

China advisory

Welcome to Hunt & Hunt

January 2016



We are delighted to introduce you to our lawyers, our experience and to how we can help you.

You can be confident that Hunt & Hunt has a clear understanding of the legal and cultural intricacies of doing business in and out of China. In 1988, we became one of the first foreign law firms to enter the Chinese market. Since then, our experience, government and community ties and relationships have continued to strengthen and grow.

Importantly, Hunt & Hunt is the only mid-tier Australian firm with a presence in China, offering you excellent value for money. From our offices in Shanghai and Australia, we provide advice to clients pursuing trade and investment opportunities both in China and Australia.

Our team has strong links with the Australian and Chinese governments. We can assist with commercial introductory services to help you explore Chinese and Australian trade and business opportunities. We conduct market research and feasibility studies, including the development of market entry strategies.

Our specialised knowledge of doing business in China and the crucial practical experience and extensive business networks enable us to become a valued member of your business team. We cut through red-tape. We get projects across the line. We ensure the commercial success of your business.

Our expertise includes:

- Arbitration and dispute resolution
- Business and cultural immersion programs tailored to your business needs
- Business start-ups - identifying business opportunities, advising location and partner selection, and project management
- Customs and dumping issues
- Drafting, reviewing and negotiating commercial contracts and other documents in English and Chinese
- Government and commercial introductions
- International treaties, conventions and practice concerning international trade and commerce
- Labour law and employment issues
- Mining and resources investments and projects
- Negotiations and liaison with Australian and Chinese governments
- Ongoing management of Chinese and Australian offices
- Property acquisition
- Protection and licensing of intellectual property in Australia and overseas, including drafting, reviewing and negotiating technology licensing or transfer agreements
- Tax planning, foreign exchange management and other financial issues in China and Australia.



Forging stronger business ties with China

Our lawyers regularly participate in outbound business delegations to promote Australia's capabilities to the Chinese business community. Our partners attend trade missions to China, sponsored by the Australian federal and state governments. We also regularly host visiting Chinese delegations.

We work closely with the Commonwealth Attorney General's Department on issues relating to the Australia-China Free Trade Agreement, which affects legal services, banking and insurance.

Hunt & Hunt is also a major sponsor and supporter of the Export Council of Australia (ECA) and is a long-standing member of the Australia China Business Council (ACBC). Partner Jim Harrowell is currently the New South Wales President of the ACBC and the firm is also represented on the ACBC Executive Committees in Queensland and Victoria.

Credentials

- With 25 years' experience in China, Hunt & Hunt remains one of only six Australian firms licensed by China's Ministry of Justice to practice foreign law in China.
- In June 2006, Partner Jim Harrowell was appointed a Member of the Order of Australia in recognition of his contribution to forging and nurturing legal and business links with China and in 2012 the University of New South Wales awarded Jim an Honorary Doctor of Laws degree for his work with China.
- Hunt & Hunt has established a number of wholly foreign owned enterprises (WFOEs) for foreign businesses in China and established companies for Chinese businesses in Australia.
- Hunt & Hunt has been asked on several occasions to give evidence to the Australian Senate, Foreign Affairs, Defence and Trade References Committee in relation to China.
- Hunt & Hunt regularly works on commercial dispute matters in China involving litigation and arbitration – particularly debt litigation – for WFOEs. The quality of our dispute resolution services in China is recognised by the Asia Pacific Legal 500.

..HUNT & HUNT IS THE ONLY MID-TIER AUSTRALIAN FIRM WITH A PRESENCE IN CHINA....



A selection of our relevant expertise

From Australia to China

- Negotiating the model wool contract that now governs the sale of Australian wool to China.
- Acting for a number of Australian architects, including Cox Richardson, who built the boating facilities for the 2008 Olympic Games in Beijing, and other projects in Shanghai and Zhuhai. This includes an Australian architectural firm, PTW, the designers of the iconic 'Water Cube', the Olympic Swimming Centre.
- Helping several Australian universities enter the Chinese market, including the University of Ballarat, Edith Cowan University, Macquarie University, the University of South Australia and the University of Tasmania. We drafted, amended and translated cooperative agreements, and undertook renewals and annual inspections of representative offices.
- Advising on the establishment of the first offshore school project for Caulfield Grammar in Nanjing.
- Joint venture and trade agreements for Australian businesses in China.
- Advising various Australian companies on the protection and licensing of intellectual property in China. This encompasses drafting, reviewing and negotiating technology licensing or transfer agreements.
- Advising various Australian clients on commercial disputes involving litigation or arbitration in China. Partner Jim Harrowell is an accredited foreign arbitrator with the China International Economic and Trade Arbitration Commission (CIETAC), and was also the first Australian accredited as a foreign arbitrator by the Shanghai Arbitration Commission.
- Advising a major lottery company in Australia on how to enter the China market despite a number of regulatory obstacles at the time for foreigners seeking to enter this market.
- Advising on real property issues in China.



