

# Curriculum vitae 2022



## Dr John Stephen Glover

B.A. (Hons) , LL.B. (Hons.) (Melb.), B.C.L. (Oxon),  
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## Published works

### *Books*

EQUITY, RESTITUTION & FRAUD  
(LexisNexis Butterworths, Sydney, 2004), xlvi + 491 pp

*judicial citation list available on request*

*reviewed:*

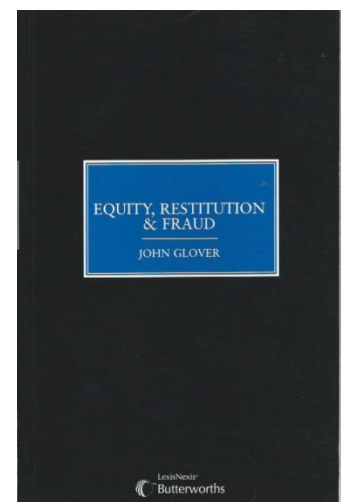
*Lawyers Weekly* June 10, 2004 [www.lawyersweekly.com.au](http://www.lawyersweekly.com.au)

(2004) 23 *University of Qld Law Journal* 258

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**COMMERCIAL EQUITY: FIDUCIARY RELATIONSHIPS**  
(Butterworths, Sydney, 1995) xxxi + 358 pp

*Judicially cited:*

**High Court of Australia**

*Roxborough v Rothmans of Pall Mall Ltd* (2001) 208 CLR 516

*Pilmer v Duke Group Ltd (in liq)* (2001) 207 CLR 165.

*Concut Pty Ltd v Worrell* (2000) 176 ALR 693.

*Bridgewater v Leahy* (1998) 194 CLR 457.

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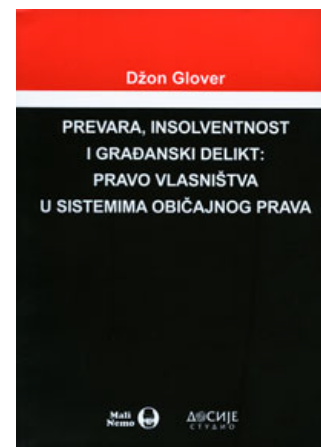
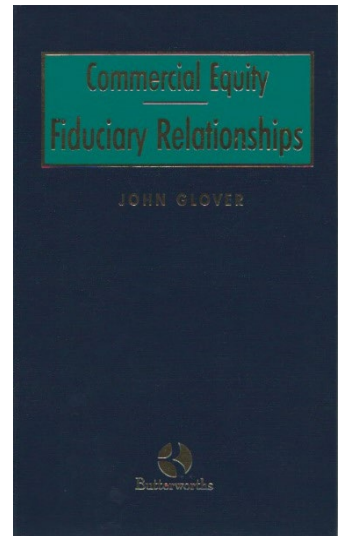
(1997) 71 *Australian Law Journal* 642  
 (1997) 75 *Canadian Bar Review* 388  
 (1997) 23 *Monash University Law Review* 222  
 (1996) 7 *International Company and Comm. Law Review* 284  
 [1996] *Lloyd's Maritime and Commercial Law Quarterly* 423  
 (1996) 8 *Journal of International Banking Law* 344  
 [1996] *Restitution Law Review* 253  
 (1996) 18 *Adelaide Law Review* 117.  
 (1996) 11 *Australian Banking Law Bulletin* 79  
 (1995) 11 *Queensland Univ. of Technology Law Journal* 212  
 (1995) 95 *Victorian Bar News* 74  
 (1995) 69 *Law Institute Journal* 1280

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**CIVIL WRONGS, INSOLVENCY AND PROPERTY**  
**RIGHTS IN COMMON LAW LEGAL SYSTEMS (in Serbian translation)**  
(Dosije, Belgrade, 2011) 258 pp  
(ISBN 798-86-7972-069-6)

**FORD & LEE: THE LAW OF TRUSTS**  
(Thomson Reuters, Sydney, loose-leaf and online)

Contributing author (2008-2020)



with WA Lee and M Bryan),  
responsible for 7 chapters.

