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This conference will be particularly relevant to:

- Lawyers, including corporate counsel with a practice in China or Indonesia or with trade law issues in these countries;
- Company directors of companies with trading interests in China or Indonesia;
- Policy makers and other employees of government departments including AusAID, Austrade or other departments with interests in law reform issues generally.

This Conference is part of the Legal Professional Development Program administered by the Faculty of Law at The University of Sydney. Attendance at this Conference will qualify participants for 6 MCLE/CPD units if this particular educational activity is relevant to their immediate or long term needs in relation to their professional development and practice of the law.



CONFERENCE Law Reform and Business Efficiency - China and Indonesia

Friday 6 July 2007 9:00 AM - 5:30 PM

SPEAKERS

Judges and practitioners: Judge He Bo, Beijing High Court, People's Republic of China Judge Judith Gibson, District Court of New South Wales Mr Andrew Percival, Corrs Chambers Westgarth

Economists: A/Prof. Fisher and Dr Mark Melatos, University of Sydney A/Prof. Ross McLeod, Australian National University

Legal Academics: Ms Vivienne Bath and Ms Mary Ip, University of Sydney Professor Katrin Cutbush-Sabine Professor Andrew Byrnes, UNSW Mr Simon Butt A/Prof. Vai lo Lo, Bond University Mr Geoff Nicholl, University of Canberra

VENUE: Assembly Hall, Faculty of Law, University of Sydney, 173 Phillip Street, Sydney

The World Bank's "Doing Business" reports rank more than 150 countries around the world for the efficiency of their business laws. Ten indicators (including enforcing contracts, trading across borders, obtaining credit and starting a business) were chosen by the World Bank for this purpose, and the answers from thousands of questionnaires tabulated. China and Indonesia, among others, rank poorly on various of the World Bank's indicators. Are these rankings accurate or justified? Are the rankings useful? What steps towards law reform and economic efficiency have China and Indonesia taken? How do the courts and dispute resolution mechanisms in these countries function?

On 6 July 2007, the Centre for Asian and Pacific Law at the University of Sydney and the Law Council of Australia will host an in-depth conference on law reform and economic efficiency in China and Indonesia, examining the issues raised by the World Bank reports and other aspects of law and law reform in these two important jurisdictions.

### The speakers

#### Economists:

In 2005 a group of academics from three of Australia's top universities were invited to submit research papers to a scientific commission set up by the French Government to analyse doing business in China and Indonesia.

Associate Professor Fisher and Dr Mark Melatos of the Faculty of Economics at the University of Sydney will present their overall findings on why it is that economic development in Indonesia is stalling while the economy of China is setting new benchmarks. Associate Professor McLeod from the Economics Department of the Australian National University will present his findings in relation to Indonesia.

#### Legal Academics:

The conference will present legal academics from a broad range of institutions discussing legal issues relating to China and Indonesia, including Ms Vivienne Bath and Ms Mary Ip of the University of Sydney (who will present a section on the relationship between law reform and economic efficiency in China), Professor Katrin Cutbush-Sabine, Professor Andrew Byrnes, from the University of New South Wales, Mr Simon Butt, and Associate Professor Vai Io Lo from Bond University. Geoff Nicholl from the University of Canberra will discuss dispute resolution in trade disputes, with particular reference to Australia-China disputes.

#### Judges and practitioners:

Judge He Bo, a Commercial Court judge from the Beijing People's High Court in China, will give an analysis of court efficiency in commercial disputes in Chinese courts. In January 2007 Judge He Bo was awarded first place for her judgment writing skills by a panel of academics from the Chinese law universities. This will be a unique opportunity to hear one of the best judges in China talking about commercial law issues.

## Conference Programme

### July 5

**5.30 pm - 7.00 pm Welcome Cocktail Party**  
(District Court of NSW, 86 Goulburn Street, Sydney)

### July 6

**9.00 am Welcome and opening remarks**

**9.30 am - 11.00 am - First Session - Law Reform and Economic Efficiency - can law be measured? The World Bank Doing Business Reports - Indonesia**

Chair: Professor Katrin Cutbush-Sabine  
Panel: A/Prof. Fisher, Dr Melatos

**11.00 am - 11.30 am - Morning Tea**

**11.30 am - 1.00 pm - Second Session - China - Commercial and Administrative Law Reform**  
Chair: Mr Andrew Percival  
Panel: Ms Vivienne Bath, Ms Mary Ip

