

Research Report 2010



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Message from the Associate Dean (Research)



"The report reflects another year of outstanding research from Melbourne Law School staff, doctoral candidates, and students, both graduate and undergraduate."

Welcome to Melbourne Law School's Research Report covering activities in 2010.

Melbourne Law School (MLS) again enjoyed a remarkably productive year; readers of this Report will see the great breadth and depth of scholarly work from staff, doctoral candidates, and students, both graduate and undergraduate. MLS's eminent standing in Australian legal research was confirmed in a top ranking of 5 in the Commonwealth's national research evaluation exercise (known as 'Excellence in Research for Australia'). MLS was also the national leader in competitive research grant income.

The Report provides a comprehensive account of MLS publications and research achievements, demonstrating that MLS research is both public spirited and of outstanding quality. We highlight the work of five academic staff members at various stages of their career so that readers can appreciate in some detail the nature of our contributions to scholarship and public policy. We include the 17 books authored or edited by MLS researchers on a diverse range of areas including environmental law, evidence, human rights, indigenous law, campaign finance, tax and Asian legal systems. This is complemented by 120 articles in refereed journals, many of which are published internationally.

We also showcase the outstanding intellectual contributions of our doctoral candidates. There are profiles of four emerging scholars (one jointly enrolled

at the Paris Sorbonne University) at various stages of their candidacy. In all 13 candidates successfully completed their theses in 2010, going on to careers in fields including academia, public policy making and the judiciary. The MLS research higher degree program continues to grow strong and entry has become highly competitive. We had a very strong field of applicants in 2010 and selected 20 international and domestic students, all of whom have distinguished academic backgrounds and excellent research projects. A list of doctoral students and their topics appears at page 122 of this Report

2010 saw a record nine Australian Research Council (ARC) Discovery projects commence, all examining issues of public importance. These issues included the effectiveness of laws protecting consumers and employees, the regulation of charities, the operation of drug laws in South-East Asia, refugee law, and the exercise of executive power. MLS staff were also successful in gaining two ARC Linkage Projects (which involves collaboration with a government or industry partner): one in collaboration with the Red Cross and another with the State Coroner. MLS continues to attract around a third of all ARC funding in the field of law.

MLS research is facilitated by the association of staff with common research interests into a number of Centres and Research Groups. These assist staff to work together and to interact with the wider research

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community and the legal profession, members of whom are represented on Centre advisory boards. The Centres and Research Groups also play a crucial role in communicating MLS research findings to the general public, through very extensive programs of seminars, workshops and conferences. They provide a point of contact for distinguished international visitors, many of whom engage in joint projects with MLS staff.

The research achievements of MLS reflect the skills and commitment of MLS staff and students. They also reflect the dedication of an excellent team of academic and professional staff providing research support. In 2010, this included Christine Parker and Gerry Simpson, who as Graduate Research Coordinators oversaw the progress of research higher degree students; Matthew Harding who led the Research Support Program and Chris Dent and Tania Voon, who were Grant Mentors.

This was complemented by staff in the Research Office and the Law Library, particularly the Law Research Service. MLS is very fortunate indeed to have Lucy O'Brien as Research Manager, who worked tirelessly to support me as I took up the position of Associate Dean (Research) in the middle of 2010. She leads the highly competent and dedicated team of Mas Generis (who we were glad to see return in a new role), Madeline Grey, Domi Cordoba, Sarah George and Angela Hendley-Boys. I would like to thank Angela in particular for putting this Report together, among her many other

responsibilities.

I would also like to thank Carolyn Evans, my predecessor as Associate Dean. It was a delight to come into this role finding sophisticated research support and research training systems all in place. She has a very obvious commitment to helping staff and students achieve to the best of their abilities.

The MLS has become an extraordinary place to work for anyone interested in major legal questions. Led in 2010 by Michael Crommelin, it is a community of talented and collaborative scholars and students that seek to make novel and perceptive contributions to law and justice, in Australia and internationally. This Report is an important record of their achievements.



Sean Cooney

Associate Dean (Research)

Academic Research Focus



Chris Dent



“Chris’s research interests have involved: intellectual property law, defamation law, privacy law, employment relations law, administrative law and negligence law.”

Dr Chris Dent is a Senior Research Fellow with the Intellectual Property Research Institute of Australia (IPRIA).

Chris has had a research-based position at the Melbourne Law School (MLS) since February 2003 – working first with Professor Andrew Kenyon in the Centre for Media and Communications Law. Prior to that, Chris carried out research with the Victorian Law Reform Commission (VLRC) and the Law Reform Commission of Western Australia (LRCWA). All this was based on undergraduate study and a PhD from Murdoch University in Perth. Over this time, he has researched in the areas of intellectual property law, defamation law, privacy law, employment relations law, administrative law and negligence law. This breadth of work has been supported, and indeed been made possible, by the historical and critical approaches (in terms of the latter, predominantly the work of Michel Foucault) he has adopted.

This interdisciplinary focus is evident in the research projects he worked on in 2010. Chris is a Chief Investigator (CI) on three Australia Research Council (ARC) projects, a researcher on two other ARC projects and was involved in other IPRIA research efforts. The first three ARC projects include one, with Professor Andrew Christie, that is a comparative analysis of the impact, on patent applications, of patent examination in three patent offices (IP Australia, the European Patent Office and the US Patent and Trademark Office). This

work gave rise to one publication, co-authored with Andrew, in 2010 on the issue of “overlapping rights” in patent law. The second ARC project has Chris as lead CI along with Professor Chris Arup of Monash University, Professor William van Caenegem of Bond University and Associate Professor John Howe of MLS. This research focuses on the regulation of intellectual property and “know-how” in the employment relationship. A 2010 publication also arose from this project – this time co-authored with Associate Professor Colin Fenwick and Kirsten Newitt. The third ARC project has Andrew Christie, Professor David Studdert (of MLS and the School of Population Health) and Professor Peter McIntyre (Department of Pharmacology). This project is empirically examining the patenting strategies adopted by pharmaceutical firms around certain medicinal drugs.

The other two ARC projects that Chris contributed to in 2010 involved conducting interviews with lawyers for research into defamation law (with Andrew Kenyon) and finalising outputs from a project with Andrew Christie and Kimberlee Weatherall of the University of Queensland. The latter project was into the operation of the patent opposition system and gave rise to one publication in 2010 with another accepted for publication in 2011. Finally, his non-ARC research focuses on his continued investigation of the history of the patent system (currently looking at the patent cases of the first half of the nineteenth century), alternative approaches to intellectual property (one 2010 publication applied the notion of decentred regulation to copyright in the

Chris Dent

digital sphere) and other research work, including commissioned work, for IPRIA.

His work at IPRIA has also facilitated his law reform and community engagement activities. In terms of the former, his time at the VLRC and the LRCWA fostered his commitment to the value of reasoned changes to the law. The practice-oriented aspects of his research lend themselves to being the foundation of submissions to law reform bodies. Further, IPRIA's role as disseminator of information about the intellectual property system enables Chris to share his research with the patent profession and the general public. One example of this is the series of seminars he gave, with Paul Jensen (of the Melbourne Institute and IPRIA) to the profession in October last year on the topic of the research use exemption in Australian patent law.

Finally, a key interest of Chris' is the promotion of the role of research-only academics within the Law School. He has benefitted from the opportunities that were made available to him by circumstance and seeks to widen the possibilities for research only staff and to further the integration of their positions within the larger collegiate life of the faculty. Chris has served on a number of committees (including the Research Committee, the Law HEAG, the Engagement Committee and the HAPS Ethics Sub-Committee) after asking for research only staff to be included in this important aspect of Law School life. Whilst he has taken, and enjoyed, the route of the research "gigolo," the increased capacity for specialist researchers to contribute more

fully to the faculty is goal of Chris'. As a marker of his goal of greater recognition of research staff, Chris would like to acknowledge those other non-teaching researchers with whom he worked in 2010 – Associate Professor Paul Jensen, John Liddicoat, Dr Amanda Lim, Kirsten Newitt, Fiona Rotstein, Chris Sibree, Dr Russell Thomson and Dr Lachlan Wilson.

Kirsty Gover



"When an indigenous person adopts a non-indigenous child, does that child become legally indigenous? In Canada and New Zealand the answer is 'yes', but in Australia and the United States, the answer is 'no'."

Finding a way to express indigeneity in law is a challenge posed uniquely to settler states like Australia. The significance of legal indigeneity in the political theory of the western settler states is the central theme in the research of Dr. Kirsty Gover, who joined the faculty of Melbourne Law School in 2009.

Kirsty's research tests prevailing theories of indigeneity and tribalism against empirical evidence of tribal practice, combining approaches from sociolegal studies (especially legal anthropology) and the political theory of cultural pluralism. In her recently published book "Tribal Constitutionalism: States, Tribes and the Governance of Membership" (OUP, 2010), Kirsty examines the mismatch between the category of persons who are recognised as legally indigenous and those who are members of indigenous communities. She examines the membership rules used by recognised tribes in Canada, Australia, New Zealand and the United States, and explores the implications of these rules for indigenous-state relationships in those countries. The book is based on an empirical study of more than 700 tribal constitutions and membership codes, most adopted after 1970, and most not available in the public domain. Kirsty shows that tribes use their own concepts of indigeneity and descent to select members and that these concepts have so far largely been ignored by settler states in the development of law and policy on indigenous peoples. When tribes decide on membership criteria, they deploy a wide range of strategies that are

designed to secure tribal political and cultural continuity, to structure their relationships with other indigenous communities, and to meet the legal demands imposed on them by settler states.

One of the controversies addressed in Kirsty's work is the apparently discriminatory impact of tribal membership rules, which seem to exclude people on the basis of their immutable or inherent characteristics (usually their race). In a series of articles published in 2009 and 2010, Kirsty explores the awkward and volatile relationship between human rights law and tribal membership law. ("Comparative Tribal Constitutionalism: Membership Governance in Australia, Canada, New Zealand" (2010) 35 Law and Social Inquiry 689; "Tribal Constitutionalism and Membership Governance in Australia and New Zealand: Emerging Normative Frictions" (2009) 7 New Zealand Journal of Public and International Law 191 and "Genealogy as Continuity : Explaining The Growing Preference for Descent Rules In United States Tribal Membership Governance" (2009) 33 American Indian Law Review 243). The conflict between the two bodies of law is revealed when tribal membership criteria are challenged by persons who have been excluded from tribal membership because they lack biological descent, but who claim membership on the basis of their legal status in settler law, for example, as the adopted child of a tribal member, as the spouse of a tribal member, or as a legally recognised indigenous person. Kirsty suggests that non-discrimination principles embodied in human rights

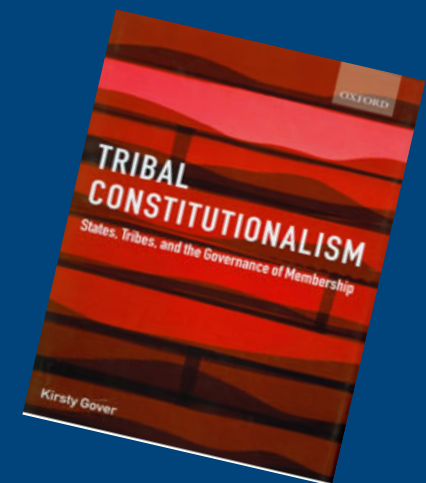
Kirsty Gover

law do not provide a helpful way forward in disputes about the effect of tribal membership rules, because tribal and settler legal systems use different concepts of legal descent (for tribes, descent is generally a measure of biological affiliation, while settler law tends to frame descent as a legal construct, biology notwithstanding). She has argued that the resolution of disputes about tribal membership should be addressed through negotiated agreement through states and tribes on mechanisms to coordinate their respective laws on descent, and not by the adjudication of disputes in a settler court applying settler law. Kirsty's most recent work builds on this approach to frame indigenous-state relationships as a kind of "quasi-international" legal pluralism. She points to the emergence of a "political question doctrine" in the public law and policy of indigeneity in the western settler states, in which courts and parliaments defer to the decisions of the executive branch in its dealings with indigenous peoples, in much the same way as they defer to the executive in matters involving foreign policy ("Indigenous to Whom: The Politics of Adoption and Discrimination in the Treaty Claims Settlements Process", forthcoming, *New Zealand Law Review*, 2011)

Kirsty is a New Zealander, and prior to moving to Australia, she spent 9 years in New York as a researcher and graduate student at Columbia University School of Law and NYU Law School. She is a graduate of the doctoral program at NYU Law School, where she studied under the supervision

of Benedict Kingsbury, and received her J.S.D in 2008. She was the first Institute Fellow at the NYU Institute for International Law and Justice (2002-2004), and was appointed as a Graduate Institute Scholar for the duration of her doctoral studies (2004-2008). She was also the recipient of the New Zealand Tertiary Education Commission Top Achiever Doctoral Scholar scholarship (2004-2008). As a graduate of Columbia Law School LLM Program Kirsty received the James Kent Scholar award for students in the top 1% of the graduating class, and was awarded the Columbia University School of Law Human Rights Fellowship and the Parker School Certificate for Achievement in International Law. Kirsty also has a background in policy work on a wide range of issues related to indigenous rights and governance in New Zealand. She has worked as a government policy advisor of several Treaty of Waitangi claims, and on standard-setting on the rights of indigenous peoples in international law, and served on the New Zealand delegation to the UN intergovernmental drafting committee on the Declaration on the Rights of Indigenous Peoples in 1997 and 1998. Kirsty brings to her work at Melbourne Law School a range of perspectives and theoretical approaches used in the United States, Canada and New Zealand. She hopes to contribute to Australian debates by emphasizing the import of indigenous institutions and law in constitutional and public law, in order to complement and extend the more established body of work on the property rights of Australian indigenous peoples. She also

hopes that her research will assist the elaboration of an existing but small body of comparative political theory centered on the place of indigenous peoples in the western settler states. This scholarship aims to focus on the particular pluralism of settler states, to critically assess the salience of models that have developed in countries without indigenous populations, and to emphasize that indigeneity is not just the legal expression of culture difference, but also a deeply embedded part of the history, constitutionalism, and political theory of settler societies. As part of this enterprise, she will contribute in the coming years to an ARC funded research project as part of a team of researchers led by Associate Professor Maureen Tehan, with Professor Lee Godden and Senior Lecturer Margaret Young, on the potential of carbon sequestration schemes developed as part of the international law of climate change mitigation to benefit indigenous and forest communities.



Jacqueline Peel



"Jacqueline has established her research interests in the areas of environmental law (domestic and international), risk regulation and the role of science, and the intersections of environmental and international trade law"

Jacqueline Peel is an Associate Professor at the Melbourne Law School. She holds the degrees of Bachelor of Science and Bachelor of Laws (Hon I) from the University of Queensland, a Master of Laws from New York University where she was a Fulbright scholar, and a PhD from the University of Melbourne.

In 2003-2004, Jacqueline returned to NYU Law School as a Hauser Research Scholar and Emile Noel Fellow. In 2009 she was awarded one of the inaugural United States' Studies Centre Grants to pursue comparative research on Californian climate change law. Prior to her appointment at Melbourne Law School, Jacqueline completed an internship at the United Nations International Law Commission, working with Professor James Crawford on the Commission's State responsibility articles. From 1997 to 1999 she practised environmental and planning law at the national law firm of Allens Arthur Robinson.

Jacqueline's established research interests are in the areas of environmental law (domestic and international), risk regulation and the role of science, and the intersections of environmental and international trade law. She has published numerous articles on these topics in a number of prominent academic and international journals. In 2010, together with Lee Godden, she published a major work on Australian environmental law: *Environmental Law: Scientific, Policy and Regulatory Dimensions* (Oxford University Press). This book takes an innovative approach to the

conceptualisation of environmental law, considering the governance and regulatory approaches that have evolved to deal with increasingly broader and more complex notions of the environment, as well as cross-cutting challenges for the discipline, such as the demands of internationalisation, integration and calls for the adoption of inter-disciplinary approaches.

Inter-disciplinarity is a feature of another book published by Jacqueline in 2010 – *Science and Risk Regulation in International Law* (Cambridge University Press). This book is based on her thesis examining the use (and abuse) of science in legal risk assessment processes, such as those undertaken by the dispute settlement bodies of the World Trade Organization in cases under the Sanitary and Phytosanitary Agreement. Jacqueline's expertise and scholarship in the field of law/science is also evident in her well-regarded book on the implementation of the precautionary principle (Federation Press, 2005).

In the last few years Jacqueline has expanded her research to focus on the emerging field of climate change law. She has published articles on climate law and climate litigation in leading Australian journals and will contribute several chapters to a new book – *Australian Climate Law in a Global Context* – to be published by Cambridge University Press in 2012. Jacqueline's expertise in the area of climate change litigation has led to invitations to join the editorial board of the new journal, *Climate Law*, as well as to

Jacqueline Peel

international conferences, such as the Hong Kong University/University College London conference on climate governance at which she presented a paper on 'Issues in Climate Change Litigation' in November 2010. Jacqueline is also an expert member of the International Law Association's Committee on the Legal Principles relating to Climate Change. In August 2010 she attended the inaugural meeting of this Committee, held during the Association's biannual conference in the Hague, and will be contributing material to the Committee's second report to be presented at the forthcoming conference in Sofia, Bulgaria in 2012.

Together with Lee Godden and Rod Keenan, Jacqueline holds an ARC Discovery grant to examine the regulatory framework for responding to climate change in Australia. In 2010, the three chief investigators on this project published an article in a special climate change issue of the *Monash Law Review* on the topical question of implementation mechanisms for facilitating the reduction of greenhouse emissions from deforestation in developing countries. The chief investigators are currently finalising a second article on the development of climate law and governance in the absence of centralised international and national regulatory responses. In August 2011, Jacqueline, together with her fellow chief investigators, is convening a multi-disciplinary workshop on the theme 'Beyond a Carbon Price: A Framework for Climate Change Regulation in Australia'. It is anticipated that the papers from the workshop will be collated in an edited book to be published by an international, inter-disciplinary publisher, such as Edward Elgar Press.

Jacqueline's future research agenda continues to pursue the three inter-related areas of her research to date in environmental law, science and risk regulation, and climate change law. For instance, Jacqueline is currently finalising the manuscript for the third edition of *Principles of International Environmental Law*, co-authored with Professor Philippe Sands. She is also co-authoring a chapter on Australia and international environmental law with Dr Tim Stephens of Sydney University as part of the 3rd edition of *International Law in Australia*. In the area of science and risk regulation, Jacqueline has prepared a chapter on the scope of the Sanitary and Phytosanitary Agreement for an international research handbook on trade law and health and environmental regulation, and has been invited to take part in an expert panel on risk regulation within the World Trade Organization convened as part of the Society for Risk Analysis European conference in Stuttgart in June 2011. Bringing together the themes of her risk regulation and environmental law work, are Jacqueline's plans for a major project on climate change litigation in Australia, the United States and in international law. She has submitted an application for a Discovery Project on this topic to the ARC, as well as a book proposal with Cambridge University Press.



Gerry Simpson



"Gerry is currently writing a history of war crimes trials with emphasis on some formative periods of creativity found, for example, at Versailles in 1920, at Tokyo in 1946 and in Jerusalem in 1961. This project has been funded by the Australian Research Council."

Gerry Simpson is a Professor of Law at Melbourne Law School where he holds the Kenneth Bailey Chair of Law and Directorship of the Asia Pacific Centre for Military Law at Melbourne Law School. He also is a Visiting Professor of Public International Law at the London School of Economics where he held a Chair until 2009, and is presently an AFP/Open Society Fellow (based at the University of Tbilisi, Georgia).

Gerry is currently writing, with research assistance from ARC Research Fellow, Monique Cormier, a history of war crimes trials with emphasis on some formative periods of creativity found, for example, at Versailles in 1920, at Tokyo in 1946 and in Jerusalem in 1961. This project (part archival, part synthetic) has been funded, over three years, by the Australian Research Council. Several essays have already been published: "'Stop Calling it Aggression': War as Crime" in *Current Legal Problems*, (2010) argued against the criminalisation of aggressive war while *Satires of Circumstance: Some Notes on Irony and War Crimes Trials* in *"Future Perspectives on War Crimes Trials"* (ed. C. Stahn), Cambridge University Press, (2009) and *Collective Guilt and Individual Responsibility* in A. Nollkaemper & van der Wilt, *"System Criminality in International Law"*, Cambridge University Press. (2009) pursued themes first encountered in Gerry's 2007 book, *Law, War and Crime* (Polity, 2007). In 2011 Gerry will publish an essay on the relationship between deviance and sustainability (Crime and Ecology in *"International Criminal Law*

and Sustainable Development," (ed. S. Joidon et al) (Routledge, 2011)).

The second limb of this project – the working title is *Invoking Humanity* – revolves around four symposia convened here at the Melbourne Law School and supported by the ARC and the Asia Pacific Centre for Military Law. The first, *Untold Stories: The Hidden History of War Crimes Trials*, was held in October 2010. Co-convened with Kevin Heller and Jennifer Balint, this conference gathered scholars from around the world to talk about the field's more obscure instances of institutional innovation and trial practice. A book (to be edited by Kevin Heller and Gerry Simpson, and (probably) published by Oxford University Press) will collect some of the key papers from the conference. A second conference, concerned with international criminal justice's emotional life, directed by Gerry Simpson and Peter Rush and entitled *Affective States of International Criminal Justice*, was held in July 2011 with keynote addresses by Jill Stauffer and Ghassan Hage. Later in 2011, Kevin Heller and Gerry Simpson convened a symposium to mark the 60th anniversary of the Trial of Adolf Eichmann. Finally, next year, Gerry will host an international conference, *The Passions of International Criminal Justice*, drawing on ideas he presented at conferences in London and Melbourne, and in his Inaugural Professorial Lecture at Melbourne Law School. Meanwhile, in 2011, a book drawn from a conference on the 60th Anniversary of the Tokyo War Crimes Trials,

Gerry Simpson

organised by Yuki Tanaka, Tim McCormack and Gerry Simpson in 2009, will be published by Martinus Nijhoff.

Gerry continues to write on the history and theory of international law. He contributed in 2010 to a book (Events in International Law) co-edited (with Richard Joyce and Fleur Johns) by his colleague, Sundhya Pahuja. This essay, Paris 1793 and 1872, read the Paris Commune through the eyes of international humanitarian law and via Alain Badiou's formulation of the "event." Also in 2010, Gerry gave the opening lecture in Raimond Gaita's "Wednesday Lecture Series" at ACU (Who's Afraid of International Law?). Gaita and Simpson will co-edit a book (featuring Tim McCormack and Sundhya Pahuja) arising out of that series. Gerry also will write chapters for two forthcoming Cambridge Companions (International Law in Diplomatic History for a volume on Public International Law to be edited by James Crawford and Martti Koskeniemi, and Atrocity, Law, Humanity in a volume on Human Rights Law to be edited by Costas Douzinas and Conor Gearty).

