

## DEST publications

### Books

#### (DEST A1)

\*indicates outside author

Helen Anderson, *Corporate Directors' Liability to Creditors*, Thomson Monograph Series, Lawbook Co, Pyrmont NSW Australia, pp 1-331

John Gillespie, *Transplanting Commercial Law Reform: Developing a 'Rule of Law' in Vietnam*, Ashgate Publishing Limited, Aldershot England, pp 1-350

Janine Pascoe, *Women Directors Who Guarantee Company Debts: Resolving the Conundrum of Protection Versus Liability*, Thomson Monograph Series, Lawbook Co, Pyrmont NSW Australia, pp 1-220

Paul Von Nessen, *The Use of Comparative Law in Australia*, Thomson Monograph Series, Lawbook Co, Sydney NSW Australia, pp 1-329

### Book chapters

#### (DEST B1)

John Gillespie, 'Insolvency Law in Vietnam', *Insolvency law in East Asia*, Ashgate Publishing Limited, Aldershot UK, pp 239-270

George Gilligan, 'Prospects for the global regulation of markets', *Privatization and Market Development: Global Movements in Public Policy Ideas*, Edward Elgar, Cheltenham UK, pp 148-175, Monash Studies in Global Movements Series

\*John Howe, \*Richard Johnstone and Richard Mitchell, 'Constituting and regulating the labour market for social and economic purposes', *Labour Law and Labour Market Regulation: Essays on the Construction, Constitution and Regulation of Labour Markets and Work Relationships*, The Federation Press, pp 307-321

Vanitha Sundra Karean, 'The Malaysian SME: Human Capital and Employment Norms' in Nelson Oly Ndubisi & Ali Salman Saleh (eds), *Small & Medium Enterprises (SMEs): Malaysian & Global Perspectives*, Prentice Hall Pearson, Malaysia, pp 145-156

\*David Kimber and Phillip Lipton, 'Business ethics and corporate governance in the Asia-Pacific region', *Global Perspectives on*

*Ethics of Corporate Governance*, Palgrave Macmillan, New York USA, pp 117-150

Richard Mitchell and \*Christopher Arup, 'Labour law and labour market regulation', *Labour Law and Labour Market Regulation: Essays on the Construction, Constitution and Regulation of Labour Markets and Work Relationships*, The Federation Press, pp 3-18

\*Anthony O'Donnell and Richard Mitchell, 'Participation, exchange, and rights and obligations in labour markets and work relationships', *Labour Law and Labour Market Regulation: Essays on the Construction, Constitution and Regulation of Labour Markets and Work Relationships*, The Federation Press, pp 505-519

Carolyn Sutherland, 'Regulating dismissals: The impact of unfair dismissal legislation on the common law contract of employment', *Labour Law and Labour Market Regulation, Essays on the Construction, Constitution and Regulation of Labour Markets and Work Relationships*, The Federation Press, pp 242-260

### Journal articles

#### Refereed – (DEST C1)

Helen Anderson, 'Directors' liability to creditors – What are the alternatives?', *Bond Law Review*, vol. 18, pp 1-46

Helen Anderson, 'Creditors' rights of recovery: Economic theory, corporate jurisprudence and the role of fairness', *Melbourne University Law Review*, vol. 30, pp 1-28

Mark Bender, 'Taking up the cudgels: Will a notion of ongoing loyalty prevent a lawyer from acting against a former client?', *E Law*, Murdoch University School of Law, vol. 13, pp 113-124

Mark Bender, 'Triple treat: Legal options for the removal or modification of restrictive covenants on land in Victoria', *Australian Property Law Journal*, vol. 13, pp 179-203

Ken Devos, 'The attitudes of Australian and New Zealand tertiary students towards tax evasion - A comparative study and demographic analysis', *New Zealand Journal of Taxation Law and Policy*, vol. 12, pp 293-323

\*Noel Dias and Roger Gamble, 'Fair trial protections under international law: Too narrow a canvas?', *Sri Lanka Journal of International Law*, vol. 18, pp 241-270

Andrew Field, 'International air carriage, the Montreal Convention and the injuries for which there is no compensation', *The Canterbury Law Review*, vol. 12, pp 237-252

Andrew Field, 'Final approach: Air travel DVT claims and the High Court ruling in Povey v QANTAS', *Law Institute Journal*, vol. 80, pp 50-53

Andrew Field, 'Wheat, bribes, corporate leaders and the developing international corporate accountability', *Monash Business Review*, vol. 2, Monash University ePress, pp 20-24, available at: [www.buseco.monash.edu.au/gsb/mbr/assets/issue-four/wheat-bribes-corporate-leaders.pdf](http://www.buseco.monash.edu.au/gsb/mbr/assets/issue-four/wheat-bribes-corporate-leaders.pdf)

