



Andrew Godwin

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Andrew Godwin holds a number of senior positions at Melbourne Law School: Associate Dean (Engagement), Associate Professor, Director of Transactional Law, Director of Studies for the Graduate Program in Banking and Finance Law, and Associate Director of the Asian Law Centre.

Andrew's teaching and research interests include finance and insolvency law, transactional law, financial regulation (particularly disclosure and regulatory systems), property law, the regulation of the legal profession and professional and transactional skills for lawyers. Andrew is the author of a critically acclaimed bilingual book that examines Chinese and English legal terminology and concepts: *China Lexicon*. He is also a co-author of Sackville & Neave *Australian Property Law* (10th edition). His PhD thesis examined traditional land-use rights in rural China and evaluated their relevance and suitability to reform today. Andrew is a regular contributor to academic and professional publications and consults extensively in the areas of professional training, risk and compliance issues concerning law firms and legal practice, contract drafting and transactional law.

Andrew has been involved in legal practice for over 20 years, 10 of which were spent in Shanghai where he was a partner and chief representative of an international law firm. During his time in practice, Andrew acted for commercial and investment banks in a wide range of finance transactions and was also actively involved with financial institutions and multinational companies in the area of cross-border merger and acquisition projects.

Academic Qualifications

PhD, The University of Melbourne
LL.M, The University of Melbourne
LL.B (Hons), The University of Melbourne
B.A. (Hons), The University of Melbourne

Academic Appointments

- Associate Professor, Melbourne Law School, The University of Melbourne (since 2017)
- Senior Lecturer, Melbourne Law School, The University of Melbourne (2007 - 2017)
- Associate Director (Asian Commercial Law), Asian Law Centre (Since 2007)
- Director, Graduate Program in Banking and Finance Law, The University of Melbourne (since 2009)
- Director, Transactional Law, Melbourne Law School (since 2011)

Other Appointments

- Consultant to the Australian Prudential Regulation Authority (APRA) on its Enforcement Review (2018 – 2019)
- Consultant to the Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry on credit for small business (with Jeannie Paterson and Nicola Howell) (2018)
- Consultant to the World Bank on bank resolution and recovery (2016)
- Consultant to the Judicial College of Victoria on the impact of culture in the courtroom (2016-2017)
- Professional development consultant to PETRONAS Group Legal (2015)
- Consultant to the Australian Securities and Investments Commission on the Asia Region Funds Passport (2014)
- Risk Counsel to Linklaters (since 2010)
- Professional Development and Risk Consultant to Linklaters (since 2006)
- Chief Representative, Linklaters Shanghai Office, 2002 - 2006
- Partner, Linklaters, 2000 – 2006
- Director and Treasurer of Concordia International School Shanghai, 2001 - 2006
- Director of Shanghai Pioneer Road Services Company Limited, a subsidiary of Pioneer Asphalts (a joint venture between the Pioneer Group of Australia and Shell International), 1998 - 2002
- Senior Associate, Simmons & Simmons, 1996 – 2000
- Associate, Minter Ellison, 1992 -1996
- Research Assistant, Asian Law Centre, The University of Melbourne, 1988-1989, 1991

Professional Qualifications

- Admitted as a Barrister and Solicitor of the Supreme Court of Victoria (1993)
- Admitted as a Solicitor of the Supreme Court of England and Wales (1997)

Languages

- English and Chinese (Mandarin)

Panel Membership

- Foreign Arbitrator, Shanghai International Arbitration Center

Publications

Journal Articles

- Cai, W. and Godwin, A., 'The China International Commercial Court: how far can it go?', (2019) *The International & Comparative Law Quarterly* [forthcoming]
- Chan, A., Godwin, A. and Ramsay, I., 'Depositor preference and deposit insurance schemes – challenges for regulatory convergence and regulatory coordination in Asia' (2018) 12(2) *Law and Financial Markets Review* 71-85