In 2011, Gerry will continue in his role as a Senior Associate at the Centre for Human Rights in London and as an AFP/Open Society Fellow in Georgia. In that latter role, Gerry, in October 2011, delivered a series of lectures at the University of Tbilisi as well as meeting with academics and university administrators there. In early 2011, he presented at the AFP Meeting in Ephesus in Turkey. Gerry will return to Tbilisi in 2012 to continue

his work in the Caucasus (where he is also a legal advisor to the Georgian Government).

As well as the legal advice given to the Georgian Government, Gerry is involved in two further cases (one concerning a jurisdictional dispute between the US and the European Union).

In 2011, Gerry will teach Public International Law in the JD at Melbourne Law School, and International Criminal Law in both Melbourne and London. Several of Gerry's doctoral research students are working on areas of both international criminal law (Britt Conidi on international criminal law's social context, Magda Karagiannakis on the responsibility of economic actors, Chris Jenks on international humanitarian law) and general international law (Anna Hood on Security Council "legislation", Maddy Chiam on international law as a form of argument about war, Jonathan Kolieb on corporate peace-building, Micaela Sahhar on cultural production and international law in relation to Israel).

Tania Voon



"Tania's research focuses on international economic law, in particular WTO law and its relationship with broader public international law."

Tania Voon has been Associate Professor at Melbourne Law School since 2009, having joined the faculty full time as a Senior Lecturer in 2006, prior to which she was a Senior Fellow from 2002. Tania undertook her LLB (First Class Honours) and Bachelor of Science, as well as a Graduate Diploma in International Law, at the University of Melbourne.

After completing her Articles of Clerkship with the Australian Government Solicitor, she worked as a Solicitor with Mallesons Stephen Jaques from 1998 to 2000. She then embarked on an LLM at Harvard Law School, supported by scholarships from the Australian Federation of University Women, the Foundation for Young Australians, and the International Chapter PEO Sisterhood. Tania completed her PhD in Law at the University of Cambridge, where she was an Honorary Cambridge Commonwealth Trust Scholar and a WM Tapp Scholar of Gonville & Caius College. From 2003 to 2005, Tania was a Legal Officer with the Appellate Body Secretariat of the World Trade Organization ('WTO'). In addition to short stints as an intern with the Treaty Section of the United Nations Office of Legal Affairs in New York and as a consultant to the Organisation for Economic Co-operation and Development in Paris, Tania has taught law as a visitor at Georgetown University, the University of Western Ontario, the Australian National University, Monash University, and Bond University.

Tania's research focuses on international economic law, in particular WTO law and its relationship with

broader public international law. In this capacity she is an Executive Council Member of the Society of International Economic Law, a Vice-Chair of the International Economic Law Interest Group of the Australian and New Zealand Society of International Law, and a Director (with Associate Professor Andrew Mitchell) of the Global Trade program of Melbourne Law School's Institute for International Law and the Humanities. Tania is also an Editorial Board Member of the Journal of International Economic Law and the Indian Journal of International Economic Law, and an Advisory Board Member of the Melbourne Journal of International Law. She has been on the WTO's Indicative List of Governmental and Non-Governmental Panelists for resolving disputes between WTO Members since 2007, when the Australian government nominated her and the WTO's Dispute Settlement Body approved this nomination. In 2009, she spent six months as a Visiting Fellow of the Institute of International Economic Law at Georgetown University Law Center, where she taught WTO trade remedies to JD and LLM students and also to foreign government officials as part of the Fourth Academy of WTO Law & Policy.

Tania's most significant contributions to the field of international economic law have included: (i) advancing knowledge and theory on the relationship between WTO law, preferential trade agreements, and public international law (eg Tania Voon, 'Eliminating Trade Remedies from the WTO: Lessons from Regional Trade Agreements' (2010) 59(3) International and Comparative

Tania Voon

Law Quarterly 625-667; Andrew Mitchell and Tania Voon, 'PTAs and Public International Law' in Simon Lester and Bryan Mercurio (eds), *Bilateral and Regional Trade Agreements: Commentary and Analysis* (Cambridge University Press, 2009) 114-139; and (ii) developing the legal understanding of potential conflicts between trade liberalisation and other public policy objectives such as promoting culture, preserving the environment, and protecting health (eg Tania Voon, 'WTO Law and Risk Factors for Non-Communicable Diseases: A Complex Relationship' in Geert Van Calster and Denise Prévost (eds), *Research Handbook on Environment, Health and the WTO* (Edward Elgar, UK, forthcoming 2012; Andrew Mitchell and Tania Voon, 'Regulating Tobacco Flavours: Implications for WTO Law' (2011) 29(2) *Boston University International Law Journal* 383-425; Andrew Mitchell and Tania Voon, 'Patents and Public Health in the WTO, FTAs and Beyond: Tension and Conflict in International Law' (2009) 43(3) *Journal of World Trade* 571-601; Tania Voon, 'UNESCO and the WTO: A Clash of Cultures?' (2006) 55(3) *International and Comparative Law Quarterly* 635-652; Tania Voon, 'Sizing Up the WTO: Trade-Environment Conflict and the Kyoto Protocol' (2000) 10(1) *Journal of Transnational Law & Policy* 71-108). Her monograph *Cultural Products and the World Trade Organization* (Cambridge University Press: Cambridge, 2007) has been reprinted in paperback and is being translated into Chinese.

Tania has also co-authored with Andrew Mitchell a series of articles on telecommunications in international trade law: 'The NBN and the WTO' (2011) 61(1) *Telecommunications Journal of Australia* 6.1-6.7; 'Open for Business? China's Telecommunications Service Market and the WTO' (2010) 13(2) *Journal of International Economic Law* 321-378; 'Achieving a Common Market for Telecommunications Services in Australia and New Zealand' (2007) 26 *Australian Year Book of International Law* 1-50. This is a continuing area of research for Tania, who is currently completing an extended study of the WTO-consistency of Australia's National Broadband Network and its review of mobile roaming charges between Australia and New Zealand.

Tania's research significantly informs her teaching, particularly in subjects within the LLB, JD, and Melbourne Law Masters programs related to international economic law, WTO law and public international law, such as WTO: Moot Court Competition, WTO Law and Dispute Settlement, Institutions in International Law (a subject taught since 2007, primarily through intensive seminars held over two weeks in Geneva), and Global Lawyer (a new subject taught primarily through intensive seminars held over two weeks in Washington DC and New York). Tania's real-world experiences and collaborations enable her to use current meaningful examples in illustrating legal and other abstract concepts to students. She routinely invites people

from various organisations she has worked with to assist students, for example by providing feedback, discussing potential careers, and presenting guest seminars.

Tania's research is also clearly linked to her engagement with the broader community, where she attempts to advance understanding of the implications of international economic law for various policy, regulatory and legal matters. She has conducted research and training projects with Telstra, the World Health Organization, the Cancer Council Victoria, the Union for International Cancer Control, the Framework Convention Alliance for Tobacco Control, the Canadian International Development Agency, the Australian Department of Foreign Affairs and Trade, and the Intellectual Property Division of the WTO. Most recently, in April 2011, she assisted in convening a workshop jointly hosted by IILAH, the Cancer Council Victoria, and Quit Victoria, on domestic and international legal issues associated with Australia's world-first scheme for the plain packaging of cigarettes. Participants in this timely workshop, which immediately followed the government's release of an exposure draft of the relevant legislation, included academics and representatives of various Australian government departments as well as non-governmental organisations.

Funded Research Grants



Commencing Australian Research Council (ARC) Discovery Projects in 2010

Paul Ali and Ian Ramsay
(2010-2012)

***‘Safeguarding the Financial Well-Being of
Australians by Improving Financial Literacy:
Implications for Consumer Protection Laws’***

Funding: \$276,000

The project will contribute to a broader understanding of the role of financial literacy in Australia and its relationship with Australia’s financial services and consumer protection laws. Having financially literate consumers facilitates the uptake and development of innovative financial products. This is essential for promoting an innovation culture and economy. Higher levels of financial literacy also enable consumers to plan better for their and their families’ financial well being. This also has national benefit as it means that consumers are better prepared to deal with adverse financial consequences of job loss, illness, disablement or death, thus reducing the stresses and demands on Australia’s social welfare safety net.

Helen Anderson
(2010-2012)

***‘Reform of the Personal Liability of
Directors for Unpaid Employee Entitlements’***

Funding: \$143,586

Laws imposing liability on corporate directors must balance responsible governance by directors and the need for appropriate compensation for affected parties with the risk of inhibiting directors’ legitimate commercial decision-making. A pressing issue is the extent to which directors should be liable for unpaid employee entitlements, given the ineffectiveness of the relevant Corporations Act provisions and the burden this places on taxpayers. This project will examine other models of liability, which provide greater deterrence and possible compensation, including incentives to place companies into voluntary administration. The objective is to recommend reform and the employee entitlement provisions.

Elise Bant and Michael Bryan
(2010-2012)

‘The Principles of Proprietary Remedies’

Funding: \$168,000

Property rights are central to Australia’s social fabric and critical to its economy. At this time of financial crisis, when personal bankruptcy and corporate insolvency are on the rise, it is essential to know exactly who owns what, when and why. Yet Australian law is unclear and often inconsistent as to when and why the law imposes property rights in favour of a plaintiff over assets held by a defendant and what those rights should be. This project will address this intolerable uncertainty by determining the proper criteria for the conferral of property rights by law.

Commencing Australian Research Council (ARC) Discovery Projects in 2010

Simon Evans

(2010-2012)

'Executive Power under the Australian Constitution: Definition, Delimitation and Accountability'

Funding: \$213,000

The executive branch of government is the central actor in protecting Australia from terrorism and crime, as it is in other countries. The executive is also central to defence, immigration control as well as critical domestic policy domains. Understanding the nature and scope of executive power, and how it is regulated and rendered accountable, is therefore vital to good governance and successful protection of Australian interests. This project will provide the first integrated, broadly based and comparatively informed analysis of executive government under the Constitution since the emergence of Australian constitutional nationalism in the High Court in the 1990's and since the executive assumed expanded powers in the post 9/11 world.

Michelle Foster and James Hathaway

(2010-2012)

'The Law of Refugee Status: A Theoretical and Comparative Analysis'

Funding: \$286,000

This project will make a significant contribution to international refugee law scholarship, thus consolidating Australia's place as a centre for excellence in international refugee law. In addition, the project will have immediate practical relevance for individual refugee status determination in all states parties to the Convention, especially Australia, in its utility for practitioners, advocates and decision makers. It will also provide a principled basis for future policy development in Australia and abroad. It will therefore make a significant contribution to an area of law that is vital to Australia's future and to the international community as a whole.

Tim Lindsey and Pip Nicholson

(2010-2012)

'Drugs, Law and Criminal Procedure in Southeast Asia: A Comparative Analysis'

Funding: \$281,000

Australians accused of major drug offences in Southeast Asia face very serious penalties, including death or life imprisonment. There is, however, a lack of accurate information in Australia regarding how drugs trials are conducted in the region, let alone detailed knowledge of applicable laws and procedure. There is now an acute need for detailed comparative material on criminal laws and judicial processes in Indonesia, Vietnam and Singapore, so better support can be provided both for Australians facing drug related charges and for Australian governments in developing policies and strategies in response to the issues these trials create.

Commencing Australian Research Council (ARC) Discovery Projects in 2010

Ann O'Connell, Miranda Stewart and Matthew Harding
(2010-2012)

'Defining, Regulating and Taxing the Not-for-Profit Sector in Australia: Law and Policy for the 21st Century'

Funding: \$386,000

The not for profit sector is crucial to the economy and social inclusion in Australia. The sector's role and significance is growing but it struggles with complex and disparate taxation requirements and piecemeal supervision by state and federal governments. This project addresses both the needs of the sector and public expectations of it by comprehensively researching legal definition, regulation and tax rules and recommending appropriate reform, thereby making a significant contribution to National Priority Research area, Promoting and Maintaining Good Health and Well Being, Priority Goal 4, 'understanding and strengthening key elements of Australia's social and economic fabric'.

Gerry Simpson
(2010-2012)

'A Conceptual History of War Crimes Trials'

Funding: \$249,000

Promoting justice around the globe is an end in itself as well as a means of avoiding the sort of mass social disruption that threatens the global commonwealth (and, therefore, Australia). It is imperative that this system be exposed to a critical historical analysis. The project will clarify precisely what is at stake in Australia's long commitment to war crimes law and establish Australia as a global centre for international criminal justice at a transformative moment in the history of the international legal order. The specific aim is to write an intellectual history of international law's encounter with the problem of evil and the possibility of rehabilitation and redemption through criminal trial.

Joo-Cheong Tham, Brian Costar and Graeme Orr
(2010-2012)

'Dollars and Democracy: The Dynamics of Australian Political Finance and its Regulation'

Funding: \$129,000

This project will provide a foundation for meeting the complex challenge of realising democratic principles given the various flows of money in politics. Its analyses reform recommendations, and data will serve the national benefit by enabling the political and electoral system to better advance the democratic functions of parties; the principles of transparency, equality and liberty; and the prevention of corruption and its perception. The public availability of its data will enhance political reporting and accountability. It will also contribute significantly to the international literature on political finance through its comparative examination of theoretical explanations and democratic principles.

Commencing Australian Research Council (ARC) Linkage Projects in 2010

Tim McCormack, Nicholas Crofts and Stuart Kaye
(2010-2012)

‘Substance Use in Prisons and Other Closed Settings: Identifying Appropriate and Effective Legislative Frameworks for a Harm Reduction Approach’

Funding: \$142,000

Partner Organisation: Australian Red Cross

Influencing laws on drugs in closed settings to reflect public health approaches will directly benefit incarcerated individuals and wider communities in Cambodia and in Australia. Australian Red Cross has a long-standing commitment to improving vulnerable peoples' lives as well as a deep-seated community identity; it will facilitate the implementation of its research findings through its prisons programs. Collaborations with AusAID-funded HIV prevention, substance abuse and criminal justice reform initiatives (including HIV/AIDS Asia Regional Program (HAARP) and Cambodia Criminal Justice Assistance Program (CCJAP)) will strengthen Australia's contribution to civil society and public health in Cambodia, and simultaneously reinforce Australia's reputation as a leader on substance use and harm reduction issues.

David Studdert, Jane Pirkis and Graham Sewell
(2010-2012)

‘Learning from Preventable Deaths: A Prospective Evaluation of Reforms to Coroners’ Recommendation Powers in Victoria’

Funding: \$269,000

Partner Organisations: Department of Justice
Office of the State Coroner

Coroners in Australia investigate nearly 13,000 deaths each year and have a unique vantage point on health and safety risks. The public as a whole will benefit from information that helps translate those insights into system changes that work to prevent injuries and accidents from occurring. This project is designed to produce such information. It will also serve stakeholders at several other levels. By illuminating circumstances in which coroners recommendations produce positive change, project findings will help coroners shape and disseminate their prevention messages for maximum effect. Also, for states interested in modifying or boosting coroners' recommendation powers, our findings will help guide reforms.

Graduate Research Focus



Takele Soboka Bulto



“Takele Soboka Bulto is a third year PhD student and one of the five Inaugural Teaching Fellows since 2009.”

Takele took his LL.B Degree from Addis Ababa University (Ethiopia), LL.M Degree in Human Rights and Democratisation from University of Pretoria and M.A Degree in International Relations (Addis Ababa University). Takele specialises in international, regional and comparative human rights law, with a special focus on the African human rights system. His doctoral research cuts across international human rights law and international water law, and analyses the adequacy of the human rights frame work to ensure the realisation of the human right to water in situations of scarcity. His PhD thesis, supervised by Professor Carolyn Evans and Associate Professor Jacqueline Peel, is entitled: Rights, Wrongs and the River Between: Extraterritorial Application of the Human right to Water in Africa.

Taking the predominantly shared nature of freshwater resources, Takele’s PhD thesis examines the emerging problem of extraterritorial application of human rights. His focus is on the realisation of the right in Africa, where all states Share River as between/among them. The thesis seeks to answer the question of whether states owe extraterritorial obligations directly to individual and group right holders in a co-riparian state’s territory for the realisation of their human right to water. Towards the end of 2010, his research was nearing its completion, and he presented his completion seminar on 2 June 2010 at the Melbourne Law School’s semi-annual Colloquium. He also had the chance to present his near-complete thesis at the Conference of Association of Transatlantic Law

Schools (ATLAS Agora), in June-July 2010 at the New York University’s School of Law, USA.

A former judge of Oromia State Supreme Court in Ethiopia, Takele has ample national and international experience as a human rights lecturer, researcher, practitioner and consultant. Before commencing his PhD, he had practiced before the two African (continental) human rights tribunals: the African Commission on Human and Peoples’ Rights and the African Committee of Experts on the Rights and Welfare of the Child. As a Legal Officer at a Pan African NGO, the Institute for Human Rights and Development in Africa (Banjul, The Gambia), he represented victims of human rights violations from Zimbabwe, Ethiopia, Kenya and Angola and successfully defended their cases before the two African continental human rights tribunals. He had been a visiting lecturer at the Centre for Human Rights, University of Pretoria (South Africa). He also held a position of Part-time Assistant Professor in 2007, 2009 and 2010 at Addis Ababa University’s School of Law in Ethiopia.

Takele’s research works have been published in American, Australian, UK, South African, Kenyan and Ethiopian Journals or books. Alongside his PhD research, Takele published some nine articles in journals and book chapters (available on SSRN). His recent publications include: ‘Between Ambivalence and Necessity in the Nile Basin: Occlusions on the Path towards a Basin-

Takele Soboko Bulto

Wide Treaty' 20(3) Colorado Journal of International Environmental Law and Policy (2010) 291-320; and, 'The Utility of Cross-Cutting Rights in Enhancing Justiciability of Socio-Economic Rights in the African Charter on Human and Peoples' Rights' 29 (1) University of Tasmania Law Review (2010) 142-176. His forthcoming work, entitled: 'Judicial Referral of Constitutional Disputes in Ethiopia: From Practice to Theory' has been accepted for publication in 19(1) African Journal of International and Comparative Law (2011).

Maria Elander



"In contemporary discourse on international criminal justice, the victim is paradoxically both hyper visible and invisible. On the one hand, the victim stands at the centre by constituting the very foundation for which justice is sought. On the other hand, the victim as a figure is curiously under-theorized."

Maria's doctoral research, supervised by Associate Professor Peter Rush and Professor Dianne Otto, Maria examines the figure and the figuration of the victim in a critical reading of the discourse on international criminal justice. In particular, her research asks how the victim can speak in and through international criminal law, what types of victim are figured in international criminal law, and how to understand the figurations of the victim that now exist in the field.

A geographic site where tensions surrounding the figure of the victim are currently being mediated is Cambodia. The Extraordinary Chambers in the Courts of Cambodia (ECCC) was set up in 2006 to try the highest surviving leadership of the Democratic Kampuchea for their responsibility in what in everyday language is known as the Khmer Rouge Genocide. The research will examine how the court works with victims, alongside an investigation of the work by the permanent International Criminal Court (ICC).

Maria began her PhD-research in early 2010. Before moving to Melbourne to begin the PhD-research, she lived in Cairo where she worked at the American University of Cairo as a research assistant and conference coordinator, and at local human rights organisations. She holds a Master in Human Rights Law from the School of Oriental and African Studies in London, and Bachelor degrees in Arabic and Political Science from Uppsala University, Sweden.

In December 2010, Maria co-organised together with Sara Dehm the Melbourne Doctoral Forum on Legal Theory under the theme Figuring borders, bordering figures. Through the support of Melbourne Law School academics acting as discussants and the work of MLS PhD-candidates, the forum has within a few years developed into an anticipated annual event for early academics who in different research projects and disciplines engage with law and its theoretical and methodological questions. This year's forum was attended by PhD-candidates and early career researchers from Melbourne, other universities in Australia as well as overseas and provided a collegial and intellectually stimulating environment.

In 2011, Maria will travel to The Hague to interview staff at the permanent International Criminal Court about how various units of the Court work with victims. This will be followed by a longer stay in Phnom Penh, Cambodia, where she will interview local NGOs and staff at the Extraordinary Chambers in the Courts of Cambodia. This will provide an opportunity to discuss with practitioners the ways in which they perceive and attend to challenges that arise in the pursuit of justice for victims.

Whilst in Europe, Maria will also present her work at the conference 'Towards a Radical International Law' at the London School of Economics and at the Legal Workshop of the European Society of International Law Research Forum in Tallinn.

James Parker



"There is a real sense of community amongst the students and scholars here, a culture which is both intellectually generous and open-minded."

Melbourne Law School is an exciting place to be doing jurisprudence at the moment, particularly at the more critical end of the theoretical spectrum. As far as James's own work is concerned, he feels lucky to have been given the freedom and, above all, the encouragement to pursue a line of thought which might well have been given shorter shrift elsewhere. Supervised by Professor Andrew Kenyon and Associate Professor Shaun McVeigh, his research concerns the relationship between law and sound.

If this avenue of inquiry sounds strange today it is because as a community of jurists we have become deaf to law and to the problem of the acoustic. It was not always this way. Sound and resonance were central aspects of Pythagoras' cosmology. Plato would have expelled both the musician and the poet-orator from his ideal state and Cicero, by contrast, understood eloquence in speech to be amongst the lawyer-statesman's most important skills. Courtrooms such as London's cavernous Old Bailey or the Hague's Great Hall of Justice derive much of their aesthetic power precisely from their acoustic qualities, that impressive reverberation. And if the gavel remains a crucial symbol of judicial authority today, it is because it invests in the judge the right to speak and determine who speaks: to control, that is, the juridical 'soundscape'.

James's doctoral thesis takes the form of a case study. Between September 2006 and December 2008 renowned Rwandan singer and popular figure Simon

Bikindi stood trial before the International Criminal Tribunal for Rwanda, accused of inciting genocide with his songs and speech. In his thesis he takes the written, audio and audio-visual archive from this case and use it to open up a form of jurisprudence concerned specifically with the acoustic dimensions of law and justice.

So far, James has presented aspects of his doctoral work in Montreal, Melbourne and the Gold Coast and will be doing so again at a series of conferences in Australia, England, Wales and Germany later on in 2011. A piece entitled 'The Soundscape of Justice' is forthcoming in the Griffith Law Review.

As far as the institutional life of the law school is concerned, James is the current president of the Postgraduate Law Students Association. In February 2010, James convened with Rebecca Goodbourn the second instantiation of the Melbourne Forum on Doctoral Legal Theory which will be convened again for a fourth time at the end of 2011.

