

Corporate Law Teachers Association Conference 2013

Hosted By: Centre for Commercial Law, ANU College of Law

Corporate Law – Progressive Possibilities

3–5 February 2013, ANU College of Law, Canberra

PROGRAM

Sunday, 3 February 2013

3 – 5pm **Teaching Roundtable: Reflections on Teaching Corporate Law**
Moot Court, Level 3, ANU College of Law

Contributors:

Stephen Bottomley, The Australian National University
Suzanne Le Mire, University of Adelaide
Beth Nosworthy, University of Adelaide
Paul Redmond AM, University of Technology, Sydney
Keturah Whitford, The Australian National University

5 – 7pm **Conference Registration & Welcome Reception**
Law Theatre Foyer, ANU College of Law

Monday, 4 February 2013

8.45 – 9am **REGISTRATION**
Law Theatre Foyer, ANU College of Law

9 – 9.15am **Opening and Welcome Address**
Anil Hargovan, President, Corporate Law Teachers Association
Stephen Bottomley, Dean, ANU College of Law
The Hon Bernie Ripoll MP, Parliamentary Secretary to the Treasurer, Federal Member for Oxley

9.15 – 10.30am **Plenary Session 1 – Corporate Law: Progressive Possibilities**
Law Theatre, ANU College of Law

Speaker: *Kent Greenfield, Boston College Law School*
Commentator: *David Wishart, La Trobe University*

Chair: *Stephen Bottomley, The Australian National University*

10.30 – 11am **MORNING TEA**
Law Theatre Foyer, ANU College of Law

- 11am – 12.15pm **Plenary Session 2 – Corporate Law and Regulation**
Law Theatre, ANU College of Law
Speaker: John Braithwaite, RegNet, The Australian National University
Commentator: Kath Hall, The Australian National University
Chair: John Farrar, Bond University
- 12.15 – 12.45pm **Tribute to Emeritus Professor Harold Ford**
Law Theatre, ANU College of Law
Speakers: David Hambly, The Australian National University and Ian Ramsay, University of Melbourne
Chair: Paul Redmond AM, University of Technology, Sydney
- 12.45 – 1.45pm **LUNCH**
Law Theatre Foyer, ANU College of Law
- 1.45 – 3.15pm **Interest Group Session 1**
Sparke Helmore Theatres 1 & 2, ANU College of Law

Stream 1	Stream 2
<p><i>Progressive Possibilities and Corporate Disclosure</i></p> <p>Chair: Jason Harris, University of Technology, Sydney</p>	<p><i>Progressive Possibilities in Corporate Theory</i></p> <p>Chair: Larelle Chapple, Queensland University of Technology</p>
<p>Continuous Disclosure post-Fortescue: Probable Policies, Progressive or Otherwise Josephine Coffey, University of Sydney</p> <p>Testing Good Securities Disclosure: Tales of the Reasonable Investor Michael J Duffy, Monash University</p> <p>Can a Market Suffer Harm? Michael Tarlowski and Peta Spender, The Australian National University</p>	<p>Vulnerable Workers and Enlightened Shareholder Value: Problems with Assuming a Liberal Legal Subject Roseanne Russell, Cardiff University</p> <p>'Unincorporated body: Inanimate Soul!': Value Pluralism and Corporate Moral Agency Michelle Worthington, The Australian National University</p> <p>CSR and Public Law: Competing or Complementary Regulatory Systems? Benedict Sheehy, RMIT University, Melbourne</p> <p>The Importance of Meridian to Company Law Susan Watson, University of Auckland</p>

- 3.15 – 3.45pm **Afternoon Tea**
Sparke Helmore Theatre Annex, ANU College of Law

3.45 – 5.15pm

Interest Group Session 2

Sparke Helmore Theatres 1 & 2, ANU College of Law

Stream 1	Stream 2
<p><i>Progressive Possibilities and Shareholder Rights</i></p> <p>Chair: Colin Anderson, Queensland University of Technology</p>	<p><i>Progressive Possibilities and Directors' Duties</i></p> <p>Chair: Trish Keeper, Victoria University of Wellington</p>
<p>Shareholder Activism in Listed Companies in the United Kingdom and Australia: New Wine or New Bottles? John Farrar, Bond University</p> <p>A Comparative Analysis of the Australian and South African Statutory Derivative Actions: Proposals for Improvement Lang Thai and Jean du Plessis, Deakin University</p> <p>The Evolution of Malaysian Shareholder Protection: A Legal Origins Analysis Vivien Chen, Monash University</p>	<p>Disclosure in Corporate Law: Could Good Faith be the White Knight? Sulette Lombard and Jessica Viven, Flinders University</p> <p>Thinking Outside the Square: Alternative Approaches to the Protection of Employee Entitlements Helen Anderson, University of Melbourne</p> <p>Directors' Duties to Creditors and Commercial Realism: Arising Tensions Anil Hargovan, University of New South Wales and Jason Harris, University of Technology, Sydney</p> <p>Restoring a Public Focus to Government Business Enterprises: Is a Fiduciary Duty to the Public the Answer? Victoria Baumfield, Bond University</p>

6.30 pm (for 7pm)

Conference Dinner

Skyline Reception Centre, Rydges Lakeside

Sponsored by CCH Australia

Dinner Speaker:

Stephen Long, Economics Correspondent, Australian Broadcasting Corporation

The Chartered Secretaries Australia (CSA) sponsored Best Paper Prize will be announced at the conference dinner.

