



THE UNIVERSITY OF
MELBOURNE

ANNUAL REPORT 2023

Melbourne Centre for
Commercial Law

Melbourne Law School



TABLE OF CONTENTS

About the Centre	2
Directors' Report	3
Directors	4
Awards and Honours	4
Program Directors	5
Members	7
Events	10
Book Launches	13
Research	14
Publications	18
Engagement	23
Teaching	26

ABOUT THE CENTRE

The Melbourne Centre for Commercial Law (MCCL) aims for excellence in research, teaching, and engagement in all aspects of commercial law, policy, and regulation. We bring a wide range of perspectives to the field and draw together leading experts from Melbourne Law School. We have established specialist research programs focusing on corporate law and financial regulation, construction law, commercial arbitration, consumer law and policy, and taxation law and policy. The Centre aims to support excellence in research, policy development, and engagement among its members and to build collaboration across our specialist research programs. We also aim to connect with the legal and other professions, governments, not-for-profits, and international organisations, to deliver excellent teaching and to engage with scholars and research centres on all aspects of our work, both internationally and globally. The Centre is governed by a management committee comprising the Director and Associate Directors, supported by the Research Fellow. The [Centre website](#) presents more information about our members and all aspects of our activities. We provide a monthly [newsletter](#) that provides information about all aspects of our activities, and updates on our [LinkedIn](#) page.

DIRECTORS' REPORT

We are delighted to share with you our annual report for the year 2023, which has been a year of growth and stabilisation for the Melbourne Centre for Commercial Law (MCCL). It has also been a year of celebration. We congratulated Professor Emeritus Ian Ramsay on his appointment as an Officer of the Order of Australia for distinguished service to the law, to regulatory bodies, to tertiary education, and to law reform. We celebrated the appointment of Professor Rosemary Langford as the Harold Ford Chair of Commercial Law at the Melbourne Law School, named in honour of former Law School Dean Professor Harold Ford. This appointment recognises Professor Langford's outstanding scholarship and leadership in corporate and trusts law, the fields in which Professor Ford was a leading light.

During 2023, the Centre hosted a full program of 16 events across all our research specialisations, with numerous activities every month. Research programs in the Centre also contributed to hosting two international workshops as part of major research collaborations. One joint workshop was held at Oxford University cohosted by the research program in Construction Law and Policy and a second joint workshop was held at New York University School of Law cohosted by the research program in Taxation Law and Policy.

It has been an outstanding year for research by Centre members, who published eight books, 26 book chapters, 31 refereed journal articles, three reports and numerous other publications. We were pleased to host launches for four new books: Miranda Stewart's *Tax and Government in the 21st Century* (2022); Ian Ramsay's new edition of the leading book, *Company Directors: Principles of Law and Corporate Governance* (2023); a book of essays in honor of Professor Ramsay edited by Rosemary Langford, *Corporate Law and Governance in the 21st Century* (2023); and *Governance and Regulation of Charities: International and Comparative Perspectives* (2023), edited by Rosemary Langford. Centre members supervise a large and active group of twelve PhD candidates across the research programs.

We were pleased to build our communications with internal and external stakeholders of the Centre, sending out 11 monthly email newsletters to 1,833 subscribers and on our LinkedIn channel, which has more than 845 followers. The research program in Construction Law and Commercial Arbitration has developed an exciting new initiative, the podcast "Inside Commercial Law", bringing insights from our researchers and teachers to the public through various podcast channels.

Professor Rosemary Langford took over as incoming Director of MCCL in November 2023, while retaining her role as Joint Associate Director of the Research Program in Corporate Law and Financial Regulation. Miranda Stewart will continue in her role as Associate Director of the Research Program in Taxation Law and Policy, while also carrying out a six month visit to the Australian Treasury. The year 2023 also saw a change in our Research Fellow, as Harry Cossar-Gilbert finished the role to focus on completing his doctorate, and Belete Yemata stepped in to his place. Thanks to Harry for his excellent work in helping to set up the Centre in its early years.

The Centre would also like to thank the Melbourne Law School for support of the Centre, and the Law research support team, led by Angela Hendley-Boys and with sterling contributions by event staff, in particular Averyl Gaylor who worked tirelessly to support our numerous activities. We are also grateful for the assistance of staff in the Law School's digital media studio. And finally, thanks to the many attendees of events, readers of research and professionals and academics who engaged with the work of the Centre to make 2023 such a rewarding year.

Professor Miranda Stewart (outgoing director, 2022-2023)
Professor Rosemary Langford (incoming director, 2023)

DIRECTORS



Miranda Stewart
(Outgoing Director)

[Professor Miranda Stewart](#) is outgoing director of the MCCL and is Associate Director of the research program in Taxation Law and Policy. Miranda recently

finished a six month secondment as a Visiting Fellow in the Australian Treasury, Revenue Group, working on Tax Policy. Miranda teaches a range of taxation law and international tax subjects in the JD and Masters programs. Miranda's books include *Tax and Government in the 21st Century* (Cambridge University Press, 2022), *Income Taxation Commentary and Materials* (with Graeme Cooper, Michael Dirkis and Richard Vann, Thomson Reuters, 2020), *Death and Taxes* (with Michael Flynn KC, 2021, Thomson Reuters), *Tax, Social Policy and Gender* (ANU Press, 2017). Miranda leads an interdisciplinary research project funded by the Australian Research Council on [Sharing the Wealth](#), about tax and justice in an era of population ageing and slowing economic growth. Miranda is an International Research Fellow of the Centre for Business Taxation at Said Business School, Oxford University, a Fellow of the Australian Academy of Law and Vice-Chair of the Permanent Scientific Committee of the International Fiscal Association.



Rosemary Langford
(Incoming Director)

[Professor Rosemary Langford](#) is the incoming Director of MCCL (commenced November 2023) and the joint Associate Director of the Research Program in

Corporate Law and Financial Regulation. Rosemary teaches a range of subjects including Corporations Law, Corporate Governance, and Directors' Duties. She is currently leading an Australian Research Council project on [Restoring Public Trust in Charities – Reforming Governance and Enforcement](#). Her publications include *Directors' Duties: Principles and Application* (Federation Press, 2014), *Company Directors' Duties and Conflicts of Interest* (Oxford University Press, 2019), and *Technology and Corporate Law: How Innovation Shapes Corporate Activity* (edited with P. Lee and A. Godwin, Edward Elgar, 2021). Rosemary is the editor of the directors' duties section of the *Company and Securities Law Journal*, a member of the Law Committee of the Australian Institute of Company Directors, and a member of the Corporations Committee and Not-for-Profit Law Committee of the Law Institute of Australia.

AWARDS & HONOURS

- **Professor Ian Ramsay** was appointed as an Officer of the Order of Australia for distinguished service to the law, to regulatory bodies, to tertiary education, and to law reform.
- **Professor Miranda Stewart** was awarded the ATTA Hill Medal by the Australasian Tax Teachers Association for services to tax policy. The ATTA Hill Medal is named after the late Graham Hill, a prominent figure in taxation law and a former Justice of the Federal Court of Australia.
- **Monica Hope** was awarded the Best PhD Paper prize at the 2023 ATTA Conference in Brisbane for her paper titled 'Understanding Wealth and Income Inequality: Measurements, Differences, and Effects'.

PROGRAM DIRECTORS



Matthew Bell

[Associate Professor Matthew Bell](#) is a joint Associate Director of the research program in Construction Law and Commercial Arbitration at the MCCL. Matthew is the author of many publications in the

field, including the texts *Construction Law in Australia* and *Understanding Australian Construction Contracts* (with Ian Bailey) and *Residential Construction Law* (with Philip Britton). Matthew is Professional Support Lawyer to Construction and Major Projects at Clayton Utz on a part-time basis and was founding Chair of the Academic Subcommittee of the Society of Construction Law Australia. He is Deputy Chair for Victoria of the Law Council of Australia Construction and Infrastructure Law Committee.



Richard Garnett

[Professor Richard Garnett](#) is a joint Associate Director of the research program in Construction Law and Commercial Arbitration. Richard Garnett has a LLM from Harvard University and in 2020

was awarded the degree of Doctor of Laws (LLD) from the University of Melbourne for a body of published work that constitutes 'a substantial and original contribution to legal scholarship' and demonstrates 'authoritative standing in the field of study'. Richard was a Director of the Australian Centre for International Commercial Arbitration and has published widely in the areas of conflict of laws, public and private international law and international commercial arbitration. Richard also regularly advises commercial clients on cross-border litigation and arbitration matters.



Julie Clarke

[Professor Julie Clarke](#) is a joint Associate Director of the research program in Consumer Law and Policy Research Program. She is the Associate Dean of the Melbourne Law Masters, the

Associate Dean of Digital Technologies and Director of the Global Competition and Consumer Law specialisation. Julie's primary research and teaching interests are in the areas of competition, consumer and contract law with a particular focus on mergers, misuse of market power and cartels.



