Contents

Message from the Associate Dean (Research)
Academic Research Focus
Funded Research
Graduate Research Focus
Student Research Prizes
Published Research
Centres, Institutes and Groups
Journals and Newsletters
Journal Affiliations
Research Workshop Series
Academic Staff
Graduate Research Degrees Completed
Graduate Research Degrees in Progress

Melbourne Law School (MLS) experienced a very successful year in 2011 across the full range of research activities engaged in by staff, doctoral candidates and research students.

According to the 2010 federal government’s research quality ranking system (‘Excellence in Research for Australia’), MLS is one of only two top-ranked law schools in the country. This Research Report indicates why this is so, detailing MLS publications, research grants and research programs. MLS staff and students have made ground-breaking research contributions not only in relation to a wide range of Australian legal issues, but also on many comparative and international topics of global importance.

As in previous years, the Report illustrates MLS scholarship by profiling four academic staff members at different stages of their career. This provides a snapshot of the diverse and significant scholarship at MLS. Another highlight of the report is the unprecedented number of original books published by MLS staff. Together with edited and revised studies, these treat areas including criminal law, international law, construction law, competition law, cartel, corporations law, taxation law. These research books are complemented by 130 articles in refereed journals, many of which are published internationally.

The rich MLS research environment is built not only on the achievements of MLS staff but also on its outstanding graduate researchers. The Report profiles five young doctoral scholars at various stages of their candidacy. In all, 13 candidates successfully completed their theses in 2011. MLS doctorate holders regularly embark on highly successful careers in fields including academia, public policy making and the judiciary. This has proved to be the case with our 2011 graduates.

Entry to the MLS research higher degree program continues to be strong and entry has become highly competitive. We had a very strong field of applicants in 2011 and selected 21 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 124 of this Report.

MLS was again successful across the range of Australian Research Council (ARC) programs, with Law School staff securing our first Laureate Fellowship (Professor David Studdert, jointly with the School of Population Health) and our first Future Fellowship (Professor Anne Orford). ARC funded research projects commencing in 2011 examined issues including family law system, employment discrimination, climate change law and mitigation, comparative constitutional law, and religious autonomy.
The strength of the MLS research effort is a reflection of the excellent support systems in place to assist staff and graduate researchers. As this is my final report as Associate Dean (Research), I would like to express my great thanks and appreciation to all those people who make the support systems work.

Critical to MLS scholarship is the work of staff in the Office of Research, which has maintained its high reputation in the Law School and across the University. In 2011, the Office was managed in an outstanding way through the extraordinary dedication of Lucy O’Brien. She oversaw the highly talented team of Mas Generis, Madeline Grey, Domi Córdoba and Angela Hendley-Boys (who among her many other responsibilities, Angela designed and produced this excellent report). These were ably supported by Sarah George (until October) and Andrew Sage. The Office combined a high degree of professionalism with a healthy dose of good humour. I would like to thank also the Law Library staff, particularly the Law Librarian, Carole Hinchcliff, Robin Gardner and Clarissa Terry (who worked on an important Open Access project).

On the academic side, my thanks to the Graduate Research Coordinators Sundhya Pahuja, Helen Rhoades and Peter Rush who helped guide the progress of graduate research degree students; Matthew Harding who led the Research Support Program and, Chris Dent, Helen Rhoades and Tania Voon, who were Grant Mentors.

Lastly, I would like to welcome Tania Voon, who will be the new Associate Dean (Research) from July 2012. Tania has already made an outstanding contribution to MLS research, both through her own scholarship and through her work as a grant mentor. She is ideally placed to oversee the MLS research program over the next few years.

Sean Cooney
Associate Dean (Research)
Wendy Larcombe

Dr Wendy Larcombe joined Melbourne Law School as a Senior Lecturer in January 2006. She had previously taught at the University of Melbourne as a lecturer in Australian writing and cultural studies in the English Department (Arts) and as a tutor in the Education Faculty. Wendy’s PhD research was in the field of law and literature, and was published in 2005 by the Federation Press as Compelling Engagements: Feminism, Rape Law and Romance Fiction.

In addition to teaching in the LLB and JD, Wendy conducts research in two fields: socio-legal analysis of legal responses to sexual and domestic violence; and research on legal education, with a focus on understanding and fostering student engagement and wellbeing. While these fields are substantively distinct, in each she pursues research questions about institutional cultures, processes and practices, the extent to which they are ‘fit for purpose’, and their impacts on the individuals they are designed to serve.

For example, in analysing legal responses to sexual and domestic violence, Wendy’s work has made a significant contribution to addressing the myths, assumptions and stereotypes that create or maintain barriers to access to justice for victims of sexual and domestic violence. Her research has contributed to shaping and informing theoretical and policy debates about ‘legitimate victims’ and the perpetrators of sexual and domestic violence; the value and limits of legal responses and law reform; and the justice needs of both adult and child victims of sexual and domestic violence.

Wendy’s publications on educational research have made an important contribution to analysis and evaluation of targeted strategies to support, and improve outcomes for, particular student cohorts in higher education, including international students, students from non-English speaking backgrounds, and first-year students. Her research has produced original insight into the learning needs and academic expectations of law students in particular, with a focus on how the process of studying law engages and also impacts on students. Wendy’s primary interest is in designing and undertaking research that contributes to improving institutional – legal and educational – policies, processes and practices so that they are better able to respond appropriately to and serve the interests of people with diverse characteristics and needs. In both her research fields, she uses a combination of empirical data analysis methods and theoretical knowledge to develop insights and recommendations to inform further scholarship, professional practice and policy development. Her research has been published by leading scholarly journals including Feminist Legal Studies; the Australian Feminist Law Journal; Violence Against Women; Melbourne University Law Review; and Higher Education Research and Development.

Wendy currently serves on the Editorial Committees of the Australian Feminist Law Journal and the Legal Education Review. In these roles, she collaborates with leading scholars in Australia, the UK, NZ, the US and Canada to commission, review and edit high-quality research-based articles.

“Wendy conducts research in two fields: socio-legal analysis of legal responses to sexual and domestic violence; and research on legal education, with a focus on understanding and fostering student engagement and wellbeing.”
In 2008, Wendy was appointed to the Community Consultative Committee of the Medical Practitioners Board of Victoria (MPBV) – a position in which she served until the dissolution of the Board in June 2010. Her work for the MPBV and her research interests in autonomy and professional practice and ethics, in turn saw her appointed in 2009 to the Australian Medical Council’s Recognition Review Group (RRG) for Cosmetic Medical Practice. The RRG, an independent panel of experts, assessed the application of the Australasian College of Cosmetic Surgery for recognition of cosmetic medicine as a field of medical speciality.

Wendy’s research interests have informed her development and teaching of two optional subjects in the LLB at Melbourne Law School. Drawing on her research interests in the field of law, gender and sexuality, both Violence, Women and the Law and Reproductive Rights and Sexual Health adopt an innovative approach to law curriculum design in being organised around analyses of particular social issues (that are also human rights issues), rather than around legal categories or doctrines. Engaging with current social and legal problems requires interdisciplinary and cross-cultural understanding, and a careful analysis of best practice in comparative contexts. Students are thus challenged to think across various areas of law (criminal, civil, international human rights) and to recognize the integrated and complex knowledge needed to be effective lawyers in these fields.

Wendy’s contributions to curriculum development in law, to scholarship in legal education, and her expertise in classroom teaching have been recognized by invitations to present and participate in specialist seminars and colloquia including the Vice-Chancellor’s Teaching and Learning Colloquium and the Provost’s Summit (University of Melbourne), and events organised by the Australasian Law Teachers Association Special Interest Group on Legal Education.

In 2011, Wendy received a Citation for Outstanding Contribution to Student Learning, awarded by the Australian Learning and Teaching Council. The citation recognized ‘sustained innovation and achievement in development of learning support services for law students, and for excellence in classroom teaching and curriculum design in law’.

Education and educational opportunity are also a focus of Wendy’s community engagement work. For the past four years Wendy has acted on the selection panel for the Kwong Lee Dow Young Scholars program – a University of Melbourne initiative designed to raise aspirations for tertiary study among high achieving and disadvantaged Year 10 students. In turn, this program increases the diversity of the student body at the University of Melbourne, and the perception of equity in access to higher education. As a selector, each year Wendy reads and ranks more than 100 applications from students across the state.

Wendy also regularly participates in a range of community-based and practitioner-focussed workshops, seminars and conferences – including workshops involving community-based service providers, police, prosecutors, legal advisers and legal educators organized by peak bodies and specialist centres such the Australian Domestic and Family Violence Clearinghouse; the Women’s Legal Service Victoria; the Australian Centre for the Study of Sexual Assault; and the Australian Institute of Criminology. She is a member of the Family and Children’s Law Research Group at Melbourne Law School, the Australian Wellness Network for Law and the Australasian Law Teachers Association.
Dr Rain Liivoja joined the Melbourne Law School as a Research Fellow in 2011. He is based at the Asia Pacific Centre for Military Law (APCML) where he is also Project Director for the Law of Armed Conflict. Previously, he was a Research Fellow at the Centre of Excellence in Global Governance Research at the University of Helsinki, Finland. Rain maintains his connections to the University of Helsinki, having recently been appointed Affiliated Research Fellow of the Erik Castrén Institute of International Law and Human Rights. Before moving to Finland, Rain was a Lecturer at the University of Tartu, Estonia. For a number of years he also held a visiting lecturership at the Estonian National Defence College. Rain has an undergraduate degree in law from the University of Tartu, and postgraduate degrees, including a Doctor of Laws, from the University of Helsinki.

Rain's doctoral dissertation dealt with the criminal jurisdiction of states over service personnel overseas. In 2011, he developed this theme further by exploring the human rights implications of subjecting civilian contractors who accompany the armed forces overseas to the jurisdiction of military courts. He presented this work at conferences organised by the International Society for Military Law and the Law of War in Rhodes, Greece, and by the APCML in Melbourne. It is currently under review for the purposes of an edited collection of essays on military justice.

Rain also worked closely with Professor Tim McCormack on issues relating to the regulation of military contractors. They were jointly awarded a Research Collaboration Grant by the University of Melbourne to facilitate research in this area in association with the Asia Pacific Civil Military Centre of Excellence (since renamed the Australian Civil Military Centre). The first result of Rain and Tim’s collaboration was a book chapter, giving an overview of the Australian regulation of private military and security contractors, which appeared in Multilevel Regulation of Military and Security Outsourcing, edited by Christine Bakker and Mirko Sossai, and published by Hart in early 2012.

Another important stream of Rain’s research addressed the role of non-legal rules in the governance of the armed forces and the interaction of such rules with the law. In one paper, Rain challenged the mainstream view that the law of armed conflict rests on a balance between humanity and military necessity, arguing that the modern law retains noticeable traces of medieval chivalry (or, more broadly, martial honour). This work will appear as a chapter in a volume titled The Law of Armed Conflict: Historical and Contemporary Perspectives that Rain co-edited with Associate Professor Andres Saumets of the Estonian National Defence College (ENDC) and that will appear in the ENDC’s ‘Cultural, Peace and Conflict Studies’ series in 2012. In a related paper, Rain argued that both the law of armed conflict and military disciplinary law rely on conceptions of military honour to the extent of incorporating them...
Rain Liivoja

by reference (as evidenced by the prohibitions on treachery and conduct prejudicial to military discipline or unbecoming an officer). This paper will appear in Jan Klabbers and Touko Piiparinen (eds), Normative Pluralism and International Law: Exploring Global Governance (Oxford University Press, forthcoming).

The second major area of interest for Rain is the law of treaties. Some of his earliest published research was in this area, dealing for example with the approach to treaties under Estonian constitutional law, and conflicts between the United Nations Charter and other rules of international law.

In 2011, Rain had the opportunity to connect his two main areas of research interest. He was invited to deliver the keynote speech at a conference organised by the Estonian Ministry of Defence and the North Atlantic Treaty Organisation (NATO) in Tallinn, Estonia, to celebrate the 60th Anniversary of the signing of the NATO Status of Forces Agreement (NATO SOFA). The talk considered the problems of treaty interpretation in the context of the NATO SOFA – the principal instrument dealing with jurisdiction over NATO forces.

Looking ahead to 2012, Rain has begun work on two major editing projects. One of these involves overseeing the completion of a series of working papers, commissioned by the Australian Department of Defence, on the law of non-international armed conflict. It is anticipated that the working papers will be circulated to the stakeholders for comments in late 2012 and published as soon as practicable thereafter. The other project entails working with Tim McCormack to plan (and subsequently edit) the Routledge Handbook of the Law of Armed Conflict, a major reference work with contributions from over 30 leading scholars in the field. The book is expected to be published by Routledge in 2014.
Bruce ‘Ossie’ Oswald has been an Associate Professor at Melbourne Law School since 2011, having joined the Law School as a Senior Lecturer in 2002. Ossie completed his PhD in Law at Melbourne Law School in 2009.

After completing his LLB at the Australian National University, Ossie joined the Regular Australian Army as a legal officer in the Australian Army Legal Corps (AALC). During his service in the Regular Army he provided legal advice in areas such as discipline law, administrative law, legal aid and operations law. After serving overseas in Rwanda and the Former Yugoslavia, the Australian Army sponsored Ossie to undertake a LLM in International Law at the London School of Economics (LSE). His time at the LSE gave him an opportunity to better understand how good research can contribute to the development of better law and policy. The Australian Army encouraged Ossie’s interest in research by further extending his long-term schooling posting in order to allow him to spend 3 months conducting research at the Lauterpacht Centre for International Law at Cambridge University. On returning to Australia Ossie took up a number of postings in the Australian Defence Force, including a deployment to East Timor with INTERFET. Since taking up his appointment at Melbourne Law School Ossie has transferred to the Australian Army Reserves and continues to serve in the AALC with the rank of Colonel. He returned to full-time duty to serve in Iraq (2005) and in Afghanistan (2010).

Ossie’s research is heavily influenced by his military experience in at least two ways. First, his research seeks to determine how policy and law interact during military operations. In this context he seeks to better understand how policy influences law and vice-versa. Second, his research explores how military forces might better apply the values that international law seeks to develop and protect. To further this work, Ossie’s research has extended into the development of policy, doctrine and training packages for military personnel. Ossie’s key research themes of policy and law, and international values are reflected in at least two areas of his current research: detention in military operations, and the role of informal justice in military operations.

Ossie’s interest in detention stems from dealing with detainees in operational settings including Rwanda, East Timor, and Iraq. Ossie and many military personnel faced several issues when justifying the detention of individuals during these operations, including justifying the treatment of detainees, and the clarifying the responsibilities of the detaining authority for the release, transfer or handover of detainees. These challenges were instrumental in motivating Ossie’s research into whether there is a need for a ‘special regime’ in international law to deal with detainees. His article ‘Detention of civilians on military operations: reasons for and challenges to developing a special law of detention’, which was published in 2008 in the Melbourne University Law Review, explored this issue further. The article argued that developing a special legal
regime that deals with detention would bring greater clarity, certainty and consistency to fundamental issues such as the legal basis for taking detainees, the manner in which detainees are to be treated, and the accountability and responsibility of military forces. In other articles on detention Ossie has researched issues concerning the definition of detention, the classification of detainees, and the accountability of military forces for the treatment of detainees. More recently, Ossie has engaged with Professors Greg Rose and Stuart Kaye in a research project that considers the law and policy applicable to the detention of combatants who are fighting for non-State actors engaged in non-international armed conflicts. The project is supported by the Australian Civil-Military Centre for Excellence.

During Ossie’s service in Afghanistan the issue of Afghan informal justice and its influence over coalition operations was raised by a number of military commands. His research on informal justice in Afghanistan led him to write an article entitled ‘Dealing with disputes in Afghanistan: principles and rules for the tactical level’ which was published in the Journal Small Wars and Insurgencies in 2012. That work and its reception by military personnel at the operational and tactical levels encouraged him to think about informal justice in the context of other military operations. He is now finalising an article entitled: ‘Informal justice and UN peace operations: principles for military members’.

Undertaking research in relation to military operations and writing for peer reviewed publications are important steps to ensuring that the general community is engaged in thinking about and developing law. However, in some cases it is just as important to ensure that research is translated into policy, doctrine and training packages that are ‘user friendly’ for military forces across the world. For this reason a number of Ossie’s publications conclude with recommendations concerning policy, doctrine or training developments that should be undertaken to ensure that military forces are able to better protect international values. His article on informal justice, for example, concludes with a list of ‘Do and Don’t’ for tactical commanders dealing with informal justice. Ossie has also used his research to develop policy. For example, Ossie has assisted the United Nations (UN) to develop a UN directive on the handling of detainees in UN peace operations. He has also assisted States to develop guiding principles on the handling of detainees in military operations more generally by contributing to The Copenhagen Process. Furthermore, Ossie has used his research in detention to develop training packages for, and provide training to, military and police forces in a number of countries.