James holds an undergraduate degree in jurisprudence from Oxford and an LLM by research from the University of McGill. He has taught at a number of universities throughout Australia, had both his academic work and music journalism published and can be heard from time to time on Melbourne's PBS radio.

Virginie Tassin



“Virginie finished her PhD this year after 3 years of work between Australia and France. She now holds a double badged PhD from Melbourne Law School and the Sorbonne University in Paris. She has been undertaking her PhD in Cotutelle, which is a form of shared supervision between two different countries. This cotutelle signed with France has been the first one in the history of Melbourne Law School.”

Virginie has been working on a law of the sea subject “The extension of the continental shelf”, under the supervision of J-M Sorel, Stuart Kaye and Andrew Mitchell. Her thesis investigates the impact of the extension of the continental shelf in International Law, proposing a new relationship of the State to its territory and examining the challenges awaiting the extension procedure’s implementation, legally and politically. Her thesis is very much at the heart of today’s news as her subject deals with the forms of control and jurisdiction of States on the seabed beyond 200 nautical miles, as well as with the issues related to the exploration and exploitation of these ocean areas, including for example Arctic.

During her PhD, Virginie was based in Melbourne and undertook regular research return trips to France. She complied with the PhD requirements of Melbourne Law School and with the one of the Sorbonne and had a public defense exam at the Sorbonne last June who gathered two judges from the International Tribunal for the Law of the Sea (J-P Cot and T. Treves); as well as A.G. Oude Elferink and her main two supervisors, S. Kaye and J-M Sorel. Following a 2.5 hours of oral defense in French and English, Virginie has been awarded a double badged diploma, without further examinations or amendments in Australia, and with High distinction, PhD Prize and Funding for Publication in France. Virginie received also during her candidature a PhD Cotutelle Scholarship from the Sorbonne University, acknowledging the excellence of her PhD subject and

her initiative and efforts in setting up a new cotutelle agreement.

While doing her PhD, Virginie has been consulting for the World Health Organisation on illicit tobacco trade, she has been also admitted to a pluridisciplinary programme at the European University dedicated to sea knowledge, and has been the first student of the Law School to be admitted to the Certificate of Advanced Learning and Leadership of the School of Graduate Research. She co-created with Lenka Vodstrcil and Liam Connell the project “Natopia: community garden toolkit”, dedicated to the urban sustainable development of the city of Melbourne, project which was supported by the Melbourne Sustainability Society Institute. Virginie has been also invited to work for the Victoria’s Climate Change Adaptation Programme on the effective use and implementation of climate change scenarios in Victoria, and she has been invited to represent Australia at an ad hoc think tank in Beijing organized by Griffith University and Pekin University dedicated to the Future Knowledge Economy of Asia Pacific.

Virginie also holds an LLM in International Economic Law awarded with High distinction from the Sorbonne University as well as a Graduate Diploma of Commerce from the University of Sydney. Before starting her PhD, she had the opportunity to work for the French Trade Mission in Ho Chi Minh City in Vietnam, for the leading aerospace European company in France, EADS Astrium, and for Blake Dawson in Sydney in the Trade and

Virginie Tassin

Transport team. Shortly after finishing her PhD, Virginie has been hired by the International Tribunal for the Law of the Sea, where she still works. The Tribunal is part of the UN system and is the only tribunal specialized in all sea matters. Since she arrived, Virginie has been working on the first advisory opinion of the Chamber of Seabed Disputes related to the responsibilities and obligations of States sponsoring persons and entities with respect to activities in the Area and on the current delimitation case between Bangladesh and Myanmar, first case before a UN Tribunal bringing the question of the extended continental shelf. Virginie has been also appointed as a delegate at the Army-Youth Commission, a pluridisciplinary advisory body, giving advices to the French Defense Minister in regards to the relationship between youth civil society and the French army.

Since this year, Virginie is in charge of the European Union chronicle in the Law of the Sea Yearbook of Monaco, one of the most prestigious law of the sea yearbook in the French community. She will be shortly publishing a couple of articles related to her PhD and is currently working on the publication of her PhD, both in French and English.

Virginie has just been awarded a PhD Prize from the Law of the Sea Institute (INDEMER) of Monaco for the year 2010, prize that has not been given since 2007, offering the publication of her thesis with one of the most prestigious french publishers. This prize will awarded to Virginie on the 10th of November 2011 in Monaco.

Student Research Prizes



2010 Harold Luntz Graduate Research Thesis Prize



"Dr Jothie Sauntharajah is currently working as a Visiting Scholar at the American Bar Foundation in Chicago before taking up the appointment as a Research Professor. She also holds a Visiting Affiliate position with the Asia Institute at the National University of Singapore and a Visiting Researcher at the Faculty of Law at the National University of Singapore."

The Harold Luntz Graduate Research Thesis Prize is awarded annually to the Melbourne Law School graduate research student judged to have presented the best thesis in the previous year, provided that the nominee meets an overall level of excellence required for the award. It is named for Emeritus Professor Harold Luntz, a world expert on torts law and a former dean and professor at Melbourne Law School.

The 2010 Harold Luntz Graduate Research Thesis Prize was won by:

Dr Jothie Sauntharajah

Legislating Illiberalism: Law, Discourse & Legitimacy in Singapore

Dr Sauntharajah was supervised by Professor Pip Nicholson, Professor Abdullah Saeed and Professor Li-Ann Thio.

Dr Sauntharajah's thesis analysed a wide range of Singaporean statutes in order to show how law and a narrative of territorial and economic vulnerability has muted critique and augmented state power while strategically sustaining state legitimacy. She presented a template for such 'illiberal legitimacy', warning that this new legality risks becoming entrenched in Singapore and adopted by other states.

The Selection Committee for the Prize said that 'Dr Sauntharajah's thesis is brilliantly argued and elegantly written. It reflects the determination and creativity Dr Sauntharajah took to her scholarship, producing an intellectual contribution that is well beyond that expected of a doctoral student. The thesis received unreserved acclaim from the two examiners and both recommended Dr Sauntharajah for the Chancellors' Prize for Excellence in the PhD Thesis.'

Student Published Research Prize

The Student Published Research Prize is awarded annually for outstanding pieces of writing by students of the University of Melbourne Law School.

Two prizes are awarded, one to a PhD or Masters law student and the other to an LLB or JD student.

Postgraduate 2010 Winner

Ms Roisin Burke

'Status of Forces Deployed on UN Peacekeeping Operations: Jurisdictional Immunity'

(2010) 16 (1) *Journal of Conflict and Security Law* 63-104

LLB/JD 2010 Joint Winners

Mr Eamonn Hortle

'Third-Line Forcing and the Notification Process; Yet Another Reason to Abolish the Per Se Prohibition'

2010) 18(1) *Competition and Consumer Law Journal* 39-70



Mr Jack O'Connor

'The Enforceability of Agreements to Negotiate'

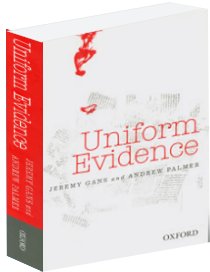
University of Tasmania Law Review
(forthcoming 2011)



Published Research 2010



Books Authored



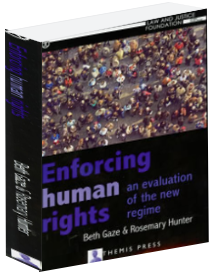
Uniform Evidence

Jeremy Gans and Andrew Palmer

Publisher: Oxford University Press

ISBN: 978-0-19-556729-8

Year: 2010



Enforcing Human Rights: An Evaluation of the New Regime

Beth Gaze and Rosemary Hunter

Publisher: Federation Press

ISBN: 978-1-92111304-8

Year: 2010



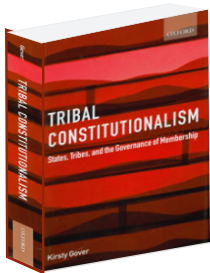
Environmental Law: Scientific, Policy and Regulatory Dimensions

Lee Godden and Jacqueline Peel

Publisher: Oxford University Press

ISBN: 978-0-19-555876-0

Year: 2010



Tribal Constitutionalism: States, Tribes, and the Governance of Membership

Kirsty Gover

Publisher: Oxford University Press

ISBN: 978-0-19-958709-4

Year: 2010



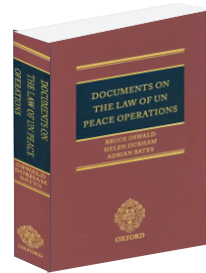
Tax Avoidance in Australia

GT Pagone

Publisher: Federation Press

ISBN: 978-1-86-287794-8

Year: 2010



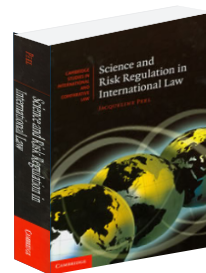
Documents on the Law of UN Peace Operations

Bruce Oswald, Helen Durham and Adrian Bates

Publisher: Oxford University Press

ISBN: 978-0-19-957126-0

Year: 2010



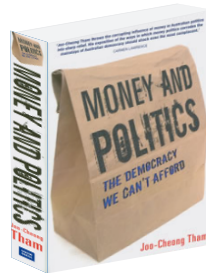
Science and Risk Regulation in International Law

Jacqueline Peel

Publisher: Cambridge University Press

ISBN: 978-0-52-176863-4

Year: 2010



Money and Politics: The Democracy We Can't Afford

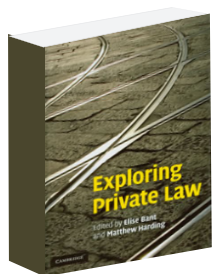
Joo-Cheong Tham

Publisher: University of New South Wales Press

ISBN: 978-1-92-141009-3

Year: 2010

Edited Books



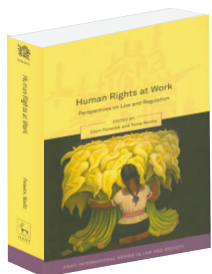
Exploring Private Law

Elise Bant and Matthew Harding

Publisher: Cambridge University Press

ISBN: 978-0-52-176435-3

Year: 2010



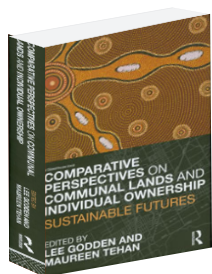
Human Rights at Work: Perspectives on Law and Regulation

Colin Fenwick and Tonia Novitz

Publisher: Hart Publishing

ISBN: 978-1-84-113998-2

Year: 2010



Comparative Perspectives on Communal Land and Individual Ownership: Sustainable Futures

Lee Godden and Maureen Tehan

Publisher: Routledge

ISBN: 978-0-41-545720-0

Year: 2010



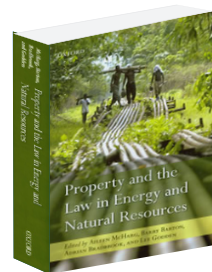
New Courts in Asia

Andrew Harding and Pip Nicholson

Publisher: Routledge

ISBN: 978-0-41-547005-6

Year: 2010



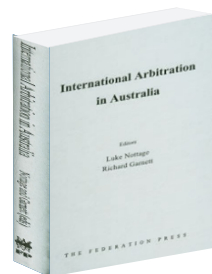
Property and the Law in Energy and Natural Resources

Aileen McHarg, Barry Barton,
Adrian Bradbrook and Lee Godden

Publisher: Oxford University Press

ISBN: 978-0-19-957985-3

Year: 2010



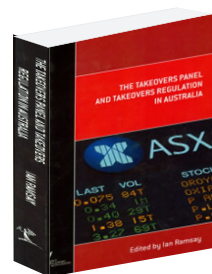
International Arbitration in Australia

Luke Nottage and Richard Garnett

Publisher: Federation Press

ISBN: 978-1-86-287805-1

Year: 2010



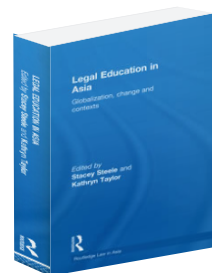
The Takeovers Panel and Takeovers Regulation in Australia

Ian Ramsay

Publisher: Melbourne University Press

ISBN: 978-0-52-285839-6

Year: 2010



Legal Education in Asia: Globalization, Change and Contexts

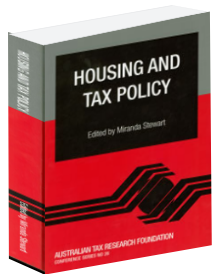
Stacey Steele and Kathryn Taylor

Publisher: Routledge

ISBN: 978-0-41-549433-5

Year: 2010

Edited Books



Housing and Tax Policy

Miranda Stewart

Publisher: Australian Tax Research Foundation

ISBN: 978-0-94-948200-6

Year: 2010

Revised Books



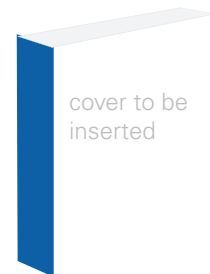
Ford's Principles of Corporations Law (14th edition)

Robert Austin and **Ian Ramsay**

Publisher: LexisNexis Butterworths

ISBN: 978-0-40-932644-4

Year: 2010



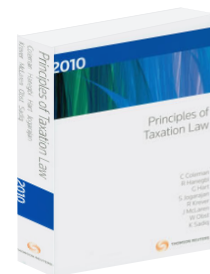
Blackstone's Statutes on Intellectual Property (10th edition)

Andrew Christie and Stephen Gare

Publisher: Oxford University Press

ISBN: 978-0-19-958240-2

Year: 2010



Principles of Taxation Law (3rd edition)

Cynthia Coleman, Rami Hanegbi,

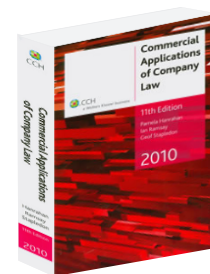
Geoffrey Hart, **Sunita Jogarajan**,

Richard Krever, John McLaren, Wes Obst
and Kerrie Sadiq

Publisher: Thomson Reuters

ISBN: 978-0-86-460647-1

Year: 2010



Commercial Applications of Company Law (11th edition)

Pamela Hanrahan, **Ian Ramsay** and

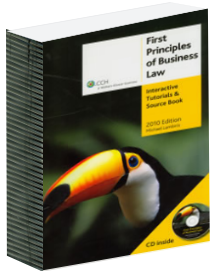
Geof Stapledon

Publisher: CCH Australia

ISBN: 978-1-92-159344-4

Year: 2010

Revised Books



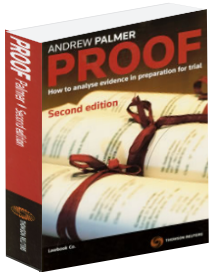
First Principles of Business Law: Interactive Tutorials & Source Book (3rd edition)

Michael Lambiris

Publisher: CCH Australia

ISBN: 978-1-92-159345-1

Year: 2010



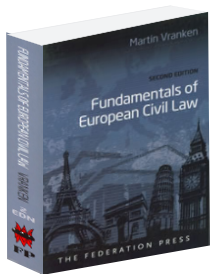
Proof: How to Analyse Evidence in Preparation for Trial (2nd edition)

Andrew Palmer

Publisher: Thomson Reuters

ISBN: 978-0-45-522738-2

Year: 2010



Fundamentals of European Civil Law (2nd edition)

Martin Vranken

Publisher: Federation Press

ISBN: 978-1-86-287756-6

Year: 2010

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Other Journal Contributions

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Ting, M, 'Building on Shaky Ground: Quality and Safety in China's Construction Industry in the Wake of the Wenchuan and Yushu Earthquakes' (2010) 10 *Australasian Journal of Construction Economics and Building* 62-75

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Voon, T, 'Introductory Note to WTO Appellate Body Report: China - Measures Affecting Trading Rights and Distribution Services for Certain Publications and Audiovisual Entertainment Products' (2010) 49 *International Legal Materials* 516-518

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Langton, M and **Frith, A**, 'Legal Personality and Native Title Corporations: The Problem of Perpetual Succession', Dialogue About Land Justice: Papers from the National Native Title Conference', Aboriginal Studies Press, Australia, 2010

Saunders, C, 'Form of Government: Evaluating the Principal Options' in B Adhikari (ed), Nepal: Design Options for the New Constitution, Nepal: Nepal Constitution Foundation, Tribhuvan University Faculty of Law, Supreme Court Bar Association, Nepal, 2010

Stewart, M, 'Housing and Tax Policy: New Directions' in M Stewart (ed), Housing and Tax Policy, Australian Tax Research Foundation, Australia 2010

Wood, G, Ong, R and **Stewart, M**, 'Housing Taxes and the Supply of Private Rental Housing' in M Stewart (ed), Housing and Tax Policy, Australian Tax Research Foundation, Australia, 2010

Reports/Working Papers

Behrens, J and **Fehlberg, B**, *Submission on the Family Law Amendment (Family Violence) Bill 2010*, Australian Law Reform Commission, Australia (2010)

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Johnstone, R and **Parker, C**, *Enforceable Undertakings in Action - Report of a Roundtable Discussion with Australian Regulators*, Melbourne Law School, Australia (2010)

Patmore, G, *Happiness as an Objective of Labour Law*, Report No 48, Centre for Employment and Labour Relations Law, Melbourne Law School, Australia (2010)

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Reports/Working Papers

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Research Centres, Institutes & Groups



Asia Pacific Centre for Military Law



“The Asia Pacific Centre for Military Law (APCML) was established in 2001 as a collaborative initiative of Defence Legal in the Australian Department of Defence and the Melbourne Law School.”

The Centre aims to provide a locus for critical engagement with the international and national law of war and armed conflict, to facilitate cooperation amongst military forces of the Asia Pacific Region in the research, training and implementation of the laws governing military operations and to promote greater understanding of and increased respect for the Rule of Law in all aspects of military affairs both within the Australian Defence Force and amongst militaries in the Asia Pacific Region.

At the core of the Centre is the work of a cohort of doctoral students working in areas of both international criminal law (Sasha Radin on the status of organized Armed Groups under International Humanitarian Law, Michelle Lesh on Israel’s Policy of Targeted Killing and International Humanitarian Law, Britt Conidi on international criminal law’s social context, Magda Karagiannakis on the responsibility of economic actors, Chris Jenks on international humanitarian law) and general international law (Anna Hood on Security Council “legislation”, Maddy Chiam on international law as a form of argument about war, Jonathan Kolieb on corporate peace-building, Micaela Sahhar on cultural production and international law in relation to Israel). Doctoral students in the Centre run the APCML in the Round seminar series and occasional lectures.

People

In 2010, the Director of the Centre was Professor Gerry Simpson. The Deputy Director was Group Captain Alan Hemingway. Associate Professor Alison Duxbury was

the Associate Director (University node) and Mr Peter Jeffrey was the Associate Director (Military node). Professor Dianne Otto is Project Director for Peace-Keeping, Kevin Heller is Project Director for International Criminal Law and Professor Tim McCormack is Project Director for External Liaison. Rain Liivoja is the current APCMOE Fellow based in the Centre.

Additional staff from the Melbourne Law School who were associated with the Centre in 2010 included Associate Professor Andrew Mitchell, Associate Professor John Tobin and Associate Professor Tania Voon. Dr Bob Mathews was a Principal Research Fellow in the Centre. The Rt Hon Malcolm Fraser AC CH, Professorial Fellow of the University of Melbourne and The Hon Alastair Nicholson AO RFD QC, Professorial Fellow, Melbourne Law School were also attached to the Centre. Ms Cathy Hutton was the Centre Administrator.

Visitors in 2010

Professor Roger Clark - Rutgers Law School

Professor Rob Cryer - University of Birmingham

Professor Mark Drumbl - Washington & Lee University

Dr Jeremy Farrall - Asia-Pacific College of Diplomacy, ANU

Dr Gina Heathcote - SOAS, University of London

Lt Col Christopher Jenks - US Army, Chief of the International Law Branch, Office of The Judge Advocate General

Mr Rain Liivoja - Research Fellow, University of Helsinki

Asia Pacific Centre for Military Law

Dr Nils Melzer - Legal Adviser, International Committee of the Red Cross

Ms Vicki Metcalfe - Humanitarian Policy Group of the Overseas Development Institute (ODI)

Lt Col Dan Mori - US Marine Corps, Senior Military Judge

Associate Professor Greg Rose - University of Wollongong

Professor Michael N. Schmitt - Professor of Public International Law, Durham University Law School

Professor David Sloss - Santa Clara University School of Law

Professor Yuki Tanaka - Research Professor of History at the Hiroshima Peace Institute, Hiroshima City University

Reverend Professor Michael Tate AO - University of Tasmania

Professor Steve Vladeck - American University Washington College of Law

Capt. Edward White - US Navy, Chief of Litigation, Office of the Chief Prosecutor for Military Commissions

Australian Research Council Projects in 2010

Australia's Post World War II War Crimes Trials: a systematic and comprehensive Law Reports Series

This project redresses the remarkable lack of comprehensive and systematic analysis of Australia's post-World War II war crimes trials by producing a comprehensive law reports series of the 300 trials held pursuant to the War Crimes Act 1945. The

reports will provide valuable Australian legal and historical precedent in an increasingly important area of international and domestic law.

A Conceptual History of War Crimes Trials

This project explores the purposes of war crimes trials, their legal significance and their social and political effects.

International Operations and the Australian Federal Police: Devising a Legal Framework

In the current environment of complex and rapidly changing regional threats to peace and security, the international deployment of Australian Federal Police (AFP) is at an unprecedented level. This situation has resulted in a range of new and pressing legal challenges experienced by the AFP relating to the legal mandate of such operations and the legal framework to be used during deployments. In an important collaboration with the AFP, combining academic expertise with practical experience, this project will provide a clear legal framework and operations guidelines for the planning, management and conduct of AFP deployments.

Major Publications

Bruce Oswald, Helen Durham and Adrian Bates, Documents on the Law of UN Peace Operations (OUP, 2010) is a comprehensive collection of primary source materials (Treaties, Declarations, UN Security Council Resolutions, and International Court of Justice Decisions) relevant to the legal bases for the establishment and functioning of UN peace operations.

Major Events

In 2010, the Centre hosted the following events:

Lt Col Dan Mori in conversation with Professor Tim McCormack

Evening Conversation

Lt Col Dan Mori, US Marine Corps, Senior Military Judge, Professor Tim McCormack, Melbourne Law School, Convenors: APCML/Red Cross Friends of IHL (24 February 2010)

The Relationship between International Humanitarian Law and International Human Rights Law: Complementarity or Collision?