Andrew Godwin

[Professor Andrew Godwin](#) is the a joint Associate Director of the Corporate Law and Financial Regulation Research Program at the MCCL and Honorary Associate Director (Commercial Law) of the

Asian Law Centre. He is a co-author of *Sackville & Neave Australian Property Law* (LexisNexis, 12th Edition, 2024) and a co-editor of *Research Handbook on Asian Financial Law* (Edward Elgar, 2020), *The Cambridge Handbook of Twin Peaks Financial Regulation* (Cambridge University Press, 2021) and *Technology and Corporate Law* (Edward Elgar, 2021). Andrew served as Special Counsel and Acting General Counsel at the Australian Law Reform Commission from September 2020 to February 2024. Andrew is a fellow of the Australian Academy of Law and a member of the Advisory Board of the Asian Business Law Institute in Singapore. Andrew served as Special Counsel and Acting General Counsel at the Australian Law Reform Commission from September 2020 to February 2024. Andrew is a fellow of the Australian Academy of Law and a member of the Advisory Board of the Asian Business Law Institute in Singapore.



Wayne Jovic

[Associate Professor Wayne Jovic](#) is a joint Associate Director of the research program in Construction Law and Commercial Arbitration. Wayne joined Melbourne Law School as a full-time academic in

2014, after teaching part-time since 2005. He is also a part-time consultant in the construction group at Corrs Chambers Westgarth. His teaching and research interests are in construction law, contract and private law generally. Wayne previously worked for a decade at Clayton Utz, and advised on major construction projects in every state.



Jeannie Paterson

[Professor Jeannie Paterson](#) is a joint Associate Director of the Consumer Law and Policy Research Program. Her current work focuses on the regulatory and ethical challenges of AI

misrepresentation, misinformation and deep fake fraud. She teaches topics of consumer protection law, technology and regulating AI in JD, LLM and breadth subjects. Jeannie is the co-author of the widely used text (with Professor Andrew Robertson) *Principles of Contract Law*, as well as work on consumer credit law, consumer law and AI law. Jeannie is the founding Director of the Centre for Artificial Intelligence and Digital Ethics at the University of Melbourne. She is an academic fellow at Melbourne Business School. She is a Fellow of the Australian Academy of Law. She is currently a member of the Cth Government's temporary expert advisory committee on AI regulation (2024).

MEMBERS

Professor Emeritus



[Ian Ramsay AO](#)

Redmond Barry Distinguished Professor Emeritus

Research Program in Corporate Law and Financial Regulation



[Mark Taylor](#)

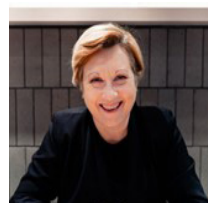
Research Program in Consumer Law and Policy

Professors



[Jianlin Chen](#)

Research Program in Corporate Law and Financial Regulation



[Rosemary Addis](#)

Professor



[Sunita Jogarajan](#)

Research Program in Taxation Law and Policy



[Elise Bant](#)

Professor
University of Western Australia



[Paula O'Brien](#)

Research Program in Consumer Law and Policy



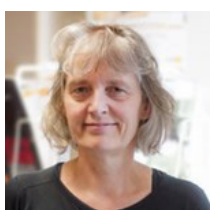
[Hon. Tony Pagone AM KC](#)

Victorian Bar



[Christine Parker](#)

Research Program in Consumer Law and Policy



[Megan Richardson](#)

Research Program in Consumer Law and Policy

Associate Professors



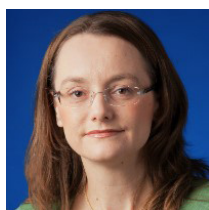
Paul Ali

Research Program in Corporate Law and Financial Regulation



Kathryn James

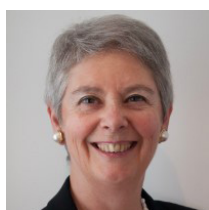
Research Program in Taxation Law and Policy



Stacey Steele

Research Program in Corporate Law and Financial Regulation

Principal Fellows



Cally Jordan

Associate Professor



Andrew Mills

Associate Professor



Frank O'Loughlin KC

Associate Professor
Victorian Bar

Senior Lecturers



Julian Panetta

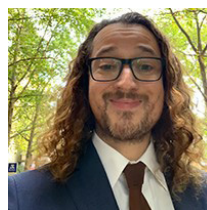
Research Program in Taxation Law and Policy



Megan Pricor

Research Program in Consumer Law and Policy

Lecturers



Ben Hopper

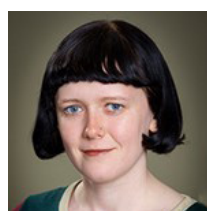
Research Program in Consumer Law and Policy



Robi Rado

Research Program in Corporate Law and Financial Regulation

Senior Fellows



Evengia Bouvria

Research Fellow on Financial Exclusion, Poor Insurer Practices and Consumer Protection

Research Program in Corporate Law and Financial Regulation



George Gilligan

Senior Research Fellow
Research Program in Corporate Law and
Financial Regulation



Pamela Hanrahan

Professor
University of New South Wales
Senior Fellow, Research Program in
Corporate Law and Financial Regulation



Lucinda O'Brien

Research Fellow on
Harmful Financial Products Research
Program in Corporate Law and Financial
Regulation

MCCL PhD Research Fellow



Harry Cossar-Gilbert

MCCL PhD Research Fellow
(January - September 2023)



Belete Yemata

MCCL PhD Research Fellow
(October - December 2023)

Graduate Researchers - PhD Candidates

The Centre takes pride in the innovative and exciting work of our PhD candidates working across a wide range of issues in tax, regulatory, consumer and not-for-profits.

Jumanah Alsairafi: International Taxation in Kuwait: Selected Issues in Expanding and Protecting the Tax Base

Vita Apriliasari: Indonesia's Tax Incentive and the Global Minimum Tax: Options for Reform

Helen Dervan (New Zealand Women Leaders in Law Fellow), What is the Appropriate Legislative and Institutional Framework to Enable Effective Execution of the Financial Stability Mandate under Twin Peaks in New Zealand?

Harry Cossar-Gilbert: Should the real GST be expanded in Australia? A Normative and Empirical Review

Monica Hope: Tax justice and intergenerational wealth transfer in Australia

Nicola Howell: The use and impact of legal solutions to consumer over-indebtedness: a comparison of Australian and Dutch approaches

Elliot Legendre: Tax instruments and water rights protection: a compared policy analysis

Vivi Tan: Online Dispute Resolution and Consumer Disputes in Australia: Dispute Systems Design Analysis

Michael Wells: Corporate Minimum Book Taxes: Principles, Design and Implementation

Samantha Tang: Shareholder Power and the Public Interest

Fitria Wardika: Reforming Regulation for Simplifying Indonesian State Finance Law

Michael Wells: Corporate Minimum Book Taxes: Principles, Design and Implementation

Belete Yemata: Civil Society Organisations and Their Tax Treatment in Ethiopia

EVENTS

In 2023, MCCL hosted 16 events. Centre research programs also collaborated with leading researchers internationally in two international workshops, at Oxford University cohosted by the research program in Construction Law and Policy and at New York University School of Law cohosted by the research program in Taxation Law and Policy. The events are presented chronologically below. Our events were a mix of online, hybrid and in person. In total, 1,040 people attended our events.

2023 Harold Ford Memorial Lecture: Corporate Governance – Big Ideas and Debates?

24 May 2023

The 2023 Harold Ford Memorial Lecture was presented by The Hon. Justice Michelle Gordon AC. Recent events and debates in and outside Australia about corporate governance may be seen as suggesting that company directors, and the laws which govern their work, are facing new and different challenges. Many of those debates have been framed by reference to environmental, social, and governance (ESG) issues and arguably challenge traditional conceptions of corporate governance. What can Australia learn from these debates legally, practically, and commercially? This lecture was a collaboration between Clayton Utz and Melbourne Law School.



Oxford-MLS Symposium

Exploring Building Safety Through the Lens of Private Law

9 February 2023

This one-day symposium held at St John's College, University of Oxford, is the first in a series being organised by MCCL Associate Director (Construction Law and Commercial Arbitration) Dr Matthew Bell, along with colleagues from Melbourne Law School (MLS) and the Faculty of Law at the University of Oxford.

Crypto Assets and Decentralised Autonomous Organisations

15 February 2023

This webinar was organised by the Corporate Law and Financial Regulation Research Program of MCCL, in association with the Australian Law Reform Commission. It provided an update on regulatory developments in Australia and overseas and explored the direction of future reforms. The panellists included Dr Andrew Godwin, Mr Laurence White, Ms Joni Pirovich, and Emeritus Professor Myles McGregor-Lowndes OAM. Professor Rosemary Langford chaired the session.

Financing Social Security in the United States

20 March 2023

This seminar was organised by MCCL's Taxation Law and Policy Research Program and delivered by Visiting Professor Neil Buchanan. Professor Neil Buchanan holds the James J. Freeland Eminent Scholar Chair in Taxation and is the Director of Global Scholarly Initiatives at the University of Florida Levin College of Law.