In 2012-2013 Ossie intends to further develop his research interests in law and policy by examining ‘The Legal and Policy Framework for Opposition and Interim Government Forces Maintaining Law and Order’. This work will be undertaken as a Jennings Randolph Fellow at the United States Institute for Peace in Washington DC, USA. Ossie intends to examine the principles, rules and standards that apply to opposition or interim government forces maintaining law and order; and the principles, rules and standards that apply to governments (such as the US Government) and international organisations (such as NATO or the UN) engaging with opposition or interim government forces maintaining law and order. The primary outcome of his research will be to identify and promote best practices concerning how to ensure that opposition or interim government forces that maintain law and order do so within generally accepted international and national legal frameworks.
“David’s research is focused on public policy issues at the intersection of the health and legal systems. A guiding question in much of his work is: How can law and regulation be used to improve population health? He has tackled this question in a variety of settings—from workers compensation schemes to coroners’ courts.”

Professor David Studdert holds a joint appointment across the Faculty of Law and the Faculty of Medicine, Dentistry and Health Sciences. He is a graduate of the Melbourne Law School and holds a doctoral degree in health policy from the Harvard School of Public Health in 1998. David then spent two years at the RAND Corporation in Los Angeles, working on legal issues in health policy, before returning to the Harvard where he was Assistant (and then Associate) Professor of Law and Public Health from 2000 to 2007. He returned to Australia in 2007 as an Australian Research Council Federation Fellow. In 2012, he became an Australian Research Council Laureate Fellow.

Most of David’s research is empirical. It is also interdisciplinary: members of David’s research group have expertise in law, public health, medicine, policy analysis, epidemiology, applied ethics and economics.

David’s research is currently funded by the Australian Research Council and the National Health and Medical Research Council, as well as grants and contracts from other government and non-government agencies. The following is a sampling of active projects in 2011:

**Prediction of medico-legal risk: a national study of patient complaints.**

Medico-legal institutions - such as liability insurers, medical boards, and hospital risk management departments - focus on the aftermath of health care gone wrong; they are reactive. An ability to reliably forecast medico-legal risk would enable them to become more proactive in efforts to improve the quality and safety of care. However, previous studies that have tried to create statistical models for predicting medico-legal risk at the clinician level have been largely unsuccessful. In this study, David is collaborating with Drs Marie Bismark and Matt Spittal, both Senior Research Fellows in his group, on developing better statistical methods and tools for predicting medico-legal risk among clinicians. They are working closely with health service commissioners from five states and both Territories on this project.

**Health effects of compensation systems (HECS).**

Do injury compensation systems make you sick? There is mounting evidence from epidemiological studies that the process of seeking compensation for injuries - in the courts, workers’ compensation systems and transport accident systems - retards recovery. However, this “compensation effect” remains controversial, and its mechanism of action is unknown. In this study, funded by the Institute for Safety, Compensation and Recovery Research, David is collaborating with Ms. Genevieve Grant (Research Fellow, Melbourne Law School and Melbourne School of Population Health) and A/Prof Meaghan O’Donnell (Department of Psychiatry) to follow a cohort of claimants over several years as they move through compensation schemes for transport and workplace accidents in Victoria, New South Wales and South Australia. By taking periodic measurements of the claimants’ health status, and linking these...
to measures of the claimants’ experiences, the researchers are hoping to improve understanding of the compensation effect. The goal is to identify precisely what drives the poor health outcomes, so that schemes can begin to fix the problem.


In 2002, a new coronial act came into force in Victoria. One change was introduction of a “mandatory response regime.” When a Victorian coroner makes a recommendation, the organisation to whom the recommendation is made now must respond in writing with three months, outlining what (if any) action has been taken in response. The Coroner is then required to post both the recommendation and the response on the Court’s public website. This ARC-funded Linkage Project, being conducted in partnership with the Coroners’ Court of Victoria, is evaluating the new regime. With Drs Celia Kemp and Georgina Sutherland, both Senior Research Fellows at the Melbourne School of Population Health, David is surveying and interviewing key informants in respondent organisations to better understand their responses and elicit their views of the regime. The broad goal is to identify ways of enhancing coroners’ ability to prevent accidents, injury and untimely death in the community.
Funded Research Grants
Carolyn Evans
(2011-2013)

‘Religious Autonomy and the Restriction of Rights or Freedoms by Religious Communities: Comparative and Theoretical Approaches’

Funding: $174,443

Religious communities must be autonomous in order to protect their unique identity and mission. Yet in exercising their autonomy they may interfere with the rights of freedoms of others. This project’s sophisticated analysis of the tension between two sets of rights will offer a resolution that strengthens Australia’s social fabric.

Beth Gaze and Anna Chapman
(2011-2013)

‘Reshaping Employment Discrimination Law: Towards Substantive Equality at Work?’

Funding: $217,000

The Australian employment discrimination law system comprises long standing anti-discrimination law and novel discrimination provisions from the Fair Work Act 2009. This project studies the operation and effectiveness of the reshaped system, to assess whether it is likely to be effective in supporting a more substantive version of equality at work.

Helen Rhoades and John Dewar
(2011-2013)

‘Making Children’s Needs Knowable to Law’

Funding: $250,000

This project addresses the growing concerns that the family law system is not adequately safeguarding children’s wellbeing in parenting cases. Its development of an evidence-based framework for decision-making will facilitate the production of outcomes that will better support the wellbeing of families affected by relationship breakdown.
## Commencing Australian Research Council (ARC) Discovery Projects in 2011

<table>
<thead>
<tr>
<th>Project</th>
<th>Team</th>
<th>Start</th>
<th>End</th>
<th>Funding</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cheryl Saunders&lt;br&gt; (2011-2013)</td>
<td>Cheryl Saunders&lt;br&gt; Maureen Tehan, Lee Godden, Margaret Young and Kirsty Gover (2011-2013)</td>
<td>(2011-2013)</td>
<td>'Meeting the Challenges of Constitutional Comparison'&lt;br&gt; Funding: $235,000</td>
<td>This project offers a more genuinely global approach to comparative constitutional law. It will deepen understanding of the operation and underlying assumptions of systems of government in countries around the world, assisting Australia in its dealings with neighbours and strategic partners and in developing its own constitutional arrangements.</td>
<td></td>
</tr>
<tr>
<td>'Climate Change Law and Mitigation: Forest Carbon Sequestration and Indigenous and Local Community Rights'&lt;br&gt; Funding: $305,000</td>
<td>Maureen Tehan, Lee Godden, Margaret Young and Kirsty Gover (2011-2013)</td>
<td>'Climate Change Law and Mitigation: Forest Carbon Sequestration and Indigenous and Local Community Rights'&lt;br&gt; Funding: $305,000</td>
<td>The project examines the impact of climate change law and mitigation on Indigenous peoples and local forest communities in Australia, India and Malaysia. It examines the United Nations - Reducing Emissions from Deforestation and Forest Degradation scheme which gives credit for carbon sequestration in forests thus providing financial incentives to avoid deforestation for communities in sensitive ecosystems.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Commencing Australian Research Council (ARC) Linkage Infrastructure, Equipment and Facilities Project in 2011

Graham Greenleaf, Andrew Mowbray, Martin Vranken, Ross Grantham, Martin Krygier, Adam Czarnota, Anne McNaughton, Matthew Zagor, Dan Svantesson, Steven Freeland, Wojciech Sadurski, Peter Gillies and Patricia Blazey

(2011)

‘The World Legal Information Institute European Law Collection: Effective Access to European Legal Information (in English) for Australian Researchers’

Funding: $200,000

Administering Organisation: University of New South Wales

This facility will provide the most comprehensive collection of free access English language databases of European legal materials (both national and supra-national) and allow citations of European cases and articles to be tracked, improving Australian research in European law.
Graduate Research Focus
Tsegaye Ararssa

“Tsegaye considers himself fortunate to be at Melbourne Law School where he benefits from the hard work and congeniality of the faculty who, through their supervision, teaching, and wider scholarly engagements, represent some of the finest legal scholars in the world; the extremely efficient and wonderfully cooperative staff; the vibrant and supportive, if extremely competitive, student body; and a first rate library facility.”


Tsegaye’s thesis analyzes the making of sub-national Constitutions from a comparative perspective. By focusing on sub-national constitutions in multinational federations, he examines the constituent authority behind the making of sub-national constitutions. In particular, among other things, the thesis explores the issue of whether sub-national units enjoy a pouvoir constituant that is separate from and/or overlapping with the national equivalent. He also explores the question of whether and to what extent—in a multinational, multi-ethnic setting—ethno-national demands for self-determination and claim to sovereignty shape the emergence of a distinct constituent authority behind the making of sub-national constitutions. While doing so, he also seeks to examine the significance of the presence of the ethno-national component in multi-ethnic, multi-national federations in determining the sub-national constitutional space and the power of the national governments to monitor and control the sub-national constitutional space. Considering the crucial role sub-national constitutions play (albeit more invisibly than national constitutions do) both as instruments of sub-national (i.e., state and local level) governance and in giving a more concrete shape to the sovereignty asserted increasingly by sub-national entities in multi-national federations, Tsegaye seeks to stress the importance of looking into the making of sub-national constitutions.

Tsegaye holds LL.B and LL.M degrees from the Law Schools of Addis Ababa (Ethiopia) and Amsterdam (Holland) Universities, respectively. He has a vast experience as an academic (teaching Law at the Addis Ababa University, Ethiopia, and in the Law Faculty of Trento University, Trento, Italy, where he served as a Visiting Professor of African Law and Legal Pluralism during the Spring Semesters of 2009 and 2010). Prior to coming to Melbourne in December 2011 to begin his studies towards his PhD, he also worked for the United Nations Development Program (UNDP) first as a consultant and later as a Team Leader for Governance and Human Rights. In the latter capacity, he also acted as an Advisor on Democratic Governance and Human Rights to the UNDP Country Office. Tsegaye’s research work, most of which is in the area of constitutional law, federalism, sub-national constitutions, constitution making, and human rights, have been published in journals both within and outside of Ethiopia. Tsegaye has also edited (in 2009) the second volume of the Ethiopian Constitutional Law Series entitled, Issues of Federalism in Ethiopia: towards an Inventory (Addis Ababa: Addis Ababa University Press, 2009). Some of his works have also featured as Book Chapters, Conference Proceedings, and Consultancy Reports.
Tsegaye Ararssa

Erin O’Donnell

“In recent times, environmental law has evolved from a ‘command and control’ paradigm into a more flexible, market-compatible model, a trend exemplified by the adoption of cap-and-trade schemes in water resource management. The ‘cap’ places a limit on the use of water resources, and statutory rights to water that resemble property enable trade to facilitate efficient resource use.”

Managing environmental water, which keeps our rivers and wetlands healthy, requires a new approach in the context of these new water markets. Victoria responded with a novel institutional form, the new Victorian Environmental Water Holder (VEWH), a statutory body corporate.

Creating an environmental corporation by corporatizing an environmental management agency such as the VEWH may confer on the natural environment a position of greater equality from which to engage with the law and the allocation of scarce natural resources. This novel use of the corporate form raises some fundamental questions: can an environmental corporation represent the natural environment? Does the natural environment itself thereby obtain a legal identity – a voice of its own? Does the corporate form change our relationship to the natural environment by giving the ‘environment’ greater equality and independence? Alternatively, does it further constrain the concept of the natural environment within the legal and economic framework?

Erin O’Donnell will investigate these questions using the new VEWH as a case study. She commenced her PhD studies in February 2011. Her supervisors are Professor Lee Godden, Associate Professor Sundhya Pahuja and Professor John Freebairn (Department of Economics). Erin’s proposed thesis title is: Environmental independence: how can environmental law adapt to an environmental corporation with property rights and a voice of its own?

Erin has been working in the fields of environmental management and environmental governance since 2003. She has a B.Sc. (first-class honours in ecology) from the University of Adelaide, and a LL.B (first-class honours) from Deakin University. Erin completed her LL.B part-time whilst working as an environmental consultant, and then as the Manager of Strategic Environmental Water Policy in the Victorian Department of Sustainability and Environment (DSE). Erin was responsible for developing the new Victorian Environmental Water Holder, and in 2009, she received a DSE recognition award for the innovative legislation that established this new organization.

Erin has been actively engaged in academic and public debate since 1999, when she and a fellow engineering student co-authored and presented two papers at the Australasian Conference on Engineering Education, on the experiences of women in engineering studies (peer-reviewed and published in the proceedings). In 2001-02, she completed two research projects in ecology: a preliminary investigation of the impacts of the oil-drilling operations on Barrow Island on its bird community; and a study of the re-introduction of the Greater Bilby to northern South Australia, resulting in the co-authorship of two articles in peer-reviewed ecology journals. Erin has been a guest speaker at various public debates and workshops, including being a guest moderator at the Executive Cranlana Colloquia.
In 2007, Erin presented a paper on a pilot program to use market mechanisms to improve stream flows in unregulated rivers at the international Riversymposium conference, and was a guest speaker at the international water trading workshop. In 2011, Erin co-authored a paper with Avril Horne and John Freebairn titled “Establishing and managing the environmental water reserve – the interaction between different government policies” in the Australian Journal of Water Resources. During 2011, Erin presented her work on environmental water governance at the Western Economics Association International 9th Biennial Pacific Rim Conference and the NCCARF National Water Governance Workshop. In 2012, Erin gave a guest lecture on environmental water governance for the Melbourne Master of Laws unit Water Law and Natural Resource Management. Erin has a forthcoming paper in the Journal of Water Law, titled “Institutional reform in environmental water management: the new Victorian Environmental Water Holder”.

Erin was confirmed as a PhD candidate in March 2012, and has completed the first stage of her data collection, involving interviews with staff of the Victorian and Commonwealth environmental water management organisations. She is planning to commence stage 2 during 2013, involving interviews with environmental water managers in Australia and the USA.

During 2012, Erin also achieved a long-held personal dream of swimming with whale sharks at Ningaloo Reef in Western Australia.
Laura Petersen

Laura returned to Melbourne Law School after spending time in Berlin at the Freie Universitität where she completed her MA in Comparative Literature (in German), funded by the German Academic Exchange Service (DAAD). Her interdisciplinary PhD project follows on from this research and combines her background in law, German studies and aesthetics to explore processes of restitution and justice in post-Holocaust Germany. The title of her PhD thesis is ‘Law and aesthetics after the Holocaust: gestures of justice and restitution’.

Laura’s research explores the various responses that seek to acknowledge the atrocities of the Holocaust, incorporating analysis of legal mechanisms as well as visual art, fictional narratives and memorial sites in an attempt to understand how these processes in different realms take on meaning and value. Laura is excited to be working across various disciplines and glad that her approach has been encouraged at Melbourne Law School and supported by her supervisors Associate Professor Peter Rush and Associate Professor Shaun McVeigh.

In December 2011, Laura co-organised together with Marc Trabsky and Jake Goldenfein the Melbourne Doctoral Forum on Legal Theory with the theme ‘Law and Its Accidents’. This was the fourth time the Doctoral Forum had been convened at Melbourne Law School and the two-day event was well attended by doctoral candidates from Universities in Australia as well as overseas. The Doctoral Forum provides an opportunity for PhD students interested in theoretical approaches to law to come together and share their work around a common theme. Arising out of the 2011 Doctoral Forum will be a Symposium issue of the Griffith Law Review that will include papers from contributors around the theme ‘Law and Its Accidents’. This forthcoming Symposium issue will be introduced and co-edited by Laura, Jake and Marc and published in 2013. In 2011 Laura also published a chapter in an edited book on the role of animals in Holocaust narratives that arose out of her research in Germany.

Laura is on the committee of the Graduate Researcher’s Association and is currently organising an inaugural Law PhD social function that will bring together Law PhD students studying at the various universities in Melbourne. She has a BA/LLB (Hons) from the University of Melbourne and, prior to beginning her postgraduate research, was admitted as a Barrister and Solicitor of the Supreme Court of Victoria and practised law in a large firm.

“Laura’s contention is that restitution is a social concept that takes legal as well as memorial and artistic forms.”
Tiong Guan Saw

“Tiong Guan finished his PhD this year, he is now a full-time academic. Tiong Guan is also an independent filmmaker and is currently filming a documentary about the world renowned auteur Tsai Ming-liang, in collaboration with Gadhawirra Waagan, an Australian production house. His new book, Film Censorship in the Asia-Pacific Region is due to be published in 2013.”

Tiong Guan took his LL.B and LL.M degrees from the University of Malaya. He specializes in administrative law and media law with a special focus on judicial review and content regulation.