**1.00 pm - 2.00 pm - Lunch**

**2.00 pm - 3.30 pm - Courts and dispute resolution in Indonesia and China**  
Chair: Judge Judith Gibson

Judge He Bo, Beijing High Court: Decision-making processes in commercial courts in China

Mr Geoff Nicholl: Dispute resolution in Australia/China Trade & Investment Disputes

Commentator: A/Prof. Vai Io Lo

**4.00 pm - 5.30 pm - Indonesia - Courts, Corruption and Law Reform**  
Chair:

Ross McLeod, "Franchising" and corruption - the problems for law reform in Indonesia

Mr Simon Butt, The Approach of the Indonesian Constitutional Court to Corruption Laws

Commentator: Professor Andrew Byrnes

**7.00 pm - Conference Dinner**

Location: Attic (Level 3) Skygarden,  
77 Castlereagh Street, Sydney NSW 2000

## **BIOGRAPHIES**

### **VIVIENNE BATH**

Vivienne Bath is a Senior Lecturer in Law, Faculty of Law, and Director of the Centre for Asian and Pacific Law, at the University of Sydney. She has extensive experience in international commercial legal practice and, prior to joining the Faculty of Law, was for many years a partner of Coudert Brothers, working in the Hong Kong and Sydney offices, specialising in foreign investment, mergers and acquisitions, and commercial transactions in the Asian region, particularly the People's Republic of China. She has published widely in the area of Chinese law, and is a frequent participant in conferences and seminars focusing on developments in the Chinese legal regime. Vivienne is Vice-President of the New South Wales Branch of the Australia China Business Council and speaks both Chinese (Mandarin) and German.

### **ANDREW BYRNES**

Andrew Byrnes is Professor of International Law at the University of New South Wales. He is chair of the Committee of Management of the Australian Centre for Human Rights and a member of its subcommittees on international law/international humanitarian law, and human rights education. He also serves as a member of the Asian Development Bank's External Forum on Gender and Development, as a member of the Advisory Committee of the International Women's Rights Action Watch (Asia Pacific), as a member of the Advisory Committee, International Disability Monitoring Project of Disability Rights Promotion International (DRPI), based at York University, Canada, and a member of the International Litigation Advisory Committee of the Center for Reproductive Rights (New York).

### **SIMON BUTT**

Mr Simon Butt is an Associate Director of Asian Law Group Pty Ltd. He submitted his PhD on Indonesia's Constitutional Court at the Faculty of Law at the University of Melbourne in 2006. He holds the degrees of Bachelor of Arts (Hons) (Asian Studies - Indonesian) and LL.B., both from the ANU. He has studied law at Gadjah Mada University, Yogyakarta, and was awarded the ANU Medal for Asian Studies with Honours for his thesis on the Indonesian Supreme Court in 1996, and the Blackburn Medal for Research in Law in 2000 for his thesis on Indonesian intellectual property law. He has worked on numerous AusAID programs in Indonesia, and has taught a wide variety of legal subjects to many Indonesian judges, prosecutors, academics, lawyers and government officials. He has published widely on areas of Indonesian law, including intellectual property, criminal law, Islamic law and Indonesian judicial affairs.

### **KATRIN CUTBUSH-SABINE**

Professor Katrin Cutbush-Sabine holds Honours Degrees in Law and Economics from the University of Zurich and an LL.M. (Hons) from the University of London as well as a Doctorate in Law from the University of Zurich. She has just retired from her long-term position at the Law School of the University of Technology, Sydney (UTS), where she has formerly held positions as Sub-Dean and Director of the Post-Graduate Program of the Faculty of Law of UTS, as well as a Director of the Law School's International Commercial Law Centre (ICLC). She has worked over a number of years at the Legal Commission of the European Union (EU) in

Brussels, before accepting the appointment as chief lawyer at the Graduate School of Business of the City University London (today known as CASS), specializing in International Trade and Business Law, her key areas of interest. Over the years she held numerous advisory positions to Government Departments in a number of countries. She has a detailed knowledge of the complexities of International Trade Relations at the macro as well as the micro levels through her involvement in negotiating and drafting complex trade contracts. Her book, entitled *International Business* was published by Longman Cheshire in 1991. She is the foundation member of the International Trade Law Committee of the International Law Association (ILA), representing Australia.

