



Centre for
Financial Regulation &
Economic Development (CFRED)

Corporate Liability and the Criminalisation of Failure

Professor Liz Campbell

Professor & Francine V McNiff Chair, Monash University

Monday, 11 March 2019, 12:30 - 1:30 pm

Academic Conference Room, 11/F Cheng Yu Tung Tower

The University of Hong Kong

Defining and prosecuting corporate criminality has long been fraught with difficulty. As a result, the UK legislature is turning to an indirect form of omissions liability, by criminalising failure to prevent certain crimes like bribery and the facilitation of tax evasion. This Seminar charts the development of indirect omissions corporate liability in the UK, its likely emulation in Australia, and examines its rationales and benefits. Existing commentary has not explicated the implications of extension to other offences; the speaker considers possible objections, regarding due process rights; reliance on omissions liability; effectiveness; and the use of the measures to date. Though its likely impact is less than clear, the speaker concludes that, on balance, corporate liability for failure to prevent crime is justifiable and warrants being extended to economic offences and beyond.

Professor Liz Campbell is the inaugural Francine McNiff Chair in Criminal Jurisprudence at Monash Law, having previously been Professor of Criminal Law at Durham University, UK. She is also adjunct professor at Queensland University of Technology School of Justice. Professor Campbell is a global expert in corporate crime, organised crime, corruption, and biometric evidence. Her research is socio-legal in considering the law in context, and often involves a comparative dimension. There is an empirical element to some of her work, such as in the project on “Corporate Vehicles – Understanding the use of ‘Licit’ Corporate Entities by Transnational Organised Crime Groups in the Concealment, Conversion and Control of Illicit Finance”. Professor Campbell publishes widely in leading international journals. Her publications include a research monograph on Organised Crime and the Law (Hart, 2013), an edited collection on Corruption in Commercial Enterprise (Routledge, 2018), a jointly written book on The Collection and Retention of DNA from Suspects in New Zealand with Nessa Lynch (Victoria University Press, 2015) and a textbook on Criminal Law in Ireland (Clarus, 2010). She is working on the fifth edition of The Criminal Process (formerly by Professor Andrew Ashworth and Professor Mike Redmayne) (OUP, forthcoming 2019). Professor Campbell’s research has significant impact outside academia. Her research has been cited by the Irish Supreme Court and relied upon in argument before the UK Supreme Court. Her work has also been cited in reports of law reform commissions.

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