Tiong Guan's doctoral research examines the film censorship system in Malaysia and analyses it through the comparable systems found in Hong Kong and Australia. The research identifies key issues within the Malaysian system by examining the censorship laws, guidelines and processes and evaluates film practitioners’ and censors’ opinion of, and experience in, dealing with censorship issues in the three jurisdictions. The research suggests that the Malaysian film censorship system has adverse effects on the country's film industry and practitioners, and also unreasonably limits the experiences of audiences. The thesis then proposes reforms to the system that appear likely to promote the artistic vibrancy and commercial viability of the country's film industry.

The PhD thesis, supervised by Professor Andrew Kenyon and Dr Amanda Whiting, is entitled The Final Cut: Film Censorship and Judicial Review in Malaysia, Hong Kong and Australia. During his PhD candidature, Tiong Guan was based in Melbourne and undertook extensive fieldwork across Australia, Hong Kong and Malaysia in 2009 and 2010. His research was completed in 2011 and he presented his completion seminar on 20 May 2011 at the Melbourne Law School.

Apart from being an advocate and solicitor of the High Court of Malaya since 2005, Tiong Guan has also taught at the Faculty of Law, University of Malaya prior to commencing his doctoral research at the University of Melbourne. Since completing the doctoral degree, he has been living in Kuala Lumpur and teaches Administrative Law and Constitutional Law at the Faculty of Law, University of Malaya. He also serves as a consultant to the Malaysian Law Reform Commission on its project in reforming the Houses of Parliament (Privileges and Powers) Act 1952 and the House of Representatives Standing Orders. Tiong Guan is also an associate of the Melbourne-based Centre for Media and Communications Law.

Tiong Guan has had his academic work and film journalism published in Malaysia. His recent publications include a co-authored article entitled The Traditional Owner Settlement Act 2010 (Vic): Because Sometimes Acronyms Have Two Meanings [2011] LAWASIA Journal 15 with Darren Peter Parker. He recently presented a paper on the Malaysian Administrative Law Model at the Seminar on the Malaysian Constitutional Framework and Civil Rights, a special seminar jointly held by the National Assembly of Vietnam and the Vietnamese Institute of Legislative Studies.
Marc Trabsky commenced his PhD candidature in 2011. His doctoral thesis, which is titled *Voices of the Dead: Law, Aesthetics and Mortality*, offers an institutional account of the dead in law. It questions how the dead dwell in the office of the coroner, but also what the significance is of thinking through law by means of different institutions of the dead. His case studies include the local history of the office of the coroner, the legal form of the death mask and the use of aural technology in the courtroom to communicate with the dead.

In narrating a story about how the dead dwell in the office of the coroner, his thesis stresses the importance of taking seriously the different traditions through which the coroner conducts lawful relations with the dead. In other words, the particular stories he evokes in his thesis reveal how the coroner assumes responsibility for the dead, but also how the dead shape legal traditions, practices and institutions. Marc is thrilled to be working at Melbourne Law School, which provides a supportive environment for his research, and supervised by Associate Professor Peter Rush and Associate Professor Shaun McVeigh.

In 2011 Marc published a journal article with Megan Richardson about the common law conception of radio in *Victoria Park Racing v Taylor* and a book chapter on law in the marketplace – a local history of the Queen Victoria Market and the Old Melbourne Cemetery. He also co-organised with Laura Petersen and Jake Goldenfein the fourth Melbourne Doctoral Forum on Legal Theory with the theme ‘Law and Its Accidents’. The forum provided a unique space for graduate researchers and early career academics to discuss, share and reflect upon theoretical, jurisprudential and methodological approaches to law. Marc will be co-editing with Laura and Jake a Symposium issue of the Griffith Law Review called ‘Law and Its Accidents’, which will be published in 2013. In addition, he is co-organising with Julia Dehm and Timothy Neale the fifth Melbourne Doctoral Forum on Legal Theory with the theme ‘Grounding Law’.

Marc is the co-president of the Melbourne Law School Graduate Researcher’s Association. In 2011 he taught in the Melbourne Law School and currently teaches in the School for Social and Political Science at The University of Melbourne. He completed a BA/LLB (Hons) at The University of Melbourne in 2007 and a MPhil in the Department of Gender and Cultural Studies at The University of Sydney in 2011.
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 2011 Harold Luntz Graduate Research Thesis Prize was won by:

**Dr Takele Bulto**

Rights, Wrongs and the River Between: Extraterritorial Application of the Human Right to Water in Africa

Dr Bulto was supervised by Professor Carolyn Evans, Associate Professor Jacqueline Peel.

Dr Bulto’s PhD thesis brings together international environmental law and human rights law to examine the legal obligations States owe to other States with which they share water (particularly rivers). It is an excellent thesis that has made a real contribution to thinking about the difficult problem of water-sharing and access to water between States. His research has made, and continues to make, an impact in an area of growing international importance.

The Selection Committee for the Prize said that ‘Both examiners’ reports are particularly and consistently strong, emphasizing the quality and important contribution of the thesis. The principal supervisor’s recommendation was also particularly strong, commending Dr Bulto on an excellent and important piece of scholarship that will make a very significant contribution the progressive development of international human rights law. Both examiners passed Dr Bulto without requiring any changes and the first examiner recommended Dr Bulto for the Chancellor’s Prize for Excellence in the PhD Thesis ranking the thesis as ‘near or at the very top of this scholarship’.
The Student Published Research Prize is awarded annually for outstanding pieces of writing by students of the University of Melbourne Law School. Four prizes are awarded, one to a Graduate Research student, Masters law student, JD student and an LLB student.

**Graduate Research 2011 Winner**

Ms Roisin Burke

‘UN Military Peacekeeper Complicity in Sexual Abuse: The ICC or a Tri-Hybrid Court’


**JD 2011 Winner**

Ms Maya Narayan

‘Creatures of Statute, Beast of Burden: The Victorian Civil and Administrative Tribunal and the Heavy Lifting of Human Rights’

(2011) 66 *AIAL Forum* 1-17

**Melbourne Law Masters 2011 Winner**

Mr Adam Chernok

‘Entrapment Under Controlled Operations Legislation: A Victorian Perspective’


**LLB 2011 Winner**

Ms Kathryn Tomasic

‘“Price Signalling” Amendments to the Competition and Consumer Act 2010 (Cth): A Principled Response to the Problem of Tacit Collusion?’

(2011) 19 *Competition and Consumer Law Journal* 1 - 38
Published Research 2011
Books Authored

**Construction Law in Australia**
Ian Bailey, Matthew Bell, C Bell, L Chan, D Charles, S Frawley, P Gerber and A Thwaites
Publisher: Thomson Reuters
ISBN: 978-0-455-22342-1
Year: 2011

**Australian Cartel Regulation: Law, Policy and Practice in an International Context**
Caron Beaton-Wells and Brent Fisse
Publisher: Cambridge University Press
ISBN: 978-0-521-76089-8
Year: 2011

**Reading Baseball: Books, Biographies, and the Business of the Game**
Braham Dabscheck
Publisher: Fitness Information Technology
ISBN: 978-1-935412-24-3
Year: 2011

**The Participation of States in International Organisations: The Role of Human Rights and Democracy**
Alison Duxbury
Publisher: Cambridge University Press
Year: 2011

**Criminal Process and Human Rights**
Jeremy Gans, Terese Henning, Jill Hunter and Kate Warner
Publisher: Federation Press
Year: 2011

**The Nuremberg Military Tribunals and the Origins of International Criminal Law**
Kevin Heller
Publisher: Oxford University Press
Year: 2011

**International Taxation of Permanent Establishments: Principles and Policy**
Michael Kobetsky
Publisher: Cambridge University Press
ISBN: 978-0-521-51632-7
Year: 2011

**Law, Corporate Governance and Partnerships at Work: A Study of Australian Regulatory Style and Business Practice**
Richard Mitchell, Anthony O'Donnell, Shelley Marshall, Ian Ramsay and Meredith Jones
Publisher: Ashgate
ISBN: 978-1-4094-2107-8
Year: 2011

**Australian Cartel Regulation: Law, Policy and Practice in an International Context**
Caron Beaton-Wells and Brent Fisse
Publisher: Cambridge University Press
ISBN: 978-0-521-76089-8
Year: 2011
Books Authored

**Japan-Bashing: Anti-Japanism since the 1980s**  
Narelle Morris  
Publisher: Routledge  
Year: 2011

**Health Worker Shortages and Global Justice**  
Paula O’Brien and Lawrence Gostin  
Publisher: Milbank Memorial Fund  
Year: 2011

**International Authority and the Responsibility to Protect**  
Anne Orford  
Publisher: Cambridge University Press  
Year: 2011

**Decolonising International Law: Development, Economic Growth and the Politics of Universality**  
Sundhya Pahuja  
Publisher: Cambridge University Press  
Year: 2011

**The Constitution of Australia: A Contextual Analysis**  
Cheryl Saunders  
Publisher: Hart Publishing  
ISBN: 978-1-84113-734-6  
Year: 2011

**Trading Fish, Saving Fish: The Interaction between Regimes in International Law**  
Margaret Young  
Publisher: Cambridge University Press  
Year: 2011
Edited Books

Criminalising Cartels: Critical Studies of an International Regulatory Movement
Caron Beaton-Wells and Ariel Ezrachi
Publisher: Hart Publishing
Year: 2011

The Handbook of Comparative Criminal Law
Kevin Heller and Markus Dubber
Publisher: Stanford University Press
ISBN: 978-0-8047-5758-4
Year: 2011

Events: The Force of International Law
F Johns, R Joyce and Sundhya Pahuja
Publisher: Routledge
ISBN: 978-0-415-55452-7
Year: 2011

Rights and Private Law
D Nolan and Andrew Robertson
Publisher: Hart Publishing
ISBN: 978-1-84946-142-9
Year: 2011

Beyond Victor’s Justice? The Tokyo War Crimes Trial Revisited
Y Tanaka, Tim McCormack and Gerry Simpson
Publisher: Martinus Nijhoff Publishers
Year: 2011

Electoral Democracy: Australian Prospects
Joo-Cheong Tham, Brian Costar and Graeme Orr
Publisher: Melbourne University Press
Year: 2011
Revised Books

**Identification: Investigation, Trial and Scientific Evidence (2nd edition)**
Paul Bogan QC and Andrew Roberts  
Publisher: Jordan Publishing  
ISBN: 978-1-84661-236-7  
Year: 2011

**Competition Law: Cases & Materials (3rd edition)**
John Duns and Arlen Duke  
Publisher: LexisNexis Butterworths  
ISBN: 978-0-409-32773-1  
Year: 2011

Michael Lambiris  
Publisher: CCH Australia  
ISBN: 978-1-921701-81-8  
Year: 2011

**Private International Law in Australia (2nd edition)**
Reid Mortensen, Richard Garnett and Mary Keyes  
Publisher: LexisNexis Butterworths  
ISBN: 978-0-409-32912-4  
Year: 2011

**Remedies: Commentary and Materials (5th edition)**
Michael Tilbury, Michael Gillooly, Elise Bant and Normann Witzleb  
Publisher: Thomson Reuters  
Year: 2011

**Commercial Applications of Company Law in Singapore (4th edition)**
V Yeo, J Lee, Pamela Hanrahan, Ian Ramsay and Geof Stapledon  
Publisher: CCH Australia  
ISBN: 978-9814248983  
Year: 2011
Book Chapters


Bant, E, ‘Rights and Value in Rescission: Some Implications for Unjust Enrichment’ in D Nolan and A Robertson (eds), Rights and Private Law, Hart Publishing, United Kingdom (2011) 609-638

Bant, E, ‘Proprietary Relief’ in M Tilbury, M Gillooly, E Bant and N Witzleb (eds), Remedies: Commentary and Materials, Thomson Reuters, Australia (2011), 637-658

Bant, E, ‘Recission’ in M Tilbury, M Gillooly, E Bant and N Witzleb (eds), Remedies: Commentary and Materials, Thomson Reuters, Australia (2011), 44-72

Bant, E, ‘Restitution and Disgorgement’ in M Tilbury, M Gillooly, E Bant and N Witzleb (eds), Remedies: Commentary and Materials, Thomson Reuters, Australia (2011), 553-636


Christie, A, ‘Creativity and Innovation: A Legal Perspective’ in L Mann and J Chan (eds), Creativity and Innovation in Business and Beyond: Social Science Perspectives and Policy Implications, Routledge, United States (2011), 103-116
Book Chapters


Crommelin, M and Hinchcliff, C, ‘Global Legal Education and its Implications for Legal Information Management’ in R Danner and J Winterton (eds), *The IALL International Handbook of Legal Information Management*, Ashgate, United Kingdom (2011), 65-75


Haller, L, ‘Reading Reported Cases Through a Legal Ethics Lens’ in M Robertson, L Corben, K Tranter and F Bartlett (eds), *The Ethics Project in Legal Education*, Routledge, United Kingdom (2011), 191-211


Book Chapters


Ricketson, S, ‘Concluding Comments: the Copyright Act 1968 Forty Years On’ in B Fitzgerald and B Atkinson (eds), *Copyright Future Copyright Freedom: Marking the 40 Year Anniversary of the Commencement of Australia’s Copyright Act 1968*, Sydney University Press, Australia (2011), 97-103


Refereed Journal Articles


**Bant, E** and **Bryan, M**, ‘Constructive Trusts and Equitable Proprietary Relief: Rethinking the Essentials’ (2011) 5 *Journal of Equity* 171-198


**Bismark, M**, **Spittal, M**, **Gogos, A**, **Gruen, R** and **Studdert, D**, ‘Remedies Sought and Obtained in Healthcare Complaints’ (2011) 20 *BMJ Quality and Safety* 806-810


**Bowman, D** and **Studdert, D**, ‘Newborn Screening Cards: A Legal Quagmire’ (2011) 194 *Medical Journal of Australia* 319-322


Refereed Journal Articles

Charrett, D and Bell, M, ‘Statutory Intervention into the Common Construction Law of Australia - Progress or Regress?’ (2011) 137 Australian Construction Law Newsletter 6-23


Dent, C, ‘Compensation and/or Correcting the Record: A Framework for the Regulation of (Defamatory) Speech’ (2011) 16 Media and Arts Law Review 123-143


Refereed Journal Articles


**Gaze, B** and Stevens, C, ‘Running Risks of Gender Inequity: Knowledge Transfer Policy in Australian Higher Education’ (2011) 1 Journal of Education Policy


**Harding, M**, ‘Finding the Limits of Aid/Watch’ (2011) 3 Cosmopolitan Civil Societies: an interdisciplinary journal 34-45

**Harding, M**, ‘Responding to Trust’ (2011) 24 Ratio Juris 75-87

Refereed Journal Articles

Hardy, T, ‘Enrolling Non-State Actors to Improve Compliance with Minimum Employment Standards’ (2011) 22 Economic and Labour Relations Review 117-140


Kesselheim, A, Darby, D, Studdert, D, Glynn, R, Levin, R and Avorn, J, ‘False Claims Act Prosecution did not Deter Off-Label Drug Use in the Case of Neurontin’ (2011) 30 Health Affairs 2318-2327


Larcombe, W, ‘Falling Rape Conviction Rates: (Some) Feminist Aims and Measures for Rape Law’ (2011) 19 Feminist Legal Studies 27-45


Merope-Synge, S, ‘Recharacterizing the Lubanga Case: Regulation 55 and the Consequences for Gender Justice at the ICC’ (2011) 22 Criminal Law Forum 311-346


Refereed Journal Articles


Orford, A, ‘From Promise to Practice? The Legal Significance of the Responsibility to Protect Concept’ (2011) 3 Global Responsibility to Protect 400-424


Parker, C and Aitken, L, ‘The Queensland “Workplace Culture Check”: Learning from Reflection on Ethics Inside Law Firms’ (2011) XXIV Georgetown Journal of Legal Ethics 399-441


Peel, J, Godden, L and Keenan, R, ‘Climate Change Law and Governance from the “Bottom Up”: Introduction to the Special Issue’ (2011) 2 Climate Law 459-468


Published Research 2011
Refereed Journal Articles


Rush, P, ‘Jurisdictions of Sexual Assault: Reforming the Texts and Testimony of Rape in Australia’ (2011) 19 Feminist Legal Studies 47-73


**Refereed Journal Articles**


**Vincec, C**, “It’s a Two Way Street: Competitive Dialogue’s Ability to Promote Flexibility and Fairness in Public Procurement” (2011) 27 *Building and Construction Law Journal* 221-232


**Other Journal Contributions**


**Bell, M** , ‘Liquidated Damages and the Doctrine of Penalties: Rethinking the War on Terrorem’ (2011) 168 *Society of Construction Law Papers* 1-17

**Bell, M** , ‘Towering Visions in the Middle East: ICP at Dubai 2011’ (2011) 6 *Construction Law International* 24-30


**Eslava, L** and **Pahuja, S** , ‘Between Resistance and Reform: TWAIL and the Universality of International Law’ (2011) 3 *Trade, Law and Development.* 103-130


**Leino, J** and **Liivoja, R**, ‘Finland in Correspondents’ Reports’ (2011) 13 *Yearbook of International Humanitarian Law* 480-485

**Liivoja, R** , ‘Estonia in Correspondents’ Reports’ (2011) 13 *Yearbook of International Humanitarian Law* 478-480

**Liivoja, R** , ‘This Court Sentences You .. Trial Court Delivers Judgment in the First Finnish Genocide Case’ (2011) 2 *Helsinki Review of Global Governance* 34-35

**Liivoja, R** and Miluna, I, ‘Latvia in Correspondents’ Reports’ (2011) 13 *Yearbook of International Humanitarian Law* 571-581

**Magnusson, R**, Gostin, L and **Studdert, D** , ‘Can Law Improve Prevention and Treatment of Cancer?’ (2011) 125 *Public Health* 813-820

**McCormack, T** , ‘Why Consider Legal Challenges for International Policing?’ (2011) 15 *Journal of International Peacekeeping* 1-6

**McVeigh, S** , ‘Reasons to be Satisfied: Tim Dare and the Limits of Positivist Legal Ethics’ (2011) 36 *Australian Journal of Legal Philosophy* 166-176
Other Journal Contributions


Richardson, M, ‘Phone Hacking and Privacy Torts’ (2011) 30 Fortnightly Review 206-209

Richardson, M, ‘Too Many Academics? The Experience of Privacy Law Reform’ Fortnightly Review 144-146

Richardson, M, ‘When Should Privacy be Legally Protected?’ (2011) 32 Fortnightly Review 219-222


Major Reference Works

Gover, K, Indigenous Rights and Governance in Canada, Australia and New Zealand, Oxford Bibliographies Online (2011) Oxford University Press, United Kingdom


Skene, L, Medical Records, LexisNexis Concise Australian Legal Dictionary (2011) LexisNexis, Australia

Skene, L, Standard of Care, LexisNexis Concise Australian Legal Dictionary (2011) LexisNexis, Australia

Major Reference Works


Asia Pacific Centre for Military Law

ACMML aims to promote both a greater understanding of and increased respect for the rule of law in all aspects of military affairs within the Australian Defence Force and militaries in the Asia Pacific Region. It operates from both a military and a university node.

