

# **BFLSA**

## **BFSLA website**

### *ACADEMIC COMMITTEE*

### **APRIL 2024 NEWSLETTER**

#### **Introduction**

The Academic Committee of the BFLSA is the only academic association in Australia and New Zealand that is dedicated to the laws of banking and financial services (including insolvency). It fosters academic research in banking and financial services and facilitates connections between academics and practitioners. Member expertise includes a wide range of doctrinal and regulatory issues in banking and financial services, and includes corporate law, commercial equity, consumer law and insolvency. Many members have other areas of research expertise, but this Committee provides a focal point for that part of our work that intersects with banking and financial services.

Please read on for important information about our activities planned to-date for 2024, including:

- the **Academic Symposium** ;
- the **40<sup>th</sup> BFSLA Annual Conference** (5-7 September 2024),
- the **2024 Research Essay Competition - \$10,000 prize pool** (entries due 26 July 2024), and
- the **Academic Colloquium** (29 November 2024),

and to catch up on member news.

#### **BFSLA President's Message**

Since the Academic Committee was established in 2013, it has become the incubator for outstanding legal research from academics working in Australian and New Zealand universities, making valuable contributions to the Annual Conference, other events such as webinars and in publications. The Board welcomes the involvement of academics in its mission to provide thought leadership in banking and financial services law and to connect practitioners with academics and the judiciary. I look forward to meeting new members, particularly those able to attend the Annual Conference in September and seeing continued involvement of our academic members throughout the year.



***Matthew Cunningham, President***

## 2024 Academic Symposium and BFLSA Annual Conference

**Save the Date:** The Academic Committee is holding a one-day **Academic Symposium** on Thursday, 5 September 2024 at the start of the 40<sup>th</sup> Annual BFLSA Conference at the Sheraton Mirage Gold Coast from 5 to 7 September 2024 from 10:45 to 4:30pm with lunch provided.

The speakers at this year's Symposium are:

- Dr Anton Didenko, UNSW
- Professor Jodi Gardner, University of Auckland
- Associate Professor Andrew Godwin, Melbourne
- Professor Sheelagh McCracken, Sydney
- Professor Jeannie Patterson, Melbourne.
- Associate Professor Mark Wellard, SCU.

The program and papers abstracts is attached and will be available on the BFLSA website by the end of this week.

### [BFLSA academic website link](#)

The Academic Symposium showcases academic research to Conference attendees as well as providing a forum for academic discussion about current issues. It concludes in time for the **Conference Welcome Drinks** to which academics attending the Symposium are also welcome.

Academic attendance at the Symposium is free. We would love to see you there. Please save the date and registration details will follow soon.

The **BFLSA Annual Conference** which starts with the Welcome Drinks on the evening of 5 September (after the Symposium) and runs for two days is a key conference for banking and financial services and insolvency lawyers, academics, regulators, and other industry professionals. **The BFLSA conference Save the Date is attached.**

Academic attendance at the Annual Conference is encouraged and the timing of the Symposium is designed to support academics to stay following the Symposium for the Conference. Conference registration costs and details will be available shortly. Members of the Academic Committee are eligible for a reduced rate at the conference.

## Academic Committee Colloquium 2024

The annual Academic Committee Colloquium is a workshop-style event for Academic Committee members only, followed by a Colloquium dinner. Papers are welcome on any topic that intersects with banking and financial services. HDR students are also welcome to present work in progress for feedback.

The BFLSA generously provides financial support for the travel and accommodation costs for members attending in person from interstate and New Zealand, on a pro-rata basis.

**Save the Date:** The **2024 Colloquium** will be held on **Friday, 29 November 2024** at the offices of Norton Rose Fulbright at Level 5, 60 Martin Place, Sydney, starting at **[9:00]am**. Zoom attendance will be possible for those unable to attend in person.

## Call for Papers for the Academic Colloquium:

Please email Allison Silink ([Allison.silink@uts.edu.au](mailto:Allison.silink@uts.edu.au)) with abstracts for presentations **by 1 October 2024** and to discuss travel and accommodation.

