The Centre for Resources, Energy and Environmental Law (CREEL) consolidated its activities in 2010, as well as participating in a successful University review of the Research Centre.

Centre Review
The Centre for Resources, Energy and Environmental Law (CREEL) underwent a major Centre Review in August 2010. The Panel Review comprised: Professor Jenny Morgan (Chair), Dr Kate Auty (Victorian Commissioner for Environmental Sustainability and Professor, La Trobe University) and Mr Louis Chiam, (Partner, Mallesons Stephen Jaques). The Panel committee concluded that:

The Centre is meeting its purposes and objectives, through an array of well targeted activities which have been outlined above. Since its reinvigoration in 2008, the Centre has produced an enormous amount of research and created a vibrant research community in the law school, made a major contribution to law reform and to the teaching program of MLS, with excellent links both locally and globally.

CREEL recognises the invaluable leadership of Professor Morgan in the review, the expert guidance and contribution made by Panel members, and thanks the members of the CREEL Advisory Board for their assistance and support. Administrative staff from CREEL and the Academic Support Unit within the law School ably supported CREEL in the review.

Research Activities
The scope of research being conducted in the Centre continues to expand. In 2010 the Centre welcomed several new doctoral students studying in resources and energy law. Many research activities relate to several projects associated with CREEL including, ARC Discovery Project: Responding to Climate Change: Australia’s Environmental Law and Regulatory Framework and ARC Linkage Project: ‘Poverty in the Midst of Plenty’: Economic Empowerment, Wealth Creation and Institutional Reform for Sustainable Indigenous and Local Communities.

New research directions have included an emphasis on environmental taxation (including carbon pricing), climate change litigation and adaptation, more extensive work on indigenous land title, international regimes around fisheries, and energy regulation and renewable technologies. Long-standing research continues in environmental law and governance, adaptive water law and management, and the regulation of resources and mining in federal systems.

2010 also saw the launch of several books by Centre academic staff and a growing range of seminars and community engagement events.

Research Linkages
CREEL has continued to strengthen links with the legal profession, multidisciplinary researchers and cognate international and Australian law schools that specialise in resources, energy and environmental law. Interdisciplinary research continues to be a particular strength of Centre researchers with interdisciplinary water and energy workshops held in 2010. Melbourne Law School continued its affiliation with the IUCN Academy of Environmental Law at the University of Ottawa Canada.

Acknowledgements
CREEL has benefitted enormously from the contributions made by all staff associated with the Centre but particular recognition must go to Ms Jenny O’Connell, who as Centre Administrator has been the foundation for many successful events and the overall operation of the Centre.

Lee Godden
Professor of Law
Director, Centre of Resources, Energy and Environmental Law

Annual Report 2010
Centre for Resources, Energy and Environmental Law (CREEL)

Annual Report 2010

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About CREEL

The Centre for Resources, Energy and Environmental Law (CREEL) was established in 1986. At that time the Centre had a predominant orientation toward natural resource laws. Since that time, CREEL has undergone several changes of name and scope, with a growing emphasis on environmental law and energy regulation in recent years. Currently, Centre staff members and affiliated students research across areas as diverse as international law and environmental regulation, mining and petroleum laws, climate change law, water law, property law, environmental taxation and the use of economic instruments in regulation, Indigenous peoples’ rights and economic development issues, jurisprudence related to the environment, biodiversity protection, and fisheries. In 2010, the strong public interest in environmental and energy law issues translated into a growing profile for the Centre, particularly in knowledge transfer activities. A key function of the Centre is to provide a platform for law reform and public interest issues across resources, energy and environmental law. This focus is well demonstrated by the range of submissions to government and community organisations by Centre members.

CREEL oversees the Graduate Diploma in Environment, Energy and Resources Law in the Melbourne Law Masters.

Purposes and Objectives

CREEL aims to promote research, teaching and publication into the legal, regulatory and policy frameworks that engage with:

- the production and distribution of energy, including consideration of climate change regulation,
- the sustainable development of natural resources,
- the protection of the environment and the promotion of ecologically sustainable development,
- the planning for, and provision of infrastructure in urban areas, and that associated with energy and resource development, and
- the recognition and protection of Indigenous rights and interests in land and resources.