In 2011, the Director of the Centre was Professor Gerry Simpson. The Deputy Director was Group Captain Alan Hemmingway CSC. Associate Professor Alison Duxbury was the Associate Director (University node) and Mr Peter Jeffrey AM CSC RFD was the Associate Director (Military node).

Professor Tim McCormack was the Project Director for Strategic Liaison, Professor Dianne Otto was the Project Director for Peacekeeping and Dr Kevin Heller was the Project Director for International Criminal Law.

Additional staff from Melbourne Law School who were associated with the Centre in 2011 included Professor Andrew Mitchell, Associate Professor John Tobin, Associate Professor Bruce Oswald and Associate Professor Tania Voon. The Rt Hon Malcolm Fraser AC CH, The Hon Dr Mike Kelly AM MR Associate Professor Robert Mathews OAM, The Hon Alastair Nicholson AO RFD QC and Brigadier Ian Westwood AM were also attached to the Centre. Ms Monique Cormier, Dr Georgina Fitzpatrick, Dr Rain Liivoja and Dr Narrelle Morris were research fellows. Ms Cathy Hutton was the Centre Administrator.

Visitors in 2011

Professor Michael D Ramsey - University of San Diego
Ms Elizabeth Wilmshurst CMG - Associate Fellow, International Law, Chatham House, London and 2011 Sir Ninian Stephen Visiting Scholar to the APCML
Mr Sandesh Sivakumaran - University of Nottingham
Mr Solon Solomon
Professor Ghassan Hage - University of Melbourne
Dr Chris Gallavin - University of Canterbury
Associate Professor Robin Warner - University of Wollongong
Dr Hannah Tonkin - International Criminal Tribunal for Rwanda
Professor Dino Kritsiotis - University of Nottingham
Judge Jeff Blackett - Judge Advocate General of Her Majesty's Armed Forces
Professor Devin Pendas - Boston College
Dr Ralph Wilde - University College London
William K Lietzau - Deputy Assistant Secretary of Defense for Detainee Policy, US Department of Defense
Australian Research Council Projects in 2011

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 (Cth). The reports will provide valuable Australian legal and historical precedent in an increasingly important area of international and domestic law. The project will produce eight contextual essays on the trial locations and other historical essays on related topics such as the carrying out of the death sentences and the investigation and prosecution of cases of cannibalism.

A Conceptual History of War Crimes Trials

This project, being undertaken by APCML Director Professor Gerry Simpson, explores the purposes of war crimes trials, their legal significance and their social and political effects.

In 2011, Ms Monique Cormier continued her work as Research Fellow for this project. She has undertaken wide ranging research into both historical and contemporary war crimes trials and is closely following the ad hoc trials of Somali pirates. Ms Cormier presented a paper at the 2011 Australia New Zealand Society of International Law conference on the media’s reaction to the charging of Australian soldiers for civilian deaths in Afghanistan. The scope of this research is now being expanded and will result in an article for publication in 2012. She is also writing on head of state immunity and its application to the recent attempt to indict the Sri Lankan president for war crimes in an Australian court.

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.

Other Significant Research Projects in 2011

Non-International Armed Conflict: Clarifying the Current International Law Relating to NIAC

This project is currently being undertaken in partnership with Defence Legal.

The project comprises the drafting of four key papers on: the definition of a non-international armed conflict (NIAC); the law applicable to a NIAC and the relationship between international humanitarian law and international human rights law; detention in a NIAC; and the use of Force in a NIAC.

In late 2011, Dr Rain Liivoja was appointed to prepare the final stages of the project for completion in 2012.

Joint APCML–Asia Pacific Civil Military Centre of Excellence (APCMCOE) Research Projects

In 2011, Dr Rain Liivoja was appointed Research Fellow to plan for, coordinate, manage and undertake, where appropriate, research projects agreed between the APCML and the APCMCOE, in particular on legal issues relevant to civil-military engagements overseas and to advancing the Rule of Law in partner countries. Since his appointment, Dr Liivoja has participated as the APCML representative in a number of APCMCOE events. Along with Professor McCormack, he has also successfully applied for a collaboration grant awarded by the University of Melbourne Research Office to begin work on a project to assess the Australian legal regulation of private military contractors.

Major Publications


Gerry Simpson, Yuki Tanaka and Tim McCormack (eds), Beyond Victor’s Justice: The Tokyo War Crimes Trial Revisited, (Martinus Nijhoff, 2011)


Kevin Heller and Markus Dubber (eds), The Handbook on Comparative Criminal Law (Stanford University Press, 2011)
Major Events

In 2011, the Centre hosted the following events:

**The Constitutional Status of International Law: US Perspectives**
*Lunchtime Seminar*
Professor Michael D Ramsey, University of San Diego
Convenor: APCML
(29 March 2011)

**The Crime of Aggression and Its Place in the International Criminal Justice System**
*Evening Public Lecture*
Ms Elizabeth Wilmshurst CMG, Associate Fellow, International Law, Chatham House, London and 2011 Sir Ninian Stephen Visiting Scholar to the APCML
Convenor: APCML
(30 March 2011)

**The Participation of States in International Organizations: The Role of Human Rights and Democracy**
*Book Launch*
Author: Associate Professor Alison Duxbury
Launched by Ms Elizabeth Wilmshurst CMG, Associate Fellow, International Law, Chatham House, London and 2011 Sir Ninian Stephen Visiting Scholar to the APCML
Convenor: APCML
(31 March 2011)

**Re-thinking the Law of Internal Armed Conflict**
*Lunchtime Seminar*
Mr Sandesh Sivakumaran
(11 May 2011)

**External, Internal Limits: New Security and Legal Horizons in the Arab World and Beyond**
*Lunchtime Seminar*
Mr Solon Solomon
(22 June 2011)

**‘Terrorist’: Diasporic Emotions, Sense of Justice & International Criminal Classification**
*Public Lecture*
With the Institute for International Law and the Humanities
Keynote address for the Affective States Symposium
Professor Ghassan Hage, University of Melbourne
(20 July 2011)

**Affective States of International Criminal Justice**
*International Symposium*
With the Institute for International Law and the Humanities
Convenors: Gerry Simpson and Peter Rush (IILAH)
(21–22 July 2011)

**Military Law in a New Dimension: Armed Forces Deployed against Transnational Crime and Terrorism**
*International Symposium*
With the Armed Forces Law Association of New Zealand
Convenors: Alison Duxbury, Chris Gallavin (University of Canterbury), Robin Warner (University of Wollongong)
(26–28 August 2011)

**State Control over Private Military & Security Companies in Armed Conflict**
*Lunchtime Seminar*
Dr Hannah Tonkin, UN International Criminal Tribunal for Rwanda
Convenor: Rain Liivoja
(30 August 2011)

**APCML in the Round**
Professor Dino Kritsiotis, University of Nottingham
Convenors: Monique Cormier and Anna Hood
(8 September 2011)

**The British system of Courts-Martial and the European Convention on Human Rights**
*Seminar*
Judge Jeff Blackett, Judge Advocate General of Her Majesty’s Armed Forces
Convenor: Alison Duxbury
(21 September 2011)
The Legacy of the Eichmann Trial in Law and Memory
Public Lecture
Keynote address for the Eichmann Trial at 50
International Symposium
Professor Devin Pendas, Boston College
Convenors: Kevin Heller and Gerry Simpson
(13 October 2011)

The Eichmann Trial at 50
International Symposium
Convenors: Kevin Heller and Gerry Simpson
(14 October 2011)

Beyond Victor’s Justice? The Tokyo War Crimes Trial Revisited
Book Launch
Authors: Yuki Tanaka, Tim McCormack and Gerry Simpson
Launched by Sir Gerard Brennan AC KBE
(14 October 2011)

A Normative Standard for Military Justice?
Public Lecture to Commemorate APCML’s 10th Anniversary
Professor Tim McCormack
(3 November 2011)

Military Justice in the Modern Age
International Symposium
Convenors: Alison Duxbury and Matthew Groves (Monash)
(4–5 November 2011)

The Al-Skeini Judgment on the Extraterritorial Application of Human Rights Law
Seminar
Dr Ralph Wilde, University College London
Convenor: Rain Liivoja
(6 December 2011)

Conversation on US Detainee Policy
Conversation
William K Lietzau, Deputy Assistant Secretary of Defense for Detainee Policy, US Department of Defense and Associate Professor Bruce Oswald
(13 December 2011)

The Legacy of the Eichmann Trial in Law and Memory
Public Lecture
Keynote address for the Eichmann Trial at 50
International Symposium
Professor Devin Pendas, Boston College
Convenors: Kevin Heller and Gerry Simpson
(13 October 2011)

The Eichmann Trial at 50
International Symposium
Convenors: Kevin Heller and Gerry Simpson
(14 October 2011)

Beyond Victor’s Justice? The Tokyo War Crimes Trial Revisited
Book Launch
Authors: Yuki Tanaka, Tim McCormack and Gerry Simpson
Launched by Sir Gerard Brennan AC KBE
(14 October 2011)

A Normative Standard for Military Justice?
Public Lecture to Commemorate APCML’s 10th Anniversary
Professor Tim McCormack
(3 November 2011)

Military Justice in the Modern Age
International Symposium
Convenors: Alison Duxbury and Matthew Groves (Monash)
(4–5 November 2011)

The Al-Skeini Judgment on the Extraterritorial Application of Human Rights Law
Seminar
Dr Ralph Wilde, University College London
Convenor: Rain Liivoja
(6 December 2011)

Conversation on US Detainee Policy
Conversation
William K Lietzau, Deputy Assistant Secretary of Defense for Detainee Policy, US Department of Defense and Associate Professor Bruce Oswald
(13 December 2011)

Contact APCML

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

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

“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 2011:


Significant Publications, 2011

Publications by Centre members in 2011 include:

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.

Islamic Law Online is now available, 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:

- 23 August 2011 – ‘Centralization of Taxing Power and Economic Development: Chinese Evidence’, Associate Professor Wei Cui
- 12 September 2011 – ‘The Social Contract and the Malaysian Constitution Revisited’, Professor Andrew Harding

**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:

- Professor Donald Clarke – ‘Shareholder Derivative Lawsuits in China’, (19 April 2011)
- Ms Sofie Schuette – ‘The Indonesian Corruption Eradication Commission (KPK): Enforcement and Resistance’, (20 April 2011)
- Mr Hai Ha Do - ‘Collective Labour Dispute Resolution in Vietnam: The Proposed Legal Reform’, (24 August 2011)
- Dr Dina Afrianty – ‘Indonesia’s Islamic Educational Institutions and Radicalism amongst the Muslim Youth’, (7 September 2011)
- Mr Hao Zhang – ‘Islamisation, the Law and Governance in Indonesia’s Public Sphere: Muslim Religious Orientations and Support for Democracy’, (5 October 2011)

**Asian Legal Dialogues**

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

Asian Law Centre

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 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 Gen Ueno (Okayama Family Court) visited in 2010/11 and Judge Atsuyuki Taniike (Tokyo District Court) visited in 2011-2012.

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 2011 the Centre hosted a large number of visitors, including the following:

Japan

Judge Gen Ueno, Okayama Family Court
Judge Hiroko Ogiwara, Tokyo District Court
Judge Naoshi Shimobaba, Naha District Court, Omura Branch

Major Events

In 2011, the Centre also hosted the following major events:

26 May 2011 – Burmese Studies Workshop
4-7 July 2011 - Japanese Studies Association of Australia (JSAA) Biennial Conference in Partnership with the Asia Institute
15-16 July 2011 – Workshop ‘Law and Society in Malaysia: Pluralism, Islam and Development’ in partnership with the Centre for Asia-Pacific Initiatives, University of Victoria, Canada
**Asian Law Centre**

Mr Noritomo Hato, Ritsumeikan University

Ms Jin Chun, Kyoto University

Judge Atsuyuki Taniike, Tokyo District Court

**Malaysia**

Dato’ Ambiga Sreenevasan, Chairperson, BERSIH 2.0 & Former President of the Malaysian Bar (2007-2009)

Ms Ratnawati Binti (Ratna) Osman, Sisters in Islam

**Indonesia**

Professor Dr. Iur Adnan Buyung Nasution, Honorary Professorial Fellow, Melbourne Law School

Ms Nani Zulminarni, Pemberdayaan Perempuan Kepala Keluarga (PEKKA) (Women Headed Household Empowerment)

**Korea**

Judge OH Byung Hie, Seoul Central District Court

Mr Jeong Hyun Hwang, Seoul Eastern District Prosecutors’ Office

Judge Hyungsoon Park, Seoul High Court

**China**


**Mongolia**

Delegation from the Ministry of Justice and Home Affairs of Mongolia

**Staff**

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

**Associate Directors:**
Professor Pip Nicholson (Vietnam; Director, Comparative Legal Studies Program)

Ms Nani Zulminarni, Pemberdayaan Perempuan Kepala Keluarga (PEKKA) (Women Headed Household Empowerment)

USA

Professor Donald Clarke, George Washington University Law School

Canada

Professor Andrew Harding, University of Victoria, Canada

**Principal Research Assistants:**
Ms Faye Chan

Ms Melissa Crouch

Ms Helen Pausacker

**Manager:**
Ms Kathryn Taylor

**Administrator:**
Ms Tessa Shaw

**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

2011 Seminars and Events

15 February 2011 - CCCS Seminar: The Emergence of East Asian Constitutionalism. Professor Jiunn-rong Yeh, Public Law Research Centre, College of Law, National Taiwan University, Taiwan

23 March 2011 - CCCS Seminar: Tolerance or Toleration? How to Deal with Religious Conflicts in Europe. Dr Lorenzo Zucca, School of Law, King’s College London, United Kingdom

5 April 2011 - Book Launch: Tribal Constitutionalism: States Tribes and the Governance of Membership, Science and Risk Regulation in International Law. Dr Kirsty Gover, Melbourne Law School, The University of Melbourne

14 April 2011 - CCCS Seminar: The Right to Information in International Human Rights Law. Associate Professor Maeve McDonagh, University College Cork, Ireland

19 May 2011 - CCCCS Seminar: Constitutional Courts in Fragile Democracies. Professor Samuel Issacharoff, Law School, New York University, United States

14-15 July 2011 - Challenges of Electoral Democracy Workshop held at Melbourne Law School. This workshop is sponsored by the Centre for Comparative Constitutional Studies, Melbourne Law School and supported by New South Wales Electoral Commission and Victorian Electoral Commission, and is a follow up to the successful 2009 workshop on Electoral Regulation and Prospects for Australian Democracy.