Anthony Forsyth, 'Arbitration extinguished: The impact of the work choices legislation on the Australian Industrial Relations Commission', *Australian Bulletin of Labour*, vol. 32, pp 27-44

Anthony Forsyth and Carolyn Sutherland, 'From 'uncharted seas' to 'stormy waters': How will trade unions fare under the work choices legislation?', *The Economic and Labour Relations Review*, vol. 16, pp 215-236

Anthony Forsyth and Carolyn Sutherland, 'Collective labour relations under siege: The work choices legislation and collective bargaining', *Australian Journal of Labour Law*, vol. 19, pp 183-197

Anthony Forsyth, 'Corporate accountability to employees: Exploring the limits of CSR', *Monash Business Review*, vol. 2, no 3, Monash University ePress, pp 30-33, available at: [www.buseco.monash.edu.au/gsb/mbr/full-papers.php](http://www.buseco.monash.edu.au/gsb/mbr/full-papers.php)

Anthony Forsyth, 'The "transplantability" debate revisited: Can European social partnership be exported to Australia?', *Comparative Labor Law & Policy Journal*, vol. 27, pp 305-356

Wayne Gumley, 'A case for reform of tax expenditures applicable to agriculture in Australia', *International Journal of Environment, Workplace and Employment*, vol. 2, pp 303-317

Vanitha Sundra Karean, 'The Malaysian Constitution and Its Identity Crisis: Secular or Theocratic?' (2006) *LAWASIA Journal*, pp47-62

Rick Krever, 'TOFA: The unfinished agenda', *Australian Tax Review*, vol. 35, pp 91-109

## B – BLT Research and publications

Paul Latimer, 'Providing financial services "efficiently, honestly and fairly"', *Company and Securities Law Journal*, vol. 24, pp 362-387

Paul Latimer, 'Whistleblowing in the financial services sector (Part 2)', *University of Tasmania Law Review*, Vol 23 No 2, pp 176-206 (2004), published in and copyright 2006

Paul Latimer and \*Michael Hocken, 'The ostensible authority of a company secretary – does size matter?', *Commercial Law Quarterly*, July-August 2006, 35-37

Toan Le, 'Outer limits: Potential liabilities for estate agents', *Law Institute Journal*, vol. 80, pp 32-35

\*Shelley Marshall and Richard Mitchell, 'Enterprise bargaining, managerial prerogative and the protection of workers' rights: An argument on the role of law and regulatory strategy in Australia under the Workplace Relations Act 1996 (Cth)', *The International Journal of Comparative Labour Law and Industrial Relations*, vol. 22, pp 299-327

Michael McNamara, 'Obviousness of risk: An emerging factor or a distraction in recreation cases?', *Law Institute Journal*, vol. 80, pp 30-33

Vince Morabito, 'Judicial responses to class action settlements that provide no benefits to some class members', *Monash University Law Review*, vol. 32, pp 75-115

Vince Morabito, 'An Australian perspective on class action settlements', *The Modern Law Review*, vol. 69, pp 347-382

Bill Orow, 'Duty added: Understanding the Victorian land rich duty rules', *Law Institute Journal*, vol. 80, pp 37-41

Janine Pascoe, 'Statutory unconscionability and guarantees', *Bond Law Review*, vol. 18, pp 104-142

Christine Peacock, 'Changes to the Australian GST immovable property "margin scheme"', *International VAT Monitor*, vol. 17, pp 327-335

Andrew Serpell, 'The impact of the FSR refinements regulations on disclosure', *E Law*, Murdoch University, School of Law, vol. 13, pp 80-112

Chenxia Shi, 'Securities regulation and competition in China', *Trade Practices Law Journal*, vol. 14, pp 120-129

Aashish Srivastava, 'Issuance of digital signatures: A comparative analysis of Australia, United Kingdom and Hong Kong', *International Journal of Technology, Knowledge and Society*, vol. 2, pp 171-176.