In addition, CREEL aims to:

- engage in these activities with respect to contemporary developments and issues in Australia, Asia/Pacific, and other selected regions,
- extend the Law School’s specialised collection of research and teaching materials relating to energy, natural resources, environmental law and native title,
- strengthen existing links and establish new links with other centres in Australia and overseas engaged in equivalent activities,
- encourage persons from industry, professions, investment institutions, government and universities in Australia and overseas to participate in the Centre’s activities,
- strengthen existing links and establish new links with other centres in Australia and overseas engaged in equivalent activities, and
- encourage persons from industry, professions, investment institutions, government and universities in Australia and overseas to participate in the Centre’s activities.
Centre Directors

Director

Professor Lee Godden
Lee Godden has been a staff member of the Melbourne Law School since 2002. She was appointed Director of the Centre for Resources, Energy and Environmental Law in 2008 after a joint appointment as Director, Office for Environmental Programs within the University. Lee Godden’s research interests include environmental law, natural resources law and governance, water law, property law and Indigenous peoples’ land rights. Her work extends beyond Australia with comparative research on environmental law and sustainability, resource trading regimes, and Indigenous land rights issues in countries as diverse as Canada, New Zealand, UK, South Africa, and the Pacific. She is a member of the Commission for Environmental Law, IUCN and of the Academic Advisory Group Section on Energy, Environment, Resources and Infrastructure Law, of the International Bar Association. She serves on the editorial boards of the *Journal of Energy & Natural Resources Law*, *the Australian Resources and Energy Law Journal* and the *Legal Education Review*.

Associate Directors

Professor Michael Crommelin AO
Michael Crommelin is Zelman Cowen Professor of Law, a position he has held since 1985. Michael was Dean of the Melbourne Law School in 2010, a position he held from 1989 to 2002, and from 2003 to 2007. He has held visiting academic appointments in Canada, the USA, the UK, France and Norway. He was a founding member of AMPLA Limited (the Australian Energy and Resources Law Association) and served as its president in 1985-6. He was chair of the Academic Advisory Group of the International Bar Association’s Section on Energy and Resources Law from 1987 to 1990. He has been a member of the American Law Institute since 1998. His current teaching and research interests include energy and resources law, constitutional law and comparative law.

Associate Professor Jacqueline Peel
Jacqueline Peel is an Associate Professor of Law at the Melbourne Law School. She has dual degrees in science and law. Her research interests focus on climate change law, environmental law and international environmental law, including law/science interactions and risk assessment in the environmental field. She is the author of numerous publications on these topics, including *The Precautionary Principle in Practice: Environmental Decision-making and Scientific Uncertainty* (2005).
Associate Professor Maureen Tehan

Maureen Tehan’s major focus of research and academic interest is Indigenous legal issues with particular emphasis on native title, heritage protection and land access, use and management. She has a major interest in comparative Canadian law in these areas. She teaches in these areas as well as in property in both the graduate and undergraduate programs. Her publications and graduate studies reflect these interests. Immediately prior to joining the Faculty, Maureen was a solicitor with the Pitjantjatjara and Ngaanyatjatjarra Councils and continues to undertake consultancies in the area. Maureen held the position of Associate Dean, Undergraduate in the Melbourne Law School in 2009.

Centre Members

Professor Stuart Kaye (until early 2010)

Stuart Kaye joined the Law School in 2006. He was Dean of Law at the University of Wollongong between 2002 and 2006. Prior to this appointment, he was Head of the Law School at James Cook University, and a senior lecturer in law at the University of Tasmania. Stuart Kaye has an extensive research interest in the Law of the Sea and international law. He has written a number of books, including *Australia’s Maritime Boundaries* (2001), *The Torres Strait* (1997) and *International Fisheries Management* (2001). He was appointed to the International Hydrographic Organization’s Panel of Experts on Maritime Boundary Delimitation in 1995 and in 2000 was appointed to the List of Arbitrators under the Environmental Protocol to the Antarctic Treaty. Stuart’s areas of expertise include the Law of the Sea and international environmental law. In 2010, Stuart took up the appointment as Winthrop Professor and Deputy Dean (Research) at the University of Western Australia.

Associate Professor Mark Burton

Mark Burton has worked, taught and researched in the field of taxation law since 1990. Although Mark specializes in taxation law, his research is of an interdisciplinary nature with particular emphasis upon the political institutions. Mark’s recent research has combined elements of political science, political theory, social psychology and law in dealing with the application of democratic principles in the context of taxation law. At present Mark is writing a co-authored book (with Associate Professor Kerrie Sadiq, due February 2012) which critically examines the management of tax expenditures. Mark holds an LLB (Hons) and completed his PhD at the Australian National University. He is a Barrister and Solicitor of the Supreme Court of Victoria.
Associate Professor Sundhya Pahuja

Sundhya Pahuja’s scholarship is broadly concerned with the changing role of law and legal institutions in the context of development and globalisation. It engages the practice, and praxis, of international law and development through political philosophy, political-economy and postcolonial theories. In 2010, Sundhya was a Visiting Research Fellow at Birkbeck, University of London. She is currently a member of the organising committee of the Legal Theory Interest Group of the European Society of International Law and serves on the editorial boards of the *Australian Feminist Law Journal* and the *Law, Social Justice and Global Development Journal* (LGD) based at the University of Warwick.