15-16 July 2011 - CCCS and International Centre for Law and Religion Studies, Brigham Young Law School joint Conference held at Melbourne Law School. Law and Religion: Legal Regulation of Religious Groups, Organisations and Communities


31 August 2011 - CCCS Seminar: From the Pursuit of Unity to Respect of Diversity: A Retrospect and Reflection of Chinese Ethnic Policy. Robert Li, Peking University

12 September 2011 - ALC & CCCS Occasional Seminar: The Social Contract and the Malaysian Constitution Revisited. Professor Andrew Harding, University of Victoria, Canada

22 September 2011 - IILaH & CCCS Public Seminar: Beyond the Malaysian Solution? Refugee Responsibility Sharing in the Asia-Pacific Region. Richard Towle, United Nations; Associate Professor Michelle Foster, Melbourne Law School; and Professor James C. Hathaway, Michigan Law School; Chair: Professor Adrienne Stone, Melbourne Law School


“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.”
Centre for Comparative Constitutional Studies

11 October 2011 - CCCS & Accountability Round Table Inaugural Lecture held at Melbourne Law School. Integrity in Parliament - Where Does duty Lie?. Senator Fred Chaney


Tuesday 18 October 2011 - CCCS Seminar: The Constitutional Court of South Africa: Judicial Appointments and other Recent Developments. Justice Dennis Davis, High Court of South Africa


17 November 2011 - CCCS Seminar: Federalism & Climate Change in Canada, USA & Australia: Competitive Solutions to Collective Action?. Douglas Brown, St Francis Xavier University, Nova Scotia, Canada


14 December 2011 - CCCS & Seabrook Chambers Lecture: The Criminalist. Professor Dieter Grimm, Yale Law School and Wissenschaftskolleg zu Berlin (Institute for Advanced Study Berlin)

15-16 December 2011 - Roundtable: Freedom of Expression: Universal or Particular? Centre Director, Professor Adrienne Stone, hosted a roundtable discussion on Freedom of Expression funded by the Australian Research Council.

Themes discussed throughout the two day event included: the conflict between liberty and equality; judicial review in divided societies; legal cultures and traditions and the universal components of Freedom of Speech. Jurisdiction-specific examples included the cases of India, New Zealand, the United States, Germany, Canada and Australia.

Legal Theory Workshop Events

11 March 2011 - Indignity and International Relations Speaker: Dr Kirsty Gover (Melbourne) Commentator: Professor Gerry Simpson (Melbourne)

5 April 2011 - Strategies of Justice. Speaker: Professor Jeremy Webber (UVic - Canada) Commentator: Dr Steve Curry (Melbourne - CAPPE)

15 April 2011 - Social Facts, Moral Disagreement and Political Argument: The Truth in Moral Relativism Speaker: Dr Patrick Emerton (Monash) Commentator: Dr Laura Schroeter (Melbourne - Philosophy)

27 May 2011 - Jurisprudence under the Influence of Religion Speaker: Professor Ngaire Naffine (Adelaide) Commentator: Associate Professor Matthew Harding (Melbourne)

17 June 2011 - Morality, Law and Normative Conflict Speaker: Professor Peter Cane (ANU) Commentator: Professor Jeff Goldsworthy (Monash)


12 August 2011 - On the Causal Relation in Law, an Account for Philosophers Speaker: Professor Jane Stapleton (ANU) Commentator: Dr Patrick Emerton (Monash)

30 September 2011 - The Particularities of Legitimacy: John Simmons on Political Obligation Speaker: Dr Kevin Walton (Sydney) Commentator: Dr Dale Smith (Monash)

21 October 2011 - A Faint-Hearted Theory of Judicial Maximalism Speaker: Dr Rosalind Dixon (Univ. Chicago - USA) Commentator: Professor Simon Evans (Melbourne)
4 November 2011 - Managing the Meeting of Laws: Native Title, Plurality and the Limits of Jurisdictional Thinking  
Speaker: Associate Professor Shaun McVeigh (Melbourne)  
Commentator: Dr Paul Muldoon (Monash - Politics)

18 November 2011 - The Changing Meaning of Privacy, Identity and Contemporary Feminist Philosophy  
Speaker: Dr Janice Richardson (Monash)  
Commentator: Professor Megan Richardson (Melbourne)

Visitors

Professor Miyoko Tusjimura-Yokoyama, Tohoku University, Japan

Associate Professor Maeve McDonagh, University College, Cork

Dr Gavin Anderson, University of Glasgow, Scotland

Professor Brian Opeskin, Macquarie University, Australia

Professor Jiunn-rong Yeh, National Taiwan University, Taiwan

Dr Lorenzo Zucca, King’s College, London

Dr Claudia Geiringer, University of Victoria, New Zealand

Justice Dennis Davis, High Court of South Africa

Professor Dieter Grimm, Yale Law School and Wissenschaftskolleg zu Berlin (Institute for Advanced Study Berlin)

Significant Publications

Books


O’Brien, P and Gostin, L, Health Worker Shortages and Global Justice, Milbank Memorial Fund, United States (2011)


Young, M, Trading Fish, Saving Fish: The Interaction between Regimes in International Law, Cambridge University Press, United Kingdom (2011)

Selected Research Activities/Projects

Professor Adrienne Stone

• Spent the semester at Georgetown University Law Centre as a Visiting Professor. She taught ‘Comparative Perspectives on Freedom of Expression’ and ‘Comparative Perspectives on Judicial Review’.

• Delivered a paper entitled ‘Defamation and Freedom of Expression’ at Global Impact and Implementation of Human Rights Norms on 11-12 March at the University of the Pacific McGeorge School of Law, Sacramento California.

• Delivered a paper entitled ‘The Imperfect Freedom of Expression’ at the Washington College of Law (American University, Washington DC) Faculty Workshop Series.

• Delivered a paper entitled ‘Universality and Particularity in Freedom of Expression’ on 14 April at Georgetown University Law Centre for a Faculty Workshop and at the University of Chicago Law School Comparative and International Law Workshop.

Professor Cheryl Saunders AO

• Delivered the keynote address on ‘How real is the internationalisation of Constitutional Law?’ to the African Network of Constitutional Lawyers in Rabat, Morocco.

• Commented on a paper by Justice Rachel Pepper on the ‘Constitutionalisation of Water Rights’, to an AACL seminar in Sydney.
Centre for Comparative Constitutional Studies

- Participated in the Conference: Constitutional Reform in Morocco – An International Perspective, at Al Akhawayn University.


- Presented ‘Integration without Structure’ to the conference on Power and Politics: New Dimensions of Federalism in Australia hosted by the Constitutional Centre of Western Australia in Perth.

- In Madrid, Cheryl chaired ‘Building Inclusive and Legitimate Institutions’ at the Annual Democracy Forum, International IDEA.


- In Hong Kong, Cheryl presented ‘Judicial Engagement with Comparative Law’, an exchange in the course of a Roundtable preparatory to finalising chapters for a volume on Comparative Constitutional Law in Asia.

Professor Simon Evans


- Presentation on ‘10 years since Tampa: Executive Power under the Constitution’ at the Public Law Weekend.

Professor Carolyn Evans

- Commenced her term as Dean of Melbourne Law School.

- Chaired a seminar delivered by Dr Lorenzo Zucca, ‘Tolerance or Toleration? How to Deal with Religious Conflicts in Europe’.

- Organised Law and Religion: Legal Regulation of Religious Groups, Organisations and Communities Conference at Melbourne Law School.

Professor Pip Nicholson

- Elected as associate members of the AIDC-IACL (Académie internationale de droit comparé - International Academy of Comparative Law).

Associate Professor Beth Gaze


Associate Professor Alison Duxbury

- Awarded a University of Melbourne teaching award, the Melbourne Citation for Outstanding Contributions to Building Graduate Attributes.

Associate Professor Joo-Cheong Tham

- Organised a workshop entitled, The Challenges of Electoral Democracy which was held at Melbourne Law School.

- Co-edited with Brian Costar and Graeme Orr) entitled Electoral Democracy: Australian Prospects (MUP, 2011) was launched by Colin Barry, NSW Electoral Commissioner.


Associate Professor Michelle Foster


Centre for Comparative Constitutional Studies

**Associate Professor Jeremy Gans**
- Presented ‘Concurrent Criminal Offences After Momcilovic v R’, Australian Association of Constitutional Law.
- Presented ‘Concurrent Criminal Offences after Dickson v R’, Gilbert and Tobin Constitutional Law Conference.
- Presented ‘Ozymandias on trial’, Criminal Evidence and Human Rights, Nottingham.

**Ms Paula O’Brien**
- Presented a discussion paper with Sondra Davoren, Michelle Scollo and Paula O’Brien on ‘Minimum Pricing’ at the Minimum Pricing Roundtable, Melbourne Law School.

**Mr Ben Saunders**
- Co-presented the paper with Professor Nicholas Aroney on ‘The Views of the Framers of the Australian Constitution Regarding Oppositions’, at the Her Majesty’s Loyal Opposition Roundtable, Australian Catholic University, Canberra.

**Dr Kirsty Gover**
- Presented a paper entitled ‘Indigenous Jurisdiction in Liberal Democracies: How Should Human Boundaries be Made, Maintained and Evaluated?’ at Between Indigenous & Settler Governance Workshop hosted at the University of Western Sydney on 18-20 August 2011.

**Dr Lu Weis**
- Founded and convened the Legal Theory Workshop series in collaboration with Dr Kirsty Gover.

**Mr Glenn Patmore**
- Presented ‘Motivations for Constitutional Change: The Case of Australian Republicanism’ at the Research Workshop series at Melbourne Law School.

**Contact CCCS**

The Centre’s website can be accessed at: [http://cccs.law.unimelb.edu.au](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 29 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, Associate Professor Helen Anderson, Andrew Goodwin, Associate Professor Pamela Hanrahan, Associate Professor John Howe, Associate Professor Cally Jordan, Associate Professor Jurgen Kurtz, Professor Tim Lindsey, Professor Ann O'Connell and Stacey Steele. The Centre Administrator during 2011 was Melinda Shiell.

Publications

Members of the Centre for Corporate Law published a significant number of journal articles in 2011. Please refer to the ‘Published Research’ section of this report.

The Centre also published the following books, research reports and research papers in 2011:

Research Grants

During 2011, work continued on three Australian Research Council grants:

- Safeguarding the Financial Well-Being of Australians by Improving Financial Literacy: Implications for Consumer Protection Laws
  Researchers: Associate Professor Paul Ali and Professor Ian Ramsay

- Legal Origins: The Impact of Different Legal Systems on the Regulation of the Business Enterprise in the Asia-Pacific Region
  Researchers: Professor Ian Ramsay together with Professor Richard Mitchell, Associate Professor Sean Cooney and Associate Professor Peter Gahan

  Researchers: Associate Professor John Howe and Associate Professor Sean Cooney

Seminars and Conferences

A significant part of the Centre’s activities is the holding of seminars/conferences on important issues. In 2011 the Centre hosted, or was involved in, the following seminars and conferences:

One Step Ahead – Hedge Funds and Private Equity Funds after the Global Financial Crisis (20 December 2011)
Speaker: Timothy Spangler, Kaye Scholer LLP
(This seminar was co-hosted with the Transactional Law Program)

Corporate Governance and Anti-bribery in Cross-border Transactions (10 November 2011, Melbourne and 15 November 2011, Sydney)
Speakers: Ross Drinnan, Allens Arthur Robinson; Georige Farrant, Baker & McKenzie; Peter Haig, Allens Arthur Robinson; Benny Tabuluan; Mini vandePol, Baker & McKenzie; and John Yiannis, Transfield Services Ltd

Current Issues in Commercial Law: The Supreme Court of Victoria Commercial Law Conference (15 August 2011)
Speakers: Dr Robert Austin, Minter Ellison; Jon Webster, Allens Arthur Robinson; Neil Young QC, Victorian Bar; Associate Professor Ann O’Connell, University of Melbourne; Professor Deborah Hensler, Stanford Law School; The Hon Justice Bernard Murphy, Federal Court; and The Hon Justice James Judd, The Supreme Court of Victoria

Directors’ Duties and the Centro Judgment (27 July 2011, Melbourne and 28 July 2011, Sydney)
Speaker: Dr Robert Austin and Carolyn Reynolds, Minter Ellison; Tim Bednall and Diana Nicholson, Mallesons Stephen Jaques; Alan Cameron AO; and David Crawford AO

Corporate Governance in the Common-Law World (30 June 2011)
Speaker: Professor Christopher Bruner, Washington and Lee University School of Law

Visitors (International and Local)

Visitors to the Centre in 2011 included:

- Professor Douglas Arner, University of Hong Kong
- Professor Charles Booth, Director, Institute of Asian-Pacific Business Law, School of Law, University of Hawaii, USA
- Professor Christopher Bruner, School of Law, Washington and Lee University, USA
- Mr Bryan Chapple, Manager, Investment Law, Ministry of Economic Development, New Zealand
- Mr Jan Job de Vries Robbe, Netherlands Development Bank FMO
- Professor Tony Duggan, University of Toronto, Canada
Media Coverage of Centre Activities

The research activities of Centre members received significant coverage in the media in 2011. Members of the Centre gave more than 60 reported interviews to the media in 2011.

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

Editorial Positions

Members of the Centre continued in 2011 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

2011 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 2011, 172 issues of the Bulletin had been published.
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 2011**

Associate Professor John Howe (Director), Associate Professor Helen Anderson, Ms Anna Chapman, Associate Professor Sean Cooney, Ms Tessa Dermody (Coordinator), Associate Professor Colin Fenwick (on leave of absence at the ILO), Associate Professor Beth Gaze, Ms Tess Hardy, Mr Andrew Newman, 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. Associate Professor John Howe, Associate Professor Joo-Cheong Tham and Mr Glenn Patmore co-ordinated the Labour Law Seminar Series during 2011.

Eleven seminars were held during the course of the year:

- **Professor Adelle Blackett**, McGill University, Canada on ‘Regulating Decent Work for Domestic Workers? Promise and Perils of International Standard Setting’ (3 March 2011).
- **Dr Jean Allain**, Queen’s University of Belfast, Northern Ireland on ‘Forced Labour or Slavery: Probing their Legal Parameters’ (31 March 2011).
- **Professor Sara Slinn**, Osgoode Hall School of Law, Canada, on ‘Remedial Pleas and Awards: Investigating Collective Protection of Individual Employee Rights in Unfair Labour Practice Cases’ (5 May 2011).
• **Associate Professor Helen Anderson**, Centre for Employment and Labour Relations Law, Melbourne Law School, on ‘Pressing the Right Buttons: Case Studies in the Protection of Employee Entitlements’ (16 June 2011).

• **Associate Professor Christopher Bruner**, Washington and Lee University School of Law on ‘Corporate Governance in the Common-Law World: The Political Foundations of Shareholder Power’ – co-hosted with the Centre for Corporate Law and Securities Regulation, Melbourne Law School (30 June 2011).

• **Professor Judy Fudge**, University of Victoria, Canada on ‘Labour as a ‘Fictive Commodity’: Radically Reconceptualising Labour Law’ (9 August 2011).

• **Ms Caroline Kelly**, MolinoCahill Lawyers (former Melbourne Law School LLB student) on ‘Workplace Bullying and the Difficulties of Legal Redress in Australia’ and Ms Trina Malone, Maurice Blackburn Lawyers (former Melbourne Law School LLB student) on ‘Vulnerability in the Fair Work-Place: Why Unfair Dismissal Laws Fail to Adequately Protect Labour Hire Employees’ (1 September 2011).


• **Mr Alan Clayton**, Independent research consultant on ‘Workers Compensation - The Need for a New Paradigm’ (11 October 2011).

• **Associate Professor Michelle Brown**, University of Melbourne on ‘Performance Appraisal Cynicism: Subordinate and Manager Perspectives’ (10 November 2011).

• **Mr Robin Stewart-Crompton**, Director of RSC Advising Pty Ltd and Mr Peter Rozen, Victorian Bar on ‘Harmonised Work Health and Safety Laws – A New Province for Occupational Health and Safety’ (1 December 2011).

**Sponsors’ Seminar Series**

The Centre conducts a series of seminars for members of the Centre’s sponsoring firms and organisations. Four seminars were held in 2011:


• **Ms Janine Webster**, Chief Counsel, Fair Work Ombudsman on ‘How the Fair Work Ombudsman achieves compliance under the Fair Work Act’ (29 March 2011).

• **Ms Jan Maclean**, Victorian Bar on ‘Adverse action – ‘Rights and Responsibilities for Employers and Employees’ (10 May 2011).

• **Mr Matthew Moir**, New South Wales Bar on ‘Discretion, Good Faith and Employer Control over Executive Remuneration’ (19 October 2011).

**Major Events**

**Constructing Corporate Responsibility Workshop**

(16 February 2011)

This workshop, for researchers who examine corporate social and legal responsibility at the global or domestic levels, was co-hosted by the CELRL with the Centre for Corporations Law and Securities Regulation. Invited speakers included Professor Ronan Shamir (Tel Aviv University), Dr Andrew Johnston (University of Queensland) and Professor Fiona Haines and Dr Kate Macdonald (University of Melbourne).

