Why are Unfair Preferences so difficult?

Unfair preferences feature in many insolvencies. Whilst liquidators will often have difficulty in recovering them, creditors may have difficulty in defending them. Shortly before liquidation a company is likely to pay some debts and the task of the law is to determine which of these payments can be set aside as a preference.

This seminar will review the current law, considering such elements as the proof of insolvency and the debtor-creditor relationship. Recent decisions explore the Corporations Act's support for the liquidator to recover these preferences and what defences (including the running account) are provided for creditors. For advisors of both liquidators and creditors the law of unfair preferences has become complex and so the seminar will speak to ways of curtailing the task.

Presenters: Associate Professor Christopher Symes and Arturo Dal Cin

Dr Christopher Symes is Associate Professor at the University of Adelaide and a Director of Australia’s first research unit dedicated to insolvency law and practice. A senior figure in Australian insolvency law, he is author of specialist books such as Symes and Duns’ Australian Insolvency Law (Lexisnexis) and Bankruptcy Law (Thomson). In addition to his academic work, he is involved with the Law Council’s Insolvency committee and Insolvency Practitioners Association training. He also is a regular expert commentator and presenter on Australian insolvency law and practice to the Federal Government and to international audiences exemplified by his recent stint as Visiting Professor in Ireland and Canada.

Arturo Dal Cin is a barrister with Murray Chambers. He has been in practice for 20 years, the last 12 as a barrister. Arturo is briefed in corporate and commercial law matters and has a strong corporate insolvency interest. He is a member of the Law Council’s Insolvency committee.

Date: 29 Nov 2012
Time: 7.30 am - 8.40 am
Breakfast: A buffet continental breakfast will be served, accompanied by tea, coffee and juice
Venue: National Wine Centre (Cnr North Tce and Hackney Road)
Cost: $130 - Standard ticket
$110 - Alumni ticket
*$75 - Young lawyers discount ticket
*(for those who have been admitted for less than 3 years)

The event will attract 1 CPD point.

Please RSVP by 27 November at http://adelaidecpd-november.eventbrite.com/

Further information about this CPD event and other CPD events in the Adelaide Law School Breakfast Seminar Series is available at http://www.law.adelaide.edu.au/professional-development/