Associate Professor Miranda Stewart

Miranda Stewart is an Associate Professor and Director of Tax at the Melbourne Law School. Prior to joining the Law School in 2000, she was working in the private sector and in government on business taxation including mining and petroleum resource rent tax. Her research interests include the politics of tax reform, tax incentives for investment, and tax and economic development. Miranda teaches graduate courses including *Corporate Tax, Fiscal Reform and Development*, and *Tax Incentives for Industry and Investment*. Miranda has an ongoing interest in resource taxation.

Associate Professor Shaun McVeigh

Shaun McVeigh joined the Melbourne Law School in 2007. He previously researched and taught at Griffith University in Queensland as well as Keele and Middlesex Universities in the United Kingdom. He has an extensive research background in critical legal studies in Australia and the UK. More recently he has been involved in convening a symposium ‘Of the South’ that develops an account of lawful existence within the South. Shaun McVeigh has research interests in the fields of jurisprudence, health care, and legal ethics. His current research projects centre around three themes associated with refreshing a jurisprudence of jurisdiction: the development of accounts of a ‘lawful’ South; the importance of a civil prudence to thinking about the conduct of law (and lawyers); and, the continuing need to take account of the colonial legal inheritance of Australia and Britain.
**Dr Margaret Young**

Margaret Young joined the Melbourne Law School as Senior Lecturer in 2009. She was previously the William Charnley Research Fellow in Public International Law at the University of Cambridge. She holds a PhD and an LLM from the University of Cambridge and a BA/LLB (Hons) from the University of Melbourne and has been a Visiting Scholar at Columbia Law School. Her research interests include international trade law, international environmental law and the Law of the Sea. Her monograph, *Trading Fish, Saving Fish: The Interaction between Regimes in International Law*, will be published by Cambridge University Press in 2011. She has practiced as a solicitor, has worked at the World Trade Organisation (Appellate Body Secretariat), the United Nations International Law Commission and at Greenpeace International. Margaret is a former associate to the Chief Justice of the Federal Court of Australia. She is currently the Assistant Editor of the British Year Book of International Law.

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**Dr Kirsty Gover**

Kirsty Gover is the Director of the Comparative Tribal Constitutionalism Research Programme, co-sponsored by CREEL, Institute for International Law and the Humanities (IIaH) and the Centre for Comparative Constitutional Studies (CCCS). The study focuses on the governance institutions and constitutions of tribal communities in Australia, New Zealand, Canada and the United States. These define the jurisdictional interface between tribes and other governments in settler societies. The study examines the ways in which tribal communities define and express their own jurisdiction, an under-interrogated aspect of Indigenous governance scholarship. It includes analysis of agreements between tribal and other governments on resource management and the joint use and stewardship of land. A book and several articles focussing on the

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**Mr Jürgen Kurtz**

Jürgen Kurtz is a Senior Lecturer and Director of the International Investment Law Research Programme of the Melbourne Law School’s Institute for International Law and the Humanities. Jürgen researches and teaches in the various strands of international economic law including the jurisprudence of the World Trade Organization and that of investor-state arbitral tribunals. He has a particular interest in examining the impact of WTO rules on attempts to construct domestic and multilateral systems for mitigation of carbon emissions. In addition to research and teaching, Jürgen acts as a consultant to a variety of governmental and inter-governmental agencies, including the United Nations Conference on Trade and Development, the United Nations Development Program and the World Bank.
Administrator

Anne Kallies
Ann Kallies fulfilled the joint roles of Centre Administrator and Researcher from 2009 until mid-2010.

Jenny O’Connell
Jenny O’Connell joined the Melbourne Law School in May 2010 as the CREEL Centre Administrator.

Research Assistants

<table>
<thead>
<tr>
<th>Name</th>
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<tbody>
<tr>
<td>Julia Dehm</td>
<td>Rachelle Downie</td>
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<tr>
<td>Carly Godden</td>
<td>Mahala Gunther</td>
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<td>Anthony Kung</td>
<td>Michael Power</td>
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<td>Briony Ruse</td>
<td>Kerri Rusnak</td>
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<td>Naomi Wynn</td>
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Postgraduate Research Students

Samuel Alexander
Samuel Alexander has an LLB from the University of Otago, New Zealand, and an LLM (Hons) from the Victoria University of Wellington, New Zealand. After graduating Sam practiced employment law in Christchurch, New Zealand, before joining Melbourne Law School in 2006 as a PhD student. Sam’s thesis is titled ‘Voluntary Simplicity: Towards a Post-growth Theory of Property’. The thesis is being supervised by Lee Godden and Jenny Beard. Sam has also founded the Life Poets’ Simplicity Collective (www.simplicitycollective.com) which is a grass roots environmental organization dedicated to creatively promoting and celebrating sustainable culture.