Evening Public Lecture

Lt Col Christopher Jenks, US Army, Chief of the International Law Branch, Office of The Judge Advocate General, Convenor: APCML (16 March 2010)

APCML in the Round

Roundtable for RHD Students

Lt Col Christopher Jenks, US Army, Chief of the International Law Branch, Office of The Judge Advocate General, Convenors: Kevin Heller and Sasha Radin (17 March 2010)

Legal Challenges for International Policing

International Workshop

Convenors: APCML/Australian Federal Police (International Deployment Group and Legal) Venue: Australian Federal Police College, Canberra (2–4 May 2010)

Asia Pacific Centre for Military Law

Chivalry without a Horse: The Impact of Military Honour on the Modern Law of Armed Conflict

Lunchtime Seminar

Rain Liivoja, Research Fellow, University of Helsinki
Convenors: APCML/IILAH
(25 May 2010)

The Problem of Private Military Companies on the Battlefield: Challenges for Accountability and IHL

Evening Public Lecture

Dr Nils Melzer, Legal Adviser, International Committee of the Red Cross, Convenor: APCML/
Australian Red Cross
(8 June 2010)

The Atomic Bombing and the Shimoda Case: The Lessons of Hiroshima and Nagasaki

Evening Public Lecture

Professor Yuki Tanaka, Research Professor of History at the Hiroshima Peace Institute, Hiroshima City University, Convenor: APCML
(15 June 2010)

APCML in the Round

Roundtable for RHD students

Professor Yuki Tanaka, Research Professor of History at the Hiroshima Peace Institute, Hiroshima City University, Convenors: Sarah Finnin and Anna Hood
(16 June 2010)

Treaty Enforcement in Domestic Courts: A Comparative Analysis

Lunchtime Seminar

Professor David Sloss, Santa Clara University School of Law, Convenor: APCML/CCCS
(1 July 2010)

Outcomes from Kampala: The Review Conference of the Rome Statute for the International Criminal Court

Lunchtime Seminar

Reverend Professor Michael Tate AO, University of Tasmania, and Dr Carrie McDougall, Melbourne Law School, Convenor: APCML
(28 July 2010)

Humanitarian Intervention: Noble Cause or Gendered Paradigm?

Lunchtime Seminar

Dr Gina Heathcote, SOAS, University of London
Convenor: APCML/IILAH
(5 August 2010)

Professor Mark Drumbl in conversation with Professor Rob Cryer

Evening Conversation

Professor Mark Drumbl, Washington & Lee University, Professor Rob Cryer, University of Birmingham, Convenors: APCML/Global Justice Studio
(25 August 2010)

The Principle of Military Necessity in International Humanitarian Law

Evening Public Lecture

Professor Michael N. Schmitt, Professor of Public International Law, Durham University Law School
Convenor: APCML
(31 August 2010)

APCML in the Round

Roundtable for RHD students

Professor Michael N. Schmitt, Professor of Public International Law, Durham University Law School
Convenors: Michelle Lesh and Sasha Radin
(1 September 2010)

Non-International Armed Conflict (NIAC)

Project Roundtable

Convenor: APCML
Venue: Canberra
(3 September 2010)

Not So Simple: Child Soldiers, Justice, and the International Legal Imagination

Evening Public Lecture

Professor Mark Drumbl, Washington & Lee University, Convenor: APCML
(16 September 2010)

Asia Pacific Centre for Military Law

The United States Military Commissions in 2010

Lunchtime Roundtable Discussion

Professor Steve Vladeck, American University
Washington College of Law, Lt. Col. Chris Jenks,
Chief, International Law Branch, US Army JAG
Capt. Ed White, Chief of Litigation, Office of the
Chief Prosecutor for Military Commissions, US Navy
Convenor: Kevin Heller/APCML
(14 October 2010)

The Crime of Aggression: From The Trial of Takashi Sakai in August 1946 to the Kampala Review Conference on the ICC in 2010

Evening Public Lecture

Professor Roger Clark, Rutgers Law School
Convenor: APCML
(14 October 2010)

Untold Stories: Hidden Histories of War Crimes Trials

International Symposium

Convenors: APCML/Jennifer Balint, Kevin Heller,
Gerry Simpson
(14–16 October 2010)

An Insider's Reflections on Cyprus Peace Talks

Evening Conversation

Dr Jeremy Farrall, Asia-Pacific College of Diplomacy,
ANU, Dr Bruce Oswald, Melbourne Law School
Convenor: APCML/Global Justice Studio
(11 November 2010)

Hurting the Helpers: Humanitarians Under Fire

Evening Public Lecture

Ms Vicki Metcalfe, Humanitarian Policy Group of the
Overseas Development Institute (ODI)
Convenors: APCML/ICRC/Australian Red Cross
(2 December 2010)

Protection of Humanitarian Personnel

Expert Roundtable

Convenors: APCML/ICRC/Australian Red Cross
3 December 2010

Staff Activities

Professor Tim McCormack was appointed Special
Adviser on International Humanitarian Law to the
Office of the Prosecutor of the International Criminal
Court (ICC).

Associate Professor Tania Voon worked on an
AusAID-funded project by providing legal and
practical training to Iraqi government officials in
connection with Iraq's accession to the World Trade
Organization.

Contact APCML

The Centre can be contacted by email at:
law-apcml@unimelb.edu.au

Asian Law Centre

Asian Law

"The Asian Law Centre, an initiative of the Melbourne Law School, commenced activities in 1985. It is the first Australian centre established to teach and undertake research on the legal systems within Asia. It is now the largest centre for the study of Asian legal systems in the world."

Research Projects

Centre members are engaged in research on a diverse range of topics relating to Asian legal studies. Members of the ALC worked on the following research projects in 2010:

- ARC Discovery Grant: 'Legal Origins: The Impact of Different Legal Systems on the Regulation of the Business Enterprise in the Asia-Pacific Region' (2010-2012) (S, Cooney, R, Mitchell, I, Ramsay, and Gahan)
- ARC Discovery Grant: "Drugs, Law and Criminal Procedure in Southeast Asia: A Comparative Analysis" (2010-2012) (T, Lindsey, T and P, Nicholson)
- ARC Discovery Grant: 'Lawyers, Civil Society and the State in Post-colonial Malaysia' (2009-2012) (A, Whiting)
- ARC Postdoctoral Fellowship: 'The Prospects for Justice in the Legal Reform of Police Administrative Detention Powers in China' (2009-2012) (S, Biddulph)
- ARC Discovery Grant: 'Testing Court Reform Projects in Cambodia and Vietnam" (2008-2010) (P, Nicholson and C, Cameron)
- ARC Discovery Grant: 'Enforcement of Chinese Employment Law, Regulatory Innovation and Wage Arrears' (2007-2010) (S, Cooney, S, Biddulph and Zhu)

- ARC Federation Fellowship: 'Islam and Modernity: Syari'ah, Terrorism and Governance in South-East Asia' (2006-2011) (T, Lindsey)

Significant Publications, 2010

Publications by Centre members in 2010 include:

- Harding, A. and Nicholson, P, *New Courts in Asia*, Routledge, United Kingdom (2010)
- Steele, S. and Taylor, K, *Legal Education in Asia: Globalization, Change and Contexts*, Routledge, United Kingdom (2010)
- Sumner, C. and Lindsey, T. (2010), *Courting Reform: Indonesia's Islamic Courts and Justice for the Poor*, Lowy Institute, Sydney.
- Cooney, S. and Liu, C., (2010), 'Legal Protection of Workers' Human Rights in China', in Colin Fenwick and Tania Novitz (eds), *Human Rights at Work: Perspectives on Law and Regulation*, Oñati International Series in Law and Society, Hart Publishing, Oxford.
- Nicholson, P. (2010), 'Access to Justice in Vietnam: State Supply – Public Distrust', in John Gillespie and Albert Chen (eds), *Legal Development in East Asia: China and Vietnam Compared*, Routledge, London

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- Butt, S. and Lindsey, T. (2010), 'Who Owns the Economy? Property Rights, Privatization, and the Indonesian Constitution', in A. McHarg, B. Barton, A. Bradbrook, and L. Godden (eds) *Property and the Law in Energy and Natural Resources*, Oxford University Press: London, pp 236-254.

Awards

Associate Professor and Reader Sarah Biddulph was awarded the Woodward Medal for her book, "Legal Reform and Administrative Detention Powers in China".

Established by former Chancellor Sir Edward Woodward and Lady Woodward, the medal recognises staff for research publications considered to have made the most significant contribution in their field during the previous three years.

Congratulations to Sarah on this recognition of the importance and impact of her scholarship.

Australian Journal of Asian Law

The Asian Law Centre jointly publishes the Australian Journal of Asian Law (AJAL) with colleagues from the Australian National University and the University of Hong Kong. A peer-refereed scholarly journal, the AJAL is now a leading forum for debate for scholars and professionals concerned with the laws and legal cultures of Asia.

Asian Law Online

<http://alc.law.unimelb.edu.au/bibliography>

Asian Law Online, launched in 2002, is the first online bibliographic database of Asian law materials in the world. Offered to the public as a free service to assist students, scholars and practitioners of Asian legal systems, it is a collection of English language materials on Asian laws available throughout the world and includes books, chapters in books, journal articles and theses.

The database is organised by countries in East Asia and a selection of basic legal areas. The database can be searched for any word or a more specific advanced search can be conducted. The database is also linked to a list of useful websites for each country and legal area.

In 2010, Islamic Law Online was also launched, complementing Asian Law Online's wide range of offerings with new specialist listings on shari'ah.

Seminars

Occasional Seminar Series

In this series, distinguished scholars and leading practitioners present on current Asian legal issues.

Recent seminars include:

- 22 September 2010 – 'Inter-Religious Conflict in Eastern Indonesia: The Background, Dynamics and Resolution of the Inter-religious Conflict in the North Molucca Islands, Indonesia, 1999 – 2002', Rev Professor James Haire
- 20 October 2010 – Inaugural Professorial Lecture – 'Towards Constitutional Democracy in Indonesia', Professor Dr Iur. Adnan Buyung Nasution

Brown Bag Seminar Series

In this series, postgraduates, academics or visitors who are researching and writing on Asian legal topics present papers on work in progress or rehearse a conference or article submission. The forum provides a collegial atmosphere for peer feedback.

Recent seminars include:

Ms Kristin van Zwieten - '*Corporate Insolvency Law in India: The Case for a New Focus on Legal Institutions*', (3 March 2010)

Professor Zhan Kun Sun - '*The U.S.-Japan Security Alliance: A Perspective from China*', (22 March 2010)

Asian Law Centre

Mr Peter Dirou - *'Food Security, Development and Law: Insights from the Indonesian Experience'*, (31 March 2010)

Dr Gunbileg Boldbaatar - *'The Transitional Legal System of Mongolia in the Past Two Decades: What did we do Wrong and Right? (An Insider's View)'*, (14 April 2010)

Ms Melissa Crouch - *'Indonesia, Militant Islam and Ahmadiyah: Origins and Implications'* (with Centre for Islamic Law and Society), (5 May 2010)

Ms Dina Afrianty - *'Local Women's NGOs and the Reform of Islamic Law in Aceh'* (with Centre of Islamic Law and Society), (19 May 2010)

Associate Professor Kota Fukui - *'The Changing Role and Image of Lawyers in Japanese Corporations'*, (11 August 2010)

Ms Rheny Pulungan - *'The Shortcomings of the International Law on Piracy and Maritime Terrorism: Options for Strengthening Maritime Security in the Malacca Strait'*, (18 August 2010)

Ms Helen Pausacker - *'Art or Pornography? Threats of Violence and the Law against Pinkswing Park Art Installation by Indonesia's Islamic Defenders Front'* (with Centre of Islamic Law and Society), (15 September 2010)

Ms Nur Hidayah - *'Gender Discourse and Activism of Progressive Muslims in Indonesia: Struggles and Strategies'* (with Centre for Islamic Law and Society), (29 September 2010)

Mr Stewart Fenwick - *'All Politics is Local: MUI at the Sub-National Level'* (with Centre for Islamic Law and Society), (6 October 2010)

Dr M Syafi'i Anwar - *'Indonesia: Religious Freedom at the Crossroads'* (with Centre for Islamic Law and Society), (13 October 2010)

Asian Legal Dialogues

These seminars on Asian legal issues are conducted in Asian languages. Recent seminars include:

Judge Toshiyuki Abe - *'A Judge's Work'*, (11 February 2010)

Mr Kyai Muhammad Husein and Mr Marzuki Wahid - *'LSM, Perempuan dan Islam di Indonesia' [NGO's, Women and Islam in Indonesia]* (with Centre for Islamic Law and Society), (20 April 2010)

Mr Kyung Soo Yun - *'Korea's Labor Laws: General Explanation & Current Labor Issues in Korea'*, (6 September 2010)

Dr Yuqiong Deng - *'Controlling Financial (White-collar) Crime in China: The Role of Criminal Penalty'*, (8 September 2010)

Major Events

In 2010, the Centre also hosted the following major events:

8-20 February 2010 - Chuo Law School Melbourne Summer School

10-11 June 2010 - ASEAN Workshop

24 September 2010 - China Labour Law Workshop

13 October 2010 - Book Launch – 'Legal Education in Asia: Globalization, Change and Contexts' (edited by Stacey Steele and Kathryn Taylor), Justice Kenneth Hayne

20 October 2010 - Inaugural Professorial Lecture – 'Towards Constitutional Democracy in Indonesia', Professor Dr Iur. Adnan Buyung Nasution

16 December 2010 - Vietnamese Legal Studies Graduate Student Workshop

Visitors

The ALC regularly hosts visits by renowned international scholars. It participates in the following programs:

Supreme Court of Japan Overseas Training and Research Program

Beginning in 2003, the Asian Law Centre has every year hosted a Judge from Japan as part of the Overseas Training and Research Program of the Supreme Court of Japan. The Program enables

Asian Law Centre

Judges from Japan to experience life in a jurisdiction outside Japan for a twelve-month period and provides them with a valuable opportunity to study Australian law courses, access University resources and undertake research and training activities, including visits to Victorian courts and meetings with court personnel. Judge Toshiyuki Abe (Yokohama District Court) visited in 2009/10 and Judge Gen Ueno (Okayama Family Court) visited in 2010/11.

Supreme Court of Korea Overseas Research and Study Program

Each year since 2006, the Asian Law Centre has hosted a Judge from Korea as part of the Overseas Research and Study Program of the Supreme Court of Korea. The Program enables Judges from Korea to experience life in a jurisdiction outside Korea for a 6-12 month period and provides them with a valuable opportunity to study Australian law courses, access University resources and undertake research and training activities, including visits to Victorian courts and meetings with court personnel. Mr Injin Park (In-Cheon District Court) visited in 2009/10 and Judge Oh Byung Hie (Seoul Central District Court) visited in 2010/11.

Chuo Law School Melbourne Summer School

Each year since 2005, the Asian Law Centre has hosted the Chuo Law School Melbourne Summer School. The Summer School continues the relationship with Chuo Law School that was developed – and originally taught – by the late

Professor Malcolm Smith, Founding Director of the Asian Law Centre, when he joined Chuo Law School as Professor of Law, in 2004.

The Chuo Law School students enjoy interacting with Melbourne Law School students who participate in the Summer subject 'Issues in Japanese Law'. They have recently been accompanied to Melbourne by Chuo Law School academics, Professor Satoru Osanai, Professor Dan Rosen and Professor Hisaei Ito.

In 2010, the Centre hosted a large number of visitors, including the following:

Belgium

Professor Mark Van Hoecke, Department of Jurisprudence & Legal History, Faculty of Law, Ghent University

Hong Kong

Mr Cai Wei, SJD Candidate, Hong Kong University

Indonesia

Dr Reza Ahmad Zahid, Agama Islam Tribakti Institute, Kediri

Dr Imam Kanafi, Agama Islam Negeri University

Mr Zacky Khairul Umam, Centre for Middle Eastern and Islamic Studies, University of Indonesia

Professor Dr Iur. Adnan Buyung Nasution, Presidential Advisory Council, Republic of Indonesia

Japan

Judge Toshiyuki Abe, Yokohama District Court

Associate Professor Kota Fukui, School of Law and Politics, Osaka University

Professor Yachiko Yamada

Delegation from Japan Federation of Bar Associations

Judge Eiji Uesugi, Nagoya High Court

Professor Yukiko Hasebe, Gakushuin University

Judge Gen Ueno, Okayama Family Court

Judge Naoshi Shimobaba, Nagasaki District Court

Korea

Professor Zhan Kun Sun, Meijigakuin University

Mr Injin Park, In-Cheon District Court

Judge Oh Byung Hie, Seoul Central District Court

Professor Kwangbai Park, Chungbuk National University

Mongolia

Dr Gunbileg Boldbaatar, National University of Mongolia

United Kingdom

Ms Kristin van Zwieten, PhD Candidate, University of Oxford

Asian Law Centre

Staff

Director:

Professor Tim Lindsey (Indonesia, Islam & Law in Southeast Asia)

Associate Directors:

Professor Pip Nicholson (Vietnam; Director, Comparative Legal Studies Program)

Associate Professor and Reader Sarah Biddulph (China)

Associate Professor Sean Cooney

Mr Andrew Godwin (Asian Commercial Law)

Ms Stacey Steele (Japan)

Dr Amanda Whiting (Malaysia)

Principal Research Assistants:

Ms Faye Chan

Ms Melissa Crouch

Ms Helen Pausacker

Manager:

Ms Kathryn Taylor

Administrators:

Ms Kelly McDermott (until July 2010)

Ms Tessa Shaw (from July 2010)

Contact the ALC

The Centre's website can be accessed at <http://alc.law.unimelb.edu.au>

The Centre can be contacted by email at law-alc@unimelb.edu.au

Centre for Comparative Constitutional Studies



"The Centre for Comparative Constitutional Studies (CCCS) is a focal point for research, scholarship, teaching and information about Australian constitutional law and the constitutional law of other countries whose systems are most relevant to Australia."

2010 Seminars and Events

23 February 2010 - Do Constitutional Rights Really Make a Difference? Expressive Freedom under section 2(b) of Canada's Charter of Rights and Freedoms. *Professor Jamie Cameron, Osgoode Hall Law School, York University, Toronto, Canada.*

10 March 2010 - Has the Canadian Charter Been for Crime Control? Reflecting on Over 25 Years of Constitutional Criminal Procedure in Canada. *Associate Professor James Stribopoulos, Osgoode Hall Law School, York University, Toronto, Canada.*

23 March 2010 - Shades of Dialogue: How Different are the NZ Bill of Rights and the Victorian Charter? *Claudia Geiringer, Senior Lecturer, Victoria University of Wellington Faculty of Law, Acting Special Counsel, Human Rights, Victorian Government Solicitor's Office*

15 April 2010 - The Relationship between the First Amendment and US Campaign Finance Law. *Professor Samuel Issacharoff, Reiss Professor of Constitutional Law, New York University School of Law.*

17 May 2010 - The Rise of Weak Form Review. *Professor Mark Tushnet, William Nelson Cromwell Professor of Law, Harvard University.*

18 May 2010 - The U.S. Supreme Court Meets the 'War on Terror': A Discussion of U.S. Supreme Court Decisions. *Professor Elizabeth Magill, University of Virginia School of Law.*

21 May 2010 - CCCS Roundtable: Constitutionalism and Rights. *Professor Sanford Levinson; Professor Janet Hiebert; Assistant Professor Rhonda Evans Case; Professor Mark Graber; and Professor Paul Rishworth.*

31 May 2010 - The (Ir)relevance of North America in Australia's National Charter Debate. *Dr Jason Pierce, chair of the Political Science Department, University of Dayton.*

1 July 2010 - Treaty Enforcement in Domestic Courts: A Comparative Analysis. *Professor David Sloss, Santa Clara University School of Law.*

3 August 2010 - CCCS/CELRL Book Launch: Money and Politics: The democracy we can't afford by Joo-Cheong Tham.

5 August 2010 - Public Lecture: Israel as a Jewish State: What Does it Mean? Can it be Justified? *Professor Ruth Gavison, Haim Cohn Professor of Human Rights, Hebrew University of Jerusalem.*

6 August 2010 - CCCS Roundtable: The US Supreme Court in Critical Perspective. *Dr Ann Genovese presented her paper 'A Critical Reflection on the History of the Supreme Court', Professor Simon Evans presented 'Judicial Minimalism', Professor Adrienne Stone presented on the 'Citizens United v Federal Election Commission, 558 U.S. 50 (2010) decision' and Dr Lu Weis presented 'Gonzales v. Carhart, 550 U.S. 124 (2007)'.*

13 August 2010 - Constitutionalization of the European Court of Human Rights through "pilot judgments"? *Professor Wojciech Sadurski, Challis Professor in Jurisprudence, University of Sydney.*

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12 October 2010 - Rights, Interpretation and the Rule of Law. *Dr Richard Ekins, University of Auckland*

14 October 2010 - *Constitutional Law Discussion Group: Dickson v The Queen [2010] HCA 30 (22 September 2010)*

20 October 2011 - CCCS/ALC sponsored Inaugural Professorial Lecture. *Professor Dr Iur. Adnan Buyung Nasution, Honorary Professorial Fellow in the Melbourne Law School*

25 October 2010 - CCCS/ALC Roundtable: The Role of Law in Balancing the Rights of Citizen and State in the PRC. *Speakers from the China University of Political Science and Law: Professor HE Bing; Professor XUE Xiaojian; Professor LIU Shanchun; Associate Professor BIAN Xiuquan; and Associate Professor CHEN Yi*

26 November 2010 - CCCS/AACL Seminar: Recent Developments in Chapter III: Kirk v Industrial Relations Commission of NSW and SA v Totani. *Professor Leslie Zines AO*

Visitors

Miss Svetlana Tyulkina, SJD Candidate, Central European University, Budapest

Professor Sam Issacharoff, Bonnie and Richard Reiss Professor of Constitutional Law NYU School of Law, USA

Mr Li Zhiqiang, PhD Candidate, Peking University, China

Delegation from the Constitutional Court of Taiwan: Li-Fen Liu; Chien-Wen Chu; Ya-Wen Yang and Chun-Chi Hung

Community Engagement and Knowledge Transfer

Professor Cheryl Saunders attended an international conference on the '*Dynamics of Constitution Making in Nepal in Post-conflict Scenario*', held from January 15-17, 2010 by the Nepal Constitution Foundation (NCF) at Tribhuvan University Faculty of Law, Supreme Court Bar Association, Kathmandu, Nepal. She was a Visiting Professor at Georgetown Law Centre (Georgetown University) in Washington DC in the second semester of 2010, where she taught courses on Constitution Making and Comparative Constitutional Law. On 6 to 10 December she attended the VIII World Congress of Constitutional Law in Mexico City, where she chaired a plenary session on 'Constitutional Law and the Generation and Use of Principles'. Her book '*The Constitution of Australia; A Contextual Analysis*' was also launched there. On 16 to 17 December Cheryl travelled to Berlin, where she acted as commentator in a workshop entitled 'Examining (constitutional) courts in a legalised world: Who controls judicial control?'

