

# SYDNEY CENTRE FOR INTERNATIONAL LAW

## FACING OUTWARDS

### AUSTRALIAN PRIVATE INTERNATIONAL LAW IN THE 21<sup>ST</sup> CENTURY



SYDNEY LAW  
SCHOOL

This conference is co-presented by Griffith University and sponsored by the Attorney-General's Department



THE UNIVERSITY OF  
SYDNEY

Griffith  
UNIVERSITY



Australian Government  
Attorney-General's Department

**WEDNESDAY 10 APRIL, 2013**  
**9.15AM-5.30PM**

(registrations from 9.00am)  
Law Foyer (Level 2)  
New Law Building F10  
University of Sydney  
Camperdown Campus

#### PRICE (GST INCLUSIVE)

Early bird: \$132 (before 13 March)  
Full rate: \$150 (after 13 March)  
Alumni/USYD Staff: \$110  
Full time student: \$50  
Group: \$110 per person (5 or more from the same organisation)

#### REGISTRATION

For further information or to register [CLICK HERE](#)  
02 9351 0323

[law.events@sydney.edu.au](mailto:law.events@sydney.edu.au)

*Lawyers/barristers: attendance at this lecture is equal to 6 MCLE/CPD units*

*\*Program is subject to change*

#### ABOUT THE CONFERENCE

The nation's prosperity depends not only on the willingness of its businesses to export goods and services, and of its citizens and residents to travel to take advantage of opportunities overseas, but also on the willingness of the businesses and citizens of other nations (in particular in the Asia-Pacific region) to come to Australia to do business.

Economic expansion, and parallel increases in tourism and immigration, have brought Australians into more frequent contact with the laws and legal systems of other nations. At the same time, the legal systems of Australia are faced with a growing number of disputes involving foreign facts and parties. Against this background, the Attorney-General's current review of Australian private international law is timely and calls for debate as to the best way forward in terms of policy and substantive rulemaking.

This conference, jointly organised by Sydney and Griffith Law Schools, brings together experts from Australia, New Zealand, Asia and Europe to consider the recent and future development of the law in this area.

#### CONFERENCE PROGRAM\*

##### WELCOME AND OPENING ADDRESS: 9.15am-10.00am

Roger Wilkins AO, Attorney General's Department

##### PANEL 1: 10.00am-11.15am

*The advancement of private international law in the Asia-Pacific region*

Adeline Chong, Singapore Management University  
Yujun Guo, Wuhan University  
Elsabe Schoeman, University of Auckland

##### MORNING TEA: 11.15am-11.30am

##### PANEL 2: 11.30pm-12.45pm

*International co-operation and advancement in private international law*

Andrew Dickinson, Sydney Law School  
Michael J Hartmann, Asia-Pacific Regional Office of The Hague and formerly Justice of the Court of Appeal of Hong Kong  
Mary Keyes, Griffith Law School

##### LUNCH: 12.45pm-2.00pm

##### PANEL 3: 2.00pm-3.15pm

*The SCLJ Harmonisation Project: The story so far, and next steps*

Thomas John, Attorney General's Department  
Richard Garnett, Melbourne Law School  
Andrew S Bell SC, Eleven Wentworth Chambers

##### AFTERNOON TEA: 3.15pm-3.30pm

##### PANEL 4: 3.30pm-4.45pm

*The Trans-Tasman Treaty: State of play, and future impact*

Reid Mortensen, University of Stn Queensland  
David Goddard QC, Thorndon Chambers (Wellington).

##### KEYNOTE ADDRESS 5.00pm-5.30pm

The Honourable James Allsop AO, Chief Justice, Federal Court of Australia; formerly President, NSW Court of Appeal

##### COCKTAIL RECEPTION from 5.30pm

*Join us for drinks and canapés to celebrate the end of the conference.*

## ABOUT THE SPEAKERS

### OPENING ADDRESS

**ROGER WILKINS AO** is Secretary of the Attorney-General's Department, a position he has held since September 2008. He currently oversees the Department's review of private international law and related projects. Prior to his appointment as Secretary of the department, he was Head of Government and Public Sector Group Australia and New Zealand with Citi and was Citi's global public sector leader on climate change from 2006–2008. He was appointed an Officer of the Order of Australia in 2007 for service to public administration.

### KEYNOTE ADDRESS

**THE HONOURABLE JAMES ALLSOP AO** is the fourth Chief Justice of the Federal Court of Australia since its creation in 1976. A graduate of Sydney Law School, Chief Justice Allsop was formerly a justice of the Federal Court (from 2001 to 2008) and President of the New South Wales Court of Appeal (until 2013). He was made an Officer of the Order of Australia in the 2013 Australia Day Honours List for distinguished service to the judiciary and the law.