### **TIMOTHY C G FISHER**

Timothy C G Fisher received his PhD in Economics from the University of British Columbia in 1989. After working for the bank of Canada and Wilfrid Laurier University, he joined the University of Sydney as Associate Professor of Economics in 2004. His primary area of research is law and economics, with a particular interest in commercial bankruptcy.

### **JUDITH GIBSON**

Judge Gibson was appointed to the Conseil Scientifique (Attractivité du Droit) set up by the French Government to examine the World Bank's "Doing Business" reports in 2004 and she coordinated the China/Indonesia research study prepared by Australian academics for this body. She is a member of the Council of the Research Institute for Asia and the Pacific (University of Sydney) and the convenor of the International Law Section's International Issues

Focus Group for the Law Council of Australia. She was a member of the Working Committee for the French Government's review of Chinese land law reforms, which will be published later this year together with the Australian research project comparing Chinese and Indonesian law reform, and is a translator for La Lettre de Jurisprudence.

#### **HE BO**

He Bo is a judge of the Beijing People's High Court specialising in commercial law. Among other distinctions, she recently won an award for excellence in judgment writing.

#### **MARY IP**

Mary Ip is an Associate Lecturer with the University of Sydney and the University of New South Wales. Mary conducts multi-disciplinary research in Chinese commercial law, with a particular focus on comparative aspects. She was a visiting scholar at Peking University and Nanjing University in 2005. Mary is a training consultant for the Research Institute for Asia and the Pacific, and is a member of the Australian Law Teachers Association.

#### **VAI IO LO**

Vai Io Lo is an Associate Professor of Law at Bond University. She concentrates on interdisciplinary research, especially on Chinese, Japanese and U.S. law, and in the areas of labour employment, direct foreign investment, health care, dispute resolution, and intellectual property. Her publications include books and articles in law, economics, and social welfare journals. She has extensive international experience and is a Co-Director of the Tim Fischer Centre.

#### **ROSS McLEOD**

Associate Professor Ross McLeod is an economist with the Indonesia Project, Division of Economics, Research School of Pacific and Asian Studies, at the Australian National University. He has been working in and on Indonesian various capacities – postgraduate student, consultant and academic researcher – since 1978, and is a fluent Indonesian speaker. Since October 1998 he has been Editor of the ANU's Bulletin of Indonesian Economic Studies, a journal that has provided continuous commentary on the Indonesian economy since 1965.

#### **MARK MELATOS**

Dr Mark Melatos is a lecturer in the Economics Department at the University of Sydney, and an adjunct lecturer at the Australian Graduate School of Management. Mark's principal research area is in international trade theory and policy. His work is published in leading international economics journals, including the European Economic Review and the Review of International Economics. Mark is also a consultant for the OECD in Paris, where he is undertaking research for the Agriculture and Trade Directorate.

#### **GEOFF NICOLL**

Geoffrey Nicoll is a Senior Lecturer in Law and a Co-Director of the National Centre for Corporate Law and Policy Research at the University of Canberra. He was formerly an Academic Director of the University's National Institute for Governance (2000 - 2003), a Director of the Governance Area of Research Strength (2004) and Acting Head of the Law School in 2005. Since 2002, he has been an Executive Member

of the Business Law Section of the Law Council of Australia. Since his involvement in 1996 with the AusAid-funded project, Australian China Institutional Links, Geoff has retained strong research interests in comparative aspects of Australian and Chinese commercial law. Geoff has also begun work on a new research project which aims to examine issues in Dispute Resolution arising under the Sino-Australian Free Trade Agreement.

#### **ANDREW PERCIVAL**

Andrew Percival, Special counsel, Corrs Chambers Westgarth, is a senior corporate-commercial lawyer specialising in international trade and business law. In addition to advising on mergers and acquisitions, capital raisings including initial public offerings and project financing, Andrew also advises on a range of international trade and business law issues including anti-dumping and anti-subsidy investigations, foreign investment and cross-border transactions, joint ventures and technology transfers and licences and advising legal issues arising from WTO agreements and free trade agreements. He is a member of the Executive of the International Law Section (ILS) of the Law Council, Co-convenor of the International Trade and Business Focus Group and a member of the Management Committee and Co-convenor of the International Trade and Business Committee of the International Law Association (Australian Branch).