



香港中文大學
The Chinese University of Hong Kong

Centre for Financial Regulation and Economic Development

金融規管與經濟發展研究中心



FACULTY OF LAW

A CFRED LECTURE:

COMPARING RECENT LEGISLATIVE REFORM OUTCOMES AND PROPOSALS IN AUSTRALIA, NEW ZEALAND AND BEYOND: ARBITRATION, CONSUMER AND CONTRACT LAW

by

Prof Luke Nottage

Sydney Law School

21 March 2013, Thursday, 12:30-1:30 p.m.

Moot Court, 5/F Lee Shau Kee Building, The Chinese University of Hong Kong, Shatin, N.T.

This lecture outlines both substantive law reforms and policy- and law-making processes, beginning with a focus on business law related developments in Australia. The latter amended its UNCITRAL Model Law based International Arbitration Act in 2010, but without even a parliamentary select committee, whereas New Zealand introduced earlier amendments based on Law Reform Commission recommendations. The “Australian Consumer Law” re-harmonisation in 2010 derived from a Productivity Commission report of 2008, whereas New Zealand’s Consumer Law Reform Bill 2011 is being pushed by the Ministry of Consumer Affairs.

Australia’s federal Attorney-General’s Department released a Discussion Paper in April 2012 mooting various reform options for contract law generally, but may not commit to a reference to the Law Reform Commission. The latter’s counterpart in New Zealand has taken the lead in contract law reform, albeit in more specific fields and from the basis of significant statutory interventions already in the 1970s and early 1980s. By contrast, leading professors have championed comprehensive contract law initiatives in Germany, the EU and more recently in Japan.

What lessons can be drawn for comparative lawyers from complex legislative reform processes even within one jurisdiction nowadays, and are different processes linked systematically to different types of outcomes?

All are welcome!

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by 20 March 2013.

About the Speaker

Prof Luke Nottage, Sydney Law School



Luke Nottage (BCA, LLB, PhD *VUW*, LLM *Kyoto*) specialises in arbitration, contract law and consumer product safety law, with a particular interest in Japan and the Asia-Pacific. He is Associate Dean (International) and Professor of Comparative and Transnational Business Law at Sydney Law School, founding Co-Director of the Australian Network for Japanese Law, Associate Director of the Centre for Asian and Pacific Law at the University of Sydney, and Comparative and Global Law Program coordinator for the Sydney Centre for International Law. Luke's publications include *Product Safety and Liability Law in Japan* (Routledge, 2004), *Corporate Governance in the 21st Century: Japan's Gradual Transformation* (Elgar, 2008), *International Arbitration in Australia* (Federation Press, 2010), *Foreign Investment and Dispute Resolution in Asia* (Routledge, 2011) and *Consumer Law and Policy in Australia and New Zealand* (Federation Press, 2013). He has executive roles in the Law Council of Australia's International Law Section, the Australian Centre for International Commercial Arbitration, and the Australasian Forum for International Arbitration. Luke has also consulted for law firms world-wide, the EC, the OECD, the UNDP and the Japanese government.

Related Papers from the Author

1. Nottage, Luke R., The Government's Proposed 'Review of Australian Contract Law': A Preliminary Positive Response (July 18, 2012). Sydney Law School Research Paper No. 12/49. Available at SSRN: <http://ssrn.com/abstract=2111826>
 2. Nottage, Luke R. and Garnett, Richard, The Top Twenty Things to Change in or around Australia's International Arbitration Act (April 13, 2009). In L Nottage & R Garnett (eds), 'International Arbitration in Australia', Federation Press: Sydney, 2010; Available at SSRN: <http://ssrn.com/abstract=1378722>
 3. Nottage, Luke R., Consumer Law Reform in Australia: Contemporary and Comparative Constructive Criticism, SCIL Working Paper #24 (revised and updated version published in 9(2) QUT Law and Justice Journal (2009) 111-136, at <https://ljj.law.qut.edu.au/article/view/24>)
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