Takele Bulto
Takele Bulto holds LLB and MA degrees from Addis Ababa University, Ethiopia, and an LLM degree from University of Pretoria, South Africa. Takele worked as a judge and lecturer in Ethiopia and a visiting lecturer at the Centre for Human Rights, Faculty of Law, University of Pretoria. He also worked as Programme Coordinator for Child Rights and Child Rights Programming in Eastern and Central African Regional Office of Save the Children, Sweden. Just before taking up his PhD studies at Melbourne Law School Takele was a Legal Officer in a Pan-African Pioneer NGO. Takele’s thesis is entitled ‘The Imperatives of Extraterritorial Application of the Human Right to Water: A Case Study of the Nile Basin’ and explores the operationalisation of the emerging human right to water in Africa. The thesis is supervised by Jacqueline Peel and Carolyn Evans.

Julia Dehm
Julia Dehm is enrolled in an MPhil and her thesis is titled, ‘An Investigation Into the Assumptions Made About the Management of Risk to Indigenous Peoples and Forest-Dependant Communities from REDD+; Indonesia and Beyond.’ The thesis is being supervised by Maureen Tehan and Margaret Young.
Anita Foerster
Anita Foerster completed a double degree in Geography and Law (Honours) at the Australian National University. She joined the law school as a PhD candidate in 2005, researching the law, policy and practice of environmental water allocation. Anita’s thesis is titled, ‘Law, Policy and Practice for Ecologically Sustainable Water Allocation and Management? An Analysis of Institutional Developments to Provide for Environmental Water Needs in the Murray-Darling Basin (NSW and Victoria), 1994-2008’ and is co-supervised by Lee Godden and Jacqueline Peel.

Angus Frith
Angus Frith’s PhD thesis is titled, ‘Sustainable Indigenous Entities for Making Agreements’ and is co-supervised by Lee Godden, Professor Marcia Langton (Centre for Health and Society, Melbourne School of Population Health) and Maureen Tehan.

George Kailis
George Kailis’ PhD thesis is titled, ‘A Public Right to Fish?’ and is co-supervised by Stuart Kaye and Michael Crommelin. George has worked in various organisations as a lawyer, manager and academic and holds a B.Juris, LLB (Hons) and an MBA.

Yoriko Otomo
Yoriko Otomo has worked in several government and non-government environmental organisations, and has contributed to publications relating to sustainable development, environmental law and humanitarian issues. Her doctoral thesis, ‘The Changing Landscapes of Risk’ (supervised by Anne Orford), seeks to develop a semiology of law through a Poststructural feminist analysis of key texts within the law of occupation and international economic law.

Virginie Tassin
Virginie Tassin’s PhD thesis is titled, ‘The Extension of the Continental Shelf: Sanctioning a New Relationship of the State of its Territory’. This project is being conducted under a Cotutelle agreement between the University of Melbourne and La Sorbonne University, Paris.

PhD Completions

Supervisors: Lee Godden and Jacqueline Peel.

Virginie Tassin, ‘The Extension of the Continental Shelf.’
Supervisors: Stuart Kaye, Andrew Mitchell and Jean-Marc Sorel (Sorbonne University).
Advisory Board Members

Associate Professor Pieter Badenhorst (Deakin University)
Pieter Badenhorst is currently an Associate Professor of Law at Deakin University. He was previously professor of Law at the Nelson Mandela Metropolitan University in Port Elizabeth, South Africa. Pieter is admitted as an attorney and notary of the High Court of South Africa. Since 1985 he is author and co-author of 97 articles, notes and case discussions. Pieter is author and co-author of 4 books on South African Property Law and Mining Law. This includes the current Mineral and Petroleum Law of South Africa, which is a commentary on the new South African Mineral law system.

Russell Byard (Senior Member, VCAT)
Russell Byard is a lawyer and Senior Member of the Victorian Civil and Administrative Tribunal, and the Planning and Environment list maintained by VCAT.

Elisa De Wit (Partner, Norton Rose)
Elisa de Wit is a partner in the Melbourne Office of Norton Rose Australia, a leading international law firm. She leads the environment group of the Melbourne Office and heads the Australian climate change practice. With over 20 years of experience, Elisa’s practice covers both environmental and climate change matters, and she has practiced in three Australian jurisdictions and in the United Kingdom. Elisa is the editor of Norton Rose Australia’s environment and climate change newsletter, Legally Green and is also a regular presenter and author of articles on climate change and emissions trading. Elisa was recently named as a “leading lawyer” in the Australasian Legal Business Guide for Environmental Law.

