

## LAWS70352 Chinese Tax and Investment Law

<b>Credit Points:</b>	12.5
<b>Level:</b>	7 (Graduate/Postgraduate)
<b>Dates &amp; Locations:</b>	This subject is not offered in 2016.
<b>Time Commitment:</b>	Contact Hours: The total class time is between 24 and 26 hours. Total Time Commitment: The pre-teaching period commences four weeks before the subject commencement date. From this time, students are expected to access and review the Reading Guide that will be available from the LMS subject page and the subject materials provided by the subject coordinator, which will be available from Melbourne Law School. Refer to the Reading Guide for confirmation of which resources need to be read and what other preparation is required before the teaching period commences.
<b>Prerequisites:</b>	None
<b>Corequisites:</b>	None
<b>Recommended Background Knowledge:</b>	Applicants without legal qualifications should note that subjects are offered in the discipline of law at an advanced graduate level. While every effort will be made to meet the needs of students trained in other fields, concessions will not be made in the general level of instruction or assessment. Most subjects assume the knowledge usually acquired in a degree in law (LLB, JD or equivalent). Applicants should note that admission to some subjects in the Melbourne Law Masters will be dependent upon the individual applicant's educational background and professional experience.
<b>Non Allowed Subjects:</b>	None
<b>Core Participation Requirements:</b>	The Melbourne Law Masters welcomes applications from students with disabilities. The inherent academic requirements for study in the Melbourne Law Masters are: The ability to attend a minimum of 75% of classes and actively engage in the analysis and critique of complex materials and debate; The ability to read, analyse and comprehend complex written legal materials and complex interdisciplinary materials; The ability to clearly and independently communicate in writing a knowledge and application of legal principles and interdisciplinary materials and to critically evaluate these; The ability to clearly and independently communicate orally a knowledge and application of legal principles and interdisciplinary materials and critically evaluate these; The ability to work independently and as a part of a group; The ability to present orally and in writing legal analysis to a professional standard. Students who feel their disability will inhibit them from meeting these inherent academic requirements are encouraged to contact the Disability Liaison Unit: <a href="http://www.services.unimelb.edu.au/disability/">www.services.unimelb.edu.au/disability/</a>
<b>Contact:</b>	For more information: Email: <a href="mailto:law-masters@unimelb.edu.au">law-masters@unimelb.edu.au</a> ( <a href="mailto:law-masters@unimelb.edu.au">mailto:law-masters@unimelb.edu.au</a> ) Phone: +61 3 8344 6190 Website: <a href="http://www.law.unimelb.edu.au/masters">www.law.unimelb.edu.au/masters</a> ( <a href="http://www.law.unimelb.edu.au/masters">http://www.law.unimelb.edu.au/masters</a> )
<b>Subject Overview:</b>	<p>China is the major and growing economic power in our region and Australia's largest trading partner. Australia has increasing investment into China, and Chinese investment into Australian resource and other businesses is also growing rapidly. The investment and tax laws of China are undergoing reform that reflects global tax norms but it remains tax reform 'Chinese style'. This subject will provide an essential grounding in Chinese foreign investment and tax law, including enterprise taxation and transfer pricing, and in the rules of outbound taxation for Chinese enterprises, including tax treaties, foreign tax credits, foreign entity classification and controlled foreign company rules. Professor Wei Cui will also provide unique insight into the hierarchy of laws and administrative norms that any professional legal or tax advisers on cross-border investment with China need to understand in order to navigate the Chinese tax and investment regime.</p> <p>This subject will provide a solid grounding for students seeking to increase their knowledge of investment and tax laws in China.</p> <p>Principal topics will include:</p> <ul style="list-style-type: none"> <li># Chinese foreign investment law: Basic framework and latest developments</li> </ul>

	<ul style="list-style-type: none"> <li># Emphasis will be given to aspects of Chinese law that are especially pertinent to tax rules</li> <li># Rules of inbound taxation for individuals and entities investing into China, including Chinese enterprise taxation, transfer pricing and source and withholding tax rules</li> <li># Rules of outbound taxation for Chinese entities investing into Australia and elsewhere, including tax treaties, foreign tax credits, foreign entity classification and controlled foreign company rules</li> <li># The statutory hierarchy of tax and investment law norms for operating in China, as set out in legislation and administrative laws.</li> </ul>
<b>Learning Outcomes:</b>	<p>A student who has successfully completed this subject should:</p> <ul style="list-style-type: none"> <li># Have a basic acquaintance with the forms of doing business for foreigners in China, investment control law and foreign currency control law, as these areas of law impact tax law</li> <li># Acquire a good grasp of the framework for individual and enterprise income taxation as applied to foreign individuals who visit or work in China, and entities engaged in direct or portfolio investments into China</li> <li># Acquire a good grasp of the taxation of Chinese outbound investments</li> <li># If time permits, have a basic acquaintance with China's legal system, particularly how legal norms are identified and disputes with government agencies may be resolved.</li> </ul>
<b>Assessment:</b>	Class participation (15%) Assignment (15%) Take-home examination (70%)
<b>Prescribed Texts:</b>	Core subject materials will be provided free of charge to all students. Some subjects require further texts to be purchased. Details regarding any prescribed texts will be provided prior to the commencement of the subject.
<b>Breadth Options:</b>	This subject is not available as a breadth subject.
<b>Fees Information:</b>	Subject EFTSL, Level, Discipline & Census Date, <a href="http://enrolment.unimelb.edu.au/fees">http://enrolment.unimelb.edu.au/fees</a>
<b>Links to further information:</b>	<a href="http://www.law.unimelb.edu.au/subject/LAWS70352/2013">www.law.unimelb.edu.au/subject/LAWS70352/2013</a>
<b>Notes:</b>	This subject has a quota of 30 students. Please refer to the website <a href="http://www.law.unimelb.edu.au/masters/courses-and-subjects/subjects/subject-timing-and-format">www.law.unimelb.edu.au/masters/courses-and-subjects/subjects/subject-timing-and-format</a> ( <a href="http://www.law.unimelb.edu.au/masters/courses-and-subjects/subjects/subject-timing-and-format">http://www.law.unimelb.edu.au/masters/courses-and-subjects/subjects/subject-timing-and-format</a> ) for further information about the management of subject quotas and waitlists.
<b>Related Course(s):</b>	<p>Graduate Diploma in Asian Law  Graduate Diploma in International Tax  Graduate Diploma in Legal Studies  Graduate Diploma in Tax  Master of Commercial Law  Master of International Tax  Master of Laws  Master of Public and International Law  Master of Tax</p>