### *Refereed journal articles*

"Trust registries, discretionary trusts and beneficial owner: a dubious gift from civil lawyers?" (2021) 27 *Trusts & Trustees* 673-685

"Trusts at the intersection of tax and criminal laws: Unpaid tax, 'unexplained wealth orders' and the *Proceeds of Crime Act 2002*" (2021) 36 *Australian Tax Forum* 33-51

"Tax agents: beware of 'administrative overpayments' added to your RBA" (2020) 55 *Taxation in Australia* 238-241

"Tax agents supplying trust deeds and advising on trusts: Unauthorised legal practice?" (2018) 33 *Australian Tax Forum* 411-436.

"Property rights, restitution and fraud: disciplining wrongdoing in capitalist systems," *Facta Universitatis – Series Law and Politics*, Vol. 14, No 1 (2016)  
<http://casopisi.junis.ni.ac.rs/index.php/FULawPol>

"Taxation of trusts by entitlement: the end of the road?" (2014) 43 *Australian Tax Review* pp 1-18.

"The trust in common law legal systems: functions and philosophical correspondences" (2013) 12 *Facta Universtatis* (Philosophical Series) pp 145-159.

"Nominal or 'dummy' settlors: is it time to reform the law of trusts?" (2012) 6 *Journal of Equity*, 19-43.

"Anti-formalism and the structure of Anglo-American commercial law" in (2011) 13 *Law and Economy* (in cyrillic) *Праведа и право*, 48-67.

"Wills, water law and the ideology of the family farm" (2011) 85 *Law Institute Journal* pp 40-43

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"Equity and trusts: an introduction" in (2009) 9-12 *Law and Economy* (in cyrillic) *Праведа и право* pp 7-14.

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*cited:* Lee Aitken, Case Note ‘Control’, ‘ownership’ and the beneficiary of the discretionary trust (2008) 31 *Australian Bar Review* 128

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“Insolvency, Tax and Liquidation Distributions: Dividends, Capital Gains and the Dead Hand of the Past” (with J Duns) (2006) 15 *International Insolvency Review* 109-128 (UK).

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“The Goods and Services Tax – recurrent compliance costs and benefits for Australian small business: a case study approach” (with B Tran-Nam, 50%), (2004) 10 *New Zealand Journal of Tax Law and Policy* 334-352 (NZ)

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"Wittgenstein and the existence of fiduciary relationships: notes towards a new methodology" (1995) 18 *University of New South Wales Law Journal* 443-463

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Hanoch Dagan, "Restitution in bankruptcy: why all involuntary creditors should be preferred" (2004) 78 *American Bankruptcy Law Journal* Summer 247;  
*extracted:* R Klotz *Bankruptcy, Insolvency and Family Law* 2<sup>nd</sup> ed (Toronto, Carswell, 2001), 7-28.

## Chapters in books

"Public officials, public trusts and fiduciary obligations" in K. Coghill, C Sampford and T. Smith (eds) *Fiduciary Duty, Public Trust and the Governance of Climate Change* (London, Ashgate Publishing, 2012) ,69-98.

"A Serbian law of trusts?" in *The Development of the Legal System of Serbia and its Harmonization with EU Law* (in cyrillic) *Разбој правног система Србије и хармонизација са правом ЕУ* Law Faculty, University of Belgrade, Republic of Serbia (2011), 217-226.

“The compliance costs of the GST for small business: empirical evidence from Australia” (with B Tran-Nam) in Fisher, R & Walpole, M (eds) *Challenges of Globalising Tax Systems* (Birmingham, Fiscal Publications, 2005), 288-302.

“Contribution” (with A Robertson, 50%) in THE PRINCIPLES OF EQUITY ed. P. Parkinson 2<sup>nd</sup> edn (Lawbook Co, Sydney, 2003), Chapter 14, 541-553.

“Subrogation” (with A Robertson, 50%) in THE PRINCIPLES OF EQUITY ed. P. Parkinson 2<sup>nd</sup> edn (Lawbook Co, Sydney, 2003), Chapter 14, 555-567.

“Small business, tax reform and tax compliance costs” (with B. Tran-Nam, 50%) in M. Walpole, and R. Fisher (eds) 5<sup>TH</sup> INTERNATIONAL CONFERENCE ON TAX ADMINISTRATION (Timebase, Sydney, 2002): <http://www.timebase.com.au>

“Conflicts of interest in a corporate context” in CORPORATE CRIME WORKSHOP 2002 G Acquaaah-Gaisie (ed) (Monash University, Dept of Business Law and Taxation, Melbourne, 2002), Chapter 3, 39-57.