Professor Ray Ison (Monash and Open University, UK)
As Professor of Systems (UK Open University; 1994 - present) Ray Ison has led or facilitated the development of new teaching programs (MSc in Environmental Decision Making, Systems Thinking in Practice, Information Systems and a undergraduate Diploma in Systems Practice) and established the Open Systems Research Group. He was Head of the Systems Department (1995-8; 25 academic staff) then from 2000-04 he successfully coordinated a major interdisciplinary 5th Framework Program (30 researchers, 6 countries) researching social learning for sustainable catchment management as well as running an EPSRC funded Systems Practice for Managing Complexity Network. From 2002 -7 the Environment Agency (England & Wales) funded research to apply social learning to implementation of the European Water Framework Directive. In September 2008 he moved to 0.3 time at the Open University (OU) and a 0.7 Professorship at Monash (Systems for Sustainability) where he has developed a Systemic and Adaptive Governance Research program within Monash Sustainability Institute and the School of Geography & Environmental Science.

Roz Hansen (Managing Director, Hansen)
Roz Hansen is Managing Director of Hansen Partnership, a multi award winning company offering professional consultancy services in urban planning, urban design and landscape architecture. Roz is a highly skilled urban planner with more than 30 years of experience in a diverse range of projects in Australia and overseas. Roz offers a sound understanding of planning and development issues at the local, national and international levels. Her strong leadership qualities, coupled with her excellent communication skills and capacity to think in an innovative and creative manner, have been applied in collaborative projects in Australia and overseas. Roz regularly appears as an expert witness at VCAT and Planning Panels Victoria. A recipient of a Centenary Medal from the Federal Government and her on-going appointment as an Adjunct Professor at Deakin University since 1995 is testimony of Roz’s wealth of experience in the planning arena. She holds a BA and Diploma in Town and Regional Planning from The University of Melbourne, and DipEd from Melbourne State College.
Caroline Johnston (Executive Director, AMPLA Limited)

Caroline Johnston is the Executive Director of AMPLA: The Resources and Energy Law Association. AMPLA is a not-for-profit association that was established in 1976 by a group of young lawyers keen to know more about the law and practice relating to resources and energy. The interests of the Association have extended to include climate change, emissions trading, the environment, native title and all legal aspects of energy production and marketing. As Executive Director, Caroline’s responsibilities include supporting the membership of 900, coordinating the AMPLA publications (Australian Resources and Energy Law Journal and the annual Yearbook), and presenting an annual conference in Australia and a bi-annual conference in South-East Asia.

Sam Johnston (Senior Research Fellow, United Nations University)

Sam Johnston is Senior Research Fellow at the United Nations University Institute of Advanced Studies. Principal responsibilities of this position are to provide strategic guidance to the Director regarding the research priorities of the Institute and develop new research activities for the Institute. His research interests include: international law and policy associated with traditional knowledge, international intellectual property rights law, international environmental law and policy, international biotechnology law and policy, international law of development assistance, international law of the sea and the Antarctica Treaty System.

Professor Craig Pearson (Director, Melbourne Sustainable Society Institute, University of Melbourne)

Professor Craig Pearson FAIAST, GAICD, foundation Director of the Melbourne Sustainable Society Institute. Craig facilitates interdisciplinary research to contribute to creating a sustainable society. His interests are in strategic research management, institutional change, and in disciplinary areas relating to agriculture and cities. He has held senior administrative and professor/honorary professor positions in nine universities in Australia, Canada and China and published several books, the latest co-authored by an art historian.
Events

Book Launches

22 February 2010 *Environmental Law: Scientific, Policy and Regulatory Dimensions*
Professor Philippe Sands, a renowned scholar and Professor of International Law at University College London, launched Professor Lee Godden and Associate Professor Jacqueline Peel’s *Environmental Law: Scientific, Policy and Regulatory Dimensions* (Oxford University Press, 2010) at the Melbourne Law School.

20 April 2010 *Comparative Perspectives on Communal Lands and Individual Ownership: Sustainable Futures*
The Honourable Justice Tony North, from the Federal Court of Australia, launched Professor Lee Godden and Associate Professor Maureen Tehan’s *Comparative Perspectives on Communal Lands and Individual Ownership: Sustainable Futures* (Routledge, 2010) at the Melbourne Law School.

Seminars

5 August 2010 *A Stifling Climate: Democracy, Coal Protest Laws and The Climate Movement*
Presenters: Vanessa Bleyer (solicitor and former President of Lawyers for Forests), Brian Walters SC (former President of Liberty Victoria) and Ellen Roberts (founder of Climate Action, Moreland).