ChatGPT: Law, Legal Advice and Other Integrity Challenges

5 April 2023

This seminar was organised by MCCL's Consumer Law and Policy Research Program and the Ninian Stephen Law Program: New Legal Thinking for Emerging Technologies. It discussed the implications of ChatGPT for law, professional duties of care, and the giving of legal advice. The discussion focused on legal advice, legal practice, and legal liability based on both the excitement and concern surrounding the emergence of ChatGPT as an easily accessible product. The seminar delved into the functionality of ChatGPT and its implications for law, professional duties of care, and the giving of legal advice. The panel was composed of Julie Clarke (Melbourne Law School), Kendra Fouracre (King & Wood Mallesons), Michael Pattison (ContractProbe), and Julian Webb (Melbourne Law School).

The Fiscal and Fairness Implications of the Stage 3 Income Tax Cuts: Concerns from the Community and Welfare Sector

18 April 2023

This was a hybrid seminar organised by MCCL's Taxation Law and Policy Research Program and the Melbourne Social Equity Institute, focusing on the fiscal and fairness implications of the Stage 3 income tax cuts. The seminar featured legal, economic, and political analysis of the tax cuts from an expert panel, and included an address by Cassandra Goldie (CEO, ACOSS), who discussed the concerns of the community and welfare sector.

Cyber Ransoms and Corporate Responsibility

20 April 2023

"To Pay or Not to Pay—Cyber Ransoms" was a high-profile topic of debate in 2022. This seminar was organised by MCCL's Corporate Law and Financial Regulation Research Program and the Ninian Stephen Law Program: New Legal Thinking for Emerging Technologies to discuss this matter with experts in the field. It featured a panel composed of Rachael Falk (Executive Officer of the Cyber Security Cooperative Research Centre), Rosemary Langford (Melbourne Law School), Jeannie Paterson (Melbourne Law School), and Cam Whittfield (Herbert Smith Freehills). The panel discussed cyber ransoms and corporate responsibility.

Modern Slavery – Implications for Business and Civil Society

9 May 2023

This seminar was co-hosted by the Asian Law Centre and the Corporate Law and Financial Regulation Program of MCCL, and delivered by Mr. Tomoya Obokata, UN Special Rapporteur on contemporary forms of slavery. The seminar provided an update on initiatives to eradicate contemporary forms of slavery and focused particularly on the implications for business and civil society.

Tax Levies and Legal Certainty: Hendiadys or Oxymoron?

1 August 2023

This seminar was organised by the Tax Law and Policy Research Program of the MCCL and presented by Professor Marcello Poggioli (University of Padua). The session was chaired by Hon. Jennifer Davies SC. The seminar discussed recent developments in Italian domestic legislation and EU law regarding the introduction of a general anti-avoidance clause (GAAR). One of the main points of the discussion was whether the codification of the clause and its procedural aspects may actually lead to a higher degree of legal certainty (and tax fairness) in tax obligations.

Adhering to Shareholder Agreements with Lau Kwan Ho

9 August 2023

This seminar was organised by MCCL's Corporate Law and Financial Regulation Program with Lau Kwan Ho, Assistant Professor of Law; Deputy Director, Centre for Commercial Law in Asia; Lee Kong Chian Fellow, from Singapore Management University. An incoming shareholder of a corporation may be required to execute and deliver a deed of adherence to a shareholder agreement. This presentation looked at selected issues surrounding such adherences, including the status of post-adherence equities and the ways in which the aforementioned requirement may be enforced.

What is the purpose of superannuation?

15 August 2023

This seminar was co-organised by MCCL, the Centre for Employment and Labour Relations Law, and Melbourne Climate Futures. The seminar focused on the purpose of superannuation and featured AustralianSuper chair Dr. Don Russell, Associate Professor Tess Hardy, Dr. Arjuna Dibley, and Dr. Emily Millane. It brought together different legal perspectives on superannuation and highlighted opportunities for further reform.

The potential of s100A ITAA36 to address tax avoidance using trusts—why the Full Federal Court’s approach in Guardian should be treated with caution

17 August 2023

This was a hybrid seminar organised by the Tax Law and Policy Research Program of the MCCL and presented by Dr. Sonali Walpola (ANU). Dr. Walpola delivered a paper on the potential of s100A ITAA36 to address tax avoidance using trusts

Insights on Law Reform: A Conversation with Justice Sarah Derrington and the Hon John Middleton

5 September 2023

This was a hybrid seminar facilitated by Professor Rosemary Langford, Justice Sarah Derrington, and the Hon. John Middleton reflected on their time with the Australian Law Reform Commission and on law reform generally, including the role and influence of law reform commissions, changes to law reform processes, and international comparisons.

Lessons for Insolvency Law from the Pandemic: Practice and Reform

12 October 2023

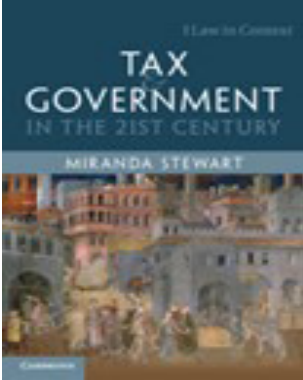
During the pandemic, many jurisdictions amended their insolvency laws to lessen the impact of the pandemic. This webinar, hosted by MCCL’s Corporate Law and Financial Regulation Program, provided an opportunity to explore lessons for insolvency law from the pandemic. The panel discussion consisted of Dr. Andrew Godwin (Team Leader and Special Counsel at the Australian Law Reform Commission), Dr. John Tribe (University of Liverpool), and Stewart Maiden KC (practises at the Victorian Bar and is president of the Commercial Bar Association of Victoria). Jim Hines of Michigan University; Professor David Duff of University of British Columbia, Canada; Professor Miranda Fleischer of San Diego Law School; Associate Professor Daniel Halliday of Melbourne University and Assistant Professor of Law and Philosophy Jeessoo Nam, USC Gould School of Law

International Workshop: NYU-MLS Symposium – Sharing the Wealth: Tax and Justice in a Slow Growth World

10-11 November 2023

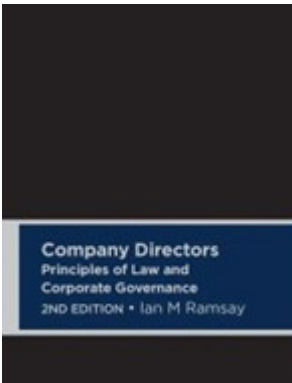
The Taxation Law and Policy research program including Professor Miranda Stewart and PhD candidate Monica Hope presented the project’s findings at an interdisciplinary law, philosophy and economics research symposium on [*Sharing the Wealth: Tax and Justice*](#), held at New York University School of Law. The Symposium aimed to address fundamental questions concerning how to Share the Wealth in mature democracies in the 21st century. Mature tax states including the United States and Australia succeeded in the 20th century with a core goal of redistribution, in a social and fiscal bargain to share the return to economic prosperity through public goods, social welfare and taxation. This fiscal bargain is under threat in a context of population ageing, declining fertility, growing income and wealth inequality and declining economic growth. The symposium aimed to bring interdisciplinary philosophical, legal and economic approaches to update frameworks for justice in taxation and propose reforms more suited to current conditions. Speakers included Professor Emeritus Thomas Nagel, Professor Liam Murphy and Professor Daniel Shaviro of NYU School of Law; Professor Linda Sugin of Fordham Law School.

BOOK LAUNCHES



Book Launch and Panel on Tax and Government in the 21st Century **28 February 2023**

The Centre celebrated the launch of Professor Miranda Stewart's book, *Tax and Government in the 21st Century* (Cambridge University Press, 2022), launched by the Hon Justice Michelle Gordon of the High Court of Australia. The launch was followed by a panel discussion with the author, Ms Danielle Wood, CEO of the Grattan Institute, and Professor Ajay Mehrotra of Northwestern University in the United States.



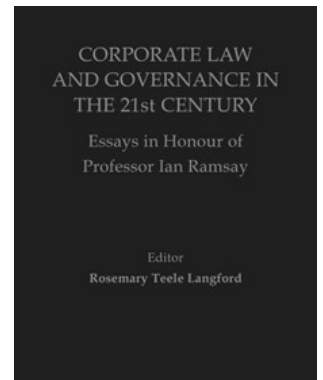
Book Launch and Panel on Company Directors, Corporate Law and Governance

8 November 2023

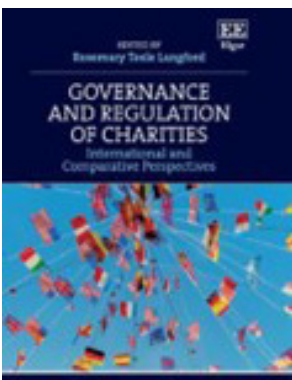
The Centre celebrated the launch of two important books, hosted by the Corporate Law and Financial Regulation Program, by ASIC Chair, Joe Longo:

Ian Ramsay, *Company Directors: Principles of Law and Corporate Governance* (LexisNexis, 2nd ed, 2023)

Rosemary Teele Langford (ed), *Corporate Law and Governance in the 21st Century: Essays in Honour of Professor Ian Ramsay* (Federation Press, 2023)



There was an expert panel discussion on key issues concerning company directors, corporate law, and governance.



