

DR. JANET AUSTIN

FACULTY ADDRESS:

Law Faculty
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EDUCATION

- PhD, Osgoode Hall Law School, York University, Toronto, Canada.
- LL.M., University of Sydney, Australia.
- Graduate Certificate in Practical Legal Training, University of Technology, Sydney, Australia.
- BCom (with Merit), LLB, University of New South Wales, Australia.

OTHER

- Admitted as a solicitor of the Supreme Court of New South Wales, the Federal Court of Australia and the High Court of Australia.

EMPLOYMENT

ACADEMIC

University of New Brunswick, Faculty of Law

- 2020 - Present: Professor
- 2014 -2020: Associate Professor
- 2013 –2015: Acting Associate Dean
- 2010 – 2014: Assistant Professor

University of New South Wales, School of Business Law & Taxation

- 2007- 2009: Lecturer

PROFESSIONAL

Commonwealth Director of Public Prosecutions, Sydney, Australia

- 2001-2007: Corporate Specialist Lawyer

- 1995-2000: Principal Legal Officer
- 1993-1995: Senior Legal Officer

Australian Securities and Investments Commission, Sydney

- 2000-2001: Principal Legal Officer (on secondment from the Commonwealth Director of Public Prosecutions)

Gilbert + Tobin

- 1990-1993: Lawyer

Rosenblum & Partners

- 1989-1990: Lawyer

Perpetual Trustees Australia Limited

- 1986: Investment Analyst

PUBLICATIONS

▪ **Books**

- i. [*Corporate Whistleblowing Regulation: Theory, Practice and Design*](#), (eds with Drs Sulette Lombard and Vivienne Brand), (Springer 2020).
- ii. [*Insider Trading and Market Manipulation: Investigating and Prosecuting across Borders*](#), (Edward Elgar Publishing Limited, UK, 2017).

▪ **Journal Articles**

- i. [“The Impact of Whistleblowing Awards Programs on Corporate Governance”](#) (with Dr Sulette Lombard), (2019) 36 Windsor Yearbook of Access to Justice 63.
- ii. [“How do I sell my Crowdfunded Shares? Developing Exchanges and Markets to Trade Start-Ups and Small Companies”](#) (2017-2018) 8 Harvard Business Law Review Online (28 January 2018).
- iii. “What Exactly is Market Integrity? An Analysis of One of the Core Objectives of Securities Regulation” (2017) 8 (2) William and Mary Business Law Review 215.
- iv. “The Power and Influence of IOSCO in Formulating and Enforcing Securities Regulations” (2015) XV Asper Review of International Business and Trade Law 1.
- v. “Unusual Trade or Market Manipulation? How Market Abuse is Detected by Securities Regulators, Trading Venues and Self-Regulatory Organizations”, (2015) 1 Oxford Journal of Financial Regulation 263.
- vi. “Protecting Market Integrity in an era of Fragmentation and Cross Border Trading”, (2014-2015) 46.1 Ottawa Law Review 25.

- vii. “The Offering Memorandum Prospectus Exemption”, (2014) 29.2 Banking and Finance Law Review 216.
- viii. “IOSCO’s Multilateral Memorandum of Understanding Concerning Consultation and Cooperation and the Exchange of Information – A model for international regulatory convergence?” (2012) Criminal Law Forum 393.
- ix. “When does sharp business practice cross the line to become dishonest conduct?” (2010) 29(2) University of Queensland Law Journal 263.
- x. “Government to the Rescue: ASIC takes the Reins of the Stock Market” (2010) 28 Companies and Securities Law Journal 444.
- xi. “A Rapid Response to Questionable Trading – moving towards better enforcement of Australia’s securities laws” (2009) 27 Companies and Securities Law Journal 203.
- xii. (with J Harris and A Hargovan) “Shareholder Primacy Revisited: does the public interest have any role in statutory duties?” (2008) 26 Companies and Securities Law Journal 355.
- xiii. “Does the *Westpoint* litigation signal a revival of the ASIC s 50 class action?” (2008) 22(1) Australian Journal of Corporate Law 8.

▪ **Contributions in Books**

- i. “To reward or not to reward. A cross-jurisdictional comparison of the reasons why securities regulators have adopted or rejected policies to pay whistleblowers”, in *Corporate Whistleblowing Regulation: Theory, Practice and Design*, (eds with Drs Sulette Lombard and Vivienne Brand), (Springer, 2020)
- ii. Chapter on Crime for the 5th Edition of A Terry & D Giugni *Business & The Law* published by Thompson Reuters.