“Globalisation of banking: an Australian perspective” in COMMERCIAL LAW IN A GLOBAL CONTEXT ed. B. Rider, Y Tajima and F Macmillan (Kluwer Law International, London: 1998a), Chapter 5, 55-64 [based on conference paper September 1996]

“Trusts” in 31.8 LAWS OF AUSTRALIA *Taxation* (LBC Information Services, Sydney: 1997), Chapters 1-9, 1-89.

“Identification of fiduciaries” in PRIVACY AND LOYALTY ed. P. Birks (Clarendon Press, Oxford: 1997), Chapter 10, 270-281 [based on conference paper September 1996]

*reviewed:* (2000) 8 *International Journal of Law and IT* 221 (UK)

*cited:* Evan Fox-Decent, The Fiduciary Nature of State Legal Authority (2005) 31 *Queen's Law Journal* 259

“Taxing the constructive trustee” in TRENDS IN CONTEMPORARY TRUSTS LAW ed. A. Oakley (Clarendon Press, Oxford: 1996a), Chapter 13, 315-331 [based on conference paper, January, 1996].

*reviewed:* (1997) Vol. 45 No. 1 / n° 1 *Canadian Tax Journal / Revue Fiscale Canadienne* 193.

“Equity and restitution” in THE PRINCIPLES OF EQUITY ed. P. Parkinson (LBC Information Services, Sydney, 1996), Chapter 4, 92-118.

*cited:* M Bryan ‘Unjust enrichment and unconscionability in Australia’ in J Neyers et al *Understanding Unjust Enrichment* (2004) 47, 67 and n. 101.

K Barnett ‘The uneasy position of unjust enrichment’ (2002) 23 *Adel L Rev* 277, n.85.

R Bigwood ‘Conscience and the liberal conception of contract’ (2000) 16 *JCL Lexis* at nn. 328, 329.

P Birks ‘Annual Miergunyah lecture: Equity, Conscience and unjust enrichment’ (1999) 23 *MULR*

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Foreword to I.M. Jackman *The Varieties of Restitution* (1998) (Hon. Justice W.M.C. Gummow)

“Contribution” in THE PRINCIPLES OF EQUITY ed. P. Parkinson (LBC Information Services, Sydney, 1996), Chapter 14, 537-548 [based on LAWS OF AUSTRALIA, 1993].

*cited:* NSW – Court of Appeal  
*Zurich Australia Insurance Ltd v CSR Ltd* (unrep. 13 August, 2001, Spigelman CJ).

“Subrogation” in *THE PRINCIPLES OF EQUITY* ed. P. Parkinson (LBC Information Services, Sydney, 1996), Chapter 15, 549-561 [based on *LAWS OF AUSTRALIA*, 1993].

*cited:* Ontario Superior Court of Justice  
*Re Ontario New Home Warranty Program v Jack Grant 512729 Ontario Ltd* (2001) 4 RPR (4<sup>TH</sup>) 56.

“Restitutionary recovery of taxes after the Royal Insurance case: commentary” in *RESTITUTION: UNJUST ENRICHMENT IN AUSTRALIA* ed. M. McInnes (LBC Information Services, Sydney, 1996), Chapter 8, 131-136.

“Contribution” in 15.3 *LAWS OF AUSTRALIA* ed. G. Masel (Law Book Co, Sydney, 1993), [4]-[13].

“Subrogation” in 15.3 *LAWS OF AUSTRALIA* ed. G. Masel (Law Book Co, Sydney, 1993), [15]-[22].

### *Other journal contributions*

“Resettlements, discretionary trusts and the *Duties Act 2000* (Vic)” Law Institute of Victoria, Commercial Law Section Newsletter (2006 on-line):

<https://www.liv.asn.au/members/sections/commercial/about/commercial-Commerci.html>

“Gain-Based Damages: Contract, Tort, Equity and Intellectual Property by James Edelman” (2004) 12 *Torts Law Journal* 259-261 (Book Review).

“Conflicts of Interest and Chinese walls by Charles Hollander and Simon Salzedo (2001) 15 *Tolley’s Trust law International* 61-63.

