



1. Recent Publications

Elizabeth Adeney, 'A Matter of Respect: The Moral Rights of the Entertainer' in Megan Richardson and Sam Ricketson (eds), *Research Handbook on Intellectual Property in Media and Entertainment*, Edward Elgar, 2017, 220 [B1].

Sharon Erbacher, *Negligence and Illegality* (Hart Publishing, 2017) [A1].

Benjamin Hayward, *Conflict of Laws and Arbitral Discretion – The Closest Connection Test* (Oxford University Press, 2017) [A1].

Danuta Mendelson and **Gabrielle Wolf**, "My [Electronic] Health Record" – Cui Bono (For Whose Benefit)? (2016) 24 *Journal of Law and Medicine* 283-296 [C1].

Mirko Bagaric, **Jean du Plessis** and **Jaclyn Silver**, 'Halting the Senseless Civil War against White-Collar Offenders: "The conduct Undermined the Integrity of Markets" and other Fallacies' (2016) *Michigan State Law Review* 1019-1090 [C1].

2. Secured Research Grants or Funding

Nil.

3. Other Research Activities

Julie Clarke, Submission to Senate Standing Committee on Economics Inquiry into the *Competition and Consumer Amendment (Misuse of Market Power) Bill 2016* (6 January 2017) (available at: <http://www.aph.gov.au/DocumentStore.ashx?id=ff6c5e5f-b13f-4de0-bb31-3bbd96e67e74&subId=46245>).

Julie Clarke, Institute of Public Accountants, Submission to Senate Standing Committee on Economics Inquiry into the *Competition and Consumer Amendment (Misuse of Market Power) Bill 2016* (9 January 2017) (prepared with Philip Clarke as part of the IPA Deakin University SME Research Partnership) (available at <http://www.aph.gov.au/DocumentStore.ashx?id=bc1989c1-80c3-472e-93af-6be18fe429b8&subId=462461>).

Julie Clarke, Institute of Public Accountants, Submission to Senate Standing Committee on Economics Inquiry into the *Competition and Consumer Amendment (Misuse of Market Power) Bill 2016* (9 January 2017) (prepared with Philip Clarke as part of the IPA Deakin University SME Research Partnership) (available at <http://www.aph.gov.au/DocumentStore.ashx?id=bc1989c1-80c3-472e-93af-6be18fe429b8&subId=462461>).

Julie Clarke, Research Seminar, 'A 'more economic approach' to unilateral conduct laws in Australia', CCP Seminar Series, Centre for Competition Policy, University of East Anglia, Norwich, Friday 9 January 2016.



4. Law Research Forum Upcoming Seminars

TBC.

5. Upcoming Law School Events

Dr. Alexander Scheuch will be presenting a seminar at the Waterfront Campus on Wednesday 27th February 2017. The seminar will be chaired by Professor Jean Du Plessis.

Dr. Alexander Scheuch is a Lecturer (Akademischer Rat) at the University of Münster where he is a member of the Institute for International Business Law at the chair of Professor Ingo Saenger. He also lectures at the JurGrad School of Tax and Business Law.

Date: Wednesday 27th February 2017

Where: Waterfront Video-Conferencing to Burwood

Time: 12.00 pm – 1.00 pm.

Title: Ratification wrongs of directors by shareholders

Abstract: The discussion regarding corporate directors' liability often focuses on how to effectively enforce directors' duties and hold directors accountable for violations of said duties. While these are certainly important questions one should not forget that a liability regime that is unduly harsh on corporate decision makers can easily deter risk taking even where it is clearly desirable. Before this background, it seems promising to explore whether corporate board members can attain indemnification by involving the shareholders.

This idea seems plausible as the shareholders are viewed by many as the actual 'owners' of a corporation. Whether shareholder approval – or subsequent ratification, in case there was no prior consent – actually is an effective way to limit directors' liability differs depending on the respective jurisdiction. In light of the fact that well-known German corporations such as Siemens and Deutsche Bank have recently made use of this instrument, it will be examined how German stock corporation law deals with the issue. It will be demonstrated that German corporate law offers fairly extensive rules that can, prima facie, be characterized as "black and white": depending on the circumstances liability is either excluded by law or it is not. However, despite this finding considerable uncertainties surround the field of shareholder approval in Germany. The depiction of German law is intended to serve as a contrast to Australian law. It seems as if



there are completely diverging approaches on the issue between the two legal orders. The comparison will ultimately inform the debate on this important issue in Germany as well as in Australia and could be used as an impulse for further discussion (and, ultimately, law reform) for both jurisdictions.

6. Other Matters

Nil.

Kind Regards, Neera Bhatia.