Professor Carolyn Evans presented a paper on '*Religious Autonomy and Religious Employment*' at a conference on Law and Religion held at Balliol College, Oxford 7-9 June. She has also made a submission to the Samoan government inquiry into

the protection of religious freedom in Samoa in March.

Professor Simon Evans spoke on '*The Impact of the UK Human Rights Act on Rights Protection in Australia*' at a conference marking the 10th anniversary of the UK Human Rights Act, at Durham University on 24 and 25 September.

Dr Michelle Foster hosted a workshop on '*Responsibility Sharing or Shifting? Australia's Proposal for a Regional Approach to Refugee Protection*' at Melbourne Law School on 10 December.

Associate Professor Pip Nicholson was the invited international expert to UNDP, MOJ and Judicial Reform Secretariat's one day seminar on the finality of judgments in Hanoi, Vietnam on 11 September. Pip spoke about the Swiss and Australian experience.

Professor Adrienne Stone visited India as part of a judicial exchange between Indian and Australian judges arranged by the Federal Court of Australia and the National Judicial Academy of India in the first quarter of 2010. In April she attended a meeting of the Executive Committee of the International Association of Constitutional Law at the Hebrew University of Jerusalem and a Roundtable on the theme 'Unconstitutional Constitutional Amendments'.

Dr Joo-Cheong Tham and Iain Campbell presented a paper entitled '*Temporary Migrant Labour in Australia: 457 Visas and Challenges to Labour*

Centre for Comparative Constitutional Studies

Regulation at the LAWASIA Conference in Hong Kong on the 17 and 18 September. On 4 November Joo-Cheong was invited to give a public lecture at the Castan Centre for Human Rights Law, Monash University where he spoke on '*Money and Politics: Why It Matters to Human Rights*'. Joo Cheong was also invited to address the Social Education and VCE Teachers Conference at the State Library of Victoria on 6 December where he spoke on '*Why Teach Money and Politics*'.

Major Presentations

Submission to the Senate Constitutional and Legal Affairs Inquiry into the Human Rights (Parliamentary Scrutiny Bill) 2010. Five Centre Members (Professors Carolyn Evans, Simon Evans, Cheryl Saunders and Adrienne Stone and Associate Professor John Tobin) were involved in this submission which is available on the Centre Website.

Professor Cheryl Saunders was a keynote speaker at the WG Hart Legal Workshop 2010 at the Institute of Advanced Legal Studies in London on 29 June to 1 July.

Associate Professor Alison Duxbury presented a paper at the Gilbert + Tobin Centre of Public Law's 2010 Constitutional Law Conference held in New South Wales on Friday 19 February 2010.

Professor Simon Evans and Associate Professor Kristen Walker attended a Symposium at the Bond University Centre for Law, Governance and Public Policy on 4 June, entitled 'Access to Constitutional Justice'. Simon Evans presented a paper under the

theme 'Standing rules and access to constitutional justice, while Kris Walker presented under the theme 'Amici curiae and access to constitutional justice: A practical perspective'.

Dr Michelle Foster presented a conference paper entitled 'Responsibility Sharing or Shifting? Australia's Proposal for a Regional Approach to Refugee Protection' at the Judicial Conference of Australia Colloquium in Hobart on 10 October.

Dr Joo-Cheong Tham presented a paper: 'Regulating Political Contributions: Another view from across the Tasman', during the Political Finance Symposium at Victoria University, Wellington, on 14 May.

Awards

Professor Carolyn Evans was awarded a Fulbright Senior Scholarship to allow her to travel in the latter part of 2010 as a Visiting Fellow at American and Emory Universities to examine questions of comparative religious freedom. In 2010, she was also shortlisted by the United Nations Human Rights Council for the position of Special Reporter on Freedom of Religion or Belief.

Mr Glenn Patmore's book *Choosing the Republic* (UNSW Press, 2009) was listed for the 2010 John Button Prize.

Associate Professor Jeremy Gans and **Associate Professor Andrew Palmer's** book *Uniform Evidence* (Oxford UP Australia) was short-listed in the Tertiary Scholarly Reference category of the Australian

Publisher's Association Educational Publishing Awards.

Promotions and Appointments

Professor Carolyn Evans was appointed Dean of the Law School to commence in February 2011.

Professor Simon Evans was appointed as Pro Vice Chancellor (International) of the University.

Associate Professor Pip Nicholson was promoted to Professor, and Dr Michelle Foster and Dr Joo-Cheong Tham were promoted to Associate Professors. These promotions take effect from 1 January 2011.

Professor Adrienne Stone was elected as Secretary of the Australian Association of Constitutional Law following the retirement of Dr Heather Roberts. She was also elected as a Fellow of the Australian Academy of Law.

Publications

Joo Cheong's book '*Money and Politics: The Democracy We Can't Afford*' was launched on 3 August. Joo-Cheong gave many interviews during July, August and September on questions related to the funding of political parties. He was cited in: Christian Kerr, 'Parties go cap in hand to unions and business', *The Australian*, Sydney, 5 July 2010, 4; Royce Millar, 'Political brochures: your taxes at work', *The Age*, 10 August 2010; Jacob Saulwick,

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'Campaign leaves both parties strapped for cash', Sydney Morning Herald, 27 August 2010; Marcus Priest, 'Gillard may fall short on campaign cash demand', Australian Financial Review, 27 August 2010, 14; Jacob Saulwick, 'Donations to parties may be outlawed', Sydney Morning Herald, 9 September 2010.

Contact CCCS

The Centre's website can be accessed at:

<http://cccs.law.unimelb.edu.au>

The Centre can be contacted by email at:

law-cccs@unimelb.edu.au

Centre for Corporate Law and Securities Regulation



"The Centre for Corporate Law and Securities Regulation (CCLSR) commenced in January 1996 in recognition of the growing importance of corporate law and securities regulation nationally and internationally, and in recognition of the University of Melbourne's strength in these areas."

The activities of the Centre include teaching (members of the Centre teach or coordinate the teaching of 22 specialist subjects), maintaining a strong research program, and conducting conferences and seminars.

Staff

The Director of the Centre is Professor Ian Ramsay. Other academic staff associated with the Centre are Associate Professor Paul Ali, Hellen Blue, Andrew Goodwin, Associate Professor Pamela Hanrahan, Associate Professor John Howe, Associate Professor Cally Jordan, Jurgen Kurtz, Professor Tim Lindsey, Associate Professor Christine Parker and Stacey Steele. The Centre Administrator during 2010 was Josephine Peters.

Publications

Members of the Centre for Corporate Law published a significant number of journal articles in 2010. Please refer to the 'Published Research' section of this report.

The Centre also published the following research reports in 2010:

- O'Connell, A, *Employee Share Ownership Plans in Australia: Cross Border Issues Arising from Employee Share Ownership Plans*
- Ramsay, I, *Professor Harold Ford and the Development of Australian Corporate Law*

- Ashton, A and Ramsay, I, *Home Loan Exit Fees: The Cost of Ending a Home Loan Early*
- Landau, I, O'Connell, A and Ramsay, I, *Employee Share Schemes: Regulation and Policy*

Seminars and Conferences

A significant part of the Centre's activities is the holding of seminars/conferences on important issues. In 2010 the Centre held the following seminars/ conferences:

Securities Class Actions in the US (10 November 2010)

Speaker: Professor Michael Klausner, Stanford Law School, United States

The Supreme Court of Victoria Commercial Law Conference - Current Issues in Commercial Law (13 August 2010)

Speakers: Alan Archibald QC, Victorian Bar; Tony D'Aloisio, ASIC; The Hon Justice James Judd, The Supreme Court of Victoria; Sandra Mayerson, Squire, Sanders & Dempsey LLP; Professor Ian Ramsay, University of Melbourne; The Hon Marilyn Warren AC, Chief Justice of the Supreme Court of Victoria; Jon Webster, Allens Arthur Robinson

Centre for Corporate Law and Securities Regulation

Whistleblowing Law Reform in the USA and Australia: Challenges and Next Steps (13 July 2010)

Speakers: Terry Morehead Dworkin Emeritus Professor of Business Law, Indiana University, A J Brown John F Kearney Professor of Public Law, Griffith University

The Mandatory Bid Rule, Hostile Takeovers and Takeover Defences in China (20 April 2010)

Speaker: Wei Cai, SJD candidate, University of Hong Kong and Australian Endeavour Research Fellow
This seminar was co-hosted with the Asian Law Centre

The Care Factor: The Care, Skill and Diligence Standard for Directors After ASIC v Rich (3 March 2010 Melbourne and 18 March 2010 Sydney)

Speakers: Andrew Lumsden, Partner, Corrs Chambers Westgarth (Sydney seminar); Rebecca Maslen-Stannage, Partner, Freehills (Sydney seminar); Simon Morris Partner, Corrs Chambers Westgarth (Melbourne seminar); Cameron Price, Partner, Allens Arthur Robinson (Melbourne seminar); Victoria Poole, Partner, Allens Arthur Robinson (Sydney seminar); Michael Ziegelaar, Partner, Freehills (Melbourne seminar)

Links with Key Organisations

The Centre has developed links with peak organisations with an interest in corporate and securities law. During 2010 academic members of the Centre were also members of:

- The Australian Securities and Investments Commission External Advisory Panel (Professor Ian Ramsay)
- The Takeovers Panel (Professor Ian Ramsay)
- The Corporations and Markets Advisory Committee (Professor Ian Ramsay)
- The Companies Auditors and Liquidators Disciplinary Board (Professor Ian Ramsay)
- The Law Committee of the Business Law Section of the Law Council of Australia (Associate Pamela Hanrahan, Associate Professor Cally Jordan and Professor Ian Ramsay)
- The Corporations Law Committee of the Australian Institute of Company Directors (Professor Ian Ramsay)
- The Executive Committee (and former President) of the Corporate Law Teachers Association (Professor Ian Ramsay)

Editorial Positions

Members of the Centre continued in 2010 to occupy editorial positions with journals and other publications including the Company and Securities Law Journal, the Australian Accounting Review and the Corporate Law Bulletin.

Corporate Law Bulletin

2010 saw the continued development of the Corporate Law Bulletin which is edited by Professor Ian Ramsay. The monthly electronic Bulletin is published with the support of the Australian Securities and Investments Commission, the Australian Securities Exchange and leading national law firms and distributed in partnership with SAI Global. The Bulletin is distributed widely within companies, regulators, law firms and government departments.

By the end of 2010, 160 issues of the Bulletin had been published.

Media Coverage of Centre Activities

The research activities of Centre members received significant coverage in the media in 2010. Members of the Centre gave more than 100 reported interviews to the media in 2010.

Centre for Corporate Law and Securities Regulation

Further information

The Centre's website can be accessed at:

<http://cclsr.law.unimelb.edu.au>

The Centre can be contacted by email at:

cclsr@law.unimelb.edu.au

Centre for Employment and Labour Relations Law



"The Centre for Employment and Labour Relations Law was established in the Faculty of Law in 1994. Its broad aims are to consolidate the teaching of, and research into, labour and employment law at the University of Melbourne, to contribute to the development of labour and employment law teaching and research throughout Australia, and to engage with labour and employment law scholars throughout the world."

Centre Members in 2010

Associate Professor John Howe (Director), Associate Professor Helen Anderson, Ms Anna Chapman, Associate Professor Sean Cooney, Ms Tessa Dermody (Coordinator), Ms Catherine Dow, Associate Professor Colin Fenwick (on leave of absence at the ILO), Associate Professor Beth Gaze, Ms Tess Hardy (from July 2010), Mr Glenn Patmore, Associate Professor Joo-Cheong Tham.

Research

The Centre is Australia's first and only research centre devoted exclusively to developing an understanding of the role and function of legal regulation of the labour market. Centre Members are engaged in research in diverse aspects of the broad field of employment and labour law and labour market regulation. Areas of particular interest and expertise include the regulation of individual work relationships, discrimination and inequality in employment and the labour market, the regulation of occupational health and safety, collective labour relations and bargaining, the functions of trade unions and alternative forms of worker representation, corporate governance and labour, enforcement of minimum employment standards, international labour rights and standards, and unemployment law and labour market policy. Centre members also have a strong interest in comparative labour and employment law and labour market regulation, including research into labour and employment regulation in the Asia-Pacific region, Southern Africa, North America and Europe.

Seminars

Labour Law Seminar Series

These free public seminars are intended to be of interest to a wide audience including academics, members of the legal profession, and those engaged in the day to day business of industrial relations and/or human resource management. Among other things, the Labour Law Seminar Series provides an opportunity for Centre members, visitors and associates, together with invited speakers, to present preliminary results of their research into the operations of labour and employment law. John Howe and Glenn Patmore coordinated the Labour Law Seminar Series during 2010.

Nine seminars were held during the course of the year.

- **Professor Eva-Maria Svensson**, University of Gothenburg, Sweden on 'Women at work in Nordic countries – the workfare model and the ideology of the self-supporting individual' (25 March).
- **Professor Cindy Estlund**, New York University School of Law on 'Just the facts – The Case for workplace transparency' (15 April).
- **Professor Kevin Kolben**, Rutgers Business School, USA on 'Transnational Labour Regulation and the limits of governance' (12 May).
- **Mr William Herbert**, Deputy Chair and Counsel for New York State Public Employment Relations Board, USA on 'Workplace Consequences of Electronic Exhibitionism and Voyeurism' (22 June).

Centre for Employment and Labour Relations Law

- **Dr Paul Gollan**, Macquarie University on 'Non-union collective voice mechanisms: Employer strategies and union responses' (21 July).
- **Dr Meg Smith**, University of Western Sydney on 'Gender Pay Equity Regulation in Australia and the Equal Remuneration Test Case' (21 October).
- **Mr Giuseppe Carabetta**, University of Sydney on 'The Future of Police Industrial Regulation in Australia: Lessons from Victoria' (25 November).
- **Associate Professor Anthony Forsyth**, Monash University on 'The Impact of the Fair Work Act Collective Bargaining Framework: Is it achieving the Government's policy objectives?' (1 December).
- **Professor David Weil**, Boston University School of Management on 'Fissured Employment' (9 December).

Sponsors' Seminar Series

The Centre conducts a series of seminars for members of the Centre's sponsoring firms and organisations. Two seminars were held in 2010:

- **Professor Breen Creighton**, RMIT University on 'The transfer of business provisions of the Fair Work Act in National and International Context' (23 March).
- **Mr Paul O'Grady**, Victorian Bar on 'Recent Developments in the duty of trust and confidence' (25 May).

Major Events

Bargaining Processes in the US - Including the Requirement to Bargain in Good Faith (2 February)
On Tuesday 2 February the Centre hosted a seminar with Fair Work Australia on 'Bargaining processes in the US'. Speaking at the event were the heads of two leading United States labour relations institutions – Mr George Cohen, Director of the Federal Mediation and Conciliation Service; and Mr Ronald Meisburg, General Counsel of the National Labor Relations Board.

Workshop on Temporary Migrant Work and Social Justice

On Wednesday 7 April 2010 the Centre along with the Social Justice Initiative from the University of Melbourne hosted a workshop which aimed to examine the challenging social justice questions arising in relation to temporary migrant workers in Australia.

The workshop aimed to:

- situate temporary migrant workers in the context of changing migration patterns;
- examine their working conditions, living conditions as well as their social and political rights; and
- discuss the research agendas for temporary migrant workers and social justice.

Workshop participants were drawn from a range of backgrounds with academics and representatives from the government and community sectors attending.

Book Launch and Panel Discussion - Money and Politics: The democracy we can't afford (3 August)
On Tuesday 3 August 2010 Centre member Dr Joo-Cheong Tham's new book 'Money and Politics: The democracy we can't afford' was launched. At this event a panel discussed the key challenges posed by money in Australian politics. The event was chaired by Professor Keith Ewing, King's College in London and the panellists included Daryl Melham MP, Michael O'Brien MP, Lee Rihannon, Greens NSW Legislative Council member, Joel Fetter, ACTU and Royce Millar, The Age.

Enforcement of Minimum Employment Standards Workshop

On Wednesday 1 December the Centre hosted a workshop for John Howe and Sean Cooney's ARC Project on Enforcement of Minimum Employment Standards. A leading expert in the area of enforcement, Professor David Weil from Boston University in the US, was invited to speak at the event. Participants at the workshop included a number of academics as well as several members from the office of the Fair Work Ombudsman.

Centre for Employment and Labour Relations Law

Visitors

The Centre regularly welcomes academic colleagues from interstate and overseas. In 2010 we hosted three visitors:

- **Mr Giuseppe Carabetta**, Faculty of Economics and Business, University of Sydney (August & October)
- **Associate Professor Anthony Forsyth**, Department of Business Law and Taxation, Monash University (July - December)
- **Professor Cindy Estlund**, Catherine A. Rein Professor of Law, New York University School of Law, USA (April)

Significant publications

A full list of publications is detailed in the 'Published Research' section of this report. Selected publications by Centre members in 2010 include:

- Fenwick, C and Novitz, T 'Human Rights at Work: Perspectives on Law and Regulation', (1 ed), 2010
- Tham, J, 'Money and Politics: The Democracy We Can't Afford', (1 ed), 2010

Centre Working Paper Series

Beth Gaze edited the Centre Working Paper Series during 2010, overseeing the publication of two issues.

- **Patmore G**, '*Happiness as an Objective of Labour Law*', Centre for Employment and Labour Relations Law, The University of Melbourne, Working Paper No. 48, March 2010.
- **Howe J**, '*The Broad Idea of Labour Law: Industrial Policy, Labour Market Regulation and Decent Work*', Centre for Employment and Labour Relations Law, The University of Melbourne, Working Paper No. 49, November 2010.

We also published four issues of the Student Working paper series.

- **Kaufman V**, '*Protection of Independent Contractors under WorkChoices and the Fair Work Act: Improvement or Continuity?*', Centre for Employment and Labour Relations Law, The University of Melbourne, Student Working Paper No. 2, June 2010.
- **Piper A**, '*Correcting Power Imbalances in Australian CEO Remuneration: Aligning the Interests of Shareholders and CEOs*', Centre for Employment and Labour Relations Law, The University of Melbourne, Student Working Paper No. 3, June 2010.

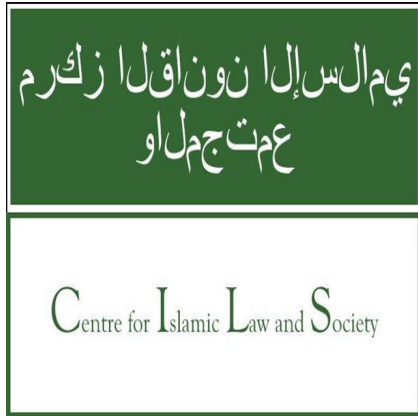
- **Mijic Y**, '*Enforcing Workplace Rights: Evaluating Fair Work Reforms to the Federal Compliance Regime*', Centre for Employment and Labour Relations Law, The University of Melbourne, Student Working Paper No. 4, June 2010.
- **Waugh B**, '*Trade Unions and the Freedom of Association – A Comparative Analysis of Work Choices and the Fair Work Act 2009*', Centre for Employment and Labour Relations Law, The University of Melbourne, Student Working Paper No. 5, November, 2010.

Contact CELRL

The Centre's website can be accessed at:
<http://celrl.law.unimelb.edu.au>

The Centre can be contacted by email at:
law-celrl@unimelb.edu.au

Centre for Islamic Law and Society



"The Centre aims to facilitate and support Islam-related research and education projects across the University, particularly those related to contemporary Islamic legal issues. It also aims to improve Australian understandings of Islam, both within the University and throughout the wider community. The Centre has developed a strong focus on Islamic law issues in Southeast Asia, but this is not exclusive."

Research Projects

CILS is associated with the following research projects:

- ARC Federation Fellowship: 'Islam and Modernity: Syari'ah, Terrorism and Governance in South-East Asia' (2006-2011) (Lindsey, T)
- ARC Discovery Project: 'Lawyers, Civil Society and the State in Post-colonial Malaysia' (2009-2012) (Whiting, A)
- 'Lawyers in Malaysia: Religious Orientation and Legal Professional Practice' (Whiting, A)
- Collier Charitable Fund Grant: 'Revealing Islam to a New Generation' (Lindsey, T)

Significant Publications 2010

The following publications were published by Centre members in 2010:

Lindsey, T, 'Human Rights and Islam in South East Asia: The Case of Indonesia', in H Ellisie (ed.), *Beiträge zum Islamischen Recht VII, Islam und Menschenrechte (Islam and Human Rights)*, Peter Langverlag, Frankfurt (2010), 299-327

Sumner, C and Lindsey, T, 'Courting Reform: Indonesia's Islamic Courts and Justice for the Poor', (2010) 31 *Lowy Institute Papers* 1-69

Whiting, A, 'Secularism, the Islamic State and the Malaysian Legal Profession', (2010) 5 *Asian Journal of Comparative Law* 1-34

Briefing Paper Series

The CILS publishes the CILS Islamic Issues Briefing Paper series, which is available in hard copy and on the CILS website. Since 2005, these have been co-published with the Islam, Syari'ah and Governance Background Paper Series. This series is funded by Professor Tim Lindsey's ARC Federation Fellowship, and seeks to provide a considered analysis of important issues relevant to Islam, syari'ah and governance in Southeast Asia.

Papers published in 2010 include:

- 'Islamist Feminism: Syariah for the Empowerment of Women: The Case of Indonesia's Pesantren Al-Firdaus', Ms Farha Abdul Kadir Assegaf

Islamic Law Online

Islamic Law Online is an online bibliographic database of materials relating to Islamic legal studies. This database was established by the Centre for Islamic Law and Society to complement the Asian Law Centre's Asian Law Online. Offered to the public as a free service to assist students, scholars and practitioners of Islamic legal studies, Islamic Law Online is a collection of English language materials on Islam available throughout the world. It includes books, chapters in books, journal articles and theses.

The database can be accessed at:

<http://cils.law.unimelb.edu.au/ilo/>

Centre for Islamic Law and Society

Seminars

Islam Research Seminar Series

CILS Islam Research Seminar Series are informal lunchtime seminars and are often presented by postgraduate students.

