

1995 CORPORATE LAW TEACHERS CONFERENCE

**MONASH UNIVERSITY
RMIT**

PROGRAM

SUNDAY FEBRUARY 5, 1995

5.30 - 7.00PM Registration and reception at Royal Society of Victoria, 8 La Trobe Street, Melbourne.

MONDAY FEBRUARY 6, 1995

Morning: At RMIT Glasshouse Theatre, Building 8, Swanston Street

PLENARY ADDRESSES AND DISCUSSION

- Chairs: Sam Ricketson and Paul Redmond
- 8.30 am Registration and coffee/tea
- 9.00 am Opening of conference: Professor Bob Williams, Dean of Law, Monash University, and Professor Paul Von Nessen, Head, Department of Law, RMIT
- 9.15 am Plenary address: The simplification process aims and prospects
Ian Govey, Convenor, Corporations Law Simplification Task Force
- 10.00 am Plenary address;. Corporate crime, the excesses of the 80s and collective responsibility: an ethical perspective
Professor Seumus Miller, Professor of Social Philosophy and Head of School of Humanities and Social Sciences, Charles Sturt University, and Senior Associate, Centre for Philosophy and Public Issues, University of Melbourne
- 10.40 am Morning tea/coffee
- 11.00 am Commentary:
Ian Renard, Partner, Arthur Robinson & Hedderwicks, Solicitors, Melbourne
Professor Paul Finn, Head of Division of Philosophy and Law, Research School of Social Sciences, Australian National University
- 11.45 am Discussion:
- 12.45 PM Lunch - Institute Function Room (annexe to Glasshouse Theatre, RMIT).
Alternatively, participants may wish to find their own lunch in any of the numerous restaurants lining the streets between RMIT and the Monash City Premises at 30 Collins Street.
- Afternoon: At Monash City Premises, 30 Collins Street, Melbourne

INTEREST GROUP SESSIONS

- Session A:
2.30 - 4.00 PM Corporate ethics and simplification Seminar Room 3
Chair: Yvonne Grant

Suzanne Corcoran, University of Adelaide, "Ordinary Corporate Vices" (Vol 3, Conference Papers)

Ian Henry, University of Ballarat, "A Real Catch 22: Simplification of Corporate Ethics: A Classic Oxymoron; Regulation of Corporate Ethics: A Venue for Failure" (Vol 3, Conference Papers)

Jennifer McKay, University of South Australia, "Body and perhaps Soul How Australian law supports and inhibits corporate ethics."
Corporate Governance - Seminar Room 1
Chair: Sally Sievers

John Farrar and Bernard McCabe, Bond University, "Corporatisation, Corporate Governance and the Deregulation of the Public Sector Economy" (Vol 2, Conference Papers)
David Morrison, "Directors' duties and ethics A simplification or a moral dilemma?" (Vol 3, Conference Papers)

Foreign Surveys - Seminar Room, Key Centre for Industrial Relations, 8th Floor, 30 Collins Street
Chair: Phillip Lipton
Ted Tyler, City Polytechnic of Hong Kong, "Hong Kong's Companies Legislation Review" (Vol 2, Conference Papers)
Peter Fitzsimons, "Corporate Governance and Takeovers in New Zealand" (Vol 2, Conference Papers)

Shareholders' and Creditors' Protection Executive Boardroom Chair: Bruce Dyer

Berna Collier, RMIT, "Enforcement of Company Charges by Directors and other 'Relevant Persons' under. section 267, Corporations Law" (Vol 1, Conference Papers)

Laurie Factor, Curtin University of Technology, "Capital Maintenance - Simplification and Creditor Protection" (Vol 1, Conference Papers)

Auditors' Liability and Corporate History Seminar Room 2
Chair: Tony Duggan

Angus Corbett, University of New South Wales, "The rationale for the recovery of economic loss in negligence and the problem of auditors' liability" (Vol 2, Conference Papers)

Rob McQueen, "Company Law as Imperialism" (Vol 2, Conference Papers).

Session B: 4.15 - 5.45 PM

Corporate Governance - Seminar Room 1
Chair: Sally Sievers

Helen Bird, University of Melbourne, "The Rise of the Independent Director" (Vol 1), Conference Papers)

Robyn Carroll, University of Western Australia, "The Director's Duty of Honesty; by Whose Standard is it to be Judged?" (Vol 1, Conference Papers)

Foreign surveys - Executive Boardroom
Chair: Sam Ricketson

Duan Quiguan, Towards Modern Enterprise System: Enforcement of Chinese Company Law"

Zhou Wei, 'Simplification and Internationalisation: Change of Company Registration Method in China"

Shareholders' and creditors' protection Seminar Room 3
Chair: Paul Von Nessen

Jennifer Hill, University of Sydney, "The Shareholder as Cerberus: Redefining the Shareholder's Role in Modern Australian Corporate Law" (Vol 1, Conference Papers)

Anthony Bailey, "Legal and Ethical Questions of Contingency or Success Fees, Particularly if Developed in US Style in UK and Australia." (Vol 1, Conference Papers)

Insolvency - Seminar Room 2
Chair: John Duns

Colin Anderson and David Morrison, "The Reform of Voluntary Administration - Simplification or Bust?" (Vol 1, Conference Papers)