Aashish Srivastava and \*Sharif As-Saber, 'With time and patience the mulberry leaf becomes a silk gown: Regulating ICT in Bangladesh', *International Journal of Technology, Knowledge and Society*, vol. 2, pp 79-88, available at: <http://ijt.cgpublisher.com/product/pub.42/prod.175>

\*Sharif As-Saber, Aashish Srivastava, and \*K. Hossain, 'Information technology law and e-government: A developing country perspective', *Journal of Administration & Governance*, Vol 1 No 1, pp 84-101, available at: [www.joaag.com/uploads/6-As-SaberSrivastava\\_Hossain.pdf](http://www.joaag.com/uploads/6-As-SaberSrivastava_Hossain.pdf)

Carolyn Sutherland and \*N.Ruskin, 'When business changes hands: The issue of severance dough', *Law Institute Journal*, vol. 80, pp 54-57

Anthony van der Westhuysen 'The proposed definition of "residential premises" - does it go far enough?', *Australian GST Journal*, vol. 6, pp 45-55

Paul von Nessen and Phillip Lipton, 'The Sarbanes Oxley Act and corporate governance: Must one size fit all?', *Company and Securities Law Review*, vol. 2, Beijing China, pp 233-249

Paul von Nessen, 'Financial services reform: What can be learned from the Australian experience?', (2006) *Journal of South African Law* pp 64-82

Paul von Nessen, 'Is there anything to fear in transnationalist development of law? The Australian experience', *Pepperdine Law Review*, vol. 33, pp 883-924

Paul von Nessen and \*R.Weeks, 'Words that come back to haunt: Ensuring company prospectuses comply', *Law Institute Journal*, vol. 80, pp 50-53

Michelle Welsh and Helen Anderson, 'Directors' personal liability for corporate fault: An alternative model', *Adelaide Law Review*, vol. 26, pp 299-326

## Conference publications

### Refereed proceedings – (DEST E1)

Wayne Gumley, 'Can corporations law reform save the planet?', *Enhancing Corporate Accountability - Prospects and Changes*, pp 239-266, Corporate Accountability Conference, Melbourne, 8-9 February

Wayne Gumley, 'Green steps for business: Using sustainability skills to enhance industry placements for business graduates', *Sharing Wisdom for Our Future: Environmental Education in Action*, 2006 Australian Association for Environmental Education Conference, Bunbury WA, 3 to 6 October, available at: [www.aeee.org.au/2006conference.htm](http://www.aeee.org.au/2006conference.htm)

Paul Latimer, 'Turning whistleblowing legislation to your advantage - Lessons for management', *Enhancing corporate accountability - Prospects and challenges*, pp 293-305, Corporate Accountability Conference, Melbourne, 8-9 February

Andrew Serpell, 'Some observations on regulatory reform', *Issues Arising from Financial Services Reform*, Financial Services Reform Second Anniversary – Where Next?, Melbourne, 14 July, available at: [www.buseco.monash.edu.au/blt/tlpri/fsr-seminar-proceed-06.pdf](http://www.buseco.monash.edu.au/blt/tlpri/fsr-seminar-proceed-06.pdf)

Aashish Srivastava, 'Electronic signatures: A brief review of the literature', *The new e-commerce: Innovations for conquering current barriers, obstacles and limitations to conducting successful business on the Internet*, Eighth International Conference on Electronic Commerce, New Brunswick, Canada, 13-16 August

Aashish Srivastava, 'A two-country comparison of the issuance of digital signatures', *Management and Technology in the Global Economy: Nurturing Innovations and National Heritage*, Global Business and Technology Association International Conference, Moscow, Russia, 27 June-1 July

\*Sharif As-Saber, Aashish Srivastava, and \*K Hossain, *Information Technology Law and Its Impact on E-Government in Developing Countries: The Bangladesh Experience*, the Practice and Potential of E-Government and E-Governance: the South Asian Experience Conference, Monash University, Caulfield, 28-29 June



Eu-Jin Teo, 'Some thoughts on performance based pay, earnings management and corporate law', *Enhancing Corporate Accountability – Prospects and Challenges*, Corporate Accountability Conference, Melbourne, 8-9 February

Paul von Nessen, 'The securities class action law suit: Cane toad of the United States legal procedure?', *Academy of Legal Studies In Business 2006 National Refereed Proceedings*, 81st Annual Meeting of the Academy of Legal Studies in Business, Florida USA, pp 1-14, 8-12 August, available at [www.alsb.org/proceedings/securities/Securities\\_Class\\_Action\\_Paul\\_von\\_Nessen.pdf](http://www.alsb.org/proceedings/securities/Securities_Class_Action_Paul_von_Nessen.pdf)

## Non DEST publications

### Books

\*Christopher Arup, \*Peter Gahan, \*John Howe, \*Richard Johnstone, Richard Mitchell and \*Anthony O'Donnell, *Labour Law & Labour Market Regulation*, Federation Press

\*Celeste Black and Rick Krever, *Australian Income Tax Cases: A Guide to the Leading Cases for Commerce and Law Students*, Lawbook Co, Pyrmont NSW Australia, pp 1-352

Bruce Clarke and Brendan Sweeney, *Marketing and the Law*, 3rd edition, LexisNexis Butterworths.