### *Remembering the 2023 Academic Committee Colloquium!*

The 2023 Academic Committee Colloquium celebrated the 10<sup>th</sup> anniversary of the Academic Committee with a full day [program](#) and dinner at Bambini Trust. It was a terrific event; here are some photos:



**Invite someone new:** Academic colleagues who may be interested in joining the BFLSA Academic Committee are always welcome to attend the Colloquium, as are HDR students, without being members of the BFLSA. Please feel free to invite colleagues or refer to the Chair for further details.

## 2024 BFLSA Research Essay Prize

The BFLSA's **Annual Research Essay Prize** is **now open for submissions** on important matters in banking and financial services (including insolvency) law and/or practice that are currently topical in Australia or New Zealand, in competition for a prize pool of **\$10,000**.

Members are encouraged to enter! Submissions for this year's Research Essay Prize are due by 5:00pm (Sydney time) **Friday, 26 July 2024**. Previous winners include members of the Academic Committee.

Please also consider sharing details of the competition with students and student representative bodies.

[Click on](#) for more information about entry conditions and submission requirements:

## Member news

Very exciting news to share for our own **Catherine Robinson**: she has just been awarded the University Doctoral Research Medal from the University of Adelaide for outstanding research at a doctoral level. Her PhD is titled:

*A new regulatory framework for insolvency practitioners in Australia: Assessing the effectiveness of the Insolvency Law Reform Act 2016 (Cth) (ILRA)*

Catherine's thesis examines the disciplining of insolvency practitioners under the ILRA. It utilises a mixed-methods approach to evaluate how the corporate and personal insolvency regulators, courts, and disciplinary committees have interpreted and applied the law, and whether this gives effect to the policy and legislative objectives of the ILRA.



Big congratulations Catherine on such a wonderful achievement!!

## Members on the international stage

Congratulations to Academic Committee members who were invited to speak at the Oxford Handbook of Comparative Trust Laws Conference in Vancouver in early April.

The Conference program can be found here: [Home | Ohctl Conference \(comparative-trusts.ca\)](#) and included presentations by the following Academic Committee members: **Professor Katy Barnett and Associate Professor Mark Bennett** on settlor's reserve powers, **Professor Simone Degeling** on Trustees' Liability for Illegitimate Gains, **Associate Professor Scott Donald** on Pension Trusts, **Dr Nuncio D'Angelo** (recently appointed Adjunct Professor at UNSW Law) on Commercial Trusts, **Associate Professor Matteo Solinas**, on Trusts in International Finance and **Professor Pauline Ridge** on Personal and Proprietary Liability of External Parties to the Trust, and **Professor Joshua Getzler** on History: the Rise of Uses and Trusts in the Pre-Industrial Period.

The papers from the Conference are being refined for inclusion in the *Oxford Handbook of Comparative Trust Laws*, to be published by Oxford University Press in 2025, edited by Richard Nolan (York Law School, UK), Lusina Ho (Hong Kong University), Mark Bennett (Victoria University of Wellington, New Zealand) and Adam Hofri-Winogradow (Allard Law, UBC). Other members from the Academic Committee who were not able to attend the conference are contributing chapters to the book. We will post details when it is available.

## Recent publications by members

Congratulations to members with books recently published:

### Dr Anton Didenko:

Didenko A; Jevglevskaia N; Buckley RP, 2024, *Customer Data Sharing Frameworks: Twelve Lessons for the World*, <http://dx.doi.org/10.4324/9781003414216>. The book's description is as follows:

The proliferation of open banking and open finance regimes across the globe demonstrates an ever-increasing interest of policymakers in empowering customers to take control of their data through innovative data sharing frameworks. These frameworks mostly operate within a single (e.g., financial services) sector but are poised to extend to other parts of the economy in the future – and eventually apply economy-wide. This book articulates the concept of economy-wide customer data sharing (CDS) frameworks, analyses in detail the main challenges associated with the development of such frameworks and is informed by the lessons learned from Australia's world-first cross-sectoral Consumer Data Right regime. It develops a first comprehensive taxonomy of CDS frameworks and offers valuable insights on crucial issues of customer trust, information security, consumer protection and participant regulation. This study, apart from its scholarly importance, has clear practical value. It formulates twelve lessons that will assist governmental officials and other policymakers engaged in establishing and revising data sharing frameworks across the globe. It is essential reading for anyone interested or involved in the law and policy related to the sharing of a most precious resource in the modern economy – customer data.

### Associate Professor Sagi Peari:

*Rethinking Unjust Enrichment: History, Sociology, Theory & Doctrine* (with Professor Warren Swain eds.) (Oxford: Oxford University Press, 2023)

This inter-disciplinary volume brings together scholars from across the globe to challenge the dominant position of unjust enrichment and suggest more satisfactory alternatives.

Rethinking Unjust Enrichment includes a broad range of voices from the UK, US, Australia, Canada, China, Singapore, Germany, Ireland, New Zealand, Hong Kong, and South America. The book includes voices of sceptics who think that the current unjust enrichment doctrine must be seriously qualified and others who think that it should be eliminated altogether.

The contributions cast doubt on the various parameters of unjust enrichment from an analytical standpoint, representing four interrelated perspectives: history, sociology, doctrine, and theory. The four-limb structure of the book provides readers with a clear understanding of the current problems of unjust enrichment at the deepest levels of its history, sociological forces, doctrinal fallacies, and normative deficiencies. This treatment of the subject serves as the basis for a comprehensive reform across jurisdictions.

Comprehensive and multi-faceted, Rethinking Unjust Enrichment is interesting to both sceptics and supporters of the unjust enrichment. It facilitates a critical and constructive dialogue between the two.

**Please email the Chair with details of any recent publications or conference news for the next newsletter!**



## Membership matters

From 2024, Academic Committee members who wish to attend BFSLA events including the BFSLA Annual Conference or the Annual Academic Committee Colloquium are required to join the BFSLA. Membership of the BFSLA has a range of benefits, particularly through inclusion as a member on the BFSLA website and the connections with practice that come through association and attending BFSLA events.

The membership year runs from 1 July to the following 30 June. Membership for academics is \$60.00 per annum and applications for membership can be made here: <https://bfsla.org/membership-to-bfsla/>.

The BFSLA is updating its website in 2024 and members of the Academic Committee will soon be listed on its website. This will facilitate practitioner members' awareness of academic expertise in banking and financial services and related areas. Please let us know if you do **not** want your name to appear as a member of the Academic Committee for 2024.

## From the Chair

The Academic Committee offers many opportunities for members to share those aspects of their work that intersect with banking and financial services. I look forward to seeing members at these events planned for 2024 and if you have news to share, ideas for future events (including presenting a webinar on a research topic), or membership inquiries, please email me any time to discuss: [Allison.silink@uts.edu.au](mailto:Allison.silink@uts.edu.au).



**Allison Silink, Chair, Academic Committee**

**Current Executive Committee of the BFSLA Academic Committee****Executive Committee Members 2024**

<b>Name</b>	<b>University</b>	<b>Country</b>
<b>Academic Executive Committee</b>		
Assoc Prof Allison Silink (Chair)	UTS	Australia
Dr Victoria Stace (Deputy Chair)	Victoria University of Wellington	New Zealand
Helen Dervan	AUT University, Auckland	New Zealand
Dr Steve Kourabas	Monash	Australia
Dr Anne Matthew	QUT	Australia
Prof Sheelagh McCracken	Sydney Law School	Australia
Assoc Prof Louise Parsons	Bond University	Australia
Assoc Prof Sagi Peari	UWA	Australia
Kerryn Smith	Westpac	Australia
Dr Ann Wardrop	La Trobe University	Australia