Book Launch and Conversation on International and Comparative Perspectives on Governance and Regulation of Charities

11 December 2023

The Centre celebrated the launch by Sue Woodward AM, Commissioner of the Australian Charities and Not-for-profits Commission (ACNC), of the book *Governance and Regulation of Charities: International and Comparative Perspectives*, edited by Professor Rosemary Teele Langford. As part of the launch, Commissioner Woodward and Professor Langford discussed important aspects of governance and regulation of charities, including recommendations for reform.

RESEARCH

MCCL members conduct research from legal, regulatory, policy and perspectives on a wide range of projects. In 2023, MCCL members across our specialist research programs carried out work on projects funded by more than \$2 million in external grant funding, including from the Australian Research Council (ARC) and published 8 books, 26 book chapters, 31 refereed journal articles, 3 reports and other publications.

Grants and projects

Centre researchers carried out several research projects funded by external grants or consultancies, across a range of topics ranging from not-for-profits to taxation of wealth, consumer protection to financial exclusion, road infrastructure and cyber technology.

Corporate Law and Financial Regulation Program

Restoring Public Trust in Charities – Reforming Governance and Enforcement (2019-2023)

Professor Rosemary Langford leads this ARC Discovery Early Careers Research project (\$401,980) and works with Miranda Webster, Research Fellow. The charitable sector is an essential part of the social fabric and economy in Australia. Public trust in the sector has been damaged by governance failures, exacerbated by the sector's complex and incoherent governance system. As yet, there has been limited academic consideration or empirical analysis of the effectiveness of the governance and regulatory framework of the sector or concrete reform proposals. This project aims to undertake comparative analysis and empirical research of these aspects and to develop proposals for effective law and policy reform. This is expected to strengthen and maximize the sector's capacity to contribute to the social and economic life in Australia. In 2023, the project produced the following refereed publications:

- [Final Recommendations](#) (pages 12-24)
- Godwin, Andrew and Rosemary Teele Langford, '[Corporations, Financial Services and Charities: Regulatory Complexity and Coherence](#)' (2023) 39 *Australian Journal of Corporate Law* 51
- Langford, Rosemary Teele, '[Empowering and Enabling Charity Governors: Loyalty to Purpose](#)'
- Langford, Rosemary Teele and Miranda Webster, '[An Analysis of the ACNC's Approach to Compliance and Enforcement](#)' (2023) 39(7) *Company and Securities Law Journal* 430
- Langford, Rosemary Teele and Webster, Miranda, '[The Australian Charitable Incorporated Organisation: A Reform Proposal](#)' (2023) 39 *Company and Securities Law Journal* 347
- Webster, Miranda and Rosemary Teele Langford, '[An Analysis of the ACNC's Approach to Compliance and Enforcement](#)'
- Webster, Miranda and Rosemary Teele Langford, , '[Comparison of Enforcement Powers of the Charity Commission for England and Wales and the ACNC](#)'
- Langford, Rosemary Teele and Malcolm Anderson, [Restoring Public Trust in Charities: Empirical Findings and Recommendations](#) (2023) 46(2) *UNSW Law Journal*
- Rosemary Teele Langford (ed) [Governance and Regulation of Charities: International and Comparative Perspectives](#) (Edward Elgar, 2023)

Harmful financial products: analysis of their impact and regulation (2016-2022)

Associate Professor Paul Ali (Chief Investigator), Professor Ian Ramsay (Chief Investigator) and Dr Lucinda O'Brien conducted this research project, supported by an ARC Linkage Grant (\$620,000), in partnership with five leading non-profit organisations: Consumer Action Law Centre, Financial Counselling Australia, Good Shepherd Australia New Zealand, Mallee Family Care and WEstjustice. Harmful financial products pose a significant threat to the wellbeing of Australian consumers. In recent years, Australia has witnessed the emergence and proliferation of non-mainstream, or 'fringe' financial products. According to consumer advocates, providers of some of these products generate substantial profits by taking advantage of their customers, charging above-market

prices, high interest rates and unconventional, ad hoc fees. There is evidence that such products serve to entrench the disadvantage of consumers who are already marginalised. In 2023, the project produced the following refereed publications:

- O'Brien, Lucinda, Daniel Beratis, Ian Ramsay and Paul Ali, '[Financial Hardship and Complaints-Handling in the Buy-Now Pay-Later Industry: A Recent Empirical Study](#)' (2023) 31(4) *Australian Journal of Competition and Consumer Law* 299-311
- O'Brien, Lucinda and Paul Ali, "An Increasingly Middle-Class Phenomenon": The Causes and Impacts of Financial Hardship in Australia', in Rosemary Langford (ed), *Corporate Law and Governance in the 21st Century: Essays in Honour of Ian Ramsay* (Federation Press, 2023) 214-35

In March 2023, the research team gave an invited presentation: Lucinda O'Brien, 'An Empirical Study of the Personal Insolvency System: Major Findings and Latest Insights from Australia' (Invited presentation to Policy Impact Workshop convened by the London School of Economics Law School and the United Kingdom Insolvency Service, 29 March 2023)

Financial exclusion, poor insurer practices and consumer protection project (2018-2023)

Associate Professor Paul Ali and Professor Emeritus Ian Ramsay led this ARC Discovery Project (\$358,916) with research fellow Evgenia Bourova. General insurance encompasses three products—building, home contents and motor vehicle insurance—that are considered essential to financial inclusion in Australia. These products allow consumers to accumulate important assets while knowing that they are protected against loss or damage from fire, flooding or theft. This project is Australia's first large-scale empirical study examining financial exclusion and lack of access to general insurance, as well as poor insurer practices in selling insurance and handling claims. Through surveys and interviews, the project also aims to evaluate the effectiveness of the legal protections for consumers of general insurance. The project is now in its third stage, which involves the preparation of publications drawing on the findings of the empirical study, and where relevant, making recommendations for law and policy reform.

Negotiated enforcement: regulatory power and corporate misconduct in the financial section project (2018-2022)

Professor Emeritus Ian Ramsay (Chief Investigator) with Miranda Webster and Lloyd Freeburn carried out research on this ARC Discovery Project (\$311,000). Enforcement outcomes are often the result of negotiations between regulators and alleged wrongdoers. These negotiations may, for example, result in the regulator not pursuing litigation against the alleged wrongdoer and, in return for acknowledging past misconduct and some form of promise in relation to future conduct, the alleged wrongdoer receives a reduced sanction. Regulators rely on negotiations with alleged wrongdoers to respond to misconduct, impose sanctions and promote responsible behaviour. However, there is concern about the increasing preference of regulators to use negotiated enforcement rather than litigation to counter serious misconduct in the financial sector. An over-reliance on negotiated enforcement raises concern where these practices: lack transparency; are inefficient; fail to deter misbehaviour; and operate to subvert individual justice. This project evaluates these issues by examining enforcement strategies by the Australian Securities and Investments Commission (ASIC) that involve negotiations with alleged wrongdoers and the factors that are relevant to ASIC when it pursues negotiations. In 2023, the project produced the following refereed publications:

- Ramsay, Ian and Miranda Webster, '[The origins and expansion of the Australian Securities and Investments Commission's powers to issue infringement notices](#)' (2023) 33 *Journal of Banking and Finance Law and Practice* 145
- Ramsay, Ian and Miranda Webster, '[The rise and fall, and possible rise again, of the use of infringement notices by the Australian Securities and Investments Commission](#)' (2023) 51 *Australian Business Law Review* 6
- Gillian, George and Ian Ramsay, '[The Australian Securities and Investments Commission's use of enforceable undertakings and negotiated enforcement](#)' (2023) 34 *International Company and Commercial Law Review* 43

Taxation Law and Policy Program

Sharing the Wealth: Tax and Justice in The Slow Growth Era (2021-2024)

Professor Miranda Stewart led this ARC Discovery Project (\$309,000) with Associate Professor Daniel Halliday (Political Philosophy, Faculty of Arts) and international partners Professor Liam Murphy (New York University School of Law) and Professor Miranda Fleischer (University of San Diego School of Law). Monica Hope is the PhD Candidate on this project, researching wealth taxation and progressivity. The researchers would like to acknowledge and pay our respects to Professor Emeritus Geoffrey Brennan (Australian National University), an original Chief Investigator in this project, who passed away in 2022 and is sadly missed.

The project aims to address fundamental problems of injustice in taxation emerging in the transition to a slow growth economy in Australia and globally. The project applies interdisciplinary approaches to generate new knowledge that aims to update frameworks for justice in taxation, refreshing out-dated 20th century ethical and legal approaches. Collaborative legal and philosophy analysis by leading scholars in Australia and the United States will respond to contemporary conditions of slow growth, wage stagnation, wealth inequality, population aging and longevity. Project outcomes will include tax reform proposals to benefit policy makers and enrich public debate on tax justice for 21st century economic and fiscal conditions.