8 November 2010 *Our Forests, Your Pollution: Indonesian Environmentalists Speak Out Against Australia’s Carbon Offset Schemes*
Two climate justice activists from Friends of the Earth Indonesia were joined by Muliadi from Central Kalimantan to discuss Australia’s plans for forest offsets in Indonesia.

New Natures Public Lecture Series

21 April 2010 *The People’s Two Bodies: Modernity and the Endgames of Sovereignty* presented by Professor Eric Santner
In the second seminar of the New Natures Series, Professor Eric Santner, the Philip and Ida Romberg Professor in Modern Germanic Studies at the University of Chicago, presented ‘The People’s Two Bodies: Modernity and the Endgames of Sovereignty’. Professor Santner’s numerous monographs create conversations between political, theological and psychoanalytic theory as well as literary and artistic criticism in reflecting on the nature of human life, law, politics, thought and history.

25 November 2010 *Mistrust, and the Pharmacology of Transformational Technologies* presented by Professor Bernard Stiegler
In this third seminar in the New Natures Series, Professor Bernard Stiegler explored the topic ‘Mistrust, and the Pharmacology of Transformational Technologies.’ Professor Stiegler has held positions as diverse as the Director of the Department of Cultural Development at the Centre Georges Pompidou and a Professorial Fellow at the Centre for Cultural Studies, Goldsmiths University of London.
Workshops

24 March 2010 Climate Change and International Intervention - Examining the Implications of Donor Based Organisations and Ecological Service Provisions

Held at the Melbourne Law School, this workshop for the associated research project examined emerging environmental, political, social and legal issues around recent forms of global environmental governance resulting from new climate change strategies.

16 July 2010 Taxation of Native Title Payments: Legal Workshop

This workshop was organised under the auspices of an ARC Linkage Grant and brought together experts in tax law and native title law to discuss the Treasury’s Consultation paper on Native Title, Indigenous Economic Development and Tax (May 2010). Representatives from Treasury and the ATO attended, as well as Native Title Representative Body lawyers and other lawyers engaged in negotiating and drafting native title agreements.

27 and 28 October 2010 Government of Mongolia Study Tour: Workshop on Mining and Environmental Law

Professor Lee Godden and Associate Professor Maureen Tehan organized and presented at a Workshop as part of a Government of Mongolia study tour organised by the World Bank and funded by AusAID. Angus Frith, PhD candidate also presented. The study tour included three members of the Mongolian Parliament; a senior advisor to the President of Mongolia; the Chairman, Mineral Resources Authority of Mongolia; and a number of lawyers and advisors. Mongolia is a resource rich nation and is currently reviewing its mining and environment protection laws. Issues covered included:

- an overview of Australian mining laws;
- an overview of environmental law and protection as it relates to mining in Australia, EIA processes and water;
- an outline of Australia’s experience in relation to the treatment of mining rights, their use as collateral in financing and financing issues generally;
- Australia’s experience in relation to investment agreements in the mining sector;
- an outline of FIRB policy and requirements in the mining sector in Australia;
- and challenges facing investors in mining joint ventures, particularly minority investors;
- mining taxes and royalty regimes;
- application and enforcement of mining environmental regulation;
- financial assurance and mine closure and third party rights in the regulatory model of rights to explore/mine; and
- corporate social responsibility and agreements as tools for managing social and environmental impacts.
Co-Sponsored Events

CREEL and IILAH

28 October 2010 The End of the Line screening, hosted by IILAH and CREEL

This event included the presentation of the End of the Line, which is the first major documentary on the devastating effect of overfishing and the profound implications of a future world with no fish resulting in certain mass starvation. This presentation was accompanied by commentary from Dr Margaret Young and Melbourne-based writer Ms Hilary McNevin.

Research and Publications

Books


Jacqueline Peel, Science and Risk Regulation in International Law (Cambridge University Press, 2010).

Kirsty Gover, Constitutionalism: States, Tribes and Membership Governance (Oxford University Press, 2010).

Edited Books

Lee Godden and Maureen Tehan (eds), Sustainable Futures: Comparative Perspectives on Communal Lands and Individual Ownership (Routledge, 2010).

Aileen McHarg, Barry Barton, Adrian Bradbrook and Lee Godden (eds), Property and the Law in Energy and Natural Resources (Oxford University Press, 2010).

Miranda Stewart (ed), Housing and Tax Policy Australian Tax Research Foundation Conference Series No 26 (Taxation Institute of Australia, 2010).

Book Chapters


Lee Godden, ‘Governing Common Resources: Environmental Markets and Property in Water’ in Aileen McHarg, Barry Barton, Adrian Bradbrook and Lee Godden (eds), Property and the Law in Energy and Natural Resources (Oxford University Press, 2010) 413.