**The Legal Construction of Personal Work Relations: A New Model for the Foundation of Employment Relationships**

(12 April 2011)

The Centre was pleased to host an Employment Law Lecture on Tuesday 12 April. Professor Mark Freedland FBA of Oxford University, one of the world’s leading scholars in the law of employment contracts, spoke on the topic ‘The Legal Construction of Personal Work Relations: A New Model for the Foundation of Employment Relationships’. Professor Joellen Riley of the Sydney Law School responded to Professor Freedland’s comments from an Australian perspective.
Role of Community Organisations in Enforcing Labour Law  
(9 June 2011)

On Thursday 9 June the Centre hosted a forum on ‘The Role of Community Organisations in Enforcing Labour Law’. Effective enforcement is vital to Australian labour law: gaps in enforcement seriously undermine the integrity of the system. This forum considered this important issue – in particular, the role of community organisations – by bringing together different perspectives from the academic, government and community legal sectors.

Speakers at the forum included:

- Associate Professor John Howe - Director, Centre for Employment and Labour Relations Law
- Gabrielle Marchetti - Solicitor at JobWatch Inc
- The Hon Tim Pallas MP - Shadow Minister for Industrial Relations

Conference on Regulating for a Fair Recovery Network  
(6-8 July 2011)

The Regulating for Decent Work Network’s Second Conference on ‘Regulating for a Fair Recovery’ was held at the International Labour Office, Geneva, Switzerland on 6-8 July 2011. The Conference was organised by the International Labour Office in collaboration with the CELRL and the University of Manchester’s Fairness at Work (FaW) Research Group. The CELRL was pleased to sponsor a prize for the best paper delivered by a delegate from an emerging economy.

Workers and Tax Reform  
(16 August 2011)

On Tuesday 16 August the Centre co-hosted a symposium with the Tax Group from Melbourne Law School on ‘Workers and Tax Reform’. This symposium, held at Melbourne Law School, brought together celebrated US academic, Professor Jonathan Forman, author of Making America Work (2006) with an expert Australian panel to discuss options for reform of income tax rates, credits and transfers that will achieve sustainable fairness and increase productivity for Australia’s workers.

Twenty Years of Enterprise Bargaining in Australia, 1991-2011  
(4-5 November 2011)

The Centre co-hosted a Symposium on ‘20 Years of Enterprise Bargaining in Australia’, on Friday 4 and Saturday 5 November 2011 at the Melbourne Law School. This event, marked the 20th anniversary of the AIRC’s October 1991 National Wage Case Decision, was organised jointly with the Department of Management & Marketing at the University of Melbourne, along with the Workplace and Corporate Law Research Group and the Australian Centre for Research in Employment & Work (ACREW) at Monash University.

Business and Human Rights Framework: The Australian Response  
(28 November 2011)

The CELRL co-hosted this workshop to discuss the domestic implications of the Ruggie Framework on Business and Human Rights with the School of Social and Political Sciences at the University of Melbourne, and the Australian Institute of Employment Rights Inc. The keynote speaker at the workshop was Vanessa Zimmerman, former advisor to the UN Special Representative for Business and Human Rights, Professor John Ruggie. The workshop was attended by academics, representatives of NGOs and government officials.

Visitors

The Centre regularly welcomes academic colleagues from interstate and overseas. In 2011 we hosted eight visitors:

- Professor Sara Slinn, Osgoode Hall Law School, York University, Canada (January - May)
- Professor Adelle Blackett, McGill University, Montreal, Canada (February - March)
- Professor Jean Allain, Queen’s University of Belfast, Northern Ireland (March - April)
- Professor Mark Freedland, Oxford University, United Kingdom (April)
- Professor Cindy Estlund, New York University School of Law, USA (May)
Significant Publications
A full list of publications is detailed in the ‘Published Research’ section of this report. Selected publications by Centre members in 2011 include:

- Hardy, T, ‘Enrolling Non-State Actors to Improve Compliance with Minimum Employment Standards’ (2011) 22(3) Economic and Labour Relations Review 117-140

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
Global events of recent years have meant Islam and Islamic legal studies have received renewed attention. The Centre facilitates and supports Islam-related research and education related to contemporary Islamic legal issues. It also aims to improve Australian understandings of Islam. Since its establishment, the Centre has developed a strong focus on Islamic law issues in Southeast Asia.

**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 2011**

The following publications were published by Centre members in 2011:


**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 2011 include:

- ‘Democracy, Conflict and Islamic Leadership in Eastern Indonesia: A Village Case Study,” Dr Jeremy Kingsley
- ‘The Dato’ Yuthitham and the Administration of Islamic Law in Southern Thailand’, Dr Ramizah Wan Muhammad

- ‘Lawyers in Malaysia: Religious Orientation and Legal Professional Practice’ (Whiting, A)

Sumner, C and Lindsey, T, ‘Courting Reform: Indonesia’s Islamic Courts and Justice for the Poor’ (2011) 4(1) International Journal for Court Administration 1-14 (reproduced)


Centre for Islamic Law and Society

- ‘Indonesia’s Islamic Educational Institutions and Radicalism Among Muslim Youth’, Dr Dina Afrianty
- ‘Islamic Law in the Philippines: Between Appeasement and Neglect’, Mr Matt Stephens

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/

Seminars

Islam Research Seminar Series

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

Ms Mouza Ali Salem Alneyadi - “Surrogacy: Legal Boundaries and Islamic Jurisprudence in the UAE”, 27 April 2011

Ms Melissa Crouch - ‘Opposition to Christian Proselytisation in Indonesia: Disputes over Church Permits in West Java’, May 2011

Ms Nur Hidayah – ‘The Emergence of Islamic Feminism in Contemporary Indonesia: The Case of Progressive Muslim Women’s Organisations’, 23 May 2011

Ms Helen Pausacker - ‘Sanctions for Popstars… and Politicians? The Aftermath of Indonesia’s Pornography Law’, 3 August 2011

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 7th annual Islamic Studies Postgraduate Conference was held on 28 - 29 November, 2011 and was co-hosted by the National Centre of Excellence in Islamic Studies. Associate Professor Michael Freener, Professor M. B. Hooker, Professor Virginia Hooker and Dr Nadirsyah Hosen attended as PhD mentors. 29 PhD students presented at the conference, from 13 Australian and international universities.

International Workshop

Dr Amanda Whiting co-organised the international workshop “Law and Society in Malaysia: Pluralism, Islam and Development’ University of Victoria, British Columbia, Canada, July 14-17 2011. This workshop was hosted by the Centre for Asia-Pacific Initiatives, University of Victoria, British Columbia, and Asian Law Centre, University of Melbourne.

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

Administrator: Ms Tessa Shaw
Centre for Islamic Law and Society

**Federation Fellowship PhD Scholars**
Ms Melissa Crouch (Graduated 2011)
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
During 2011, work continued on two Australian Research Council grants:

**Defamation and Privacy: Law, Media and Public Speech**

*Researcher: Professor Andrew Kenyon*

This project investigates important recent legal changes in defamation and privacy, laws which can considerably limit public speech. It addresses the urgent need in law for a more sophisticated understanding and evaluation of the practices of media professionals. It will assist lawyers and judges apply the changed laws, contribute to scheduled reviews of legislation, assist publications and journalists deal with risks of legal liability, develop critical academic and legal debates about the media, and clarify the parameters of lawful public speech. It promotes better legal understanding of popular media forms, which have key roles in contemporary economies and public debate.

**Testing Trade Mark Law’s Image of the Consumer**

*Researchers: Megan Richardson, Robert Burrell, Michael Humphreys, Kimberlee Weatherall, Sarah Kelly and Jennifer Burt*

An effective trade mark law is vital both to protect consumers and to allow businesses to build brand recognition. This project seeks to put Australian trade mark law on a firmer empirical footing by bringing together experts from psychology, law and marketing to test the law’s assumptions against actual consumer responses.
Events

Keeping Secrets in Times of Weak Law
Full Day Conference presented by IPRIA and CMCL
25 November 2011
Keynote Speakers:
- Professor Dan Hunter, Professor of Law, Director of the Institute for Information Law & Policy, New York Law School
- Dr Philip Williams, Chair, Frontier Economics, Melbourne
- The Honorable Michael Kirby, AC CMG

Bringing Open Justice to a New Level: Film Footage, Open Justice and the Media in England
Free public seminar presented by CMCL
2 November 2011 (Sydney)
3 November 2011 (Melbourne)
Speaker: John Battle

Brands and the Challenges of Grey Markets
Free panel discussion presented by IPRIA and CMCL
26 October 2011
Panel Discussion featuring: Owen Malone, Don O’Sullivan, Susy Frankel and Vicki Huang.
Chair: Janice Luck.

The CMCL Medal 2011: New Voices in Media Law
The CMCL Medal seeks succinct, innovative analyses of contemporary issues in media law
Final Presentation Dinner - Monday 5 September 2011
Finalists:
- Roxanne Burd, ‘To Supress, Or Not to Supress; Protecting the Right to a Fair Trial in the Twenty-First Century’
- Sara Phung, ‘Function Not Form: Protecting Sources of Bloggers’
- Jessica Goulburn, ‘Straw, Sticks or Bricks- How to Stop the Big Bad Wolf from Piggybacking’

Enforcement, Enforcement, What Enforcement?
27 May 2011
Speaker: Professor Peter K Yu- Kern Family Chair in Intellectual Property and Director, Intellectual Property Law Center, Drake University Law School, USA

The Final Cut: Film Censorship and Judicial Review in Malaysia, Hong Kong and Australia
20 May 2011
Presentation by PhD Candidate: Tiong Guan Saw
Supervisors: Andrew Kenyon and Amanda Whiting

Human Rights and Intellectual Property: Mapping the Global Interface
11 May 2011 (Melbourne)
16 May 2011 (Sydney)
Speakers:
- Professor Larry R Helfer , Harry R. Chadwick, Sr. Professor of Law, Duke University, School of Law (USA)
- Professor Graeme W Austin , Professor of Law, Victoria University of Wellington (New Zealand) and The University of Melbourne

Commentators:
- Associate Professor Shaun McVeigh , Programme Director, Jurisdictions of the South, iLLaH (Melbourne)
- Professor Kathy Bowrey , Associate Dean - Research, Faculty of Law, UNSW (Sydney)

Chair:
- Professor Megan Richardson , Director, Centre for Media and Communications Law and Associate Director (IPRIA), The University of Melbourne (Melbourne)
- Professor Jill McKeough , Dean, Faculty of Law, UTS (Sydney)
Centre for Media and Communications Law

Brandjacking on Social Networks: Trademark Infringement by Impersonation of Markholders
15 March 2011 (Melbourne)
17 March 2011 (Sydney)
Speaker: Lisa P. Ramsey, Professor of Law, University of San Diego

Inter-faculty Workshop on Law and Non-Communicable Diseases
Speakers:
Andrew Kenyon, Melbourne Law School
Rob Moodie, Nossal Institute for Global Health
David Studdert, Melbourne School of Population Health, Melbourne Law School
Paula O’Brien, Melbourne Law School

New Models for Book Publishing
9 February 2011 (Melbourne Business School)
24 February 2011 (Melbourne Law School)
A free public seminar in Melbourne proudly presented by IPRIA in association with the Centre for Media and Communications Law (CMCL), Melbourne Business School (MBS) and the Publishing and Communications Program at the University of Melbourne.

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.

Contact CMCL
The Centre’s website can be accessed at:
The Centre can be contacted by email at:
law-cmcl@unimelb.edu.au
CREEL has continued to build its international, national and regional linkages in environmental law, resources law, energy regulation and to consolidate its research profile in these fields. As interest in these areas of law has grown over the last few years we have seen sub-units develop; for example, climate change law might now be said to be a field of teaching and research in its own right, as might renewable energy law. CREEL has a number of researchers and graduate research students working in these emerging areas of law. Indeed, one of the most pleasing developments for CREEL has been a strong cohort of Ph D researchers working on topics within the broad umbrella of CREEL’s research interests and supervised by many CREEL academic staff.

Longstanding areas of scholarship by CREEL staff continue to be of strong public interest with water law and governance ‘headline news’ with the Murray-Darling Basin plan, together with the issues of the mining boom, and impacts on indigenous groups. Interdisciplinary research remained a particular strength of Centre researchers with several interdisciplinary workshops organised by CREEL in 2011. Centre staff participate in international legal research groups in energy and environmental law, including the Academic Advisory Group (SEERIL) for the International Bar Association, and the International Law Association’s Committee on Climate Change Law. Melbourne Law School remained affiliated with the IUCN Academy of Environmental Law. Jenny O’Connell as Centre administrator has provided effective support to the diverse range of activities undertaken by CREEL.

CREEL staff, a growing number of graduate research students and research fellows associated with Centre projects, have continued to be prolific in research activities and outcomes over 2011. Many activities focus on externally-funded projects associated with CREEL including, which includes: ARC Discovery Projects: Responding to Climate Change: Australia’s Environmental Law and Regulatory Framework and Climate Change Law and Mitigation: Forest Carbon Sequestration and Indigenous and Local Community Rights and ARC Linkage Project: ‘Poverty in the Midst of Plenty’: Economic Empowerment, Wealth Creation and Institutional Reform for Sustainable Indigenous and Local Communities’ (located in Population Health). The work of Anita Foerster, Jessica Rae and Lisa Caripis in coordinating; and contributing to the research under these projects is acknowledged.

The following sets out more specific activities:

CREEL graduate researcher, Ms Anne Kallies, travelled to China to present at the ‘Clean Energy and Global Change for the Future’ conference at Tsinghua University, Beijing, 12-15 October 2011. Anne joined 18 Chinese graduate students and 15 other Australian graduate students at this event, co-sponsored by the Consortium of China 9 Research Universities and the Group of Eight (Australia).

Maureen Tehan travelled to Nigeria as part of an international comparative study on land title and communal property. In addition, she undertook similar research in Canada around an innovative land registration system being developed by the Inuit peoples.

Michael Crommelin gave a paper at an international conference on ‘Zoning, Taking and Protection of Property Rights in the Urban Developments: Chinese Problems and International Experiences’ held in Beijing, as part of a research project conducted by the Constitutional and Administrative Law Center and the Center for People’s Congress and Parliamentary Studies, Peking University School of Law, and funded by the Ford Foundation.

CREEL graduate researcher, Mr Hao Zhang was selected to participate in the On Common Ground 2011 conference hosted by the Forum for American/Chinese Exchange at Stanford (FACES). Hao is part of the ninth group of students to participate in this annual American and Chinese student leadership conference which was held, firstly at Stanford University from April 10-15, 2011 and then from November 13-18, 2011 in China.

Rafael Plaza, CREEL graduate researcher, presented ‘Transnational interconnection of power grids and renewable energies’ at the 2011 ATLAS Symposium at the Universidad de Deusto, Bilbao, Spain (June 20 – July 1, 2011).

Rafael Plaza was elected Member of the Melbourne Academy for Sustainability and Society (June, 2011).

Lee Godden continued the roles of Chief Editor for Australian Resources and Energy Law Journal and as a Board Member for Journal of Energy and Natural Resources Law.

Research Grant
Climate Change Law and Mitigation: Forest Carbon Sequestration and Indigenous and Local Community Rights submitted by a Melbourne Law School and CREEL team: Maureen Tehan, Lee Godden, Margaret Young and Kirsty Gover.

Events
CREEL Seminar: The Titling of Customary Land in Sabah in the Name of Poverty Alleviation: or Oil Palm through Some Other Means

Professor 15 December 2011
Associate Professor Fadzilah Majid Cooke, Universiti Malaysia Sabah, School of Social Sciences, presented a seminar based on her research on customary land holding, human rights and the incursions of oil palm on the island of Sabah in Malaysia.

Beyond a Carbon Price: A Framework for Climate Change Regulation in Australia
11 August 2011
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.

CREEL Seminar: Dr Ottavio Quirico: Interacting Regulatory Frameworks for Climate Change
24 June 2011
Dr Quirico, University of Social Sciences of Toulouse (France), analysed the interaction of international law regimes relevant to climate change and specifically considered the potential for the World Heritage Convention to assist in ameliorating the impacts of climate change in sensitive conservation areas.

CREEL/EDO Seminar: New Directions in Climate Change Law and Policy
8 June 2011
The Parliamentary Secretary for Climate Change and Energy Efficiency, Mark Dreyfus QC MP presented a seminar at the Melbourne Law School discussing new federal climate change laws with a focus on the carbon farming initiative. The seminar was jointly organised by CREEL and the Environmental Defender’s Office (Victoria).
New Natures Seminar Series: Philosophy and Ecology after the End of the World
17 May 2011
This seminar was part of the New Natures Seminar Series at Melbourne Law School which has explored emerging conceptions of nature by some of the world’s leading philosophers. Professor Timothy Morton, (UC Davis Department of English) the author of The Ecological Thought (Harvard UP, 2010), and Ecology without Nature (Harvard UP, 2007) delivered the lecture, ‘Philosophy and Ecology after the End of the World’.