On 10-11 November 2023, the research team presented the project's findings at the 'Research Symposium: Sharing the Wealth: Tax and Justice', held at New York University School of Law. In 2023, the project produced the following publications:

- Stewart, Miranda '[Sharing the Wealth: Tax, Justice, Gender and Care](#)' (2023) *Australian Feminist Studies* 1

Reforming the Goods and Services Tax (2019-2025)

Dr Kathryn James is conducting this ARC Discovery Early Career Researcher Award funded project, which aims to respond to the rapid erosion of Australia's revenue sources by addressing the future of the Goods and Services Tax (GST). Harry Cossar-Gilbert is conducting his PhD research on the project, on the topic of progressivity and the GST. The Australian GST taxes less than half of consumer spending and up to \$4.5 billion is lost to avoidance and evasion each year. This project expects to generate new knowledge in tax law and policy by using an innovative approach to assess whether possible reform options are viable, sustainable and equitable. Expected outcomes of this project include the formulation of achievable and defensible options that offer a clear path forward on GST reform. This should provide significant benefits to the community by contributing to a fairer and more sustainable tax system capable of meeting the needs of all Australians. In 2023, the project produced the following publication:

- Emerton, Patrick and Kathryn James, '[The Australian Constitution as a Framework for Securing Economic Justice](#)' (2023) 51(3) *Federal Law Review* 372

Construction Law and Commercial Arbitration Program

Major Road Projects Victoria and its Project Delivery Approach (2021-2023)

This project is conducted by Ms Kiri Parr and Mr Phillip Greenham, both participants in the Construction Law program. It presents a case study of procurement reform.

Consumer Law and Policy Program

Building Resilient Legal Advice for Cyber and Critical Technologies in Viet Nam (2023-2024)

This initiative is funded by the Australian Department of Foreign Affairs and Trade's Cyber and Critical Technology Cooperation Program and continues the work of the Ninian Stephan Law Program: New Legal Thinking for Emerging Technologies. Led by Professor Jeannie Marie Paterson, with Dr Fahimeh Abedi, Professor Tim Miller, Ms Gabby Bush and Ms Nhung Nguyen Thi.

Editorial Positions

During 2023 academic members of the MCCL occupied editorial positions with a number of publications:

- Australian Business Law Review (Banking and Finance Subject Editor: Dr Andrew Godwin)
- Australian Construction Law Newsletter (Member of the Editorial board: Associate Professor Matthew Bell)
- Capital Markets Law Journal (Editorial Board: Associate Professor Paul Ali)
- Commercial Law in Asia book series (Member of the Editorial board: Dr Andrew Godwin)
- Company and Securities Law Journal (Editor, Directors' Duties Section: Professor Rosemary Langford; Member of the Editorial Board: Associate Professor Paul Ali and Professor Ian Ramsay)
- Data and Policy Journal (Editor: Jeannie Marie Paterson)
- Journal of the Australasian Tax Teachers Association (Member of the Editorial Board: Professor Miranda Stewart)
- Journal of Banking and Finance Law and Practice (Editorial Board: Associate Professor Paul Ali)
- Journal of Malaysian and Comparative Law (Subject Editor: Dr Andrew Godwin)
- New Zealand Journal of Taxation Law and Policy (Member of the Editorial Board: Professor Miranda Stewart)
- Review of International and European Economic Law (Member of the International Advisory Board: Professor Miranda Stewart)
- SSRN eJournal, Fiduciary Law (Member of the Editorial Advisory Board: Dr Rosemary Langford)
- World Tax Journal (Member of the Editorial Board: Professor Miranda Stewart)

PUBLICATIONS

Books (authored and edited)

Bant, Elise (ed), *The Culpable Corporate Mind* (Hart Publishing, 2023)

Chen, Jianlin, *Law and Politics of Religious Fraud Regulation: China, Taiwan and Hong Kong* (Edward Elgar Publishing, 2023)

Clifford, Damian, Kwan Ho Lau and Jeannie Paterson (eds), *Data and Private Law* (Hart Publishing, 2023)

Langford, Rosemary Teele (ed), *Corporate Law and Governance in the 21st Century: Essays in Honour of Professor Ian Ramsay* (Federation Press, 2023)

Langford, Rosemary Teele (ed), *Governance and Regulation of Charities: International and Comparative Perspectives* (Edward Elgar Publishing, 2023)

Paterson, Jeannie, *Corones' Australian Consumer Law* (Thomson Reuters, 5th ed, 2023)

Ramsay, Ian, *Company Directors: Principles of Law and Corporate Governance* (LexisNexis, 2nd ed, 2023)

Richardson, Megan, *The Right to Privacy 1914–1948: The Lost Years* (Springer Singapore, 2023)

Book Chapters

Bant, Elise and Jeannie Paterson, 'Automated Mistakes: Vitiating Consent and State of Mind Culpability in Algorithmic Contracting' in Elise Bant (ed), *The Culpable Corporate Mind* (Bloomsbury Publishing, 2023)

Godwin, Andrew, 'A Duty to Use Artificial Intelligence? Learning from the Past and Hedging for the Future' in Rosemary Teele Langford (ed), *Corporate Law and Governance in the 21st Century – Essays in Honour of Professor Ian Ramsay* (Federation Press, 2023)

Goswami, Debaranjan and Andrew Godwin, 'Evaluation of the Guidelines for Communication and Cooperation between the Adjudicating Authority in India and a Foreign Court in Cross-Border Insolvency Proceedings – A Comparative Perspective' in *Emerging Ideas on IBC* (Insolvency and Bankruptcy Board of India, 2023)

Hanrahan, Pamela, 'Directors as Monitors in Collective Investment Schemes' in Rosemary Teele Langford (ed), *Corporate Law and Governance in the 21st Century – Essays in Honour of Professor Ian Ramsay* (Federation Press, 2023)

Jin, Chun and Stacey Steele, 'Executory Contracts in Insolvency: The Japanese Perspective' in Jason Chuah (ed), *Executory Contracts in Insolvency Law: A Global Guide: Second Edition* (Edward Elgar Publishing, 2023)

Jogarajan, Sunita 'Agents in International Tax Treaties' in Haase and Kofler (eds) *The Oxford Handbook of International Tax Law* (Oxford University Press, 2023)

Jogarajan, Sunita 'Capital Allowances' in Sadiq et al, *Principles of Taxation Law* (Thomson Reuters, 2023)

Jogarajan, Sunita 'Fringe Benefits Tax' in Sadiq et al, *Principles of Taxation Law* (Thomson Reuters, 2023)

Jogarajan, Sunita 'General Deductions' in Sadiq et al, *Principles of Taxation Law* (Thomson Reuters, 2023).

Jogarajan, Sunita 'Goods and Services Tax' in Sadiq et al, *Principles of Taxation Law* (Thomson Reuters, 2023)

Jogarajan, Sunita 'Specific Deductions' in Sadiq et al, *Principles of Taxation Law* (Thomson Reuters, 2023)

Jogarajan, Sunita, 'The League of Nations and International Tax in the 1930s' in Harris and de Cogan (eds), *Studies in the History of Tax Law* (Volume 11) (Hart Publishing, 2023)

Jogarajan, Sunita 'The Taxation Formula' in Sadiq et al, *Principles of Taxation Law* (Thomson Reuters, 2023)

Jogarajan, Sunita 'Trading Stock' in Sadiq et al, *Principles of Taxation Law* (Thomson Reuters, 2023)

Langford, Rosemary and Miranda Webster, 'Introduction' in Rosemary Teele Langford (ed), *Corporate Law and Governance in the 21st Century – Essays in Honour of Professor Ian Ramsay* (Federation Press, 2023)

Langford, Rosemary, 'Introduction to Governance and Regulation of Charities: International and Comparative Perspectives' in *Governance and Regulation of Charities: International and Comparative Perspectives* (Edward Elgar Publishing, 2023)

O'Brien, Lucinda and Paul Ali, "An Increasingly Middle-Class Phenomenon": The Causes and Impacts of Financial Hardship in Australia' in Rosemary Teele Langford (ed), *Corporate Law and Governance in the 21st Century – Essays in Honour of Professor Ian Ramsay* (Federation Press, 2023)

O'Brien, Paula, 'Alcohol and Public Health Law' in Ian Freckelton and Belinda Bennett (eds), *Australian Public Health Law* (Federation Press, 1st ed, 2023)

Paterson, Jeannie and Elise Bant, 'Automated Mistakes: Vitiating Consent and State of Mind Culpability in Algorithmic Contracting' in Elise Bant (ed), *The Culpable Corporate Mind* (Bloomsbury Publishing, 2023)

Rado, Robi, 'The Bretton Woods Institutions: Custodians of Development' in Ruth Buchanan, Luis Eslava, and Sundhya Pahuja (eds), *The Oxford Handbook of International Law and Development* (Oxford University Press, 2023)

Ramsay, Ian and Mihika Upadhyaya, 'The Failed Attempt to Enact Benefit Company Legislation in Australia and the Rise of B Corps' in H Peter, CV Vasserot, and JA Silva (eds), *International Handbook of Social Enterprises Law: Benefit Corporations and Other Purpose Driven Companies* (Springer, London, United Kingdom, 2023)

Stewart, Miranda and Prasanna Nidumolu, 'International Tax Law and Development' in Ruth Buchanan, Luis Eslava, and Sundhya Pahuja (eds), *The Oxford Handbook of International Law and Development* (Oxford University Press, 2023)

Stewart, Miranda, 'Tax States, Jurisdiction and the Multilateral Reality' in C Elliffe (ed), *International Tax at the Crossroads: Institutionalisation and Policy Reform in the Era of Digitalisation* (Edward Elgar: UK, 2023)