- Chi H., Godwin A., Han C., Jin C., Ren Y., and Steele S., 'Trends and developments in Chinese insolvency law – the first decade of the PRC Enterprise Bankruptcy Law' 66(3) *American Journal of Comparative Law* 669–711
- Bromberg, L., Godwin, A. and Ramsay, I., 'Cross-border cooperation in financial regulation: crossing the Fintech bridge' (2018) 13(1) *Capital Markets Law Journal* 59-84
- Godwin, A., Ramsay, I. and Webster, M., 'International Commercial Courts: The Singapore Experience' (2017) 18 *Melbourne Journal of International Law* 219-259
- Godwin, A., 'Introduction to special issue – the twin peaks model of financial regulation and reform in South Africa' (2017) 11(4) *Law and Financial Markets Review* 151-153
- Godwin, A., 'Australia's Trek towards Twin Peaks – Comparisons with South Africa' (2017) 11(4) *Law and Financial Markets Review* 183-193
- Bromberg, L., Godwin, A. and Ramsay, I., 'Fintech Sandboxes: Achieving a Balance Between Regulation and Innovation' (2017) 28(1) *Journal of Banking and Finance Law and Practice* 1-3
- Godwin, A., Howse, T. and Ramsay, I., 'Twin peaks: South Africa's proposed financial sector regulatory framework' (2017) 134 *The South African Law Journal* 665-702
- Gilligan G., Godwin, A., Hedges, J. and Ramsay, I., 'Penalties regimes to counter corporate and financial wrongdoing in Australia – views of governance professionals' (2017) *Law and Financial Markets Review* available at <http://dx.doi.org/10.1080/17521440.2017.1309162>
- Godwin, A., Kourabas S. and Ramsay, I., 'Financial Stability Authorities and Macroprudential Regulation' (2017) 32(2) *Banking & Finance Law Review* 223 - 254
- Godwin, A., Howse, T., and Ramsay, I., 'The Inherent Power of Common Law Courts to Provide Assistance in Cross-Border Insolvencies: From Comity to Complexity' (2017) 26 *International Insolvency Review* 5 – 39
- Chen, V., Godwin, A. and Ramsay, I., 'An ASEAN Framework for Cross-Border Cooperation in Financial Consumer Dispute Resolution' (2017) 12 *Asian Journal of Comparative Law* 167 - 196
- Godwin, A. and Wu R., 'Legal Education, Practice Skills, and Pathways to Admission: A Comparative Analysis of Singapore, Hong Kong, and Australia' (2017) 66(2) *Journal of Legal Education* 212
- Godwin, A., Ramsay I. and Sayes E., 'Assessing Financial Regulatory Coordination and Integration with reference to OTC Derivatives Regulation' (2017) 12(1) *Capital Markets Law Journal* 38
- Godwin, A., Ramsay, I., and Stamboulakis, D., 'Shadow Banking and Regional Coordination in Asia: Challenges and Benefits' (2016) 17(2) *Australian Journal of Asian Law* 1 – 20
- Godwin, A., Kourabas, S. and Ramsay, I., 'Twin Peaks and Financial Regulation: The Challenges of Increasing Regulatory Overlap and Expanding Responsibilities' (2016) 49(3) *The International Lawyer* 273
- Hedges J., Bird, H., Gilligan G., Godwin A., Ramsay, I., 'The Policy and Practice of Enforcement of Directors' Duties by Statutory Agencies in Australia: an Empirical Analysis' (2016 - 17) 40(3) *Melbourne University Law Review* 905 - 966