CREEL Seminar: Learning from the USA Experience in Diffuse Source Regulation
13 May 2011
Professor Robin Kundis Craig, Florida State University, USA, visited Victoria as part of Department of Primary Industries’ Visiting Scientists Program. She liaised with various CREEL staff in preparing a report and she presented a workshop on US laws for water pollution control.

8 April 2011
This event, a CREEL and National Climate Change Adaptation Research Facility Workshop for water governance researchers around Australia, aimed to lift the profile of theoretical and social science research in water research through examining various perspectives for theoretical research by leading practitioners.

CREEL/NCCARF Workshop: Early Career Researcher Workshop
6 and 7 April 2011
Lee Godden co-convened this workshop with Professor Ray Ison and Philip Wallis (Monash Sustainability Centre) which was designed to create a “community of conversation” about water governance in Australia, build collaborative research links, create opportunities for co-researching and information sharing, and provide opportunities for early-career researchers to participate in a national network.

CCCS/CREEL Book Launch: Kirsty Gover, Tribal Constitutionalism: States Tribes and the Governance of Membership OUP, 2010
5 April 2011
Kirsty Gover’s book is regarded as a major contribution to the field, and the book launch at Readings Book shop in Carlton was well attended. An introduction to the themes in the book was provided by Professor Jeremy Webber, a leading authority on indigenous rights and constitutional law from the University of Victoria, Canada.

CREEL Seminar: Beatriz Garcia: The Legal Protection of the Amazon
24 March 2011
CREEL Guest Speaker, Dr Beatriz Garcia who has extensive experience in projects around forest conservation and in international law gave a discussion on Brazil’s experience drawn from her book, The Amazon: from an International Law Perspective.

CREEL/IILAH Seminar: Marie Isabelle Pellan: Achieving Greater Coherence and Mutual Supportiveness Between the Trade and Climate Change Regimes
3 February 2011
This seminar by Marie Isabelle Pellan, visiting WTO Fellow at the Institute for International Trade, University of Adelaide, examined the potential for integration of WTO and public international law frameworks surrounding climate change mitigation.

External Conference and Seminar Presentations

Michael Crommelin, ‘Land Title, Acquisition and Management in Australia’ 6-7 August 2011, as part of a research project conducted by the Constitutional and Administrative Law Center and the Center for People’s Congress and Parliamentary Studies, Zoning, Taking and Protection of Property Rights in the Urban Developments: Chinese Problems and International Experiences, Peking University School of Law, Beijing, and funded by the Ford Foundation.

Anita Foerster and Lee Godden, ‘Legal Approaches to the management of Diffuse Source Pollution: Scoping for Comparisons and Best Practice’ presented at the AWA Catchment Management Conference 22-23 August 2011, Wangaratta, Victoria.


Jacqueline Peel, June 2011, presented a paper to a Symposium on ‘The World Trade Organization as a Global Risk Regulator’ as part of an inter-disciplinary international risk assessment conference held in Stuttgart.


**Presentations Research Higher Degree Students**


Angus Frith, (PhD Completion) Sustainable Indigenous Entities for Making Agreements Law Graduate Research Student Colloquium Program - Wednesday 2 November 2011

Anne Kallies, invited panel member on the Grid Technical Session – Connecting renewable, is the framework right? Clean Energy Council is holding a conference as part of Clean Energy Week 2011, 3 May 2011. Clean Energy Council, Global Perspectives.


Rafael Plaza, was invited to present his work on ‘Market revenue risk allocation in Public-Private Partnerships on energy infrastructure projects’ at the Sydney Law School Postgraduate Conference 2011, 27-28 October, 2011.

**Knowledge Transfer and Exchange**

Anita Foerster and Alex Gardner, Appearance at a Senate Committee Hearing regarding the Submission to the Senate Inquiry on the Water Act. 18 May 2011.

Jacqueline Peel, Media commentary: interview on ABC Statewide Drive with Kathy Bedford to discuss Victorian alpine grazing and potential federal enforcement action under the Environment Protection and Biodiversity Conservation Act 1999 C’th.

Jacqueline Peel, an expert member of the International Law Association’s Committee on the Legal Principles of Climate Change. In 2011, Jacqueline and other committee members worked on preparing a detailed second report on the topic to be presented at the ILA’s biennial conference in Sofia in 2012. I was responsible for drafting sections of the report on the principles of precaution and sustainable development/integration.

CREEL’s Associate Director, Jacqueline Peel, has established a climate change law blog. To access the blog please follow this link: http://blogs.unimelb.edu.au/peel_climatechange/
Centre for Resources, Energy & Environmental Law

Government and Law Reform Submissions


Jacqueline Peel et al, ‘Submission to the Review of the Climate Change Act’, 28 November 2011 (with other members of the MSSI Climate Change Group). The Submission has been referred to in the Department of Premier and Cabinet, 2011 ‘Review of the Climate Change Act 2010’ available online:


Lee Godden, 26 September 2011. Presentation at the Joint Select Committee on Australia’s Clean Energy Future Legislation.


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
“CLEN was established in 2010 as a network of people who are engaged in researching and teaching, individually and collaboratively, in the field of competition law and economics and who are affiliated with one or more of the faculties of the University of Melbourne, including the Melbourne Law School, the Faculty of Business & Economics and the Melbourne Business School.”

**People**

Competition Law & Economics Network (CLEN) Director is Associate Professor Caron Beaton-Wells. There are two Deputy Directors, Arlen Duke, MLS Senior Lecturer (who is also the convenor of the Competition Law Overview Seminar series) and Dr Rhonda Smith, MLS Senior Fellow and Senior Lecturer in the Faculty of Business & Economics (who is also the convenor of the CLEN Discussion Group series).

Network members include full-time academics, as well as practitioners and regulators, from around Australia and the world. The University’s Higher Research Degree students undertaking research at doctoral or masters level in competition law or economics-related fields are also associated with the Network.

Visiting academics researching or teaching in competition law or economics-related fields are welcome to be associated with the Network and participate in its range of activities. In 2011, three academics have taken up this opportunity: Professor Imelda Maher (Trinity College, Dublin), Dr Andreas Stephan (University of East Anglia, Norwich) and Assistant Professor Sandra Colino (Chinese University of Hong Kong).

The Network benefits from support and advice from key advisors who are senior members of the profession: Professor Bob Baxt AO (Freehills) and Dr Michael Schaper (Australian Competition and Consumer Commission).

**Research and Teaching**

CLEN members produce a substantial number and range of publications each year. A selection of their most recent publications is available on the CLEN website. Members draw on their research also to contribute to public debate on topical issues arising in this field. They make submissions to government on law reform and regularly write for and comment on issues in the mainstream media. In 2011, these issues have included competition in the banking sector, the introduction of the National Broadband Network and cartel criminalisation reform proposals in New Zealand.

The University of Melbourne teaches a wide range of subjects, at undergraduate and graduate levels, related to competition law and economics. The offerings of the Melbourne Law Masters in this field are unsurpassed in Australia. The competition law specialty of the MLM offers over 10 specialised subjects taught by experts from Australia and around the world. Many of the teachers and students in this program also become involved in the engagement activities and events of CLEN.

**Selected Major Publications**

Engagement Activities and Events

The Discussion Group Series

CLEN holds a Discussion Group that meets bimonthly to discuss recent competition related developments and decisions, as well as academic articles and other relevant publications. The aim of the Group is to inform debate on competition issues both within academia and within the legal profession, as well as to provide another forum for dialogue between members of the ACCC, academics and practitioners in this field. While there is a discussion opener for each session, these sessions are participatory and it is important to the quality of discussion that participants have read the decision, article or any other material provided in advance that is intended to be the subject of the meeting.

Academics, RHD Students, practising lawyers, economists and consultants who have an interest in competition law and economics all participate in the Discussion Group. Recent meetings of the Group have attracted between 20 and 25 participants and discussion has been very robust.

In 2011 Discussion Group presenters have included:

- Professor Michael Jacobs, De Paul University
- Dr Alexandra Merrett, ACCC
- Professor Imelda Maher, Trinity College, Dublin
- Karen Gibbons, Freehills
- Richard York, Frontier Economics
- Professor Michael Schaper, Deputy Chair, ACCC
- Joanne Daniels, Partner, Middletons

The Annual Baxt Lecture

CLEN’s flagship event is the Annual Baxt Lecture in Competition Law. This free public 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. It is named in honour of Professor Bob Baxt AO in recognition of his substantial contribution to the development of competition law in Australia. In particular, the Lecture acknowledges his significant support for the establishment of competition law as a recognised and sought after discipline at the graduate level at the Melbourne Law School. Professor Baxt is the Chair of the Advisory Board of the competition law specialty in the Melbourne Law Masters program.

The Inaugural Baxt Lecture was delivered by Professor William Kovacic, US Federal Trade Commissioner, on the topic “Competition Authorities for the 21st Century”; in August 2010. The Second Annual Baxt Lecture was delivered by Professor Richard Whish, one of Europe’s foremost competition law scholars, in August 2011, on the topic: “Private Enforcement of Competition Law? European Developments”. More than 100 members of the profession, including senior representatives from law firms, the ACCC, the bench and Treasury registered for each of these two lectures. They were also attended by members of the student body. Feedback was resoundingly positive.

Roundtable on Private Enforcement of Competition Law

In November 2010, CLEN convened a “Roundtable on the Private Enforcement of Competition Law”, bringing together key stakeholders in competition law. 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.

Convened on an invitation-only basis, the Roundtable was attended by 30 of the most senior representatives from stakeholder organisations - the ACCC (whose representatives included Chairman Graeme Samuel), the Commonwealth Treasury, the...
She has encouraged Treasury to consult with stakeholders on the issue, including on the question whether there should be amendment of s 83 of the Competition and Consumer Act 2010 to address it and if so, what form that amendment might take. As a result Treasury is proposing to hold its own Roundtable on the issues in 2012.

The Hot Tub, a short film

In May 2011, CLEN held a mock performance of a ‘hot tub’ - a mode of taking economic evidence from expert witnesses developed in competition law cases, and regularly employed in the Australian Competition Tribunal and the Federal Court. This approach has benefits over the traditional style of witness examination insofar as it enables the expert evidence to be adduced after the lay evidence has been adduced on both sides and hence at a stage in proceedings when the “facts” are established and the issues clearly identified. It also has benefits in enabling the experts to question each other directly, in addition to cross examination by counsel which generally follows. The direct questioning method is regarded as an effective way of narrowing the differences between the experts and crystallising their opinions on the matters at issue.

The mock performance was held in the Law School’s moot court. It was based on the case brought by the Australian Competition and Consumer Commission against the concrete manufacturer, Boral, alleging breach of the prohibition in s 46 (the misuse of market power/abuse of dominance prohibition) of the then Trade Practices Act 1974 (now the Competition and Consumer Act 2010). The allegations were based on pricing and capacity related conduct by Boral. The proceeding in the moot court was presided over by the Hon Peter Heerey QC, the judge who sat at first instance in the actual Boral trial.

Acting as the experts were leading economists from the economic consultancy Frontier Economics (and senior fellows in the Law School’s Masters program), Dr Philip Williams (for the ACCC) and Richard York (for Boral). The roles of counsel were played by senior members of the Victorian Bar, David Shavin QC (who acted for the ACCC in the actual case) and Jack Fajgenbaum QC. An agreed statement of facts was prepared and the experts also prepared expert reports which were made available to students in advance. The hot tub enactment took place over an hour in front of students from the Law School. It saw the experts each give an opening statement and then question each other directly, followed by cross examination of each of them by opposing counsel. The enactment proved a highly effective way of demonstrating to students this distinctive approach to economic evidence in competition law cases.

The proceeding was filmed and, together with commentary from several of the cast, has been produced as a film by the Teaching and Learning Unit of the University’s Faculty of Business & Economics for use in teaching students in a range of competition law and economics subjects at the University in undergraduate and graduate programs. The commentary in the video canvasses the origins of the Hot Tub in Australia and the advantages as
well as some of the challenges involved with this approach from the perspectives of counsel, judges and economists. It is also available to view via the FBE ‘You Tube’ channel at http://www.youtube.com/playlist?list=PL2400DB4E81C32C45. CLEN Member, Peter Heerey QC, has presented the video to a group of High Court Judges in Dublin, Ireland and also arranged for CLE session at the Victorian Bar to be held for the purposes of showing the video.

Contact the CLEN

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

The Centre Director can be contacted by email at:
c.beaton-wells@unimelb.edu.au
“Dedicated to integrating the study of international law with contemporary approaches to the humanities, IILAH facilitates and promotes innovative research and critical thinking on emerging questions of international law, governance, human rights and justice, positioning Melbourne Law School as one of foremost centres for international legal scholarship in the world.”

IILAH supports interdisciplinary scholarship on emerging questions of international law, relating in particular to the promotion of social and economic justice and giving voice to those who are marginalised by the historical commitments of international law. Many of the significant modes of thought that have framed the way in which international lawyers understand the world have developed in conversation with the humanities. IILAH continues this engagement, through fostering dialogue with scholars working in disciplines such as anthropology, cultural studies, geography, history, linguistics, literature, philosophy, politics and theology.

IILAH encourages the work of younger scholars and those developing new approaches to the field of international law, and facilitates engagement between scholars and the community of professionals and activists working on issues of international law and governance. It has developed networks with scholars in international law and the humanities from Canada, Colombia, Egypt, Finland, France, India, New Zealand, South Africa, Sweden, the United Kingdom and the United States. IILAH also has a focus on developing links with scholars in the global South, in order to explore the shared legal legacies of colonialism.

IILAH hosts visits of distinguished and emerging international scholars; organises conferences, public lectures, workshops and reading groups; supervises and supports the work of graduate research students; and undertakes and facilitates collaborative and interdisciplinary research projects both within the University of Melbourne, nationally and internationally.

IILAH Research Programmes

The activities of the Institute in 2011 were organised around twelve key research programmes. The programmes build on the breadth of research expertise and interest amongst the faculty at Melbourne Law School, and represent areas of dynamic development and change in the fields of international and transnational law.

**Australian Legal Histories**
Programme Director: Dr Ann Genovese

**Comparative Tribal Constitutionalism**
Programme Director: Dr Kirsty Gover

**Fragmentation and Regime Interaction in International Law**
Programme Director: Dr Margaret Young

**Global Trade**
Programme Directors:
Associate Professor Andrew Mitchell and Associate Professor Tania Voon

**Histories of International Law and Empire**
Programme Director: Professor Anne Orford

**International Criminal Justice**
Programme Director: Associate Professor Peter Rush

**International Environmental Law**
Programme Director: Associate Professor Jacqueline Peel
**Institute for International Law and the Humanities**

### Research Centres, Institutes & Groups

**International Human Rights Law**  
Programme Director: Professor Dianne Otto

**International Investment Law**  
Programme Director:  
Associate Professor Jürgen Kurtz

**International Refugee Law**  
Programme Director:  
Associate Professor Michelle Foster

**Jurisprudences of the South**  
Programme Director:  
Associate Professor Shaun McVeigh

**Law and Development**  
Programme Director:  
Associate Professor Sundhya Pahuja

### IILAH Research activities

#### Events and Visitors

IILAH hosted a wide range of events in 2011:

**1 February 2011: PhD Confirmation Seminar**  
In The Name of the Victim: The Figure and Figuration of the Victim in International Criminal Justice, Ms Maria Elander (PhD Candidate, Melbourne Law School)  
(Supervisors: Associate Professor Peter Rush and Professor Dianne Otto)

**3 February 2011: IILAH Seminar**  
Achieving Greater Coherence and Mutual Supportiveness between the Trade and Climate Change Regimes, Ms Marie Isabelle Pellan (Visiting WTO Fellow, Institute for International Trade, University of Adelaide)  
(Convenors: Associate Professor Andrew Mitchell and Associate Professor Tania Voon)

**10 February 2011: IILAH Seminar**  
Deconfiguring Borders — Rebordering Figures, Mr Matthew Nicholson (Faculty of Laws, University College London)  
(Convenor: Associate Professor Sundhya Pahuja)

**17 February 2011: IILAH Seminar**  
On the (Possible) Relationship of the EU Court of Justice with the UN Security Council and International Tribunals, Professor Joe Verhoeven (Université Panthéon-Assas (Paris II))  
(Convenor: Professor Anne Orford)

**17 March 2011: IILAH Seminar**  
Financial Services in the GATS and the Global Financial Crisis: A View from Singapore, Associate Professor Dora Neo (Faculty of Law, National University of Singapore)  
(Convenor: Associate Professor Jürgen Kurtz)