Andrew Key, "The Insolvency Factor in the Avoidance of Antecedent Transactions in Corporate Liquidations." (Vol 1, Conference Papers)

Frank Zumbo, University of New South Wales, "Examinations under the Corporations Law: Exploring the tension between the Liquidator's Right to Know and a Person's Right to Privacy"

CONFERENCE DINNER:

Time : 7.30 PM - Athenaeum Club, 87 Collins Street, Melbourne

After dinner speaker:

The Hon Mr Justice Michael Kirby, AC, CMG, President, Court of Appeal, NSW

TUESDAY FEBRUARY 7, 1995

Morning - at RMIT, Building 8, Swanston Street

PLENARY SESSION

9.15 am Simplification and corporate ethics: Reflections for Teaching and Research -
Glasshouse Theatre
Chair: Professor Bob Baxt, Partner, Arthur Robinson & Hedderwicks,
Professor Harold Ford, Emeritus Professor of Commercial Law, University of
Melbourne
Alan Cameron, Chair, Australian Securities Commission

10.30 am Morning tea/coffee

CORPORATE LAW TEACHING: COMMON PROBLEMS AND POSSIBLE SOLUTION

10.45- 11.45 am PARALLEL WORKSHOPS

WORKSHOP A: Corporate law teaching in law schools - Glasshouse Theatre

Moderator: John Farrar, Bond University

Panel: Paul Redmond, UNSW; Roman Tomasic, University of Canberra; Norman O'Bryan,
Barrister and Lecturer, Melbourne; Catherine Walter, Melbourne City Commissioner
and company director; Quentin Digby, Lecturer and Partner, Freehill, Hollingdale
and Page, Melbourne

WORKSHOP B: Corporate law teaching in business law disciplines Institute Function Room
(annexe to Glasshouse Theatre)

Moderators: Abe Herzberg, Monash, and Phillip Lipton, RMIT; Panelist: Bill Edge, Director, Auditing, Coopers and Lybrand.

11.45 AM - 1.00 PM PARALLEL WORKSHOPS

WORKSHOP C: The place of theory in corporate law teaching and research - Glasshouse Theatre

Moderator: Ian Ramsay, University of Melbourne

Speakers: David Wishart, Latrobe University, "Corporate Theory and Corporate Law Reform" (Volume 2, Conference Papers)

Julie Dodds- Streeeton, Barrister and Lecturer, Melbourne, "Feminist Theory and Corporate Law" (Volume 3, Conference Papers)

Jennifer Hill, University of Sydney, "Corporate Theory and the Decision of the High Court in Caltex Refining Co Pty Ltd v State Pollution Control Commission

WORKSHOP D: Curriculum design - Boardroom, Level 4, Building 8 (Union Function Centre)

Speaker: Bruce Dyer, Monash University, "Making Company Law More Practical and More Theoretical" (Vol. 2, Conference Papers)

Commentators: Paul Finn, Australian National University
Sam Ricketson, Monash University

WORKSHOP E: Teaching methods and initiatives Room 105, Level 4, Building 8 (Union Function Centre)

Discussion leader: Richard Johnstone, University of Melbourne, co-author (with Marlene Le Brun), *The Quiet (R)evolution – Improving Student Learning in Law*, Sydney, Law Book Co (1994)

WORKSHOP F: The place of ethics in the teaching of corporate law Institute Function Room (annexe to Glasshouse Theatre)

Moderator: Yvonne Grant, Macquarie University

Speakers: Yvonne Grant, "The Place of Ethics in the Teaching of Corporations Law" (Volume 2, Conference Papers)

Peregrine Whalley, "Towards Higher Ethical Standards: Legacy of the 80's, Challenge for the 90's" (Vol 2, Conference Papers)

1.00 - 2.30 PM Lunch: King Bo Restaurant, Corner Russell and Bourke Streets

Speaker: Henry Bosch AO, Company Director and Chairman, Working Group on Corporate Practices and Conduct

Afternoon: At Monash City Premises, 30 Collins Street, Melbourne

CORPORATE LAW RESEARCH: ISSUES, INITIATIVES AND AGENDAS

2.40 - 4.00 PM PARALLEL WORKSHOPS

WORKSHOP G: Corporate law research: getting started - Seminar Room 1

Moderator: Roman Tomasic, University of Canberra

Panel: Stephen Bottomley, ANU; James Jackson, Southern Cross University; Peter Little, QUT; Philip Lawton, City University of Hong Kong; Suzanne Corcoran, University of Adelaide.

**WORKSHOP H: Corporate law research: getting published Seminar Room 3
Moderator: Abe Herzberg, Monash University**

Panel: Sam Ricketson, Monash University copyright and publishing agreements

Judith Fox, Law Book Company, and Peter Cierezko, Butterworths the publishers' perspective

Rob McQueen, La Trobe University employees and ownership of intellectual property

WORKSHOP I: New directions in research: theoretical, empirical and interdisciplinary - Seminar Room 2

Moderator: Paul Redmond, UNSW

Panel: Angus Corbett, UNSW; Peta Spender, ANU

4.00 PM

Afternoon tea/coffee

4.15 - 5.00 PM

GENERAL MEETING OF CORPORATE LAW TEACHERS ASSOCIATION, SEMINAR ROOM 1