- Godwin, A., 'Brave New World: Digital Disclosure of Financial Products and Services' (2016) 11(3) *Capital Markets Law Journal* 442-457.
- Dao, A., Godwin A. and Ramsay, I., 'From Enforcement to Prevention: International Cooperation and Financial Benchmark Reform'(2016) 10(2) *Law and Financial Markets Review* 83-101
- Godwin, A., Guo L. and Ramsay, I., 'Is "Twin Peaks" System of Financial Regulation a Model for China' (2016) 46(2) *Hong Kong Law Journal* 621-646
- Godwin, A., Howse, T and Ramsay, I., 'A Jurisdictional Comparison of the Twin Peaks Model of Financial Regulation' (2016) *Journal of Banking Regulation* doi:10.1057/s41261-016-0005-0
- Godwin, A. , 'TPP and Legal Services' (2016) 90(03) *LII* 30
- Godwin, A. and Ramsay, I., 'Short-form Disclosure Documents – An Empirical Survey of Six Jurisdictions (2016) *Capital Markets Law Journal* 1
- Chen, V., Godwin, A. and Ramsay, I., 'Cross-Border Cooperation in Banking Resolution: A Framework for Asia' (2016) *Singapore Journal of Legal Studies* 1
- Godwin, A. , 'Property Law: Property vs Non-Property' in Godwin, A. (ed), 'Five Lectures on the Common Law with Comparative Reference to the Law in China' (2015) 8(1) *Tsinghua China Law Review* 63
- George Gilligan, Jasper Hedges, Paul Ali, Helen Bird, Andrew Godwin and Ian Ramsay, 'Regulating by numbers: the trend towards increasing empiricism in enforcement reporting by financial regulators' (2015) 9(4) *Law and Financial Markets Review* 5
- Godwin, A., 'Barriers to practice by foreign lawyers in Asia: examining the role of lawyers in society' (2015) 22(3) *International Journal of the Legal Profession* 299
- Godwin, A. and Ramsay, I., 'Twin Peaks – the Legal and Regulatory Anatomy of Australia's System of Financial Regulation' (2015) 26 *Journal of Banking and Finance Law and Practice* 240
- Godwin, A., 'Using Transactional and Experiential Techniques to Teach Corporations Law' (2015) 25(1) *Legal Education Review* 221
- Godwin, A. and Howse, T. 'Legal services under ChAFTA' (2015) 89(5) *Law Institute Journal* 30
- Godwin, A. and Ramsay, I., 'The Asia Region Funds Passport Initiative' (2015) *International Company and Commercial Law Review* 236
- Godwin, A. and Schmulow, A., 'The Financial Sector Regulation Bill in South Africa: Lessons from Australia' (2015) 132 *South African Law Journal* 756
- Godwin, A., 'Teaching Transactional Law: A Case Study from Australia with Reference to the US Experience' (2015) 16(2) *Transactions: The Tennessee Journal of Business Law* 343
- Godwin, A. and Ramsay, I., 'Financial Products and Short-form Disclosure Documents: A Comparative Analysis of Six Jurisdictions' (2015) 10(2) *Capital Markets Law Journal* 212
- Godwin, A., 'Obligations to negotiate in good faith in cross-border deals' (2013) 3 *Harvard Business Law Review* 92-97.
- Godwin, A., 'The internal logic behind the evolution of company law in China - Do legal origins matter?' (2013) 14 *Australian Journal of Asian Law* 1-21.

- Godwin, A., 'Going global - The Australian legal profession in the Asian century' (2013) 87 *Law Institute Journal* 43-45.
- Godwin, A., "Corporate Rescue in Asia – Trends and Challenges" (2012) 34 *Sydney Law Review* 163
- 金春, Stacey Steele and Andrew Godwin, "破产重整程序中的管理人制度" [the System of Administrators in Insolvency Reorganisation Proceedings], (2010) 28 *政法论坛* [Tribune of Political Science and Law] 52 – 66
- Godwin, A., "The Lehman Minibonds Crisis in Hong Kong: Lessons for Plain Language Risk Disclosure" (2009) 32(2) *The University of New South Wales Law Journal* 547 - 586
- Godwin, A., "The Professional 'Tug-of-War': the Regulation of Foreign Lawyers in China, Business Scope Issues and Some Suggestions for Reform" (2009) 33 *Melbourne University Law Review* 132 - 162
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- Biddulph S. and Godwin, A., 'The PRC Property Rights Law 2007: a Foundation for Further Economic Reform?', (2007) 9(2) *The Australian Journal of Asian Law*, 321 – 345
- Godwin, A., 'Legal Aspects of Australia's Commercial Relationship With Taiwan' (1992) 4(1) *Bond Law Review* 41