Ken Devos, \*Grant Richardson and \*Les Nethercott, *Master Tax Examples*, 6th edition, CCH

Ken Devos, \*Grant Richardson and \*Les Nethercott, *Australian Taxation Study Manual*, 16<sup>th</sup> edition, CCH

Michael Kobetsky\*, Rick Krever, Ann O'Connell\* and Miranda Stewart\*, *Income Tax Text Materials & Essential Cases*, 6th edition, Federation Press

Rick Krever, *Mastering Law Studies & Law Exam Techniques*, 6th edition, Butterworths

Paul Latimer, *Australian Business Law*, 25th edition, CCH Australia Ltd, Sydney

Phillip Lipton and Abe Herzberg, *Lawbook Co, Understanding Company Law*, 13th edition, Lawbook Co, Sydney

Phillip Lipton, Abe Herzberg and Paul von Nessen, *Essential Corporations Legislation*, 12th edition, Lawbook Co Sydney

Andrew Serpell, *The Reception & Use of Social Policy Information in the High Court of Australia*, Thomson Monograph Series, Lawbook Co, Pyrmont NSW Australia

### Book chapters

Paul Latimer, Updated 8 chapters in the CCH loose leaf service *Doing Business in Asia*, CCH Asia Pte Ltd, Singapore, February 2006

### Journal Articles

Rick Krever, 'Telephone Cards', *International VAT Monitor* Vol 17 No 2, March/April 2006

Rick Krever, 'Security Deposits', *International VAT Monitor*, Vol 17 No 3, May/June 2006

Richard Mitchell, 'What's Going On with the 'No Disadvantage test?''', *ICFAI Journal of Employment Law*, Vol 4 No 2, April 2006

Anthony van der Westhuisen, 'Residential Premises', *International VAT Monitor*, Vol 17 No 3, May/June 2006

## Conference presentations

### (Non-refereed proceedings)

Mark Bender, 'Legal Responses to Conduct in the Real Estate Industry', ANU College of Law, Postgrad Research, Canberra, 10 June

Ken Devos, 'The attitudes of Australian & NZ tertiary students towards tax evasion: A comparative study & demographic analysis', 7th International Tax Administration Conference, Sydney, 20 April

Ken Devos, 'A Study of the Deterrent effect of Penalties and Sanctions for Taxation Offences upon Personal Taxpayers in Australia: Implications for Taxpayer Compliance and Development of Tax Policy', The Fifth research student meeting organised by the Academic Council of the IBFD, Amsterdam, 2-6 July

Anthony Forsyth, 'Dispute Resolution – the early experience under work choices', 5th Annual Thomson Workforce Conference, Melbourne, 13-14 November

Anthony Forsyth and \*Peter Gahan, 'The Future of Employee Representation: Policy Options for Australia', Centre for Employment and Labour Relations Law Seminar, University of Melbourne, 27 October

Anthony Forsyth, 'The Future of Employee Representation: Policy Options for Australia', Trade Unions and Freedom of Association Class Graduate Program, Law Faculty, University of Melbourne, 7 November

Anthony Forsyth, 'Beyond Work Choices: A social partnership agenda for Australia', Industrial Relations Society of Victoria Annual Convention, Melbourne, 20 November

Anthony Forsyth, 'Regulating for Innovation in Workplace Production & Employment Systems: A preliminary discussion of issues & themes', 3rd Australian Labour Law Association National Conference, Brisbane, 22-23 September

Anthony Forsyth and \*Peter Gahan, 'Joint Consultative Committees in Australia: An Empirical Update', 3rd Australian Labour Law Assoc National Conference, Brisbane, 22-23 September

Anthony Forsyth, 'Bargaining, Representation & Participation Rights for Australian Workers', Australian Institute of

## B – BLT Research and publications

Employment Rights Forum, Brisbane, 22nd September 2006

Anthony Forsyth, 'Decentralisation & 'Deregulation' of Labour Relations through 'Ultra-Regulation': Australia's 2005 Labour Law Reforms', Eighth Comparative Labour Law seminar, Japan Institute for Labour Policy and Training, Tokyo, 20-21 February

George Gilligan and \*D Bowman, 'Netting Nano - Regulatory Challenges of the Internet and Nanotechnology', Frontiers of Regulation - Assessing Scholarly Debates & Policy Challenges Conference, Bath UK, 7-8 September

George Gilligan, 'Organised Crime & Business: Issues of Definition & Risk', 24th International Symposium on Economic Crime, Cambridge UK, 3-10 September