Stewart, Miranda, 'Unilateralism, Bilateralism, and Multilateralism in International Tax Law' in F Haas and G Kofler (eds), *The Oxford Handbook of International Tax Law* (Oxford University Press 2023)

Stewart, Miranda, 'Australia' in J Tremblay (ed), *The Forum of Federations Handbook of Fiscal Federalism* (Palgrave Macmillan, 2023, open access)

Taylor, Mark J 'Group Privacy? A Further Question for Our Information Societies' in Borghi M and Brownsword R (eds), *Law, Regulation and Governance in the Information Society: Informational Rights and Informational Wrongs* (Routledge, 2023)

Journal Articles

Bailey, Julian and Matthew Bell, 'Forty Years on: The International Construction Law Review, 1983-2023' (2023) 40(4) *International Construction Law Review* 306

Bant, Elise, Jeannie Paterson, Jeannie, Nicholas Felstead and Eugene Twomey, 'Beyond the Unwritten Law: The Limits of Statutory Unconscionable Conduct' (2023) 17 *Journal of Equity* 1

Bell, Matthew, 'Bringing Home Reform: A Principles-Based Approach to Regulation of Construction for Residents' Safety' (2023) 49(1) *Monash University Law Review*

Bradfield, Owen M, Marie M Bismark, Matthew J Spittal and Paula O'Brien, 'The Publication of Impaired Doctors' Identity by Australian and New Zealand Tribunals: Law, Practice, and Reform' (2023) 31(3) *Medical Law Review* 391

Chen, Jianlin and Bijan Lu, 'Rape-by-Deception in China: A Messy but Pragmatically Desirable Criminal Law' (1 April 2023) 43(2) *Columbia Journal of Gender and Law*

Coghlan, Simon and Christine Parker, 'Harm to Nonhuman Animals from AI: A Systematic Account and Framework' (2023) 36(2) *Philosophy and Technology*

Emerton, Patrick and Kathryn James, Kathryn, 'The Australian Constitution as a Framework for Securing Economic Justice' (2023) 51(3) *Federal Law Review* 372, doi:10.1177/0067205X231200732

Eckstein, Lisa, Margare Otlowski, Mark Taylor, and Rebekah McWhirter, 'Reversing the 'Quasi-Tribunal' Role of Human Research Ethics Committees: A Waiver of Consent Case Study' (2023) *UNSW Law Journal* 46(2) 498

Freeburn, Lloyd and Ian Ramsay, 'What Does it Mean to "Carry on Business in Australia"? An Analysis of the Full Federal Court Decision in Facebook Inc v Australian Information Commissioner' (2023) 52(3) *Australian Bar Review* 335

Gilligan, George and Ian Ramsay, 'The Australian Securities and Investments Commission's Use of Enforceable Undertakings and Negotiated Enforcement' (2023) 34(2) *International Company and Commercial Law Review* 43

Godwin, Andrew, Risham Garg and Debaranjan Goswami, 'Cross-border Insolvency Law in India: Are the Principles of Comity of Courts and Inherent Common Law Jurisdiction Relevant?' (2023) 2(32) *International Insolvency Review* 197

- Godwin, Andrew and Rosemary Teele Langford, 'Corporations, Financial Services and Charities: Regulatory Complexity and Coherence' (2023) 39 *Australian Journal of Corporate Law* 51
- Langford, Rosemary Teele and Malcolm Anderson, 'Restoring Public Trust in Charities: Empirical Findings and Recommendations' (2023) 46(2) *UNSW Law Journal* 535
- Langford, Rosemary Teele and Miranda Webster, 'An Analysis of the ACNC's Approach to Compliance and Enforcement' (2023) 39(7) *Company and Securities Law Journal*
- Langford, Rosemary Teele and Miranda Webster, 'The Australian Charitable Incorporated Organisation: A Reform Proposal' (2023) 39(6) *Company and Securities Law Journal* 347
- Langford, Rosemary, 'Special Issue on the Future of the Corporation—Part II' P' (2023) *Company and Securities Law Journal* 314
- Northcott, Tanita, Marke Lawrence, Christine Parker and Phillip Baker, 'Ecological Regulation for Healthy and Sustainable Food Systems: Responding to the Global Rise of Ultra-processed Foods' (2023) *Agriculture and Human Values*
- O'Brien, Lucinda, Daniel Beratis, Ian Ramsay and Paul Ali, 'Financial Hardship and Complaints-Handling in the Buy Now Pay Later Industry: A Recent Empirical Study' (2023) 31 *Australian Journal of Competition and Consumer Law* 299
- O'Brien, Paula, 'Welcome to Advertising: Regulating Alcohol Marketing on Television in Australia to Protect the Health of Minors' (2023) 30(2) *Journal of Law and Medicine* 310
- O'Brien, Paula and Robyn Dwyer et al., 'Influencing the Global Governance of Alcohol: Alcohol Industry Views in Submissions to the WHO Consultation for the Alcohol Action Plan 2022-2030' (2023) 119 *International Journal of Drug Policy* 10, doi:10.1016/j.drugpo.2023.104115.
- Paltiel, Minna, Mark Taylor and Ainsley Newson, 'Protection of genomic data and the Australian Privacy Act: When are Genomic Data 'personal information'? (2023) *International Data Privacy Law*, ipad002, <https://doi.org/10.1093/idpl/ipad002>
- Parker, Christine and Fiona Haines, 'Reconstituting the Contemporary Corporation through Ecologically Responsive Regulation' (2023) 39(6) *Company and Securities Law Journal* 316
- Paterson, Jeannie, 'Making Robo-Advisers Careful? Duties of Care in Providing Automated Financial Advice to Consumers' (2023) *Law and Financial Markets Review*
- Paterson, Jeannie, 'Misleading AI: Regulatory Strategies for Algorithmic Transparency in Technologies Augmenting Consumer Decision-Making' (2023) 34(Symposium) *Loyola Consumer Law Review* 558
- Paterson, Jeannie and Hal Bolitho, 'Unfair Terms and Legitimate Business Interests in Standard Form Small Business Contracts' (2023) 30 *Competition and Consumer Law Journal* 19
- Paterson, Jeannie, Elise Bant, Nicholas Felstead and Eugenie Twomey, 'Beyond the Unwritten Law: The Limits of Statutory Unconscionable Conduct' (2023) 17 *Journal of Equity* 1
- Pictor, Megan, 'Where Does Responsibility Lie? Analysing Legal and Regulatory Responses to Flawed Clinical Decision Support Systems When Patients Suffer Harm' (2023) 31(1) *Medical Law Review* 1
- Pictor, Megan and Maria Rychkova, 'Recording Our Genes: Stakeholder Views on Genetic Test Results in Networked Electronic Medical Records' (2023) 52(3) *Health Information Management Journal* 194
- Ramsay, Ian and Robert Macdonald, 'The Diversity of Director Election Rules in Australian National Sporting Organisations' (2023) 40(1) *Company and Securities Law Journal* 37
- Ramsay, Ian and Miranda Webster, 'The Origins and Expansion of the Australian Securities and Investments Commission's Powers to Issue Infringement Notices' (2023) 33(4) *Journal of Banking and Finance Law and Practice* 145
- Ramsay, Ian and Miranda Webster, 'The Rise and Fall, and Possible Rise Again, of the Use of Infringement Notices by the Australian Securities and Investments Commission' (2023) 51(1) *Australian Business Law Review* 6

Reports, working papers, submissions and other publications

MCCL members participated in a range of projects for the community sector, the profession and government.

- Emily Millane, Angela Jackson and Nathan Blane, *Justice on the Brink Stronger Legal Aid for a Better Legal System* (National Legal Aid, Report, November 2023)
- Kiri Parr and Phillip Greenham, *Major Road Projects Victoria and its Project Delivery Approach: A Case Study of Procurement Reform* (University of Melbourne, Report, September 2023)
- Miranda Stewart, Emily Porter, Dina Bowman and Emily Millane, *Growing pains: Family Tax Benefit: Issues and options for reform* (Brotherhood of St Laurence, Report, 2023)

Selected conference and seminar presentations

Professor Sunita Jogarajan

- Presented on 'The Intersection of Tax and Trade Agreements: An Australian Case Study' (co-authored with Professor Tania Voon) on a week-long workshop, 'Redefining Global Governance: A tax, trade and investment perspective in the EU and beyond' at the Lorentzcenter, University of Leiden in June 2023
- Presented to the Indonesian Directorate General of Taxes on 'Recent Developments in International Taxation' in August 2023

Professor Rosemary Langford

- 'Restoring Public Trust in Charities: Final Recommendations' (Invited presentation, 'The Journey of Charity Law: The Impact of Past Problems Today and into the Future', University of Queensland School of Law, September 2023)
- 'Governance Duties and Conflicts of Interest' (Panel presentation, Charity Law of Australia and New Zealand Conference, Melbourne, July 2023)