Books and Book Chapters

- Godwin, A. and Schmulow, A. (eds), *The Cambridge Handbook of the Twin Peaks Model of Financial Regulation* [Cambridge University Press, forthcoming 2019]
- Douglas Arner, Evan Gibson, Andrew Godwin, Shen Wei and Wan Wai Yee (eds), *Research Handbook on Asian Financial Law* [Edward Elgar, forthcoming 2019]
- Godwin, A., 'Financial Regulatory Models in the Asia Pacific – A Case Study in Diversity' in Arner et al (eds), *Research Handbook on Asian Financial Law* [Edward Elgar, forthcoming 2019]
- Chen, V., Godwin, A. and Ramsay, I., 'Consumer Financial Dispute Resolution in a Time of Increased Regulatory Scrutiny' in Arner et al (eds), *Research Handbook on Asian Financial Law* [Edward Elgar, forthcoming 2019]
- Bromberg, L., Godwin, A. and Ramsay, I., 'Sandboxes and Bridges – The Impact of Fintech on Regulatory Convergence and Coordination in Asia' in Arner et al (eds), *Research Handbook on Asian Financial Law* [Edward Elgar, forthcoming 2019]
- Chan, A., Godwin, A. and Ramsay, I. 'Depositor Preference and Deposit Insurance Schemes – Challenges for Regulatory Convergence and Regulatory Coordination in Asia' in Arner et al (eds), *Research Handbook on Asian Financial Law* [Edward Elgar, forthcoming 2019]
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- Edgeworth, B., Rossiter, C., O'Connor P. and Godwin A., *Sackville and Neave Australian Property Law* (LexisNexis, 10th Edition, 2016)
- Godwin, A., 'Surveying the Twin Peaks of Australia's Financial System' in Sheelagh McCracken and Shelley Griffiths (eds) *Making Banking and Finance Law: A Snapshot* (2015, Ross Parsons)
- Godwin, A., (2014) *China Lexicon – Translating and Explaining Legal Concepts* (2014, Asia Vantage (China) Limited)
- Godwin, A., and Rogerson, P. (2014) "Clear concise and effective – the evolution of product disclosure documents" in Shelley Griffiths, Sheelagh McCracken and Ann Wardrop (eds) *Exploring Tensions in Finance Law* (Thomson Reuters)
- Godwin, A., and Fang, J. (2008), "Commercial Banking Sector in China", in *Doing Business in China* (3rd ed.), Juris Publishing
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- Godwin, A. (1999), "China Chapter", in *Asset Repackaging in Asia*, ISI Publication
- Godwin, A. (1998), "Practical Strategies" in *Securing Loans in the PRC*, Euromoney
- Godwin, A. (1999), "Trade Finance Techniques and Their Application in the PRC" in *Trade Finance Strategies for the PRC*, Euromoney
- Godwin, A. (1997), "Security Issues in Trade Finance" in *Creating and Enforcing Security in the PRC*, Euromoney

Book Reviews

- Umakanth Varottil and Wai Yee Wan (eds), *Comparative Takeover Regulation – Global and Asian Perspectives* in (2018) 19(1) *Australian Journal of Asian Law* 1-3
- Gill North, *Effective Company Disclosure in the Digital Age* in (2017) 35 *Company and Securities Law Journal* 345
- Robin Hui Huang, *Securities and Capital Markets Law in China* in (2016) 17(1) *Australian Journal of Asian Law* 1-4
- Justin O'Brien and George Gilligan (eds), *Integrity, Risk and Accountability in Capital Markets: Regulating Culture*, in (2014) 30 *Banking and Finance Law Review* 377
- Rebecca Parry, Yongqian Xu and Haizheng Zhang (eds), *China's New Enterprise Bankruptcy Law*, in (2010) *Australian Journal of Asian Law* 143 - 146
- Norah Gallagher and Wenhua Shen, *Chinese Investment Treaties Policies and Practice*, in (2010) *Australian Journal of Asian Law* 320 - 323
- Vai lo Lo and Xiaowen Tian, *Law for Foreign Business and Investment in China*, in (2009) 11 *Australian Journal of Asian Law* 162 – 165

Book Forewords

- Duc V Trang, *Architecture of Deals – Strategies for Transactional Lawyering* (SAL Academy Publishing, 2019)