

Applications to withdraw from the course must be received in writing and lodged with sonya.chater@sydney.edu.au. The Law School requests that candidates intending to withdraw from the Winter School do so no later than Tuesday 1st November 2016.
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 strongly advised not to make travel bookings until you have received official notification from Sydney Law School that you have been accepted into the program. All students are recommended to obtain comprehensive travel insurance which provides coverage for medical expenses incurred overseas, including medical evacuation, personal liability coverage, and cancellation costs. 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 program 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 program.

Academic and Administrative Support

Ms. Chater [the Administrative Coordinator] will be in Shanghai when the course commences. Professor Bath is expected to arrive during the first week and will be resident in Shanghai until the conclusion of the course on Friday 16th December. Faculty support will conclude when the program closes at 1 pm, Friday the 16\textsuperscript{th} December.
For more information

**Academic Coordinator** | Professor Vivienne Bath
E vivienne.bath@sydney.edu.au

Please contact Professor Bath with all academic enquiries relating to the course and the PG research essays.

**Administrative Coordinator** | Ms Sonya Chater
E law.offshore@sydney.edu.au

Please contact Sonya with administrative enquiries, including application and in-Shanghai fee related matters.

For tuition fee matters or degree progression enquiries please contact the following:

**Professional Law Team [UG,JD students]**
E law.professional@sydney.edu.au

**Postgraduate Team**
E law.postgraduate@sydney.edu.au