- 'Governance Duties and Conflicts of Interest' (Panel presentation, Charity Law of Australia and New Zealand Conference, Melbourne, July 2023)
- 'Charities, Corporations and Financial Services – Regulatory Complexity and Coherence' (Invited plenary presentation, Society of Corporate Law Academics conference, February 2023)
- 'Directors' Duty to Consider the Interests of Creditors' (Invited presentations, Corporations Committee, Law Council of Australia, November 2022, February 2023)

Professor Christine Parker

Presented as part of a panel discussion on 'Greenwashing Claims and Consumer Protection' at the ACCC Consumer Congress

Professor Jeannie Marie Paterson

- 'Responsible AI and Responsible Lending' Consumer Law Roundtable Gold Coast. 2023
- 'Digital Identity' Asian Law Schools Association Conference (keynote) Taiwan 2023
- 'Responsible AI after RoboDebt' ANU Public Law Conference Nov 2023
- 'AI in the Court Room', Victorian Supreme Court Conference 2023
- 'Untangling Regulatory Objectives: Privacy Reform, Cyber Security and Digital Identity' at the Australian Banking and Financial Services Conference in Queenstown, New Zealand 2023
- 'Legal Generative AI Summit' Centre for Legal Innovation NSW 2023
- 'Generative AI and Legal Work' at the Australian Government Solicitors Legal Conference in Canberra 2023
- 'Generative AI and a Legal Duty to Innovate' at the Australian Bar Association National Conference on the Gold Coast 2023

- 'Generative AI: Time to run, hide or innovate' at the ChilliIQ Legal Innovation Conference on the Gold Coast 2023
- 'Consumer Protection and Mental Health AI' Berkeley Consumer Law Scholars Conference, California, US 2023
- 'Health Apps and Error' International Association of Consumer Law, Hamburg Germany, 2023

Professor Miranda Stewart

- Boston College School of Law, International Tax Jurisdiction: The Borderlands 13 November 2023
- NYU School of Law, Sharing the Wealth: Research Symposium, Taxation, Care and Wealth in an Era of Population Ageing, 10 November 2023
- International Fiscal Association, Annual Congress, Cancun, Mexico, Panel Participant: Non-discrimination in Tax Treaties, 26 October 2023
- Community Tax Project (Melbourne Social Equity Institute), Lecture, Building Capacity on Tax, 3 October 2023
- Public Lecture, Issues in International Tax, Padjadjaran University, Indonesia (webinar), 25 September 2023
- Australian Social Policy Conference, Issues and Challenges with Family Tax Benefit, 11 September 2023
- Association Brazil Derecho Fiscal (ABFD, International Fiscal Association), GloBE in the Asia-Pacific Region, 15 August 2023 (Panel webinar)
- Australian Public Finance Workshop, Challenges with Family Tax Benefit, 3 August 2023
- International Centre for Tax and Development, Panel Discussion, Tax Reform, Conference, Kenya, 5-7 June 2023
- University of Oxford Faculty of Law, Taxing People Conference, Presentation on Tax, Wealth, Growth and Population, 4-5 June 2023
- Victorian Pride Centre, Making a Will, 17 May 2023
- Centre for Social Research and Methods, Budget Breakfast 2023-24, Australian National University, 11 May 2023
- Women in Superannuation, Gender and the Budget 2023-24 (webinar), 10 May 2023
- The Tax Institute, Victorian Tax Forum, Panel Discussion, How the Tax System is Administered, 3 May 2023
- Australasian Tax Teachers Association Conference, Wealth, Justice, Gender and Care, 18 January 2023
- Australian Davos Connection Leadership Forum 2023 in Brisbane, speech on tax policy in the context of a focus on Australia's obligations to the world and how to position itself within the region amidst upcoming challenges

ENGAGEMENT

Members of the MCCL conduct a wide range of public policy, professional, not-for-profit and other engagement activities.

Policy, Law Reform and the Profession

MCCL members are strongly engaged in the profession and community sector. We highlight just a few examples here.

Dr Andrew Godwin has completed his work at the Australian Law Reform Commission, where he was initially engaged as Special Counsel to support the Inquiry into the Legislative Framework for Corporations and Financial Services Regulation, and subsequently served as Acting General Counsel.

Professor Miranda Stewart, Professor Rosemary Langford, Associate Professor Matthew Bell and Professor Ian Ramsay are all members of the Law Council of Australia Business Section specialising in their relevant fields. In this role, they engage in policy and legal submissions on law reform, conferences, presentations and related activities.

Professor Rosemary Langford is serving as a member of the Corporations Committee and the Not-for-Profit Committee of the Law Council of Australia. She is also on the Law Committee of the Australian Institute of Company Directors.

Professor Mark Taylor continued his secondment with the Department of Health and Aged Care (Cth) (from November 2021) providing strategic support for a refresh of the Framework to guide the secondary use of My Health Record system data. This involved the establishment of a Data Governance Board and development of a legislative rule to impose requirements on people handling My Health Record information for research and public health purposes.

Professor Miranda Stewart was invited to be a Visiting Fellow at the Australian Treasury for a full-time six month position, commencing in November 2023.

Community Tax Project

The Centre is pleased to contribute to the work of the [Community Tax Project](#), led by Associate Professor Kathryn James and supported by the University of Melbourne's Social Equity Institute. This played a leading role as a forum for education of community sector representatives on tax policy in Australia.

Podcast on “Inside Commercial Law”

The research program in Construction Law and Policy launched a new initiative in its MCCL pilot podcast series titled **Inside Commercial Law**. Six episodes have been posted on Spotify, featuring our Construction Law program Directors, Associate Professors Matthew Bell and Wayne Jovic, sitting down with teachers from our Melbourne Law Masters program to discuss their research and teaching on diverse aspects including construction procurement across the Asia-Pacific region, risk allocation, delay analysis, and cultural issues in international practice.

The podcasts are available via [Spotify](#). We look forward to bringing more podcasts to our audiences across a wider range of research programs in coming years.

Tax Clinic

We would also like to highlight the successful work of the Melbourne Law School Tax Clinic which is a supportive, inclusive, student-run clinic that provides free tax assistance from Melbourne Law School students. The Melbourne Law School Tax Clinic gratefully acknowledges the funding received from the Australian Government under the National Tax Clinic Trial program and the outstanding contributions from professional tax advisors who assist and support the students in providing advice. As part of the National Tax Clinic program, Professor Sunita Jogarajan supervised JD students writing research papers topics such as tax residency, legal professional privilege, taxation of trusts, the general anti avoidance rule, and the employee vs contractor distinction.

The Clinic was staffed by a dedicated clinic supervisor, Mr Julian Panetta, Melbourne Law School JD students and pro bono tax practitioners. The clinic assisted approximately 350 clients. During its active season, the MLS Tax Clinic provides assistance to clients in need in the following areas:

- Correspondence from the Australian Taxation Office
- Tax assessments
- Outstanding tax debts
- Penalties and interests
- Income and expenses
- Current and/or prior year tax returns
- Residency for tax purposes
- Representation in dealing with ATO
- Registration for Goods and Services Tax (GST)

2023 Practitioner List: Aldrin De Silva (White & Case), Koraly Sowter (BDO), Lahiru Abeyasinghe (PWC), Edward Hennebry (Sladen Legal), Michael Wells (VicBar), Simon Le Maistre (PWC), Hadi Mazloum (VicBar), Josh Haddad (Hall & Willcox), Jim Koutsokostas (Hall & Willcox), Peter Murray (Keypoint Law), Todd Bromwich (Hall & Willcox), Rachel Law (Hall & Willcox), Saskia Solopotias (Deloitte Legal), David Vuong (Deloitte Legal), Ali Yousefi (Tradewise Solutions), Christina Leong (Deloitte Legal), Khai-Yin Lim (VicBar), Jenni Devine (TaxScope), Lachlan Molesworth (VicBar)

Tax Clinic partners

The Tax Clinic is grateful to the following organisations for their generous support.

- [BDO Australia](#)
- [Deloitte Legal](#)
- [Hall & Wilcox](#)
- [Keypoint Law](#)
- [PWC](#)
- [Sladen Legal](#)
- [Tradewises Solutions](#)
- [Tax Scope](#)
- [Victorian Bar](#)
 - Nicholas Dodds
 - Khai-Yin Lim
 - Hadi Mazloum
 - Lachlan Molesworth
 - Michael Wells
- [White & Case](#)

Blogs and media engagement

In 2023, members of MCCL contributed to public debate and education through a wide range of print, radio, television and social media channels, and in various blogs and publications. We highlight selected contributions and topics here.

Dr Emily Millane

- Wrote that the upcoming 'Stage-3' Federal tax cuts counteract government efforts to lower inflation and the economic equity of women, following Melbourne Cup-day interest rate rises and increasing RBA inflation figures, in [The Age](#).

Professor Jeannie Paterson

- Discussed Australian Prime Minister Anthony Albanese's announcement of a \$5 billion partnership with Microsoft for new data centers and advancements in cloud computing and artificial intelligence on the [ABC](#) with reporter Rachel Hayter.
- Talked about the caveats within compensation claims for telecommunications disruptions on the [ABC](#), following the Optus outage on 8 November 2023.
- If banks are being asked to be responsible, then so should platforms hosting scam ads that use AI to co-opt celebrity's images, says Professor Paterson.
- Stated on [ABC News](#) that if banks are being asked to be responsible, then platforms hosting scam ads using AI to co-opt celebrity images should also be held accountable.
- Appeared on [ABC's The Drum](#) to discuss consumer compensation following the Optus outage.