Mr Kyai Muhammad Husein and Mr Marzuki Wahid - '*LSM, Perempuan dan Islam di Indonesia*' [*NGO's, Women and Islam in Indonesia*] (with Asian Law Centre), 20 April 2010

Ms Melissa Crouch - '*Indonesia, Militant Islam and Ahmadiyah: Origins and Implications*' (with Asian Law Centre), 5 May 2010

Ms Dina Afrianty - '*Local Women's NGOs and the Reform of Islamic Law in Aceh*' (with Asian Law Centre), 19 May 2010

Ms Helen Pausacker - '*Art or Pornography? Threats of Violence and the Law against Pinkswing Park Art Installation by Indonesia's Islamic Defenders Front*' (with Asian Law Centre), 15 September 2010

Ms Nur Hidayah - '*Gender Discourse and Activism of Progressive Muslims in Indonesia: Struggles and Strategies*' (with Asian Law Centre), 29 September 2010

Mr Stewart Fenwick - '*All Politics is Local: MUI at the Sub-National Level*' (with Asian Law Centre), 6 October 2010

Dr M Syafi'i Anwar - '*Indonesia: Religious Freedom at the Crossroads*' (with Asian Law Centre), 13 October 2010

Conferences

CILS hosts an annual national postgraduate conference on Islamic Studies, which is open to students from throughout Australia.

This conference aims to bring together postgraduate students around Australia who are researching topics relating to Islam, in the broadest sense. It provides students with a supportive, collegial atmosphere and the opportunity to meet students with similar interests. Students benefit from feedback received from their peers and selected academic experts in the field.

The 6th annual Islamic Studies Postgraduate Conference was held on 22-23 November, 2010 and was co-hosted by the National Centre of Excellence in Islamic Studies. Dr Greg Fealy, Associate Professor Michael Feener, Professor M.B. Hooker, Professor Virginia Hooker and Mr Robert Kingham attended as PhD mentors. 25 PhD students presented at the conference, from 9 universities around Australia.

Staff

Director:

Professor Tim Lindsey

Senior Associate:

Professor Abdullah Saeed

Associate:

Dr Amanda Whiting

Principal Research Assistants:

Ms Faye Chan

Ms Melissa Crouch

Ms Helen Pausacker

Manager:

Ms Kathryn Taylor

Administrators:

Ms Kelly McDermott (until July 2010)

Ms Tessa Shaw (from July 2010)

Federation Fellowship PhD Scholars

Ms Melissa Crouch

Mr Jeremy Kingsley

Ms Helen Pausacker

Contact the CILS

The Centre's website can be accessed at:

<http://cils.law.unimelb.edu.au>

The Centre can be contacted by email at:

cils-info@unimelb.edu.au

Centre for Media and Communications Law



"The Centre for Media and Communications Law is a centre for the research, discussion and teaching of all aspects of media and communications law and policy."

The CMCL has a team of Directors from the Law School, Associates drawn mainly from across the University of Melbourne, and Research Staff. It is assisted by an Advisory Board representing a wide variety of expertise in media and communications industries and legal practice, and it receives support from the Melbourne Law School as well as external sponsors and research partners.

It is the editorial base for the Media & Arts Law Review, a leading refereed journal in the field.

Staff

During 2010, the Director was Professor Megan Richardson and the Deputy Director was Dr Chris Dent.

Conferences and Seminars

Do Constitutional Rights Really Make a Difference?

23 February 2010 (Melbourne)

Presentation: Professor Jamie Cameron

Authorship, Anthems and Authorisation: A Legal and Economic Review of the Copyright Triptych

18 March (Melbourne)

19 March (Sydney)

Presentations: David Brennan, Melissa de Zwart and David Lindsay

Open for Business? China's Telecommunications Service Market and the WTO

21 April 2010 (Melbourne)

Presentation: Dr Tania Voon and Dr Andrew Mitchell

Secrecy, Security and the Media: How Counter-Terrorism Laws Affect Reporting in Australia and the UK

1 June 2010 (Melbourne)

2 June 2010 (Sydney)

Presentation: Dr Lawrence McNamara

'Who Owns the News?': A Panel Discussion

8 July (Melbourne)

CMCL Medal: New Voices in Media Law

30 August 2010 (Melbourne)

CMCL 2010 Conference

25-26 November 2010 (Melbourne)

No Personality Rights for Popstars in Hong Kong?

1 December 2010 (Sydney)

6 December 2010 (Melbourne)

Presentation: Professor Peter K Yu

Conversation and Drinks with Eddie Schwartz

Monday 13 December (Melbourne)

Centre for Media and Communications Law

Visitors

Lisa M Austin - Associate Professor, Faculty of Law,
University of Toronto , CA

Karen Lee - Lecturer, School of Law , University of
New England , NSW

Contact CMCL

The Centre's website can be accessed at:
<http://www.lawapps.law.unimelb.edu.au/cmcl/>

The Centre can be contacted by email at:
law-cmcl@unimelb.edu.au

Media & Arts Law Review

The Media & Arts Law Review is a quarterly, refereed journal examining all areas of media and arts law, including: Communications, Contempt, Copyright, Cultural Heritage, Defamation, Digitisation, Entertainment, Free Speech, IP, Journalism, Privacy, and the Public Interest.

The Review has a distinguished Editorial Board and publishes independently refereed articles, from Australian and international authors, as well as conference reports and book reviews. It also includes regular update reports about media and arts law developments from a team of International Contributing Editors. The updates offer a snapshot of matters such as case law, legislation, law reform, international conventions, and changes in industry self-regulation. Reports include the US, Canada, the UK, Africa, Hong Kong, the European Union, New Zealand and Australia.

Centre for Resources, Energy & Environmental Law



"CREEL has established strong links with University of Melbourne researchers in the energy, resources and environmental fields."

Centre Activities and Linkages

CREEL consolidated links with the legal profession, multidisciplinary researchers and cognate international law schools. CREEL has established strong links with University of Melbourne researchers in the energy, resources and environmental fields with the Centre Director serving on the Board of Management for the Melbourne Sustainable Society Institute and as Associate Director for the Office for Environmental Programs. Indeed, interdisciplinary research is a particular strength of Centre researchers with several interdisciplinary workshops being conducted under the auspices of CREEL in 2009. The Centre also has strong linkages with international legal researchers in energy and environmental law, including the Academic Advisory Group (SEERIL) for the International Bar Association, the Environmental Law Commission for IUCN and the International Law Association's Committee on Climate Change Law. Melbourne Law School remain affiliated with the IUCN Academy of Environmental Law at the University of Ottawa Canada. This group is a coalition of law schools around the globe that teach environmental law.

Research Activities

CREEL staff, and a growing number of graduate research students associated with the Centre, have continued to be prolific in research activities and outcomes over 2010. Many activities centre on 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 emphasis on environmental taxation [including carbon pricing], climate change litigation and adaptation, more extensive work on indigenous land title, international regimes around fisheries, and domestic and international energy regulation and renewable technologies.

Events

Book Launch: Environmental Law: Scientific, Policy and Regulatory Dimensions

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

Workshop: 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.

Centre for Resources, Energy & Environmental Law

New Natures Public Lecture Series - Launch

New Natures, a public seminar series on the theme of 'nature, law, and life', was held at the Melbourne Law School throughout 2010. The series enabled internationally renowned thinkers to share their most recent work with an Australian audience via video teleconference. New Natures offers an opportunity for sustained reflection on the place of nature in contemporary thought, and its implications for the most pressing governmental questions of our day. In the first seminar, Professor Luce Irigaray, one of the world's most influential feminist philosophers, presented her new work 'When Natural Differences Substitute for Constructed Oppositions: Towards a World Culture', live from Paris, France.

The series was co-convened by Yoriko Otomo and Connal Parsley and supported by the Melbourne Law School and CREEL.

Book Launch: Comparative Perspectives on Communal Lands and Individual Ownership: Sustainable Futures

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

New Natures Public Lecture Series

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.

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, particularly in the context of the resources industry.

Seminar: '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; Ellen Roberts, founder of Climate Action, Moreland.

Government of Mongolia Study tour Workshop on Mining and Environmental Law

Under the auspices of CREEL, 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. 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; corporate social responsibility and agreements as tools for managing social and environmental impacts. Angus Frith, PhD candidate also presented at the workshop.

Centre for Resources, Energy & Environmental Law

‘The End of the Line’ Screening, hosted by IILAH and CREEL

Presentation of the End of the Line: 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.

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.

‘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’

External Conference and Seminar Presentations

March 2010 Conference Presentation

Professor Lee Godden, ‘Integrated Environmental Law and Governance’, Indonesia’s Climate Change Challenges, Policy Commitments and Policy Priorities March 18 – 19, 2010 Co-Organized by: APRU World Institute and University of Indonesia, Jakarta.

April 2010 Conference Presentation

Professor Lee Godden, jointly with Professor Al Lucas, Dean Law School, University of Calgary, and Professor Lavanya Rajamani, Centre for Policy Research, New Delhi presented the paper ‘New Roles for Property in Energy and Natural Resources: Property in Energy and Resources in a Changing World’ at the International Bar Association SEERIL Conference, Toronto.

9 July 2010 Conference Presentation

Dr Margaret Young presented the paper ‘Regime Interaction: Climate Change & Trade Law’ at the Society of International Economic Law conference in Barcelona, Spain. See further:
<http://www.sielnet.org/Default.aspx?pagelId=579239>

14 July 2010 Presentation

Professor Lee Godden presented the paper ‘Development of Water Law in Australia – A National Focus’ at the 6th Groundwater for Decision Makers Workshop in Melbourne.

10-11 September 2010 Symposium

Dr Margaret Young presented on fisheries and international trade law issues to the International Trade Law Symposium hosted by the Attorney-General’s Department, and the Department of Foreign Affairs and Trade and the Law Council of Australia in Canberra.

28 October 2010 The Government of Mongolia Study Tour to Australia: Two-day workshop on Australian Mining Law and Environmental Protection (and Cultural Heritage)

Associate Professor 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”

4-5 November 2010 Conference Paper

Dr Margaret Young presented on climate change governance at a conference on Climate Change Governance after Copenhagen, jointly organised by the Faculties of Law of the University of Hong Kong (HKU) and University College London (UCL).

Associate Professor Jacqueline Peel presented on ‘Issues in Climate Change Litigation’

See further:

http://www.ucl.ac.uk/laws/environment/index.shtml?hk_conferenceprog

Centre for Resources, Energy & Environmental Law

14-16 December 2010

Associate Professor Maureen Tehan presented on indigenous rights within the Australian Federal System at the 5th International Conference on Federalism. The conference was organised in co-operation with the Forum of Federations and was held in Addis Ababa, Ethiopia. The conference theme was Equality and Unity in Diversity for Development.

Selected invited presentations

Dr Margaret Young

'The Challenge of Food Security, 3rd Biennial Ingram Colloquium on International Law and Development', UNSW Faculty of Law, Sydney, Australia, 2 December 2010

Dr Margaret Young

'Climate Change Law and Regime Interaction', Climate Change Governance After Copenhagen, co-hosted by Faculty of Law, University of Hong Kong and Faculty of Laws, University College London, Hong Kong, 5 November 2010

Associate Professor Jacqueline Peel

'Issues in Climate Change Litigation', 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 November 2010

Dr Margaret Young

'Can International Trade Law Solve Environmental Problems?', Queen's College Guest Lecture Program, Queen's College, University of Melbourne, Australia, 13 September 2010

Dr Margaret Young

'Fisheries and International Trade Law, International Trade Law Symposium' hosted by the Law Council of Australia, Attorney-General's Department and the Department of Foreign Affairs and Trade, Old Parliament House, Canberra, Australia, 10 September 2010

Presentations Research Higher Degree Students

Angus Frith presented the paper 'Indigenous

peoples in Australia and climate change: organising for action' at the Climate Change: Science and Humanities conference at Harvard University: 4 March 2010

Angus Frith attended the 'Emerging Leaders Seminar', part of the Native Nations Institute Executive Education Seminar Series, at the University of Arizona in Tucson, Arizona, United States: 23 & 24 March 2010.

Angus Frith presented the paper 'The mob getting it right for the future: structures and processes of PBCs' at the Native Title Conference, Canberra 2-3 June 2010.

Rafael Plaza presented the paper 'The South America's Dilemma: Sustainable Development and Renewable Energies. Can Transnational Power Grids assist in solving it?' at the 7th International Summer Academy 'Energy and the Environment'. Greifswald University, Germany held in Greifswald and Berlin, Germany, from 18th to 28th July, 2010.

Knowledge Transfer and Exchange

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

Professor Lee Godden and Associate Professor Jacqueline Peel gave a paper on the 'Precautionary Principle' during a Seminar at the Environment Defender's Office (EDO), 13 July 2010, Melbourne. The Centre has strong linkages with international legal researchers in energy and environmental law, including the Academic Advisory Group (SEERIL) for the International Bar Association and the Environmental Law Commission for International Union for the Conservation of Nature (IUCN). 2010 Government and Law Reform Submissions

Professor Lee Godden and Associate Professor Jacqueline Peel: Submission to the Inquiry into the Environmental Effects Statement Process in Victoria, 24 May 2010.

Centre for Resources, Energy & Environmental Law

Associate Professor Maureen Tehan: Submission to Attorney General: Proposed Amendments to Native Title Act 1998 (Cth) in relation to historical extinguishment.

Associate Professor Maureen Tehan: Submission to the Victorian Law Reform Commission in response to Consultation Paper: Review of the Property Law Act 1958 (Vic).

Contact CREEL

The Centre's website can be accessed at:
<http://www.creel.law.unimelb.edu.au>

The Centre can be contacted by email at:
law-creel@unimelb.edu.au

Competition Law & Economic Network



"The Network has been established by the Melbourne Law School, but has members and encompasses activities from other University of Melbourne faculties - particularly the Faculty of Business & Economics and the Melbourne Business School."

About the Network

The Competition Law & Economics Network is a network of people engaged in research, teaching and other activities in areas related to competition law and economics at the University of Melbourne. The Network has been established by the Melbourne Law School, but has members and encompasses activities from other University of Melbourne faculties - particularly the Faculty of Business & Economics and the Melbourne Business School. The Network thus reflects the interdisciplinary nature of this field of regulation. Members of the Network are individuals affiliated with the University of Melbourne who contribute to the research and/or teaching activity of the University in relevant areas. Members include full-time academics and members of the legal profession. Several Network Members are from leading overseas institutions. The Network is directed by the Law School's Associate Professor Caron Beaton-Wells.

The objectives of the Network in relation to research are:

- to raise the profile of the competition law and economics research activity and outputs of Network members; and
- to facilitate interdisciplinary research collaborations between members of the Network and between the Network and external researchers and institutions.

Selected Research Activity

Network members published extensively in 2010. Particular highlights included articles in leading national and international legal and economic journals, including the Federal Law Review, International Journal of Industrial Organization, American Economic Journal: Microeconomics, Economic Review Papers and Proceedings, and Northwestern University Law Review. Members gave numerous speeches at conferences, seminars and workshops, including the annual Law Council Trade Practices Workshop, the International Competition Network Cartels Workshop, Twelfth Annual Sedona Conference on Antitrust Law and Litigation, and the Global Competition Review's Antitrust Leaders' Forum.

Research activity continued on a major Australian Research Council-funded research project, led by Associate Professor Caron Beaton-Wells and involving other Network members, Professor Christine Parker, Associate Professor Fiona Haines and Research Assistant Janette Nankivell. The Project is investigating the impetuses for and the implications of the criminalisation of cartel conduct in Australia. More information about the Project is available at <http://www.cartel.law.unimelb.edu.au>.

In 2010, PhD candidate, Joanne Daniels was confirmed in her candidature. Supervised by Network Director, Associate Professor Caron Beaton-Wells and Deputy Director, Dr Rhonda Smith, Joanne is researching the effectiveness of the generic access regime under the Competition and Consumer Act 2010. In 2010 a new PhD

Competition Law & Economic Network

student, Wendy Ng, commenced her candidature, researching China's Anti-Monopoly Law, supervised by Associate Professor Beaton-Wells and Associate Professor Sean Cooney.

Visiting Scholars

Two leading scholars from the United States visited the Melbourne Law School in 2010.

Professor Michael Jacobs visited in June. Professor Jacobs is an eminent antitrust scholar and Distinguished Research Professor of Law at DePaul University. He advised on the drafting of the Chinese Anti-Monopoly Law and consults with antitrust enforcement agencies in the US, Europe and Asia. In 1998–99, he was a Visiting Scholar with the Australian Competition and Consumer Commission and in 2000 he was the Fulbright Distinguished Chair (in competition law) for Italy. For the past ten years he has been a special consultant to law firm Blake Dawson, Australia.

Professor William Kovacic visited in August. Professor Kovacic is a Professor of Law at George Washington University Law School and has taught and published extensively in the field of antitrust law. For more than two decades he has consulted to governments around the world on antitrust issues. Professor Kovacic has served on the US Federal Trade Commission since January 2006, and served as Chairman from March 2008 until March 2009.

Selected Events

The Competition Law & Economics Network hosts an Annual Public Lecture Series on competition law and economics related issues. The Lecture is given by an eminent international or national figure in this field on a topic of contemporary relevance. The intention behind the Lecture series is to highlight and generate debate about big picture policy issues as well as provide comparative insights from other jurisdictions. The Lecture is named in honour of Professor Bob Baxt AO in recognition of his substantial contribution to the development of competition law in Australia. The Inaugural Baxt Lecture was delivered by Professor William Kovacic, US Federal Trade Commissioner, on the topic "Competition Authorities for the 21st Century", on Friday 13 August 2010 at the Melbourne Law School. The Lecture was attended by more than 100 guests from the legal profession, the Australian Competition and Consumer Commission, the judiciary, the business sector, other universities and the student body. The audio and slides from the Lecture are available at <http://clen.law.unimelb.edu.au/go/news-and-events/annual-baxt-lecture>.

During 2010 the Network also hosted a Roundtable on the Private Enforcement of Competition Law. Convened by the Network Director, Associate Professor Beaton-Wells on an invitation-only basis, the Roundtable was attended by 30 of the most senior representatives from stakeholder organisations. The impetus for the Roundtable was the concern that a similar structured debate involving all the key stakeholders in Australia is overdue.

It was also recognised that the University, as an independent institution, has much to offer by bringing together and facilitating an exchange between stakeholders in a field in which conflicting priorities and different perspectives have the potential to impede constructive debate. The discussion took place over a full day and canvassed the many hurdles facing private litigants in Australia, with a particular focus on issues that arise at the interface between ACCC enforcement activity and private actions for damages. More information about the Roundtable is available at <http://clen.law.unimelb.edu.au/go/news-and-events/roundtable-private-enforcement>.

Community Engagement

Members of the Network continued their engagement and knowledge transfer activities through membership of various professional associations, including the Law Council Competition and Consumer Committee. Members made submissions to government on several important issues of reform and also were regular commentators in the financial media.

Contact the CLEN

The Network's website can be accessed at: <http://clen.law.unimelb.edu.au>

The Centre can be contacted by email to its Director at: c.beaton-wells@unimelb.edu.au

Intellectual Property Research Institute of Australia



"Established in 2002, Intellectual Property Research Institute of Australia (IPRIA) is one of the world's few, and Australia's only, multidisciplinary research organisation specialising in research on the law, economics and management of intellectual property."

The Institute was established with the broad aim of increasing the understanding, creation, use and exploitation of intellectual property by Australian organisations and individuals. It is based at the University of Melbourne, comprising directors and staff from the Melbourne Law School, the Faculty of Economics and Commerce, and the Melbourne Business School.

Conferences and Seminars

The Protection of Brands: A Contemporary Look at Acquisition, Scope and Market Realities

Thursday 11 February (Perth)

Friday 12 February (Adelaide)

Authorship, Anthems and Authorisation: A Legal and Economic Review of the Copyright Triptych

Thursday 18 March (Melbourne)

Friday 19 March (Sydney)

Presentations: David Brennan, Melissa de Zwart, David Lindsay

TRIPS at 15: A New Centre of Gravity? Reflections on the Evolution of the TRIPS Agreement

Friday 26 March (Melbourne)

L'Oreal and the Logic of 'Because You're Worth It': Free Riding and European Trade Mark Law

Monday 10 May (Melbourne)

Wednesday 12 May (Sydney)

Presentations: D Gangjee (Melbourne and Sydney)

Raising the Inventive Step: A Look at the Issues

Tuesday 18 May (Brisbane)

Wednesday 19 May (Sydney)

Thursday 21 May (Melbourne)

Thursday 17 June (Adelaide)

Friday 18 June (Perth)

Presentations: Beth Webster, Tom Cordiner

Banning Tobacco Logos: A Look at the Issues

Wednesday 26th May (Melbourne)

Presentations: Tim Wilson; John Freebairn;

Angela Paladino; Mark Davison

Australian Inventors: Who Are They?

Monday 21 June (Perth)

Wednesday 23 June (Sydney)

Thursday 24 June (Melbourne)

Presentation: Alfons Palangkaraya

'Who Owns the News?': A Panel Discussion

Thursday 8 July (Melbourne)

Australian Scientists and Research Use Exemptions in Patent Law: Does Perception Match Reality?

Tuesday 19 October (Brisbane)

Thursday 21 October (Melbourne)

Monday 25 October (Hobart)

No Personality Rights for Pop Stars in Hong Kong?

Wednesday 1 December (Sydney)

Monday 6 December (Melbourne)

Intellectual Property Research Institute of Australia

The Innovative Organisation: Strategy and Executive Compensation

Thursday 9 December (Melbourne)

Presentations: Bruno Cassiman, Don O'Sullivan

Conversation and Drinks with Eddie Schwartz

Monday 13 December (Melbourne)

Visitors

Professor Andrew A Adams - Meiji University, Japan

Professor Rahul Kapoor - Wharton University of Pennsylvania, USA

Dr Giuseppe Scellato - Politecnico di Torino, Italy

Dr Dev Gangjee - London School of Economics, UK

Professor Christine A Greenhalgh - St Peter's College, University of Oxford

Professor Dr Dirk Czarnitzki - Katholieke Universiteit Leuven, Belgium

Associate Professor Dr Katrin Hussinger - Maastricht University, The Netherlands

Professor Peter Drahos - Centre for the Governance of Knowledge and Development, Regulatory Institutions Network (RegNet), College of Asia and the Pacific, Australian National University

Professor Ivan Png - NUS Business School, National University of Singapore

Professor Rochelle Dreyfuss - New York University School of Law

Professor Vincenzo Denicolo - Department of Economics, University of Bologna, Italy

Dr Katrin Cremers - ZEW (Centre for European Economic Research), Germany

Dr Christophe Grimpe - ZEW (Centre for European Economic Research), Germany

Associate Professor Ng-Loy Wee Loon - National University of Singapore

Professor Graeme W Austin - University of Arizona, USA

Professor Sadao Nagaoka - Hitotsubashi University, Japan

Professor Peter KYu - Drake University Law School, USA

Professor Susy Frankel - Victoria University of Wellington, New Zealand

Professor Chen Zhao Hui - Deputy Dean and Professor of Economics, Guangxi University of Technology, China

Other Research Projects

International Patent Standards

Comparative Examination of Opposition Processes in Patent Law

(Chris Dent, Andrew Christie, Kimberlee Weatherall, Fiona Rotstein)

Comparison of Quality of International Patent Examinations Using Matched Applications

(Alfons Palangkaraya, Paul Jensen, Beth Webster)

Harmonisation of Patent Examinations

(Chris Dent, Andrew Christie, Wilson)

The Efficiency of the Global Patent System

(Beth Webster, Paul Jensen, Alfons Palangkaraya, Sadao Nagaoka, Wright, Bruno van Pottelsberghe, Show Ling Jang, Russell Thomson, Gaetan de Rassenfosse, IPTA & IP Australia)

Management of IP

"Evergreening" Patents

(Chris Dent, Andrew Christie, Lachlan Wilson)

Examination of Australian Business Accounting Practices on Intangible Capital Expenses

(Anne Wyatt, Dan Hunter, Beth Webster)

Firm Patent Management Strategy

(Ian O Williamson)

Implementation of Management Innovation

(Ian O Williamson)

Intellectual Property and Managerial Incentives

(Don O'Sullivan)

Challenges in Managing a Global Knowledge-based Workforce

(Ian O Williamson et al.)