Lee Godden, ‘Conclusion’ in Lee Godden & Maureen Tehan (eds), Sustainable Futures: Comparative Perspectives on Communal Lands and Individual Ownership (Routledge, 2010) 385.


Maureen Tehan, ‘Customary Land Tenure, Communal Titles and Sustainability: The Allure of Individual Title and Property Rights in Australia’ in Lee Godden and Maureen Tehan (eds), Sustainable Futures: Comparative Perspectives on Communal Lands and Individual Ownership (Routledge, 2010). 354.


Journal Articles – Refereed


Book Reviews


Conference Proceedings


Other


Forthcoming Publications


**Samuel Alexander**, *Just Enough is Plenty: Thoreau’s Alternative Economics* (Stead & Daughters, forthcoming).


External Conference and Seminar Presentations


Jacqueline Peel ‘Issues in Climate Change Litigation’ (Paper presented at Climate Change Governance After Copenhagen, co-hosted by Faculty of Law, University of Hong Kong and Faculty of Laws, University College London, Hong Kong, 4-5 November 2010).


Maureen Tehan, ‘Third party Rights in the Regulatory Model of Rights to Explore/Mine; Corporate social responsibility and agreements as tools for managing social and environmental impacts’ (Paper presented at The Government of Mongolia Study Tour to Australia: Two-day workshop on Australian Mining Law and Environmental Protection (and Cultural Heritage), (Melbourne), 28 October 2010).

Margaret Young, ‘Can International Trade Law Solve Environmental Problems?’, Queen’s College Guest Lecture Program, Queen’s College, University of Melbourne, 13 September 2010).
Margaret Young, 'Climate Change Law and Regime Interaction' (Paper presented at Climate Change Governance After Copenhagen, co-hosted by Faculty of Law, University of Hong Kong and Faculty of Laws, University College London, Hong Kong, 4-5 November 2010).


Margaret Young, 'The Challenge of Food Security’ (Paper Presented at the 3rd Biennial Ingram Colloquium on International Law and Development, UNSW Faculty of Law, Sydney, 14-16 December 2010).


Presentations Research Higher Degree Students


Angus Frith, ‘The mob getting it right for the future: structures and processes of PBCs’ (Paper Presented at the Native Title Conference, Canberra, Australia, 2-3 June 2010).


Government and Law Reform Submissions


Grants

Lee Godden & Mahala Gunther, (in association with other University researchers) were awarded University of Melbourne Social Justice Initiative (SJI) funding for the project, ‘Climate Change and International Intervention – Examining the Implications of Donor Based Organisations and Ecological Service Provisions’ (2009-2010).

Lee Godden, Jacqueline Peel and Rodney Keenan were able to secure a major ARC Discovery Grant ‘Responding to Climate Change: Australia’s Environmental Law and Regulatory Framework’ (ARC Discovery Grant 2009-2011).

Maureen Tehan, Lee Godden, Miranda Stewart, with Marcia Langton, Ciaran O’Faircheallaigh (Griffith public policy) and John Taylor (ANU demographer) secured an ARC Linkage Project Grant for the project ‘Poverty in the Midst of Plenty: Economic Empowerment, Wealth Creation and Institutional Reform for Sustainable Indigenous and Local Communities’. A collaborative project with Industry Partners comprising of the Department of Families, Housing, Community Services and Indigenous Affairs Rio Tinto Ltd, Woodside Ltd, Santos Ltd and Mandarinia (Aboriginal corporation) plus partner investigator contributions from the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) (2009-2012).

Maureen Tehan, Lee Godden, Margaret Young and Kirsty Gover received funding in late 2010 for the ARC Discovery Project: ‘Climate Change Law and Mitigation: Forest Carbon Sequestration and Indigenous Local Community Rights (2010-2014).

Miranda Stewart & Maureen Tehan’s project ‘Harnessing Legal Resources for Indigenous Empowerment’ received a University of Melbourne Knowledge Transfer grant from to work with Native Title Services Victoria to develop a partnership for a) student internships and b) professional development for staff and Board members.

Research Collaborations

Professor Michael Crommelin AO is engaged in an international research project on ‘Oil and Gas Management and Revenues in Federations’, sponsored by the Forum of Federations. Twelve countries are involved: Argentina, Australia, Brazil, Canada, India, Malaysia, Mexico, Nigeria, Pakistan, Russia, U.S.A. and Venezuela. The project concludes in 2010.

Associate Professor Maureen Tehan has been an Expert Academic Reviewer: Comparative Literature Review of Aboriginal Heritage Act (2006) (Vic).