From China to Australia

- Advising a Chinese steel milling, investment and minerals trading company in relation to an iron ore mining project in South Australia.
- Acting for Chinese enterprises in the resources sector in relation to disputes over the acquisition of mines and Australian iron ore pricing.
- Advising and negotiating an iron ore exploration joint venture agreement for a major Chinese steel products and mining company in Western Australia with a major Western Australian iron ore producer.
- Advising Chinese state-owned enterprises on the acquisition of shares in Australian-listed companies and applying for Foreign Investment Review Board (FIRB) approval.
- Advising Chinese enterprises on backdoor listing on the Australian Securities Exchange.
- Advising various Chinese companies on the protection and licensing of intellectual property in Australia – this encompasses drafting, reviewing and negotiating technology licensing or transfer agreements.
- Acting for a major listed Chinese property company in relation to joint venture agreements in Australia.
- Advising the Chinese Government on the acquisition and construction of the Sydney Consulate.
- Recovering debts for Chinese enterprises in Australia.

Our Chinese clients

We have acted for over 300 Chinese clients, including:

- Bank of China
- Baosteel Group
- Baotou Iron & Steel Group
- The CITIC Group
- China Eastern Airlines
- China Geology
- China Great Wall Industry Corporation
- Ding Hui Group
- Greentown China
- Guizhou Tyre
- Hubei Xingfa Group
- Industrial and Commercial Bank of China (ICBC)
- Jidong Cement
- Tangshan Xingye Industry & Trade Group
- Tong Ren Tang
- Wuhuan Group.

WE WORK HARD
TO BE OUR
CLIENTS' FIRST
POINT OF CALL,
AND TO ENSURE
THAT OUR ADVICE
AND SERVICES
ARE INNOVATIVE,
COMMERCIALY-
FOCUSED AND
LEGALLY SOUND



Our China advisory team

The **very best Chinese experts.** We've been operating in China for 25 years. Our expert legal solutions have earned us a reputation as being a results-driven legal and project management firm, with a respect and understanding of local cultures.

Nothing is lost in translation. Communicating easily and effectively in Chinese is a given. That's why we have Chinese-speaking staff in Australia, and also regularly service our Chinese clients through our staff in the Shanghai office.



Below you will find a brief introduction to core members of our China team who have extensive experience spanning many decades.



Jim Harrowell AM
PARTNER, SYDNEY

Jim Harrowell AM has over 25 years' experience practising in the area of commercial law. He provides advice to Australian and overseas clients on legal, strategic, commercial, governance and reputation issues.

China is undoubtedly his stronghold. His first visit to China was in 1987. In 2006, Jim was appointed a Member of the Order of Australia for service to international relations, particularly the development of legal and business links with China. He is one of seven Australians appointed to the China International Economic and Trade Arbitration Commission (CIETAC) panel of arbitrators, and was the first Australian appointed to the Shanghai Arbitration Commission. Plus, he regularly presents seminars on China and assists Austrade programs in Beijing and Shanghai.

He is also a member of the Law Council of Australia China Expert Panel and the current President of the Australia China Business Council (ACBC) in New South Wales. Jim has accompanied the Prime Minister and several NSW Premiers on official visits to China in addition to other Ministerial visits.

Jim is also very well-known to the Chinese Embassy and Consulates in Australia, and works with them regularly.



Frank Paton
SPECIAL COUNSEL, MELBOURNE

Frank has been handling Chinese transactions since 1987. A member of our Asian and International Corporate practice group, Frank's clients include both foreign corporations doing business in Australia, and Australian companies doing business

overseas, particularly in Asia, India and the Middle East.

Frank applies his corporate and commercial law expertise to support his clients through potential acquisitions and investments, due diligence work, joint ventures, negotiating and documenting commercial transactions, drafting distribution and sponsorship agreements and many other contracts, and licensing intellectual property. He also provides general legal and business advice to major manufacturers and trading houses.

