

Judging Corporate Law Disputes in China and Australia: Which Works Better, Common Law, Continental Law, or a Hybrid System?

This talk will compare recent converging developments in judging corporate law disputes in China (PRC) and Australia. China has a continental law system, but it has developed its own unique practice of issuing Supreme People's Court interpretations of the law, and more recently, a kind of modified case precedent system called Guiding Cases. Australia is a typical common law system based on the UK model, but in corporate law and other commercial law areas, it increasingly relies on statutory rules rather than case law to guide the behaviour of corporate stakeholders. The talk will show how judges in China and Australia have used contrasting interpretive tools to decide corporate law cases. However, both these "hybrid" legal systems still have major defects, and this talk will propose ways that each system can learn from the other to overcome their defects and create a fairer approach to adjudicating corporate disputes.

Colin Hawes

Associate Professor, University of Technology Sydney, Australia



Colin Hawes is Associate Professor and Director of Courses in the Law Faculty at the University of Technology Sydney. Dr. Hawes studied Chinese at Durham University, UK, and in Beijing and Wuhan, China. He holds a Ph.D. in Asian Studies and an LL.B. from the University of British Columbia (UBC) in Vancouver. He practised law in Vancouver focusing on Asia-related cases before joining the UTS Law Faculty in 2005.

Colin is especially interested in the intersection between corporations, law and culture: how cultural values impact on the way that corporations behave in different societies, and how large business corporations can be held accountable for their actions. He has published numerous articles on Chinese corporate governance and Chinese law and society in international journals and a book entitled *The Chinese Transformation of Corporate Culture* (Routledge Press 2012). Colin is currently engaged in collaborative research projects on the creative interpretation of corporate law by Chinese judges, and on the offshore governance structures of large Chinese corporations.

Please RSVP to cals@allard.ubc.ca. Thank you.



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