George Gilligan and \*D Bowman, 'Market Power & International Legitimacy: Emerging Trends in the International Regulatory Frameworks for Nanotechnology', New Global Regulatory Frontiers: Evaluating What Will Work in Nanotechnology Conference, Melbourne, 17-18 July

George Gilligan, 'Conceptualising regulation as heritage and the potential of this approach for enhancing accountability', Enhancing Accountability in Corporations: Challenges and Prospects, Corporate Accountability Conference, Melbourne, 8-9 Feb

Wayne Gumley, 'The World Needs Wallabies: Recent Perspectives on Corporate Social Responsibility', IS Insurance practitioners group, Melbourne, 25 May

Wayne Gumley, 'From Wool Boom to Ecological Doom? The role of 'old' tax expenditures in the 'new' economy', Australasian Tax Teachers Association 18th Annual Conference, Melbourne, 30 January-1 February

Wayne Gumley, 'The Economics of Climate Change', Advanced Climatology Course in Faculty of Arts, Monash Clayton, 8-9-Aug

Rick Krever, 'International Accounting Standards & Tax', Asian Development Bank Institute, Tokyo Japan, 18-October

Rick Krever, 'Taxation of Financial Transactions,' Asian Development Bank Institute, Tokyo Japan, 18 October

Rick Krever, 'Using financial accounts for tax purposes', International Fiscal Assoc Congress, Amsterdam, 21 September

Paul Latimer, 'Regulation of financial markets - international lessons', guest lecture, International Law program, Irkutsk State University, Russia, 14 September

Richard Mitchell, 'Regulating for Innovation in Workplace Production & Employment Systems' 3rd Australian Labour Law Association National Conference, Brisbane 22-23 September

Richard Mitchell, 'How Are Australian Trade Unions Responding to an Integration Model of the Company?', Re-Embedding the Corporation? Managerial, Regulatory & Financial Perspectives on CSR Workshop ITEC Doshisha University, Kyoto, Japan, April

Richard Mitchell, 'The Impact of CSR on Business Employment Practices: Two Australian Mining Industry Case Studies', Re-Embedding the Corporation? Managerial, Regulatory & Financial Perspectives on CSR Workshop ITEC, Doshisha University, Kyoto, Japan, April

Richard Mitchell, 'The Influence of CSR on the Management of Labour: Two Australian Case studies', CLARG Seminar, Monash University, 18 July

Janine Pascoe, 'Guarantees: Financial Services Regulation and the role of ASIC', Corporate Law Teachers' Association Annual Conference, Faculty of Law, University of Queensland, 7 February

Chenxia Shi, 'Corporate Regulation and Governance: A Comparative review', Asian Law Institute Annual Conference, Shanghai, 27-28 May

### Expert commentary

Andrew Field, 'Nuremberg defence doesn't make the grade for suspect corporate citizens', *The Age*, January 18

Andrew Field, 'Letter of law will break kickback habit', *The Age*, February 6

Andrew Field, 'Time Comes for Australia to pay their piper', *The Age*, 29 July

Anthony Forsyth, 'ALP has to offer better workplace choices', *The Age*, 21 July

Anthony Forsyth, 'Workers' rights take pounding', *The Age*, 24 August

Anthony Forsyth, 'ACTU 'fair go' report a call for enlightenment', *The Age*, 29 September

Wayne Gumley, 'Climate Change is a hot topic in education', *The Age*, 19 October

Wayne Gumley, 'Making Business Accountable', *Monash Magazine*, Issue 18, Spring/Summer

Rick Krever, 'Tax Avoidance needs comprehensive approach', *Business Day*, February 16, 2006

Rick Krever, 'Cutting super tax only skews the savings system', the *Australian Financial Review*, 24 February

Rick Krever, 'New Tax Attack Challenge', *Financial Mail*, South Africa, 18 March

Rick Krever, 'A race to the door', *Financial Mail*, South Africa, 17 November

Rick Krever and \*John Head, 'Time is against vital change', the *Australian Financial Review*, 9 March

Toan Le, 'Taxman's wrath could shake AWB', the *Australian Financial Review*, 1 March

Toan Le, 'No relief for AWB directors', the *Australian Financial Review*, 17 May

Carolyn Sutherland, 'Honesty at last, but a difficult ask', *The Age*, 12 August

Carolyn Sutherland, 'AWA's Only Part of the Problem', *The Age*, 14 June

Carolyn Sutherland, 'Choices Pose Risks', *Corporate Risk Magazine*, February

The department undertakes rigorous legal research of international and domestic importance. Our publications highlight the depth of our significant research strengths across a broad spectrum of business law and taxation areas.