Knowledge Spillovers from Star Inventors

(Alfons Palangkaraya)

Intellectual Property Research Institute of Australia

Employee's Rights to intellectual Property

(Chris Dent, William van Caenegem, Chris Arup, John Howe)

Public Sector Science

Freedom to Operate

(Paul Jensen, Beth Webster)

High Performing Research Institutes

(Beth Webster, Paul Jensen)

Institutional Factors in the Creation of Intellectual Property

(Kwanghui Lim, Catherine de Fontenay, Nisvan Erkal, Richard Mollard)

Patents and Public Sector Research

(Paul Jensen, Beth Webster)

Commercialisation of Science

Uncertainty and the Success of Innovation

(Alfons Palangkaraya, Beth Webster Yong, Paul Jensen, Russell Thomson, Kimberlee Weatherall, IP Australia)

Markets for Technology and Ideas

Market for Technology

(Beth Webster, Paul Jensen, Sean Applegate, Rowan Gilmore, Karen Sinclair, IP Australia)

Market for Ideas: Patent Reassignment

(Kwanghui Lim, Joshua Gans and Ian Cockburn)

International Diffusion of Intellectual Property

(Wenyue Zhuang, Kwanghui Lim & Poh-KamWong)

Trade Marks and Brands

New Law of Brands and Reputation in the Asia-Pacific Region (in conjunction with IPA, Singapore)

(Megan Richardson, Kwanghui Lim, Beth Webster, Kimberlee Weatherall, Vicki Huang, Sam Ricketson)

Testing Trade Mark Law's Image of the Consumer

(Kimberlee Weatherall, Megan Richardson, Robert Burrell, Sarah Kelly, Mike Humphreys, Jennifer Burt, IP Australia, Fosters, Federal Court)

Copyright

Cultural Collections and Copyright Reform

(Andrew Christie, Andrew Kenyon)

TRIPS and Australian Copyright Exceptions

(Andrew Christie)

New Business Models for Book Publishing

(Megan Richardson, Kwanghui Lim)

Amateur Hour: The Socio-Legal Construction of Amateur Media

(Megan Richardson)

Other

History of Australian Patent Policy

(Chris Dent)

Breach of Confidence

(Megan Richardson)

Framing Modern Intellectual Property Law: Exhibition, Advertising and the Press 1789-1918

(Megan Richardson)

Contact IPRIA

The Centre's website can be accessed at:

<http://www.ipria.org>

Obligations Group



"The Obligations Group at Melbourne Law School supports research and scholarly discussion of the law of obligations, which includes the law of contract, tort, unjust enrichment and restitution, equity and trusts, property, remedies and private law theory. The group provides a forum for academic discussion of these topics and facilitates interaction between academics and practitioners on issues of current interest."

The Directors of the Obligations Group are Professor Andrew Robertson and Associate Professor Elise Bant. Other academic staff associated with the group are: Dr Katy Barnett, Mr Matthew Bell, Associate Professor David Brennan, Professor Michael Bryan, Professor Michael Crommelin AO, Mr Arlen Duke, Mr Andrew Godwin, Mr Matthew Harding, Associate Professor Cally Jordan, Professor Ian Malkin, Dr Jeannie Paterson and Professor Ian Ramsay.

Conferences

Obligations V: Rights and Private Law

On 14-16 July 2010 Melbourne Law School co-hosted the Fifth Biennial Conference on the Law of Obligations with the Faculty of Law at the University of Oxford. The conference was convened by Mr Donal Nolan (Oxford) and Professor Andrew Robertson (MLS). The Obligations conferences originated at Melbourne Law School in 2002 and bring together scholars and practitioners to discuss issues in tort, contract, equity and trusts, unjust enrichment and private law theory. The 2010 conference took place over three days at St Anne's College, Oxford and addressed the theme 'Rights and Private Law', which included the debate between rights-based and non rights-based theories of private law as well as the relationship between human rights and private law. Obligations V was attended by academics and practitioners from 16 different countries (Australia, Austria, Canada, Germany, Hong Kong, India, Ireland, Korea, Malaysia, the Netherlands, New Zealand, Spain, Sweden, Singapore, UK, USA), including representatives

of 65 different law schools. The conference was supported by financial assistance provided by Mr Allan Myers QC, Freshfields Bruckhaus Deringer, Hart Publishing and Cambridge University Press.

The following papers were presented at the conference by Obligations Group members and associates:

Professor Andrew Robertson, 'Rights, Pluralism and the Duty of Care'

Dr Jeannie Paterson, 'The Reasonable Person in the Law of Contract'

Dr Matthew Harding, 'Testamentary Freedom to Discriminate: The Case Against'

Associate Professor Elise Bant, 'Rights and Value in Rescission: some implications for Unjust Enrichment'

Professor Harold Luntz, 'Loss of Chance in Medical Negligence'

Property Conference

On 10 December the Obligations Group hosted a one-day Property Conference convened by Associate Professor Elise Bant. The conference provided scholars in the field of property law with an opportunity to present work in progress and facilitated a collegial discussion of issues related to teaching, research and publications. The conference was supported by financial assistance provided by Thomson Reuters.

Obligations Group

Seminars

Top Down Reasoning and the High Court of Australia

The Honourable Keith Mason AC QC
(26 March 2010)

Strengthening Statutory Unconscionable Conduct –The Report, The Government’s Response and the Regulatory Road Ahead

Professor Bryan Horrigan (Monash University)
(21 April 2010)

Regulating Unfair Terms in Standard Form Consumer Contracts

Dr Jeannie Paterson (Melbourne Law School),
(28 April 2010)

The Use and Abuse of Resulting Trusts

Mr William Swadling, (Brasenose College, Oxford)
(5 August 2010)

The New ECommunications Convention

Professor Amy Boss (Drexel University)
(14 October 2010)

Undue Influence and Freedom of Mind Associate

Professor Simone Degeling (UNSW)
(22 October 2010)

Property and Public Policy - Transatlantic Clashes

Professor Sarah Worthington (London School of Economics)
(29 October 2010)

Equity and Commercial Law

Mr Ben McFarlane (Trinity College, Oxford)
(16 November 2010)

Visitors

Mr William Swadling, Senior Fellow, Brasenose College, Reader in Property Law and CUF Lecturer in Law at the University of Oxford (August)

Professor Sarah Worthington, Professor of Law at the London School of Economics and an academic member of 3/4 South Square, Gray’s Inn (October)

Mr Ben McFarlane, Fellow and Tutor in Law, Trinity College Oxford and CUF Lecturer in Law at the University of Oxford (November/December)

Major Publication

In 2010 Cambridge University Press published *Exploring Private Law*, a collection of essays edited by Associate Professor Elise Bant and Dr Matthew Harding and dedicated to Professor Michael Bryan on the occasion of his retirement. Contributors to the collection included: Professor Andrew Burrows QC, FBA (Oxford), Professor Robert Chambers (UCL), Dr Matthew Conaglen (Cambridge), Professor Anthony Duggan (Toronto), Professor James Edelman (Oxford), The Honourable Justice Paul Finn (Federal Court of Australia), Professor Lusina Ho (Hong Kong), Dr Birke Häcker (Ludwig Maximilians Universität München), Assoc Prof Kelvin Low (SMU), the Honourable Keith Mason AC QC, Professor Mitchell McInnes (Alberta), Mr Richard Nolan (Cambridge), Professor Megan Richardson (MLS), Assoc Prof Helen Scott (Cape Town), Professor Lionel Smith (McGill), Assoc Prof Tang Hang Wu (Singapore), Professor Michael Tilbury (Hong Kong),

Professor Daniel Visser (Cape Town), Professor Peter Watts (Auckland) and Professor Sarah Worthington QC (LSE), as well as Obligations Group members Dr Katy Barnett and Professor Andrew Robertson.

Other publications by Obligations Group members are listed in the 2010 Published Research section of this report.

Research Higher Degree Completions

Dr Katy Barnett completed her PhD on ‘Accounting for Profit for Breach of Contract: Theoretical and Practical Justification’ under the supervision of Professor Michael Bryan and Professor Andrew Robertson.

Contact the Obligations Group

The Obligations Group website can be accessed at:
www.obligations.law.unimelb.edu.au

Tax Group



"The Tax Group at Melbourne Law School is a focal point for excellence in tax research and education. Members of the Tax Group carry out a range of tax research projects with a technical and a policy focus and contribute actively to public debate on tax reform."

The Tax Group brings together full-time academic faculty and experienced tax professionals including members of leading law and accounting firms and leading members of the Tax Bar, to provide a comprehensive and detailed Tax Masters degree program.

Research Projects

Tax group members are currently working on the following significant research projects, many of which are collaborative and interdisciplinary in nature and both build on and contribute to professional and consultancy work carried out by members of the Group.

Employee Share Ownership

Associate Professor Ann O'Connell continued work with Professor Ian Ramsay of the Centre for Corporate Law and Securities Regulation on a 3 year ARC-funded research project, 'Employee share ownership: current practice and regulatory reform'. In 2010, the project focused on why employees participate in plans and on use of such plans in other jurisdictions. In association with the project, Ann O'Connell conducted a workshop with experts and produced a number of publications listed below as well as reports on cross-border issues arising from employee share schemes.

International Tax and Treaties

Dr Mike Kobetsky continued work on his book on the attribution of profits to branches of international enterprises under the OECD Model Tax Convention. Senior Lecturer Sunita Jogarajan continued work on her

PhD on the origins and history of tax treaties.

Defining, Regulating and Taxing the Not-for-Profit Sector in Australia: Law and Policy for the 21st Century

Associate Professor Ann O'Connell and Associate Professor Miranda Stewart together with Associate Professor Matthew Harding continued research in relation to the not for profit sector. The project is considering the legal definition, regulation and taxation of the sector. In 2010 the Project hosted a workshop in August at Melbourne Law School with representatives from government, not-for-profit organisations and peak bodies, and advisers to not-for-profits. The Project also gave evidence and made a submission to the Senate Economics Committee on the Tax Laws Amendment (Public Benefit Test) Bill 2010.

Tax and Indigenous Economic Development; Poverty in the midst of Plenty

Associate Professor Miranda Stewart continued work on a collaborative and interdisciplinary team working on issues of native title and Indigenous economic development, including tax and legal entity issues during 2010, under the leadership of Professor Marcia Langton. She presented papers and organized workshops on taxation of native title involving a range of participants, including native title lawyers, Treasury and federal legal officials and members of the profession.

Tax Group

Tax Expenditures and Developing Countries

Associate Professor Mark Burton and Associate Professor Miranda Stewart worked jointly on a consultancy for the International Budget Project (www.ibp.org), examining tax expenditure reporting in developing countries. The IBP is a non-government organization based in Washington DC, US, that promotes budget transparency in governments around the world.

Grants

In 2010 Associate Professor Miranda Stewart was awarded the first Oxford-Melbourne research grant for her project 'A Study of the Interplay Between Sham Transactions, Judicial and Statutory Anti-avoidance Rules and the Doctrine of Abuse of Rights in Australian and UK Tax Law'. She began work on this project with Edwin Simpson from Oxford University Faculty of Law, while on research leave at Christ Church, Oxford.

Significant Publications in 2010 (Books only)

- **Pagone, T**, '*Tax Avoidance in Australia*', (2010).
- Coleman, C, Hanegbi, R, Hart, G, **Jogarajan, S**, Krever, R, McLaren, J, Obst, W and Sadiq, K, '*Principles of Taxation Law 2010*', (3rd ed, 2010).
- **Stewart, M** (Editor), '*Housing and Tax Policy*', (2010).

Tax Group Seminars and Workshops

Melbourne Law School Annual Tax Lecture
The Annual Tax Lecture series was launched by the Tax Group in 2005 with the purpose of placing the development of the tax law in its historical context, and to inform public debate on current tax issues. In 2010, the Hon Justice Richard Edmonds, of the Federal Court of Australia, presented a Lecture entitled "Judicial Perspective on Tax Reform". This Lecture has been published at (2010) 35(1) Melbourne University Law Review (forthcoming). Previous Lecturers have included the Hon Justice Tony Pagone of the Supreme Court of Victoria, the Hon Justice Michael Kirby of the Federal Court of Australia, Professor John Tiley of the University of Cambridge, the Hon Justice Young of the Federal Court of Australia and Mr Alan Myers AO QC. Book Launch

The Tax Group was delighted to host, with the Australian Italian Lawyers Association, the launch of Professorial Fellow the Hon Justice Tony Pagone's book (Federation Press). The book was launched by the Hon Justice Robert French, Chief Justice of the High Court of Australia at the Melbourne Law School on Friday 23 July 2010.

Workshops

- Policy and Sector Workshop on Native Title and Tax Reform, with Minerals Council of Australia, National Native Title Council and other stakeholders, co-organised with CIs in Linkage

Project, Poverty in the Midst of Plenty (18 June 2010).

- Legal Workshop on Native Title and Tax Reform, with scholarly presenters and participants from federal Treasury, Australian Tax Office, and law firms, ATNS Linkage Project, Poverty in the Midst of Plenty (16 July 2010)
- International Fiscal Association Symposium on International Tax Information Exchange: Mr Malcolm Allen, Australian Taxation Office Assistant Commissioner (International relations); Mr Terry Murphy SC, Australian Taxation Office Special Counsel; Professor Jason Sharman, Political Science, Griffith University; Ms Liz Tromans, National Australia Bank, Head of Taxation – Australian Banking (12 August 2010).
- Not for Profits One Day Scoping Workshop (ARC Discovery Grant), 30 invited representatives of the not for profit sector (co-organised with Research Fellow Joyce Chia, Associate Professor Ann O'Connell and Associate Professor Matthew Harding) (18 August 2010).
- Tax Group, the Women + Work Research Cluster, Centre for Governance, Work and Technologies, RMIT University, and The National Foundation for Australian Women hosted a workshop on "Women and Tax: The Impact of the Henry Tax Review" (20 August 2010).
- Associate Professor Ann O'Connell organised a workshop as part of the Employee Share Ownership ARC Project. Two of the world's leading experts presented at the event - Professor Andrew Pendleton from York

Tax Group

University, United Kingdom and Professor Joseph Blasi from Rutgers University, USA (5 November 2010).

International Fiscal Association Seminars

- Professor Pasquale Pistone, Vienna University of Economics and Business, "Arbitration in international tax disputes" (8 February 2010)
- Professor Kees van Raad, University of Leiden, "Dual Resident Companies under Tax Treaties" (23 March 2010)
- The Hon Justice Ian V'italy Gzell, Supreme Court of New South Wales, "Recent Decisions in relation to Trusts and Administration" (22 April 2010)
- Professor Stafford Smiley, Georgetown Law Centre, Washington DC, "US International Tax Developments: Issues of cross-border tax enforcement and information exchange," (4 August 2010)

Tax Discussion Group

The Tax Group hosts a monthly Discussion Group, chaired by Justice Tony Pagone who is a Professorial Fellow and teachers in the Tax Masters program. The Discussion Group provides a forum for our nearly 30 adjuncts and professional faculty to engage with the Law School and discuss topical tax law developments.

Consultancies, Visiting Conference Presentations, Seminars and Teaching

Members of the Tax Group were invited to teach or present seminars to a range of institutions during 2010 and presented a number of conference papers including:

Associate Professor Michael Kobetsky

- Presentations at the UN, Department of Economic and Social Affairs, Ad Hoc Expert Group Meeting on Transfer Pricing, New York (January 2010)
- Presented seminars on international taxation and international tax avoidance to Indian tax officials in Nagpur, India (February 2010)
- Participated as a committee member at the UN Transfer Pricing Sub-Committee meeting, Malaysia (June 2010)
- Presented a paper on transfer pricing, Inaugural Asian Tax Authorities Symposium to officials from Asian countries which was hosted by the IBFD and sponsored by the UN, Department of Economic and Social Affairs and the Norwegian Ministry of Foreign Affairs (June 2010)
- Presented a paper on the OECD's experience with thin capitalization policy at the Malaysian National Tax Conference (July 2010)
- Participated in the Asian Development Bank Regional Tax Forum in Tokyo. He made presentations on transfer pricing and permanent establishments to officials from Pacific countries (October 2010)

Associate Professor Ann O'Connell

- 'Charitable Treatment: A Short History of Taxation of Charities in Australia' paper delivered to the 5th Tax History Conference, University of Cambridge (July 2010)
- 'Using Tax Concessions to Incentivise Employees' paper presented to a conference on "Globalisation and Business Challenges in the post-Financial Crisis World" organized by the Centre for Tax Law and Policy at Monash university, Prato Italy (September 2010)
- 'Australian Tax Issues relating to Employee Share Schemes' paper presented at workshop held at Melbourne Law School (5 November 2010).

Associate Professor Miranda Stewart

- '(In)tense Relationships: What are the New Global Tax Norms of Information Exchange and Enforcement?' London School of Economics, Law School, Taxation Seminar (22 November 2010)
- 'The Doctrine of Sham in Tax Law', Oxford Centre for Business Taxation, University of Oxford Said Business School, Taxation Seminar Series (23 November 2010)
- 'The New Global Tax State: Information Exchange and Enforcement' Vienna University of Economics and Business Administration, Institute for Austrian and International Tax Law, Invited Seminar, European and International Tax Law with PricewaterhouseCoopers (15 November 2010)

Tax Group

- 'Women and Tax Policy', Queen Mary Law School, University of London, UK (11 October 2010)
- 'Gender and Tax Policy in the Henry Tax Review' Tax Research Network Annual Conference (UK), University of Bangor, Wales (7-8 September 2010)
- 'Tax Havens', Invited Panel presenter, Seminar: 64th Congress of the International Fiscal Association, Rome, Italy (Chair, Professor Dr Pasquale Pistone, University of Salerno, Italy and Vienna University of Economics and Business Administration; Mr Jeffrey Owens, Director, Centre for Tax Policy, OECD; Mr Eric Hess, Federal Tax Administration, Switzerland; Mr Bill Sharp, Partner, Sharp Kemm PA, USA; Panel Secretary, Ms Natalia Quinones, Colombia), (29 August – 3 September 2010)
- 'Gender Equity in Tax Policy: A Capabilities Approach' - Implications for New Zealand from the Henry Tax Review', Victoria University, Centre for Accounting, Governance and Tax Research, Wellington, New Zealand (6 July 2010)
- 'Death and Taxes – Oh to Die Downunder?', Invited fully written paper and presentation to the Victorian Bar, podcast at www.vicbar.com.au (14 April 2010)
- 'Native Title Payments and Tax', Native Title Representative Bodies Chief Financial Officers Workshop (3-4 February 2010)

- 'Tax Policy for Housing in Australia', 22nd Australasian Tax Teachers Association Conference, University of New South Wales, Sydney, Australia (21-22 January 2010)

Iraqi Consultancy

In July 2010 members of the Tax Group were invited to teach jointly a week long course on 'Tax Law and Policy' to a group of visiting Iraqi tax and treasury officials, funded by AusAID.

Knowledge Transfer and Contributions to Policy Debates

Members of the Tax Group participate in peak professional bodies, including as Fellows of the Taxation Institute of Australia and members of the International Fiscal Association, in which they play a role in the development of tax law and policy. Ann O'Connell is Special Counsel to Allens Arthur Robinson; and a member of the Advisory Panel to the Board of Taxation. She is also an external member of the Australian Tax Office Rulings Panel. Miranda Stewart sits on the Executive Committee of the International Fiscal Association (Australian Branch) and on the Tax Committee of the Law Council of Australia.

Visitors to the Tax Group

The Law School hosted eminent tax scholars from around the world to teach in the Melbourne Law Masters program and carry out collaborative research. Visitors included:

- **Professor Andre Lareau**
Laval University, Quebec, Canada
- **Professor Pasquale Pistone**
Vienna University of Economics and Business, Austria
- **Mr Mark Bowler-Smith**
University of Aberdeen, Scotland
- **Professor Brian Arnold**
Goodmans LLP, Canada

Management and Staff

In 2010 the Co-Directors of the Tax Group were Associate Professor Ann O'Connell and Associate Professor Miranda Stewart. Ms Tessa Dermody was the Coordinator. Dr Joyce Chia is the Research Fellow on the Not for Profits research project.

Contact The Tax Group

The Tax Group's website can be accessed at:
www.tax.law.unimelb.edu.au

The Tax Group can be contacted by email at:
law-tax@unimelb.edu.au

Journals and Newsletters



Faculty Edited Journals and Newsletters in 2010

Australian Journal of Asian Law

The Australian Journal of Asian Law (Asian Law) is a forum of debate for scholars and professionals concerned with the laws and legal cultures of Asia. It aims for recognition as a leading medium for legal ideas in a region characterised by rapid growth and social change.

Asian Law publishes multi-disciplinary, historical and contemporary research and fieldwork in English, in the original language or in translation. In the Law School, it is edited by Professor Tim Lindsey, Director of the Asian Law Centre and Dr Amanda Whiting, Associate Director (Malaysia).

All contributions are peer-reviewed by two referees. The journal's advisory board includes leading Asian law scholars in a range of disciplines from Asia, Australia, Europe and America. *Asian Law* publishes one special thematic edition every year, the most recent being devoted to Islamic law (syariah).

Email: law-asianlawjournal@unimelb.edu.au

Australian Journal of Labour Law

The Australian Journal of Labour Law is published by LexisNexis in three issues per year. The Journal is designed to be of service both to the academic community and to practitioners in labour relations law and labour relations.