“The Varieties of Restitution by I.M. Jackman” (1999d) 73 *Australian Law Journal* 686-691

“Unjust enrichment” in *THE PHILOSOPHY OF LAW: AN ENCYCLOPAEDIA* ed C. Gray, (Garland Publishing, New York, 1999), Vol 2, 878-880.

“Circumstances in a commercial case that give rise to a constructive trust” (1990) 64 *Australian Law Journal* 297-301

### *Conference papers*

"Trust registries for Australia?" paper presented at the *Society of Trusts & Estates Practitioners (STEP) Australia National Conference 2022*, Darling Harbour, Sydney 28-29 March 2022

"Current developments in the taxation of trusts" paper presented to Taxation Institute of Australia *National Tax Intensive* Noosa Heads, 22 November 2019.



“Trusts at the intersection of tax and criminal laws” paper presented to the *Society of Trusts & Estates Practitioners (STEP) Australia National Conference 2019*, Brisbane, 15 May 2019.

“Inferring trusts from inexplicit contracts: the mutual intention problem” paper presented to the *8<sup>th</sup> Annual Trusts Symposium* of the Law Society of South Australia and the South Australian Branch of STEP, 9 March 2018.

“Trusts, tax and transparency: new Australian reporting obligations” paper presented to the *Use and Abuse of Trusts and other Wealth Management Devices* conference jointly conducted by Singapore Management University, York Law School (Canada) and Singapore Academy of Law, Singapore 27-28 July 2017.

"Present entitlement' and 'trust estate': trusts law or tax-technical terms?", paper presented to *Trusts Law Obligations* conference, University of Melbourne, December 2013.

"Public officials, public trust and fiduciary duties", paper presented to *Fiduciary Duty, Public Trust and the Governance of Climate Change* workshop, Monash Law Chambers, Melbourne 23 November, 2009.

“Unintended consequences: International Accounting Standards”, (with Prof Paul von Nessen), paper presented to *2006 Corporate Law Teachers’ Association* conference, University of Queensland Law Faculty, Old Customs House, Brisbane, 7 February, 2006.

“A comparative survey of tax incentives used for the promotion of venture capital investment in Spain, Ireland and New Zealand” paper presented to *2006 Australasian Tax Teachers’ Association* conference, Law Faculty, University of Melbourne, Parkville, 30 January 2006.

“An analysis of legal structures and tax concessions used to encourage venture capital investment in Australia” (with S Barkoczy, 50%), *2005 Hawaii International Conference on Business*, Honolulu, Hawaii, USA, 26-29 May, 2005

“Taxation of liquidation surpluses” (with J Duns, 50%), *Insol International Academics Group Meeting*, Sydney, Darling Harbour, 12-13 March, 2005.

“Compliance costs of the GST to small business: preliminary results based on a case-study approach” (with B Tran-Nam, 50%) *6<sup>th</sup> International Conference on Tax Administration*, ATAX, University of NSW, Sydney, 15-16 April, 2004.

“The taxation priority: Australian experience and international comparisons” (with J Duns, 50%), *Insol International Academics Group Meeting*, Cape Town, South Africa, 2-3 April, 2004.

“GST recurrent compliance costs/benefits for small business in Australia” (with B Tran-Nam, 50%), 16<sup>th</sup> Annual Australian Tax Teachers Association Conference, Flinders University, 29-31 January, 2004.

“Tax reform in Australia: impacts on tax compliance costs” (with B. Tran-Nam, 50%) 5<sup>th</sup> International Conference on Tax Administration, ATAX, University of NSW, Sydney, 4-5 April, 2002.

“Conflicts of interest, conflicts of duty and the information professional” at ‘Law of Obligations: Connections and Boundaries’ conference, Faculty of Law, University of Melbourne, 21-22 February 2002.

“Conflicts of interest in a corporate context” Monash BLT Dept ‘Corporate Crime Workshop’, Melbourne, 13 February 2002.

“Is breach of confidence a fiduciary wrong? Preserving the reach of judge made law” SPTL annual conference (Restitution Section), University College, London 19-21 September 2000.

“Entity taxation and trusts arising by operation of law” at the 12<sup>th</sup> annual Australasian Tax Teachers’ Conference, Monash University, Melbourne, 3-5 February 2000.

“Changes in the taxation of trusts” at the 11<sup>th</sup> annual Australasian Tax Teachers’ Association conference, University of Canberra, 5-7 February 1999.