Some examples of Frank's work include acting for an Australian corporation selling its business to a foreign corporation, protecting an Australian corporation's intellectual property when moving offshore, helping a leading Australian university enter into a joint venture in Asia, advising a Japanese corporation acquiring an automotive business, and a Thai corporation setting up a new business in Australia.



Russell Wiese
PARTNER, MELBOURNE

Russell specialises in Customs and Global Trade with a strong focus on helping clients proactively manage customs risks and identify opportunities. His clients include both importers and exporters and range from multinationals

to small businesses.

Russell has been involved in a number of dumping and countervailing investigations involving Chinese exporters. Russell has also worked closely with importers of Chinese goods to reduce the customs duty payable on those goods by way of trade concessions and strategic customs valuation planning. More broadly Russell assists those involved in global trade with related commercial issues such as drafting agreements, parallel imports, product labelling, disputes between different parties in the international supply chain and regulatory compliance.



Egils Olekalns
PARTNER, ADELAIDE

Egils has been advising mining and resources companies for over twenty-five years. He specialises in advising on joint ventures, offtake agreements, FIRB advice applications and approvals, mining project approvals, mining law and regulation and negotiation of native title and heritage issues for mining developments.

His practice areas include prospectus preparation, due diligence, capital raising, ASX reporting requirements and rights issues.

Egils has advised Australian iron ore, uranium and other minerals exploration companies, and various Chinese state owned and private companies (including China's largest iron and steel producer, Baosteel) on South Australian and Western Australian mining projects.



Mathew Alderson
SPECIAL COUNSEL, BEIJING

Mathew has lived in Beijing since 2009 and, as an Australian-qualified lawyer, he advises foreign companies operating or investing in China.

Mathew's recent experience includes Sino-foreign co-productions, China media joint ventures and China cinema joint ventures as well as advice on employment issues and intellectual property protection.





Hongliang Liu
SPECIAL COUNSEL, SHANGHAI

Hongliang has been advising foreign companies doing business in China for over 20 years. He specialises in foreign direct investment in China, mergers & acquisitions and corporate operations.

When he was awarded as one of the Leading Lawyers by Asia Law & Practice, Hongliang was considered as "one of the few lawyers in China who can combine both People's Republic of China (PRC) legal knowledge and knowledge of the modern business operation when providing clients with value-added advice".

Hongliang is also considered as an expert on dispute resolution. He is an arbitrator of Shanghai Arbitration Commission and mediator of Shanghai-Rhone Alpes Mediation Center.



Emma Yang
CONSULTANT, SYDNEY

Emma is fluent in Mandarin and Shanghainese. She supports clients with translation services, and assists clients and lawyers understand Chinese and Australian law and culture. Her

work also involves assisting in the registration of overseas representative offices, and assisting members of the Asia division to build strong relationships with various local and overseas organisations.

Emma previously held the role of Junior Judge's Assistant at the Shanghai No. 1 Intermediate People's Court.



About Hunt & Hunt

Hunt & Hunt was established in 1929 when brothers Ted and Bob Hunt set up Hunt & Hunt in Sydney CBD. And now, the firm has offices across Australia and an office in Shanghai, with a team of expert lawyers who have the experience, resources and reputation to support your needs, wherever you need us.

Across our legal group, we employ close to 60 partners and approximately 400 professionals who have an unwavering commitment to client services. Our high standard of service is evidenced by our independent accolades - being named as a finalist in the BRW Client Choice Awards for 2011, featuring in the category of Best Provider by the Professional Services Sector and in 2010, featuring in the category of Outstanding Client Care.

Confident in our technical abilities, we build relationships founded on a genuine interest in our clients, characterised by understanding and trust.

Our global reach

Interlaw is an established association of approximately 70 independent law firms with 6,000 practitioners across 125 cities. As the only Australian member of Interlaw, Hunt & Hunt is strategically aligned with commercial lawyers in every industrialised country in the world. Interlaw firms provide clients with access to a range of specialities, expertise in local jurisdictions and a roadmap through the legal, cultural and linguistic difficulties which cross-border commercial transactions can involve. For large or complex international transactions, teams of experts from member firms work together to provide a depth of international legal knowledge and experience required.

Service areas: Banking and finance | Building and construction | Capital markets | Communications, media and information technology | Corporate and Commercial | Customs, trade and transport | Education | Employment and workplace relations | Energy and resources | Environment and planning | Infrastructure and projects | Insolvency and debt recovery | Insurance | Intellectual property | Joint ventures | Litigation and alternative dispute resolution | Mergers and acquisitions | Occupational Health and Safety | Property | Wealth management | Wills and estates | Workers compensation

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