

occasions the Section's views have been referred to specifically in Parliamentary debates.

Much of the work done by the committees is not widely publicised but the committees are nevertheless making a highly effective contribution on behalf of us all towards the development of more efficient, effective and fair business laws.

## Annual General Meeting

The Annual General Meeting of the Section will be held in Melbourne on Monday, December 9 and I look forward to seeing as many of you as possible at that meeting. In particular I hope that a large number of our new members will find it possible to join the Executive of the Section for our traditional buffet lunch immediately prior to the Annual General Meeting.

**Russell Miller**  
Chairman

# Editorial

As members will see from this issue, the Executive of the Business Law Section has decided to change the name of the publication to *Australian Business Lawyer* with the sub-title *The Journal of the Business Law Section of the Law Council of Australia*. In addition a change has been made to the format of the publication which I hope will find favour with readers.

As far as the Section is concerned generally, at the time this issue reaches readers, the annual general meeting will have been held and a new Executive appointed. As Russell Miller is not standing for re-election as chairman, I would simply wish to take this opportunity on behalf of the editorial staff of this journal to thank Russell for his assistance and encouragement in the establishment and maintenance of this journal.

I would also wish to draw attention to the excellent work of the Trade Practices Committee which continues to strenuously suggest amendments to the Trade Practices Act (Amendment) Bill 1985. We hope in a future issue to provide members with full details of this very elaborate project that the committee has been working on for some time.

Since the publication of the last issue, I was privileged to visit the People's Republic of China as a delegate at the Attorney-General's Australia-China Trade and Investment Law Conference. The Section was well represented by Bob Nicholson who presented an excellent paper on Australia's resources laws. There were in fact two conferences, one in

Beijing and a second in Shanghai. The aim of the conference was to exchange information about our respective legal systems and to engage in detailed discussions about desired changes to China's trade and investment laws so as to facilitate further ventures between the two countries. It was certainly most interesting to see the rapid developments being sought in Chinese society and the zeal with which Chinese officials are attempting to research and draft such trade facilitating legislation. Although likely trade prospects will be highly specialized and will most likely concentrate on those industries and ventures which from the Chinese perspective are export oriented and would therefore be able to generate foreign exchange, the breadth of the representation of the legal profession at the conference attested to the interest that China has generated amongst lawyers and business persons. A particularly interesting development although one whose essential nature was perhaps difficult to fathom, was the growth of so-called private law firms in China. There are at present basically four major private law firms who will act as local counsel in appearances before Chinese courts, who will advise on Chinese laws, and assist in obtaining licences and permits for various transactions and most importantly who would direct foreigners to the appropriate bureaucrats. It appears from discussions that these law firms would be seeking to charge at rates similar to Australian commercial law firms and the partners would be entitled to retain a small but significant proportion of earnings. The true status of these firms remains somewhat unclear as each of them seems to have a direct link to a particular ministry or bureaucratic corporation in China. Furthermore, many of the partners in the firms had stipulated academic and government appointments as well as this right of private practice.

Already there appear to be links being developed between some of Australia's leading law firms and these newly emerging Chinese counterparts.

**Jeff Waincymer**  
Assistant Editor

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