Emeritus Professor Ian Ramsay

- Spoke to the media (including to [The Australian](#), [The Age](#) / [Sydney Morning Herald](#), [The Guardian](#) and [ABC News](#)) about PwC Australia's tax scandal.
- Stressed the importance of transparency concerning the salaries of key executive positions in sports in a [Herald Sun story](#) on the new AFL Chief Executive's salary.

Professor Miranda Stewart

- Joined Waleed Aly and Scott Stephens on [The Minefield podcast](#) in June to discuss the complexities of the Labor's "stage three" tax cuts, addressing the policy's party-political, parliamentary, social, and ethical challenges.
- Discussed the 2023-24 Budget as a guest on *Democracy Sausage*, hosted at the Australian National University.

Social Media

The MCCL has a LinkedIn page to share research publications by MCCL members, publicise events hosted by the Centre, and disseminate other research in the field of commercial law. As of August 2024, the page had 845 followers.

TEACHING

MCCL members teach in the JD, MLM and breadth programs at the Melbourne Law School and carry out a range of other teaching and educational activities. We list here the subjects offered across these programs in 2023.

Juris Doctor

Subject	Code
International Commercial Law & Disputes	LAWS50094
Commercial Data Law	LAWS90213
Commercial Law in Practice	LAWS90059
Construction Law	LAWS50084
Consumer Law	LAWS90197
Corporations Law	LAWS50035
Insolvency Law	LAWS50093
Legal Research (Australian Corporate and Consumer Finance Law)	LAWS50039
Mergers, Acquisitions & Capital Markets	LAWS50108
MLS Tax Clinic	LAWS90164
New Technology Law	LAWS90107
Obligations	LAWS50026
Sustainability Business Clinic	LAWS50126
Taxation Law and Policy	LAWS50046

Breadth

MCCL members teach across a wide range of undergraduate degrees at the University of Melbourne.

Subject	Code
Consumer Law	BLAW20003
Corporate Law	BLAW20001
AI, Ethics and Law	LAW10009
Principles of Business Law	BLAW10001
Taxation Law I	BLAW30002
Taxation Law II	BLAW30003

Melbourne Law Masters

MCCL members offer a wide range of specialist programs and subjects in the Melbourne Law Masters program. The subjects and specialisations can be studied as part of the LLM, or in a wide range of specialist Masters, Graduate Diploma and Specialist Certificate programs. We are grateful for the contribution of our expert adjunct Senior Fellows who teach into the Melbourne Law Masters in the broad field of commercial law, bringing their expertise from leading international universities, the profession and other sectors. Our Senior Fellows greatly enrich the Masters and the work of the MCCL in general.

Competition and Consumer Law

Professor Jeannie Paterson and Professor Julie Clarke are Directors of Studies in the specialist program in Competition and Consumer Law in the MLM program. Professor Julie Clarke is also the Associate Dean (Masters).

Subject	Code	Lecturer
Australian Consumer Law	LAWS70380	Professor Jeannie Paterson, Hal Bolitho
Cartels	LAWS90064	Professor Julie Clarke, Jacqueline Ibrahim
Competition Law, IP & Personality Rights	LAWS70208	Professor Megan Richardson, Associate Professor Arlen Duke
Consumer Protection	LAWS90070	Ben Hopper, Luke Nottage
Foundations: Competition Law & Economics	LAWS90065	Rhonda Smith
Institutions	LAWS90071	Marianela Lopez-Galdos, Professor Julie Clarke
International Trade and Competition Law	LAWS90095	Hassan Quqaya
Mergers	LAWS90072	David Reader
Unilateral Conduct	LAWS90066	Rhonda Smith, Arlen Duke

Construction Law and Commercial Arbitration

Associate Professor Matthew Bell and Wayne Jovic are Directors of Studies in the specialist program in Construction Law in the MLM program.

Subject	Code	Lecturer
Advanced Construction Law	LAWS70128	Professor Ian Bailey AM SC, Michael Earwaker
Construction Contract Analysis and Drafting	LAWS70270	Wayne Jovic
Construction Dispute Resolution	LAWS70133	Andrew Stephenson, Dado Hrustanpasic, Jey Nandacumaran
Construction Law	LAWS70176	Phillip Greenham, Associate Professor Peter Williams AM, Trevor Thomas
Construction Law and Projects in Asia	LAWS90014	Dr Arthur McInnis
Construction Risk	LAWS70149	Tony Horan, Peter Wood
Global Perspectives on Construction Law	LAWS70450	Dr Paul Tracey
International Construction Law	LAWS70139	Dr Donald Charrett, Sharon Vogel
Law of Construction Delay and Disruption	LAWS90208	Robert Gemmell, Rebecca Dickson
Major Project Delivery: Legal Interfaces	LAWS90999	Jeremy Chenoweth, Kiri Parr
Payment Matters in Construction Projects	LAWS70239	John Baartz, David Campbell-Williams
Principles of Construction Law	LAWS70314	Associate Profesor Matthew Bell
Public Private Partnerships Law	LAWS70113	Owen Hayford
Remedies in the Construction Context	LAWS70112	Wayne Jovic, Professor Katy Barnett
Rethinking Construction Contracting Risk	LAWS90229	Phillip Greenham, Rebecca Dickson
Specialised Construction Procurement Law	LAWS70436	Richard Wilkinson, Rob Radici

Corporate Law

Professor Rosemary Langford is the Director of Studies in Corporate Law in the MLM program.

Subject	Code	Lecturer
Accounting for Commercial Lawyers	LAWS70140	Richard Comerford, Noel Boys
Banking and Secured Finance	LAWS70206	Associate Professor Paul Ali
Company Takeovers	LAWS70042	Rodd Levy
Commercial Law in Asia	LAWS70230	Professor Jianlin Chen
Corporate Governance & Directors' Duties	LAWS70190	Dr Elizabeth Boros, Bruce Dyer
Cryptoassets in Global Context	LAWS90216	Associate Professor Tatiana Cutts
FinTech and Payments Law	LAWS9023	Associate Professor Andrew Godwin, David Kreltshheim
Impact Investing: Driving Change	LAWS90254	Jan Job de Vries Robbe
International Financial Systems	LAWS70110	Professor Douglas W Arner
International Financial Transactions	LAWS70125	Associate Professor Andrew Godwin
International Lending	LAWS90143	Christian Johnson
International Sustainable Finance	LAWS90144	Jan Job de Vries Robbé
Liability Insurance Law	LAWS90025	John Tesarsch, Darryl Smith
Public M&A: Schemes of Arrangement	LAWS70316	Greg Ahern, Jason Jordon
White Collar Crime	LAWS70385	Stephen Speirs

Tax and International Tax

Professor Sunita Jogarajan is the Director of Studies in Tax and International Tax Studies in the MLM program.

Subject	Where offered	Lecturer
Capital Gains Tax: Problems in Practice	LAWS70081	Michael Flynn KC, Anna Wilson
Comparative Corporate Tax	LAWS70009	Professor Peter Harris
Corporate Tax A	LAWS70024	Frank O'Loughlin KC, Stewart Grieve, Nasos Kaskani, Mia Clarebrough
Foundations of Tax Law	LAWS70323	Professor Miranda Stewart
Global Digital Tax	LAWS90232	Professor Miranda Stewart, Heydon Wardell-Burrus
Goods and Services Tax	LAWS70031	Chris Sievers KC, Angela Lee KC
International Tax: Anti-avoidance	LAWS90017	Mark Brabazon SC
International Tax: Principles, Structure	LAWS70006	Professor Miranda Stewart, Andrew Mills
State Taxes and Duties	LAWS70130	Sue Williamson, Jack Aquilina
Superannuation Law and Policy	LAWS90239	Emily Millane
Tax Administration	LAWS90130	Ali Noroozi
Tax Avoidance and Planning	LAWS70005	The Honourable Justice Jennifer Davies SC, The Honourable Justice Tony Pagone AM KC, Lachlan Molesworth
Tax in Practice	LAWS90233	Andrew Mills, Daniel McInerney, James Strong
Tax of Business and Investment Income	LAWS70002	Michelle Herring, Tim Neilson, Gareth Redenbach, Ed Consett
Tax of Innovation	LAWS90236	Michael Charles, Hank Schiberris, Piotr Klank
Tax of Superannuation A	LAWS90235	Bryce Figot, Daniel Butler
Tax Policy	LAWS70319	Paul Tilley
Tax Treaties	LAWS70146	Associate Professor Michael Kobetsky
Tax of Collective Investment Funds	LAWS90265	Adrian O'Shannessy, Andrew Clements
Taxation of Mergers and Acquisitions	LAWS70331	Aldrin De Zilva, Michael Charles
Taxation of Small and Medium Enterprises	LAWS70049	Peter Gillies, Paul Hockridge
Transfer Pricing: Practice and Problems	LAWS70203	Associate Professor Michael Kobetsky, Shannon Smit
Tax of Superannuation B	LAWS90264	Bryce Figot, Daniel Butler

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