▪ **Other**

- i. Book Review of *Market Manipulation and Insider Trading Regulatory Challenges in the United States of America, The European Union and the United Kingdom* (2020) 35 Banking and Finance Law Review 607(rthcoming).
- ii. “How do I sell my Crowdfunded Shares? Developing Exchanges and Markets to Trade Securities Issued by Start-ups and Small Exchanges”, blog post on University of Oxford’s Business Law Blog, February 2018, online, <https://www.law.ox.ac.uk/business-law-blog/blog/2018/02/how-do-i-sell-my-crowdfunded-shares-developing-exchanges-and-markets>
- iii. Book Review of *Principles of Financial Regulation* (2018) 33(2) Banking and Finance Law Review 305
- iv. “Canada offers Australia a blueprint for protecting and motivating corporate whistleblowers”, *The Conversation*, 2 July 2017, online:

<https://theconversation.com/canada-offers-australia-a-blueprint-for-protecting-and-motivating-corporate-whistleblowers-80062>

- v. “The Essential Elements of Market Integrity and Market Fairness” 20 September 2016, guest post at University of Oxford, Faculty of Law blog Business Law blog, online:
<https://www.law.ox.ac.uk/business-law-blog/blog/2016/09/essential-elements-market-integrity-and-market-fairness>
- vi. “How IOSCO can capitalize on the success of its MMoU as it strives to Achieve Global Convergence of Securities Regulations” 7 February 2016, guest post at Columbia Law Schools blog on Corporations and Securities Law, online:
<http://clsbluesky.law.columbia.edu/2016/03/10/how-iosco-can-capitalize-on-the-success-of-its-mmou-as-it-strives-to-achieve-global-convergence-of-securities-regulations/>
- vii. Book Review of *The Financial Crisis and White Collar Crime. The Perfect Storm?* 30(3) 2015 Banking and Finance Law Review 237.
- viii. Book Review of *Regulatory Failure and the Global Financial Crisis: An Australian Perspective* (2012) Banking and Finance Law Review 203.
- ix. “Compliance & transnational regulatory networks” 17 November 2011, Guest Post at IntLawGrrls: voices on international law, policy, and practice, online:
<http://www.intlawgrrls.com/2011/11/compliance-transnational-regulatory.html>.
- x. “Westpoint – ASIC flexes its muscle to bring class actions” (2008) 60 (4) Journal of Chartered Secretaries Australia Ltd 196 (Part 1) and (2008) 60 (5) Journal of Chartered Secretaries Australia Ltd (Part 2).
- xi. “Remove Divisions to Boost Prosecutions” Op Ed piece, Australian Financial Review, 12 February 2009.

SELECTED PAPERS PRESENTED AT PROFESSIONAL MEETINGS AND SEMINARS

- “Market Abuse, The spread of False and Misleading Information and ‘Pump and Dump’ Schemes. Solutions?”, series of four seminars presented to Euronext and European Securities Regulators, 3 & 4 March 2020, Paris, France, by invitation.
- International Enforcement of Cybercrime”, Webinar, Canadian Institute for Cybersecurity, Fredericton, 12 November 2019, by invitation.
- The Impact of Whistleblower Award Programs on Ponzi Schemes”, Canadian Law and Economics Association Conference, 21 September 2019, Toronto
- “To reward or not to reward. A cross-jurisdictional comparison of the reasons why securities regulators have adopted or rejected policies to pay

whistleblowers”, Canadian Law and Economics Association Conference, 21 September 2018, Toronto.

- “Cybercrime”, Panellist at CyberSmart Summit, 2018, 15 May 2018, Fredericton.
- “How do I sell my Crowdfunded Shares? Developing Exchanges and Markets to Trade Start-Ups and Small Companies” Canadian Law and Economics Association Conference, 16 September 2017, Toronto.
- “Providing the ability to trade securities issued by start-ups and SMEs. The regulatory challenges for markets designed for small companies” Australasian Law Teachers Association Conference, 7 July 2017, Adelaide.
- Potential introduction of corporate whistleblowing bounties: What are the implications”, Panelist and session moderator, seminar, Melbourne University Law School, 23 June 2017.
- “Whistleblowing Bounties as an Anti-Corruption Measure”, Panelist, seminar, Flinders University Centre for Crime Policy & Research, 21 June 2017.
- “The Power and Influence of IOSCO in Formulating and Enforcing Securities Regulations”, Asper Review Conference of Business and the Law, 29-30 April 2015, Winnipeg.
- “Post-reference prospects for a National Securities Regulator – Reflections on the potential of the delegated authority model”, 42nd Annual Workshop on Consumer and Commercial Law, 12-13 October 2012, Halifax.
- “Are the Markets Still Fair? Protecting Integrity in an Era of Fragmented Markets and Cross-Border Trading” Canadian Business Ethics Research Network PhD Winter Research meeting, York University, Toronto, 17 February 2012.
- “The Role of IOSCO in the Enforcement of International Securities Offences” International Society for the Reform of Criminal Law, Globalization of Crime – Criminal Justice Responses, Ottawa 7-11 August 2011.
- “The IOSCO’s Multilateral Memorandum of Understanding Concerning Consultation and Cooperation and the Exchange of Information – A model for regulatory convergence?” Canadian Law and Society Association 2011 Annual Conference 29-30 May 2011.
- “A Rapid Response to Questionable Trading – moving towards better enforcement of Australia’s securities laws” Australian Corporate Law Teachers Association Conference, Sydney, Australia, 1-3 February 2009.
- “Is my client’s conduct dishonest or merely excusable sharp practice?” presented to the Third International Legal Ethics Conference, Southport, Australia, 13-16 July 2008.
- “Shareholder Class Actions – Sounding the death knell for ASIC s.50 actions?”, presented at the Corporate Law Teachers Association Conference in Sydney, 3-5 February 2008.