“Identification of fiduciaries” (invited paper, airfare paid and visiting fellowship at Magdalen College) at the SPTL conference: *Fiduciaries in Context*, All Souls College, Oxford, 28 September, 1996.

“Taxing the proceeds of crime: should the fruits of corruption be assessable?” (invited paper) at the *Fourteenth International Symposium on Economic Crime*, Jesus College, Cambridge, 8-13 September, 1996.

“Globalisation of banking: an Australian perspective” (invited paper) at the Institute of Advanced Legal Studies conference: *Commercial Law in a Global Context - Perspectives in Anglo-Japanese law*, Jesus College, Cambridge, 16-17 September, 1996.

“Taxing the constructive trustee” (invited paper) at the University of Cambridge, Faculty of Law conference: *Trends in Contemporary Trusts Law*, Cambridge, 6-7 January, 1996.

“Banks and fiduciary relationships” (invited paper) at the Bond University, Faculty of Law conference *Equity, Restitution and the Banking Lawyer*, Gold Coast, Queensland, 23 July

### **Membership of external committees**

Law Institute of Victoria Commercial Law Section,  
Taxation and Revenue Committee  
Law Institute of Victoria Commercial Law Section,  
State Taxes Committee

ATO National Tax Liaison Group, Trusts Committee  
(2005-2011)  
Taxation Institute of Australia, Victorian Division Education Committee  
(2005-2010)

## Industry Partnerships

2001-2004 – ARC (Australian Research Council)

Chief investigator *Strategic Partnerships with Industry – Research and Training* project on the effects of Ralph taxation reforms on small business (with co-chief investigator Associate Professor Bin Tran-Nam of ATAX, UNSW and industry partners National Farmers Federation, Taxpayers Australia Inc. and Council of Small Business Organisations of Australia Ltd.

2005-2006 - ARC (Australian Research Council):

Chief investigator *Linkage* project on competitiveness of Australia’s regime for the promotion of venture capital investment (with co-investigator Associate Professor S Barkoczy, Monash University and industry partner Department of Industry Tourism and Resources (Com) (Policy Branch)

2016-2017 - Australian Taxation Office:

“Current issues with trusts and the tax system: Examining the operation and performance of the tax system, with a particular focus on discretionary trusts linked to high net worth individuals”, RMIT University Research Report, with Associate Professors A De Silva and K Westberg, Dr V Narayan and Dr M Nguyen.

## Appendix

### EQUITY RESTITUTION & FRAUD *and* COMMERCIAL EQUITY: FIDUCIARY RELATIONSHIPS

*Judicially cited:*

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*Bridgewater v Leahy* (1998) 194 CLR 457.  
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*Bulun Bulun v R & T Textiles Pty Ltd* (1998) 157 ALR 193, Von Doussa J  
*Compaq Computer Australia Pty Ltd v Merry* (1998) 157 ALR 1, 23 Finkelstein J  
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*Hughes Aircraft Systems International v Air Services Australia* (1997) 146 ALR 1, Finn J  
*C-Shirt Pty Ltd v Barnett Marketing and Management Pty Ltd* (1996) 37 IPR 315, Lehane J  
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*Harris v Digital Pulse Pty Ltd* (2003) 44 ACSR 39 (Mason P)  
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#### NSW Supreme Court

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#### Queensland Court of Appeal

*Richardson v Radford* (unrep. 24 December 1996, McPherson JA)

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*Daniels Corporation International Pty Ltd v Australian Waste Services Pty Ltd* (unrep. 26 June  
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#### Victorian Supreme Court

*P & V Industries Pty Ltd v Porto*[2006] VSC 131 (unrep., 7 April, 2006, Hollingworth J)  
*Victoria University of Technology v Wilson & Ors* (2004) 60 IPR 392, Nettle J).  
*Re an Appln for directions by Lofthouse (as liq of MML Management Ltd (in liq))* (unrep, 15 August  
2002, Hansen J).  
*Disctronics Ltd & Ors v Edmond & Ors* (unrep.23 October 2002, Warren J).  
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*King v Linrose Nominees Pty Ltd* (unrep. 17 Sept. 1999, Byrne J)  
*Farrow Finance Company Ltd (in liq) v Farrow Properties Pty Ltd* (unrep. 26 Feb, 1998, Hansen J)

#### Western Australian Supreme Court

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