### PANELLISTS

**ANDREW BELL SC** was called to the Bar in 1995 and appointed as senior counsel in 2006. He specialises in matters of private international law, transnational litigation and arbitration and has appeared before the High Court in many of the leading cases in the field. Andrew is one of the co-editors of *Nygh's Conflict of Laws in Australia* (8th ed. 2010). His work, *Forum Shopping and Venue in Transnational Litigation* (2003) was based on his doctoral thesis at Oxford University.

**ADELINE CHONG** is an Associate Professor of Law at Singapore Management University, specialising in the conflict of laws. She gained her doctoral degree at the University of Nottingham in 2005 and has since written extensively in her chosen field. Adeline is a co-author (with Professor Jonathan Hill) of *International Commercial Disputes: Commercial Conflict of Laws* (4th ed. 2010) and her published work embraces the private international law rules of both common law and European systems.

**ANDREW DICKINSON** is Professor in Private International Law at Sydney Law School and a solicitor advocate in London. He is also a Visiting Fellow in Private International Law at the British Institute of International and Comparative Law and an Associated Fellow at the Max Planck Institute for International, European and Regulatory Procedural Law, Luxembourg. Andrew's research focuses on European and English private international law, and he is one of the specialist editors of *Dicey, Morris & Collins: The Conflict of Laws* (15th ed. 2012).

**RICHARD GARNETT** is a Professor at Melbourne Law School. His major research interests are in the areas of conflict of laws, international dispute resolution and cross-border online conduct. He is a co-author of *Private International Law in Australia* (2nd ed. 2011) and his monograph *Substance and Procedure in Private International Law* was published in 2012. Richard has also acted as legal adviser and counsel in private international law and international commercial arbitration matters before Australian and international tribunals, including the High Court of Australia. He is a consultant to Herbert Smith Freehills.

**DAVID GODDARD QC** is a barrister at Thorndon Chambers in Wellington. He is admitted to the bar in both England and New Zealand, and was appointed Queen's Counsel in 2003. David has a wide ranging litigation and law reform practice with an emphasis on competition law and market regulation, company law, contract law, public law and international law. He was a member of the Trans-Tasman Working Group on Court Proceedings and Regulatory Enforcement and has represented the New Zealand Government at meetings of The Hague Conference on Private International Law.

**YUJUN GUO** is Professor at the Institute of International Law, Wuhan University, China (since 2001) and Vice secretary-general of the Standing Committee of People's Congress of Hubei Province, P. R. China (since 2011). She is a member of both the Intellectual Property and Private International Law Committees of the International Law Association, and a member of the Working Group on Choice of Law in International Contracts sponsored by The Hague Conference on Private International Law. She has held senior positions in the Chinese Society of Private International Law and has been an arbitrator of the China International Economic and Trade Arbitration Commission and the Wuhan Arbitration Commission.

**MICHAEL J HARTMANN** is the first Representative of the Asia-Pacific Regional Office of The Hague Conference on Private International Law, opened in 2012. Before taking up his post, he was a Judge of the Court of First Instance in Hong Kong from 1998, and of the Court of Appeal from 2008. Michael has, for many years, been a member of the International Hague Network of Judges.

**THOMAS JOHN** currently heads the Private International Law Section of the Commonwealth Attorney-General's Department. He holds law degrees from the University of Konstanz in Germany and from the University of Queensland, and is admitted to practice as a barrister in Australia. Thomas is an Associate Member of the Chartered Institute of Arbitrators and the Chair of the Law Council of Australia's European Focus Group.

**MARY KEYES** is a Professor at Griffith Law School where she teaches and researches principally in the area of international litigation. Her main research area is private international law, particularly focusing on jurisdiction, multistate tort and international family litigation. With Reid Mortensen and Richard Garnett, Mary is a co-author of *Private International Law in Australia* (2nd ed. 2011). She is currently working on a book for Oxford University Press which critically analyses the conception and application of party choice in private international law.

**REID MORTENSEN** is a Professor and Head of School at the University of Southern Queensland specialising in the fields of legal ethics and international and comparative law. He is a co-author of *Private International Law in Australia* (2nd ed. 2011) and has written extensively on international jurisdiction, the transnational enforcement of judgments and choice of law. A particular focus of Professor Mortensen's research is the use of private international law in trans-Tasman economic integration.

**ELSABE SCHOEMAN** is an Associate Professor in the Faculty of Law at the University of Auckland. She teaches and researches in Conflict of Laws (Private International Law) with a special focus on jurisdiction in cross-border litigation, as well as choice of law in contract, tort and selected areas of family law. She has a doctorate in Private International Law, has written a monograph for the International Encyclopaedia of Laws (Private International Law) and was also awarded an Alexander von Humboldt Fellowship to pursue her research interests in this field at the University of Cologne.

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