Climate Law Blog

To keep track of Australian and overseas developments in climate change law, Associate Professor Jacqueline Peel has established a climate change law blog. The blog is used to disseminate research undertaken by CREEL researchers on climate change law. To access the blog please follow the link: http://blogs.unimelb.edu.au/peel_climatechange/
Teaching Program

CREEL members taught in the degree programs of the Melbourne Law School. Subjects taught in 2010 included:

The Melbourne JD

**Principles of Public Law**  
Dr Margaret Young

**Property Law**  
Dr Kirsty Gover

The Melbourne LLB

**Environmental Law**  
Professor Lee Godden

The Melbourne Law Masters (LLM)

**Climate Change Law**  
Professor Lee Godden  
Dr Margaret Young

**Environmental Law**  
Associate Professor Jacqueline Peel  
Professor Lee Godden

**Indigenous Peoples, Land and Resources Law**  
Angus Frith  
Dr Kirsty Gover  
Associate Professor Maureen Tehan

**International Environmental Law**  
Professor Stuart Kaye

**Mineral Law, Resources Joint Ventures**  
Professor Michael Crommelin AO

**Planning Law**  
Professor Lee Godden

New Generation Breadth Subject

**Aboriginal Land, Law and Philosophy**  
Associate Professor Maureen Tehan
Research Supervision

Members of CREEL supervise research students in the PhD and Masters of Law programs.

PhD

Samuel Alexander
‘Voluntary Simplicity: Towards a Post-growth Theory of Property’
Supervisors: Lee Godden and Gerry Simpson

Takele Bulto
Supervisors: Jacqueline Peel and Carolyn Evans

George Kailis
‘A Public Right to Fish’
Supervisors: Stuart Kaye and Michael Crommelin

Anita Foerster
Supervisors: Lee Godden and Jacqueline Peel

Angus Frith
‘Sustainable Indigenous Entities for Making Agreements’
Supervisors: Lee Godden, Professor Marcia Langton (Centre for Health and Society, Melbourne School of Population Health) and Maureen Tehan

Virginie Tassin
‘The Extension of the Continental Shelf: Sanctioning a New Relationship of the State of its Territory’
Supervisors: Stuart Kaye, Andrew Mitchell and Jean-Marc Sorel (Sorbonne University)

Masters by Research

Julia Dehm
‘An Investigation into the Assumptions Made About the Management of Risk to Indigenous Peoples and Forest-dependant Communities from REDD+; Indonesia and Beyond’
Supervisors: Maureen Tehan and Margaret Young
Knowledge Transfer Activities

Maureen Tehan and Miranda Stewart have a project in 2010 on developing a support relationship with Native Title Services, Victoria. The project has two elements: provision of student interns and provision of professional advice, assistance and training.

Lee Godden and Jacqueline Peel presented a paper on the ‘Precautionary Principle’ during a Seminar at the Environment Defender’s Office (EDO), 13 July 2010, Melbourne.

Linkages

University

Melbourne Sustainable Society Institute (MSSI)
CREEL has established strong links with University of Melbourne researchers in the energy, resources and environmental fields. CREEL is a member of the Melbourne Sustainable Society Institute (MSSI) which fosters sustainability research on large public issues, by integrating research expertise from a range of disciplinary perspectives, taking a particular focus on Australia and the Asia-Pacific region.
www.sustainable.unimelb.edu.au

Melbourne Energy Institute
CREEL is a knowledge partner of the Melbourne Energy Institute, with CREEL Associate Director Professor Michael Crommelin being a researcher in Energy Law and Regulation. The Melbourne Energy Institute offers the critical capacity to rethink the way we generate, deliver and use energy.
www.energy.unimelb.edu.au

Office for Environmental Programs (OEP)
The Office for Environmental Programs (OEP) coordinates the Graduate Environmental Program at the University and allows access to a wide range of environmentally relevant subjects. CREEL has close links with OEP as Professor Godden is the former director and now is Associate Director for the Office for Environmental Programs. CREEL members teach courses in the program.

International

International Union for the Conservation of Nature (IUCN)
CREEL became a member of the International Union for the Conservation of Nature (IUCN) Academy of Environmental Law, University of Ottawa, Melbourne Law School remains affiliated with the IUCN Academy of Environmental Law at the University of Ottawa Canada. This group is a leading international coalition of Law Schools researching and teaching environmental law.

International Law Association’s Committee on Legal Principles Relating to Climate Change
Associate Professor Jacqueline Peel, Associate Director of CREEL, is an expert member for the International Law Association’s Committee on Legal Principles Relating to Climate Change. The Association’s objectives are pursued through the work of its International Committees, the focal point of its activities being the series of Biennial Conferences. The Committee on Legal Principles Relating to Climate Change was established in November, 2008.
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