- “Shareholder Primacy Revisited: does the public interest have any role in statutory duties?” presented with J Harris and A Hargovan at the Australian Law Teachers Association Conference the University of Western Australia, July 2007.

GRANTS, FELLOWSHIPS AND AWARDS

- Fall 2021 Visiting Scholar, Faculty of Law, University of Victoria
- 2020 New Brunswick Law Foundation/UNB Faculty of Law Endowment Trust (\$6800.00)
- 2020 Social Science and Humanities Research Council Individual Connection Grant for Incentives for Whistleblowers – Current Perspectives Conference (\$16,952)
- 2019 Canadian Foundation for Legal Research for project being The Impact of Whistleblowing Awards Programs on Ponzi Schemes (\$5000).
- 2019 New Brunswick Law Foundation/UNB Faculty of Law Endowment Trust (\$1500.00)
- 2018 Faculty of Law/New Brunswick Law Foundation Endowment Trust (\$7867.00)
- Visiting International Research Fellow, Flinders University, Adelaide, Australia (June-July 2017) (\$6000)
- 2015 New Brunswick Law Foundation/UNB Faculty of Law Endowment Trust (\$1200)
- 2013 New Brunswick Law Foundation/UNB Faculty of Law Endowment Trust (\$900)
- 2012 UNB University Research Fund for research into the Detection and Enforcement of Securities Violations. (\$5000)
- 2012 New Brunswick Law Foundation/UNB Faculty of Law Endowment Trust (\$900)
- 2011 New Brunswick Law Society Endowment Fund for research into the use of the Offering Memorandum Prospectus Exemption (\$3000)
- 2008 University of New South Wales Australian School of Business Special Research Grant for a research project into the penalties and level of enforcement of insider trading laws (\$7500)

MEDIA

- Responded to enquiries or participated in interviews on 14 April 2021 (Lawyers Daily), 17 November 2020 (CBC The National), 2 October 2019 (CBC TV), 23 September 2019 (CBC Radio), 25 July 2019 (Brunswick News), 9 May 2019 (CTV), 5 April 2019 (Lawyers Daily), 15 February 2019 (Chronicle Herald), 12 July 2018 (CBC), 7 May 2018 (Canadian Lawyer), 27 March 2018 (CBC), 12

February 2018 (The Verge), 4 April 2017 (Telegraph Journal), 14 April 2016 (Canadian Press), 27 February 2016 (Daily Gleaner), 23 November 2015 (CBC), 8 January 2015 (CBC), 31 October 2014 (Rogers Radio Network), 21 October 2014 (CBC), 16 October 2014 (the Brunswickan), 6 June 2014 (Telegraph Journal), 11 December 2013 (Telegraph Journal), 13 November 2013 (Daily Gleaner), 12 August 2013 (Moncton Times and Transcript), 5 July 2013 (Telegraph Journal), 7 April 2013 (Telegraph Journal), 12 March 2013 (Telegraph Journal), 16 August 2012 (CBC), 13 June 2012 (News 88.9 in Saint John), 27 April 2012 (Post Media News Vancouver), 12 March 2012 (Daily Gleaner), 27 November 2011 (Bloomberg London) April 2009 (Sky News), 2 March 2009 (Sydney Morning Herald), 12 February 2009 (The Australian Financial Review) 3 February 2009 (The Australian), 22 October 2008 (Sydney Morning Herald).

LEGISLATIVE SUBMISSIONS

- J Austin “Aspects of Market Integrity – Issues Paper” submission to the Australian Corporations and Markets Advisory Committee (CAMAC), 6 March 2009, available at, [http://www.camac.gov.au/camac/camac.nsf/byHeadline/PDFSubmissions_4/\\$file/JAustin_MktIntegrity.pdf](http://www.camac.gov.au/camac/camac.nsf/byHeadline/PDFSubmissions_4/$file/JAustin_MktIntegrity.pdf).

DISTINCTIONS AND HONOURS

- 2018 UNB Merit Award for outstanding contributions to teaching, research and university service.
- 2017 Oxford University Press and Australasian Law Teachers Association Best Overall Conference Paper, Australasian Law Teachers Association Conference.
- 2009 Osgoode Hall Law School - Harley D. Hallett Graduate Scholarship.
- 2008 Australian Corporate Law Teachers Associations Conference – Best paper prize.

CONTRACTS

- 2008 Contract for the Preparation of an on-line course on international rules for insider trading for the Capital Markets Cooperative Research Centre.