Presented by: Stephen Wright, Chartered Secretaries Australia (CSA)

Tuesday, 5 February 2013

- 8 – 9am *Breakfast Meeting for CLTA Executive – Minter Ellison Meeting Room, Level 2, ANU College of Law*
- 9 – 10am **Plenary Session 3 – Corporate Law and Human Rights**
Law Theatre, ANU College of Law
Speakers: *David Kinley, University of Sydney,
Alex Newton, The Australian national University*
Chair: Kath Hall, The Australian National University
- 10 – 10.20am **Morning Tea**
Law Theatre Foyer, ANU College of Law
- 10.20 – 11.20am **Plenary Session 4 – The Relationship between the Academy and the Profession**
Law Theatre, ANU College of Law
Panel:
*The Hon Paul Finn, Jurist and Former Judge of the Federal Court of Australia
Belinda Gibson, Deputy Chair, Australian Securities and Investments Commission
Tony Hartnell AM, Atanaskovic Hartnell Lawyers
Dimity Kingsford Smith, University of New South Wales*
Chair: Peta Spender, The Australian National University

11.30am – 1.00pm

Interest Group Session 3

Sparke Helmore Theatres 1 & 2, ANU College of Law

Stream 1 <i>Regulators and Enforcement</i> Chair: Ian Ramsay, University of Melbourne	Stream 2 <i>Chinese Corporate Law</i> Chair: Roman Tomasic, University of South Australia
<p>ASIC and the ‘Duty of Fairness’: A Regulatory Dilemma Suzanne Le Mire, Adelaide University</p> <p>Securities Market Regulators’ Use of the ‘Please Explain’ Sanction and the Impact on Compliance Larelle Chapple, Queensland University of Technology, Thu Phuong Truong, Victoria University of Wellington NZ, Michelle Welsh, Monash University</p> <p>ASIC and the Problems of the Civil Penalties Regime Vicky Comino, University of Queensland</p> <p>Emerging Concepts and Issues in Enforcement of Corporate and Securities Law Aiman Nariman Mohd Sulaiman, International Islamic University Malaysia</p>	<p>Defining Directors’ Duties under the Chinese Company Law: A Much Neglected Legal Matter K L Alex Lau, Hong Kong Baptist University and Angus Young, Hang Seng Management College</p> <p>Ownership Concentration and Corporate Control in Chinese Listed Companies Wenge Wang, University of Auckland</p> <p>Chinese Corporate Balkanization: The Reality of Political Economy and Competition for Corporate Charters as a Solution Charlie Xiao-Chuan Weng, Shanghai Jiao Tong University</p> <p>Governance of Listed SOEs in China, an investor, stakeholder or state-led model? Jenny Fu, University of Canberra</p>

1 – 2pm

LUNCH

CLTA Annual General Meeting & Award of Life Membership of the CLTA to Emeritus Professor John Farrar

Law Theatre Foyer, ANU College of Law

2 – 3.30pm

Interest Group Session 4

Sparke Helmore Theatres 1 & 2, ANU College of Law

<p>Stream 1 <i>Possibilities of Regulation</i> Chair: Kath Hall, The Australian National University</p>	<p>Stream 2 <i>Possibilities on Insolvency</i> Chair: Geoff Nicoll, University of Canberra</p>
<p>Whistle-Blowers as Bounty Hunters Vivienne Brand, Jeff Fitzpatrick and Sulette Lombard, Flinders University</p> <p>Co-opting Banks into Regulating Corporate Governance Vij Nagarajan, Macquarie University</p> <p>Banksia, Sounds like a Bank, Looks like a Bank but it is not a Bank: Regulatory Responses to the Collapse of Banksia Securities Limited Keturah Whitford, The Australian National University</p>	<p>Expertise is the New Game? Obligations on Corporate Managers in Solvent and Insolvent Companies Beth Nosworthy, Chris Symes and Suzanne Le Mire, Adelaide University</p> <p>Smoking Guns, Payment Plans and No New Value: An Analysis of s296(3) of the Companies Act 1993, New Zealand Trish Keeper, Victoria University of Wellington</p> <p>Part 5.3A – Progressive Possibilities David Morrison, University of Queensland and Colin Anderson, Queensland University of Technology</p>