The Journal seeks to publish articles, notes and comments, and detailed commentaries on recent cases and legislation in the field of labour law. Articles may deal with an area of labour law in an analytical, theoretical or empirical fashion. Contributions detailing or analysing the importance of recent developments in labour law, or dealing with issues of policy and reform are also welcomed. The Journal is controlled by an Editorial Committee following a formal process of peer review.

Although the primary focus of the Journal is on Australian labour law, articles and contributions on overseas developments will be accepted for publication where they are of wide general interest, or of relevance to the Australian situation.

Editors of the Journal are:

Anna Chapman - *University of Melbourne*

Anthony Forsyth - *Monash University*

Joellen Riley - *University of Sydney*

Associate Editor:

Tess Hardy - *University of Melbourne*



Faculty Edited Journals and Newsletters in 2010

Company and Securities Law Journal

Company and Securities Law Journal, whose editor is Professor Geof Stapledon and general editor is Professor Robert Baxt (Professorial Associate of the University of Melbourne and a Partner at Freehills), commenced publication by the Law Book Company in 1983. Published eight times a year, it is the leading company law journal in Australasia. Professor Ian Ramsay is a member of the Editorial Board of the Journal.

Each issue of the Journal typically contains 2 or 3 articles, together with several casenotes and short 'comments' in specialist sections (including company law, directors' duties and corporate governance, takeovers and public securities, corporate insolvency, corporate finance, securities industry and managed investments, accounting, current developments (legal and administrative), and overseas notes for six jurisdictions). Students are encouraged to submit casenotes and comments for the specialist sections. Article-length pieces from students will also be published if they are of particularly high quality.

Media & Arts Law Review

The *Media & Arts Law Review* is a quarterly, refereed journal examining all areas of media and arts law, including: Communications, Contempt, Copyright, Cultural Heritage, Defamation, Digitisation, Entertainment, Free Speech, IP, Journalism, Privacy, and the Public Interest.

The Review has a distinguished Editorial Board and publishes independently refereed articles, from Australian and international authors, as well as conference reports and book reviews. It also includes regular update reports about media and arts law developments from a team of International Contributing Editors. The updates offer a snapshot of matters such as case law, legislation, law reform, international conventions, and changes in industry self-regulation. Reports include the US, Canada, the UK, Africa, Hong Kong, the European Union, New Zealand and Australia. The *Media & Arts Law Review* is published by Lexis Nexis. Website: <http://www.law.unimelb.edu.au/malr>



Faculty Edited Journals and Newsletters in 2010

Melbourne Journal of International Law



Melbourne Journal of International Law (MJIL) covers issues of public and private international law. It is a biannual publication that seeks to address issues of academic and commercial interest to Australia and the Asia-Pacific area. *MJIL* is a fully peer-reviewed/refereed, student-edited international law journal.

Editions are distributed to a wide range of readers and organisations, including commercial enterprises, international organisations, law libraries and law students. *MJIL* is distributed both online and in hardcopy, with a readership spanning locations as diverse as Hong Kong, the United States, Sri Lanka, Brazil and South Africa.

Articles, case notes, commentaries, practice notes, book reviews and summaries of recent legal developments are all encouraged by the Editors.

Editors of the *MJIL* 2010 editions are Laura Bellamy, Sara Dehm and Jeremy Leung.

Website: <http://mjil.law.unimelb.edu.au>

Melbourne University Law Review

The Melbourne University Law Review (*Review*) is a leading generalist law journal and is edited by students of the Melbourne Law School on a completely voluntary basis. The *Review* publishes articles on all areas of law as well as case notes, book reviews, feature essays, and shorter comment-style pieces. The *Review* is published three times a year and submissions to the *Review* are subject to an independent, double blind, peer review and the *Review's* own rigorous editorial process before publication.



Due to its long history of excellence and quality, the *Review* is one of only eight Australian law journals to have received an A* rating from the Australian Research Council as part of the Council's ERA initiative in 2008. According to Washington and Lee University School of Law, the *Review* was also the Australian journal most cited in American courts and law journals and the sixth most cited international journal in 2008.

The *Review* also publishes and distributes the Australian Guide to Legal Citation (AGLC). The AGLC standardises established Australian citation practices and indicates preferred approaches where no particular approach has been widely adopted. It is designed for academics, legal practitioners, law students and the judiciary, and is a valuable tool for legal writing and research. The AGLC has become the best recognised legal citation guide in Australia. It has been officially adopted by more than 30 of Australia's leading law journals and has been prescribed for use in student essays by 15 Australian universities. Moreover, it has been relied upon by government and educational institutions in Australia as a basis for uniform legal citation.

Editors of the *Review* in 2010 are David Heaton, Luke Pallara and Anna Zhang.

Website: <http://mulr.law.unimelb.edu.au>

Faculty Edited Journals and Newsletters in 2010

Melbourne Legal Studies



Melbourne Legal Studies is a digital journal distributed through the United States based Legal Scholarship Network (LSN). The journal publishes research by Melbourne Law School academics, including working papers, articles accepted for publication, and book chapters. It helps bring Melbourne Law School research to the attention of an international academic audience.

The journal is coordinated/edited by Associate Professor Andrew Kenyon, a.kenyon@unimelb.edu.au.

Website: <http://www.ssrn.com/link/melbourne-public-law.html>

Public Law Review

The quarterly journal *Public Law Review* is edited by Professor Cheryl Saunders of the University of Melbourne and Professor Michael Taggart of the University of Auckland New Zealand. Associate editors are Fiona Wheeler from the Australian National University and Janet Maclean from the University of Auckland. *The Review* is a refereed journal, with an international advisory board. It is produced under the auspices of the Centre for Comparative Constitutional Studies (CCCS), and published by Thompson, Australia. A unique feature of *the Review* is its comprehensive coverage of public law developments in all Australian and New Zealand jurisdictions. An undergraduate law student is employed each year at CCCS to assist with *the Review*, including the compilation of recent developments.

Email: law-cccs@law.unimelb.edu.au

Faculty Edited Journals and Newsletters in 2010

Torts Law Journal

Professor Harold Luntz is the General Editor of the *Torts Law Journal*, which is published by LexisNexis Butterworths. The Journal commenced publication in 1993, and three issues are published each year. The Journal includes casenotes, articles, comments on legislation and law reform proposals, and book reviews on topics related to torts and alternative compensation schemes. The Journal aims to be of interest to both academics and practitioners; students may also find it useful. Contributions of sufficient scholarly quality from students are welcomed and have been published in the past.

Corporate Law Bulletin

The Centre for Corporate Law and Securities Regulation (CCLSR) publishes, in association with the publisher LAWLEX, the monthly *Corporate Law Bulletin*. The editor is Professor Ian Ramsay. *The Bulletin* is distributed by email, and outlines recent Australian and international corporate law and corporate governance developments, including statutory amendments, court judgements, and new Policy Statements made by the Australian Securities and Investments Commission. Some previous issues are published on the website of the Centre for Corporate Law and Securities Regulation:

Journal Affiliations



Journal Affiliations in 2010

Journal

Member, Editorial Position

Across the Board

Ian Ramsay, Member of the Editorial Board

Antartic and Southern Ocean Occasional Papers

Stuart Kaye, Member of the Editorial Board

Art, Antiquity and Law

Andrew Kenyon, Assistant Editor, Aboriginal Culture and Indigenous Peoples

Asian Studies Association of Australia, Southeast Asia Publications Series

Tim Lindsey, Member of the Editorial Board

Australian Business Law Review

Paul Ali, Section Editor (Banking and Finance)

Australasian Parliamentary Review

Cheryl Saunders, Member of the Editorial Board

Australian Accounting Review

Ian Ramsay, Member of the Editorial Board

Australian and New Zealand Journal of Law and Education

Ian Ramsay, Member of the Editorial Board

Journal

Member, Editorial Position

Australian Corporations & Securities Law Reporter

Ian Ramsay, Consultant Editor

Australian Feminist Law Journal

Jenny Morgan, Member of the Advisory Board

Australian Feminist Studies

Ann Genovese, Member of the Editorial Board

Australian Intellectual Property Journal

David Brennan, Editor

Australian International Law Journal

Stuart Kaye, Member of the Editorial Board

Australian Journal of Asian Law

Tim Lindsey and **Amanda Whiting**, Co-Editors
Sarah Biddulph, **Sean Cooney**, **Pip Nicholson** and
Cheryl Saunders, Members of the Advisory Committee

Australian Journal of Family Law

Belinda Fehlberg, Member of the Editorial Board

Journal Affiliations in 2010

Journal

Member, Editorial Position

Australian Journal of Labour Law

Anna Chapman, Co-Editor and Section Editor (Legislative Developments)

Colin Fenwick, Senior Associate Editor

Anna Chapman and **Breen Creighton**, Members of the Editorial Committee

Canadian Journal of Women and the Law

Jenny Morgan, Australian Correspondent

Capital Markets Law Journal

Paul Ali, Member of the Editorial Board

China Law Yearbook

Sarah Biddulph, International Editor

Company and Securities Law Journal

Paul Ali, Editor; Section Editor (Corporate Finance)

Ann O'Connell, Section Editor (Securities Regulation)

Ian Ramsay, Member of the Editorial Board

Geof Stapledon, Section Editor (Directors' Duties and Corporate Finance)

Constitutional Court Review

Cheryl Saunders, Member of the Editorial Board

Journal

Member, Editorial Position

Construction Law International

Matthew Bell, Co-Editor

Doug Jones AM, Member of the Editorial Board

Corporate Law Bulletin

Ian Ramsay, Editor

Corporate Ownership and Control

Geof Stapledon, Member of the Editorial Board

Deakin Law Review

Peter Rush, Member of the Editorial Board

Doing Business in Asia

Tim Lindsey, Contributing Editor; Member of the Editorial Advisory Board

Employment Law in Asia

Tim Lindsey, Member of the Editorial Advisory Board

Federal Law Review

Adrienne Stone, Editor

Journal Affiliations in 2010

Journal

Member, Editorial Position

Feminist Review

Ann Genovese, Australian Correspondent

Fibreculture Journal

Andrew Kenyon, Member of the Editorial Board

Genetics Law Monitor

Loane Skene, Joint Editor

Global Change, Peace and Security

Tim McCormack, Member of the Editorial Committee

Global Dialogue on Federalism in the 21st Century: Practices, Perspectives and Prospects

Cheryl Saunders, Member of the Editorial Board

Governance

Geof Stapledon, Asia Pacific Consulting Editor; Member of the Editorial Board

Griffith Law Review

Sir Zelman Cowen, Member of the Editorial Board

Peter Rush, Member of the International Editorial Board

Journal

Member, Editorial Position

Indian Journal of International Economic Law

Tania Voon, Member of the Editorial Board

In-Spire: Journal of Law, Politics and Societies

Anne Orford, Member of the International Advisory Board

Intellectual Property Forum

Sam Ricketson, Member of the Editorial Board

International Construction Law Review

Doug Jones AM, Co-Editor in Chief

International Criminal Law Review

Tim McCormack, Member of the Editorial Board

International Feminist Journal of Politics

Anne Orford, Member of the Editorial Board

International Journal of Comparative Labour Law and Industrial Relations

Colin Fenwick, Member of the Editorial Board

Journal Affiliations in 2010

Journal

Member, Editorial Position

International Journal of Constitutional Law (I.CON)

Simon Evans, Australasian Recent Developments Correspondent

Cheryl Saunders, Symposium Editor; Member of the Editorial Board

International Journal of Information Policy and Law

Andrew Christie, Member of the Editorial and Advisory Board

International Securities Regulation: Pacific Rim

Ian Ramsay, Consultant Editor

International Union Rights

Colin Fenwick, Member of the Editorial Board

Journal of Australasian Tax Teachers Association

Miranda Stewart, Member of the Editorial Board

Journal of Conflict and Security Law

Tim McCormack, Member of the Editorial Board

Journal of Corporate Law Studies

Geof Stapledon, Member of the Editorial Board

Journal

Member, Editorial Position

Journal of Energy & Natural Resources Law

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Journal of Indonesian Islam

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Journal of Intervention and State-Building

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Journal of Medical Ethics

Loane Skene, Member of the Editorial Board

Jurnal Hukum Humaniter

(Journal of Humanitarian Law)

Tim McCormack, Honorary Editor

Journal Affiliations in 2010

Journal

Member, Editorial Position

Jus Politicum

Cheryl Saunders, Member of the Scientific Council

Law and Critique

Shaun McVeigh, Member of the Editorial Board

Peter Rush, Member of the Editorial Board

Law and Policy

Christine Parker, Member of the Editorial Board

Laws of Australia

Cheryl Saunders, Editor (Constitutional Title)

Legal Education Review

Lee Godden, Member of the Editorial Board

Legal Ethics

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Macquarie Journal of Business Law

Ian Ramsay, Member of the Editorial Board

Journal

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Media and Arts Law Review

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Melbourne Journal of International Law

(Student members of the Journal are responsible for all editorial work)

David Brennan, **Martin Davies**, **Alison Duxbury**, **Michelle Foster**,

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Melbourne University Law Review

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New Zealand Journal of Tax Law and Policy

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Journal

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Journal

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Revista General de Derecho Canónico y Derecho Eclesiástico del Estado

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The Journal of Law and Social Justice

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The New Zealand Armed Forces Law Review

Tim McCormack, Consultant Editor

The Pearson Papers

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Journal Affiliations in 2010

Journal

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Third World Legal Studies

Dianne Otto, Member of the Advisory Board

Tort Law Review

Michael Tilbury, Member of the Editorial Board

Torts Law Journal

Harold Luntz, Editor

Ian Malkin, Member of the Editorial Board

Hayden Opie, Case Note Editor; Member of the Editorial Board

Trade Practices Law Journal

Tim Lindsey, Contributing Editor (Report from Asia)

Transnational Legal Theory

Anne Orford, Member of the Editorial Board

Victoria University Law Review

Shaun McVeigh, Member of the International Advisory Board

Journal

Member, Editorial Position

Yearbook of Climate Change Compliance

Jacqueline Peel, Member of the Advisory Board

Yearbook of International Humanitarian Law

Tim McCormack, Editor-in-Chief

Research Workshop Series



2010 Research Workshop Series

1 March 2010	Professor Richard Garnett (Melbourne Law School) 'International Arbitration'
8 March 2010	Dr Jeannie Paterson (Melbourne Law School) 'Internet Contracting'
15 March 2010	Dr Matthew Harding (Melbourne Law School) and Dr Robin Hickey (Queen's University, Belfast) 'Bijural Ambiguity and Values in Land Registration Systems'
22 March 2010	Dr James Stribopoulos (Melbourne Law School) 'Peer Review in Canada: Results from a Promising Experiment'
29 March 2010	Mr David Wood (Melbourne Law School) 'Censure, Penalisation and Punishment'
12 April 2010	Professor Carolyn Evans (Melbourne Law School) 'Evaluating Research: Two Major Developments'
19 April 2010	Dr Ann Genovese (Melbourne Law School) 'Present Tense: Histories of the Unmaking of Modern Australia - Some Questions of Method'
3 May 2010	Associate Professor Ann O'Connell (Melbourne Law School) 'Defining, Regulating and Taxing the Not-for-Profit Sector in Australia: Law and Policy for the 21 st Century'
10 May 2010	Professor Eva-Maria Svensson (University of Gothenburg, Sweden) 'Nordic and Australian Feminist Legal Studies: A Comparison of Key Questions'
17 May 2010	Professor Mark Tushnet (Harvard Law School) 'The Rise of Weak Form Review'
24 May 2010	Professor Simon Evans (Melbourne Law School) 'Standing as a Barrier to Constitutional Justice'

2010 Research Workshop Series

26 July 2010	Dr Kirsty Gover (Melbourne Law School) 'Legal Pluralism & Adopting in Tribal Governance'
2 August 2010	Professor Peter Rathjen (Deputy Vice Chancellor for Research - University of Melbourne) 'Research Initiatives at The University of Melbourne'
9 August 2010	Dr John Waugh (Melbourne Law School) 'Mr Scullin's Choice: Overcoming Resistance to the Appointment of the first Australian-born Governor-General'
16 August 2010	Associate Professor John Howe 'National Systems and Styles of Employment Standards Enforcement'
23 August 2010	Associate Professor Sarah Biddulph (Melbourne Law School) 'Rule of Law with Chinese Characteristics: The Role of Campaigns in Law Making and Enforcement'
30 August 2010	Ms Marianne Fee (Chief Executive Office, University of Melbourne Commercial Ltd) and Dr Charlie Day 'The Services that Melbourne Consulting and Custom Programs can offer us if we are Contracting with External Partners in Consultancies and Other Activities'
6 September 2010	Professor Loane Skene (Melbourne Law School) 'Recent Developments in Stem Cell Research and the Forthcoming Federal Legislation Review'
13 September 2010	Ms Alissa Sputore (Melbourne Law School) 'Using RefWorks to Manage and Share References'
11 October 2010	Associate Professor Mark Burton (Melbourne Law School) 'The Limitations of "Democratic" Positivism - The Example of Australian Tax Expenditure Management'
18 October 2010	Mr Gazy Cazalet (Melbourne Law School) 'SLAPPs (Strategic Litigation Against Public Participation)'
25 October 2010	Dr Joo-Cheong Tham (Melbourne Law School) 'Lobbying and Money Politics'

Academic Staff 2010



2010 Academic Staff

Dean and Zelman Cowen Professor of Law

Michael Crommelin

BA Qld. LLB Qld. LLM Br.Col. PhD Br.Col.

Barrister-at-Law Queensland and the High Court of Australia, Barrister and Solicitor Victoria and Papua New Guinea

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Solicitor New South Wales, Barrister and Solicitor Victoria, Solicitor of the Supreme Court of England and Wales

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Stuart Kaye

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Barrister of the Supreme Court of New South Wales, Supreme Court of Queensland, Supreme Court of Tasmania and the High Court of Australia (until June 2010)

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MA Aber. LLB Aber. LLM UBC Br. Col. LLM Mich. PhD Mich.

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Katy Barnett

Matthew Bell

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Arlen Duke

BComm Melb. LLB Melb.

Lisa Sarmas

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Victoria

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Stacey Steele

BA Qld. MA Monash LLB Monash LLM Melb.

Amanda Whiting

BA Melb. DipEd Melb. GradDip Indonesia. LLB Melb.
PhD Melb.

Senior Research Fellows

Chris Dent

BA Murdoch LLB Murdoch PhD Murdoch

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Angelo Capuano

Faye Chan

Joyce Chia

Monique Cormier

Georgina Fitzpatrick

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Lael Weis

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BA Cant. DipEd Monash LLB Cant. LLM Cant.

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Robin Sharwood AM

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MMBCH MBA (Witwatersrand) PhD

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BA Macq. LLB Macq. PhD NSW

Sue MacCallum

LLB Melb. LLM Melb.

Barrister and Solicitor Victoria

Robert Mathews OAM

BSc Monash MSc La Trobe

2010 Academic Staff

External Staff

Senior Fellows (Masters Program)

Professor Owen Anderson, University of Oklahoma, United States

Mr Nick Anson, Minter Ellison Lawyers

Associate Professor Douglas Arner, University of Hong Kong, Hong Kong

Professor Brian Arnold, Goodmans LLP, Canada

Professor Graeme Austin, University of Arizona, United States

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Mr Joel Barolsky, Beaton Consulting

Mr Trevor Beadle, Davies Collison Cave

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Ms Hellen Blue, Centre for Corporate Law and Securities Regulation

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Mr Damien Eastman, International Monetary Fund, United States

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Mr Lloyd Freeburn, Sport and Recreation Victoria

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Mr Ben Gardiner, Victorian Bar

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Mr Peter Gillies, Pitcher Partners

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The Hon. Justice Michelle Gordon, Federal Court of Australia

Mr Stewart Grieve, Foster's Group Limited

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Mr Paul Henderson, Slater & Gordon

Ms Michelle Herring, JGL Investments Pty Ltd

Mr Ray Hind, Davies Collison Cave

Mr Paul Hockridge, Deloitte Private

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Mr Tony Horan, Victorian Bar

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Mr Leighton McDonald, Australian National University

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Ms Alexandra Merrett, Australian Competition and Consumer Commission

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Mr Carol Moller, Victorian Bar

Lieutenant Colonel Michael Mori, Senior Military Judge, United States Marine Corps, United States

Mr Peter Morrissey, Victorian Bar

Mr Bernard Murphy, Maurice Blackburn Lawyers

Mr Terry Murphy SC, Victorian Bar

Professor Christina Murray, University of Cape Town, South Africa

Mr Jim Murray, Grant Thornton Australia

Mr Graeme Neate, National Native Title Tribunal

Mr Tim Neilson, Greenwoods & Freehills

Mr Stephen Newman, Cornwall Stodart

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Mr Paul O'Grady, Victorian Bar

Mr Frank O'Loughlin, Victorian Bar

Mr David Opperman, Freehills

Mr Adrian O'Shannessy, Greenwoods & Freehills

Mr Ron Paterson, Health and Disability Commissioner, New Zealand

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Dr Thomas Poole, London School of Economics, United Kingdom

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Dr Michael Rush, Victorian Bar

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Mr David Webber, Davies Collison Cave

Dr Philip Williams, Frontier Economics

Professor Jane Winn, University of Washington,
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Mr Peter Wood, Minter Ellison Lawyers

Ms Susan Woodward, PilchConnect

Graduate Research Degrees Completed 2010



Graduate Research Degrees Completed 2010

Doctor of Philosophy (PhD)

Afrianty, D

Women's Responses to Sharia Implementation in ACEH: Case Studies of Two Local Women NGOs

Supervisors: Michael Leigh and Tim Lindsey

Barnett, K

Accounting for Profit for Breach of Contract: A Theoretical and Practical Justification

Supervisors: Michael Bryan and Andrew Robertson

Foerster, A

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 (New South Wales and Victoria), 1994-2009

Supervisors: Lee Godden and Jacqueline Peel

Hammond, E

Constitutional Constraints on the Reasonableness Ground of Judicial Review: A Wrong Turning in the High Court of Australia?

Supervisors: Cheryl Saunders, Simon Evans and Adrienne Stone

Kingsley, J

Pancasila Society: Community Engagement in Lombok

Supervisors: Tim Lindsey, Abdullah Saeed and Michael Feener

Merrett, A

The Assessment and Regulation of Market Power in Australia

Supervisors: Megan Richardson, Rhonda Smith and Rachel Trindade

Muriu, Daniel

Recognition, Redistribution and Resistance: The Legislation of the Right to Health and its Potential and Limits in Africa

Supervisors: Anne Orford and Jenny Beard

Saunthararajah, J

Legalising Illiberalism: Law, Discourse and Legitimacy in Singapore

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