**31 March 2011: IILAH Seminar**  
The Targeted Killing Judgment of the Israeli Supreme Court and the Critique of Legal Violence, Mr Markus Gunneflo (Faculty of Law, Lund University, Sweden)  
(Convenor: Professor Anne Orford)

**1 April 2011: Panel Discussion**  
International Intervention in Libya, Professor Tim McCormack (APCML), Professor Anne Orford (IILAH) and Ms Elizabeth Wilmshurst (Chatham House, UK) in conversation with Professor Gerry Simpson (APCML and Global Justice Studio)

**8 April 2011: IILAH Seminar**  
Slavery as Ownership: Exploring the Property Elements of Contemporary Slavery, Dr Jean Allain and Dr Robin Hickey (Queen's University, Belfast)  
(Convenors: Professor Anne Orford and Associate Professor Shaun McVeigh)

**8 April 2011: Workshop on Legal Issues Relating to Plain Packaging of Cigarettes in Australia**  
(Convenors: Associate Professor Andrew Mitchell, Associate Professor Tania Voon and Dr Jonathan Liberman (Cancer Council Victoria and Quit Victoria))

**21 April 2011: IILAH and IPRIA Twilight Seminar**  
The World Trade Organization’s Trade Related Aspects of Intellectual Property (TRIPS) Agreement and Access to Medicines, Professor Jayashree Watal (World Trade Organization, Switzerland)  
(Convenors: Associate Professor Andrew Mitchell and Associate Professor Tania Voon)

**10 May 2011: IILAH Seminar**  
Contesting Legitimacy: Sources of Authority within the Just War Tradition and International Law, Dr Tarik Kochi (University of Sussex)  
(Convenor: Associate Professor Shaun McVeigh)
11 May 2011: IPRIA, CMCL and IILAH Seminar
Human Rights and Intellectual Property: Mapping the Global Interface, Professor Larry R Helfer (School of Law, Duke University) and Professor Graeme W Austin (Professor of Law, Victoria University of Wellington and University of Melbourne), with Associate Professor Shaun McVeigh (Melbourne Law School) as commentator
(Convenor: Professor Megan Richardson)

4 July 2011: IILAH Seminar
The Clash of Analogies and Approaches in the Investment Treaty System, Ms Anthea Roberts (London School of Economics and Politics), with Gavan Griffith QC as commentator
(Convenor: Associate Professor Jürgen Kurtz)

20 July 2011: IILAH and APCML Public Lecture
‘Terrorist’: Diasporic Emotions, Sense of Justice and International Criminal Classification, Professor Ghassan Hage (Future Generation Professor of Anthropology and Social Theory, University of Melbourne)
(Convenors: Associate Professor Peter Rush and Professor Gerry Simpson)

21 July 2011: IILAH and APCML Lecture
The Experience of an Extreme Loneliness: Resentment and Reconciliation as Affective States of International Criminal Law, Professor Jill Stauffer (Haverford College)
(Convenors: Associate Professor Peter Rush and Professor Gerry Simpson)

15 July 2011: APCML/IILAH Symposium
Affective States of International Criminal Justice
This Symposium was co-convened by the Asia Pacific Centre for Military Law and the Institute for International Law and the Humanities and supported by an Australian Research Council Discovery Project Grant. The Centre for Contemporary Photography presented the ‘Without words’ exhibition in association with this event
(Convenors: Associate Professor Peter Rush and Professor Gerry Simpson)

20–22 July 2011: APCML/IILAH Symposium
Affective States of International Criminal Justice
This Symposium was co-convened by the Asia Pacific Centre for Military Law and the Institute for International Law and the Humanities and supported by an Australian Research Council Discovery Project Grant. The Centre for Contemporary Photography presented the ‘Without words’ exhibition in association with this event
(Convenors: Associate Professor Peter Rush and Professor Gerry Simpson)

25 July 2011: IILAH Master Class
Jurisprudence, Politics & Ethics in an International Frame, Professor Jill Stauffer (Haverford College)
(Convenor: Associate Professor Peter Rush)

10 August 2011: PhD Confirmation Seminar
Enemies of Mankind: Warmongers and Warlike Peoples in Vattel’s Law of Nations, Mr Walter Rech (Melbourne Law School)
(Supervisors: Professor Anne Orford and Associate Professor Sundhya Pahuja)

11 August 2011: IILAH Seminar
Rights and the Australian Council for Civil Liberties, Dr James Waghome (School of Historical Studies, University of Melbourne), with Dr Ann Genovese (Melbourne Law School) as discussant
(Convenor: Professor Anne Orford)

17 August 2011: IILAH Public Seminar
On the Effective Implementation of Human and Minority Rights in Europe, Dr Panayote Dimitras (Greek Helsinki Monitor)
(Convenor: Dr Kirsty Gover)

29 August 2011: IILAH Seminar
Makeshift Migrants and Law: Gender, Belonging, and Postcolonial Anxieties, Professor Ratna Kapur (Geneva School of Diplomacy and International Relations), with Ms Deborah Whitehall as discussant
(Convenor: Professor Dianne Otto)

30 August 2011: IILAH Seminar
Reading and Rereading the Caroline Correspondence, 1838–1842, Professor Dino Kritsiotis (School of Law, University of Nottingham)
(Convenor: Professor Anne Orford)

1 September 2011: PhD Confirmation Seminar
Hannah Arendt, Beginnings and Female Subjectivity in International Law, Ms Deborah Whitehall (Melbourne Law School)
(Supervisors: Professor Anne Orford and Dr Ann Genovese)

8 September 2011: IILAH Seminar
‘Humanising’ the Border: Migrant Labour, Development and the Promise of Legality, Ms Sara Dehm (Melbourne Law School)
(Supervisors: Associate Professor Sundhya Pahuja and Professor Anne Orford)

22 September 2011: IILAH and CCCS Public Seminar
Beyond the Malaysian Solution? Refugee Responsibility Sharing in the Asia-Pacific Region, Mr Richard Towle (UNHCR), Professor James Hathaway (University of Michigan) and Associate Professor Michelle Foster (Melbourne Law School), chaired by Professor Adrienne Stone (Melbourne Law School)
(Convenor: Associate Professor Michelle Foster)
22–24 September 2011: IILAH/ARC Workshop
The Law of Refugee Status. This workshop was supported by the Institute for International Law and the Humanities and the Australian Research Council (Convenor: Associate Professor Michelle Foster)

4–6 October 2011, Workshop on International Law and Empire, University of Helsinki
This international workshop on the theme of International Law and Empire was co-sponsored by the Erik Castrén Institute for International Law and Human Rights, University of Helsinki; the Institute for International Law and the Humanities, University of Melbourne; the European Research Council research project on ‘Europe between Revolution and Reaction 1815–1914’; and the Australian Research Council research project on ‘Cosmopolitanism and the Future of International Law’ (Convenors: Professor Martti Koskenniemi and Professor Anne Orford)

27 October 2011: IILAH Seminar
Agonism and Abjection: Hannah Arendt, Giorgio Agamben and the Right to Have Rights, Dr Andrew Schaap (Politics, University of Exeter) with Mr Connal Parsley (IILAH) as discussant (Convenor: Dr Ann Genovese)

12 December 2011: IILAH Joint Public Seminar
Cosmopolitan Justice in a Postcolonial World and Integration Regimes and Governmentality
Cosmopolitan Justice in a Postcolonial World presented by Professor Nikita Dhawan (Goethe-University Frankfurt)
Integration Regimes and Governmentality presented by Professor Maria do Mar Castro Varela (Alice Salomon University Berlin)
(Convenor: Associate Professor Sundhya Pahuja)

14 December 2011: PhD Completion Seminar
Jurisprudence of Movement, Ms Olivia Barr (Melbourne Law School)
(Supervisors: Associate Professor Peter Rush, Associate Professor Shaun McVeigh and Associate Professor Maureen Tehan)

15 December 2011: IILAH Public Seminar
TRIPS and the Non-Communicable Diseases Epidemics, Professor Kevin Outterson (Law, Boston University)
(Convenors: Associate Professor Andrew Mitchell, Associate Professor Tania Voon and Dr Jonathan Liberman (Cancer Council Victoria))

15–16 December 2011: Postgraduate and Early Career Researchers Workshop
Law and Its Accidents
This workshop is supported by the Melbourne Law School and its research centres and institutes: Centre for Employment and Labour Relations Law (CELRL), Centre for Media and Communications Law (CMCL), Centre for Resources Energy & Environmental Law (CREEL), Institute for International Law and the Humanities (IILAH), Intellectual Property Research Institute of Australia (IPRIA) and the Postgraduate Law Student Association (PLSA). Speakers include: Professor Paul Carter (Centre for Memory, Imagination and Invention, Deakin University) and Dr Rebecca Scott Bray (Department of Sociology and Social Policy, University of Sydney)

Key Publications
Orford, A, International Authority and the Responsibility to Protect, Cambridge University Press, United Kingdom (2011)
John, F, Joyce, R and Pahuja, S, (eds), Events: The Force of International Law, Routledge-Cavendish, United Kingdom (2011)
Young, M, Trading Fish, Saving Fish: The Interaction between Regimes in International Law, Cambridge University Press, United Kingdom (2011)

IILAH Research Students
The following research student affiliated with IILAH completed in 2011.

Takele Soboka Bulto
Supervisors: Carolyn Evans and Jacqueline Peel
Staff

The Director of the Centre is Professor Anne Orford. Other academic staff associated with the Centre are Dr Michelle Foster, Dr Kirsty Gover, Mr Jurgen Kurtz, Associate Professor Shaun McVeigh, Associate Professor Andrew Mitchell, Professor Dianne Otto, Associate Professor Sundhya Pahuja, Associate Professor Jacqueline Peel, Associate Professor Peter Rush, Associate Professor Tania Voon and Dr Margaret Young.

The Centre Administrator is Vesna Stefanovski.

Contact iLaH

The Centre’s website can be accessed at:
http://www.law.unimelb.edu.au/iilah

The Centre can be contacted by email at:
law-iilah@unimelb.edu.au
“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 staff from the Melbourne Law School (MLS), the Faculty of Business and Economics (FBE), and the Melbourne Business School (MBS). The current Director is Professor Beth Webster (FBE), the two Associate Directors in 2011 were Professor Megan Richardson (MLS) and Associate Professor Kwanghui Lim (MBS).

IPRIA aims to produce world-class information and analysis on the operation and impact of intellectual property (IP) systems. IPRIA’s activities aim to:

- support and generate development of high-level public policy in relation to intellectual property issues;
- improve the protection, management and exploitation of intellectual property by all Australian stakeholders, including research institutions, public and private sector interests; and
- help create an informed environment for, and contribute to, on-going public debate in Australia about intellectual property issues and related matters, including innovation policy and economic growth.

A Selection of Research Projects undertaken by IPRIA Staff in the Law School

- Harmonisation of Patent Examination in Australia, US and Europe
- Employee Rights to the Benefits of their Innovation
- Drug Companies, their Patenting Strategies and High-Cost Pharmaceuticals
- Amateur Hour: The Socio-Legal Construction of Amateur Media

Selected Events

Seminars

- Nathan Hollier, Emmett Stinson, Piers Pickard, Max Barry, Graeme Connelly and Kwanghui Lim participated in a panel seminar on “The future of books” (in conjunction with the CMCL, MBS and the Publishing & Communications Program) – February
- Jason Bosland and Lisa Ramsey presented a seminar ‘Brandjacking on Social Networks: Trademark Infringement by Impersonation of Markholders’ (in conjunction with CMCL) – March, in Melbourne and Sydney
- Jayashree Watal presented a seminar ‘The World Trade Organization’s Trade Related Aspects of Intellectual Property (TRIPS) Agreement and Access to Medicines’ (in conjunction with IILAH) – April
• Graeme Austin and Larry R Helfer presented a seminar ‘Human Rights and IP: Mapping the Global Interface’ (in conjunction with CMCL) – May, in Melbourne and Sydney

• Peter Yu presented a seminar ‘Enforcement, Enforcement, what Enforcement?’ – June, in Melbourne and Sydney

• Janice Luck, Don O’Sullivan, Vicki Huang, Susy Frankel, Owen Malone participated in a panel on ‘Grey Marks’ – October

• Susy Frankel and Paul G Scott presented a seminar ‘The Trans-Tasman Relationship: Competition Law and Intellectual Property Law’ (in conjunction with the Institute of Patent and Trademark Attorneys of Australia) – October, in Melbourne, Sydney and Canberra

• IPRIA, in conjunction with the CMCL, hosted a conference, ‘Secrecy in a Time of Weak Law’ in November in Melbourne

Refereed Journal Articles


Selected Conference Presentations


IPRIA also published an online journal, The Fortnightly Review (edited by Vicki Huang and Jake Goldenfein), through most of 2011. A commemorative volume was produced in December.

Contact IPRIA

The Centre’s website can be accessed at: http://www.ipria.org
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, Associate Professor Matthew Harding, Associate Professor Cally Jordan, Professor Ian Malkin, Dr Jeannie Paterson and Professor Ian Ramsay.

Events

Lunchtime Seminars

- Mr Donal Nolan (Oxford) and Professor Andrew Robertson, ‘Rights and Private Law’, (25 March 2011)
- Dr TT Arvind (York), ‘Obligations and Regulation: A Core Relationship’, (8 April 2011)
- Dr Matt Dyson (Cambridge), ‘Border Disputes between Torts and Crimes: Comparative Advice on Soothing Ruffled Feathers’, (15 April 2011)
- Professor Robert Chambers (UCL), ‘The End of Knowing Receipt’, (18 April 2011)
- Ms Susan Barkehall-Thomas (Monash), ‘Thieves and the Problem of Title to Chattels’, (12 August 2011)
- Professor Jane Stapleton (ANU & Texas), ‘The Causal Relation in Law: an Account for Philosophers’ (co-hosted with the MLS Legal Theory Workshop Series), (13 August 2011)

- Dr Sirko Harder (Monash), ‘Contributory Negligence in Contract and Equity’, (28 October 2011)

Evening Seminar


Melbourne Torts Workshop

On 25 February the Obligations Group hosted the Melbourne Torts Workshop, which was convened by Professor Andrew Robertson. The following papers were presented:

- Professor Benjamin Zipursky (Fordham), ‘Civil Recourse and Relational Duties in the Law of Torts’
- Professor Andrew Robertson, ‘Policy and the Duty of Care’
- Ms Hanna Wilberg (Auckland), ‘Negligence Liability of Public Authorities: In Defence of the Omissions Rule’
- Professor Kit Barker (Queensland), ‘Relational Economic Loss and Indeterminacy: The Search for Rational Limits’
Melbourne Contracts Workshop

On 1-2 December the Obligations Group hosted the Melbourne Contracts Workshop, which was convened by Dr Jeannie Paterson and Professor Andrew Robertson.

The following papers were presented:

- **Dr Jeannie Paterson**, ‘Contract and the Challenge of Consumer Law’
- **Professor Robyn Carroll** (UWA), ‘Agreements to Specifically Perform Contractual Obligations’
- **Dr Katy Barnett** (Sydney), ‘“Reasonable Fee” Damages as Partial Disgorgement for Breach of Contract’
- **Dr Wayne Courtney** (Sydney), ‘Settlement after Breach’
- **Professor David McLauchlan** (Wellington), ‘The Contract that Neither Party Intends’
- **Dr Martin Doris** (Chinese Univ HK), ‘The Law on Unfair Commercial Practices in the UK—A Model for Hong Kong?’
- **Mr James Lee** (Birmingham), ‘The Adequacy of Legislative Consideration of the Law of Contract’
- **Professor Rick Bigwood** (Bond), ‘Reflections on the Mental Componentry of Affirmation of a Contract by Election’

Proprietary Remedies Colloquium

The Obligations Group provided administrative support for a colloquium on ‘The Principles of Proprietary Remedies: Constructive Trusts’, which was held at Melbourne Law School on 5 December. The colloquium was co-convened by Professor Michael Bryan and Associate Professor Elise Bant and funded by their ARC Discovery Project grant. The colloquium brought together judges and scholars from around Australia to discuss contentious issues in the law of constructive trusts.

Visitors

- **Mr Donal Nolan**, Porjes Foundation Fellow and Tutor in Law at Worcester College, Oxford, and a CUF Lecturer in Law in the University of Oxford (March)
- **Dr TT Arvind**, York Law School (April)
- **Mr James Lee**, Lecturer, Birmingham Law School (November to December)

Contact the Obligations Group

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

The Centre can be contacted by email at: grogans@unimelb.edu.au
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 and Grants

Tax faculty are currently working on the following significant research projects, some funded by external grants and many of a collaborative and interdisciplinary nature.

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

Ann O’Connell and Miranda Stewart together with Associate Professor Matthew Harding continued research in relation to the not for profit sector, funded by an ARC Discovery Grant. The project is considering the legal definition, regulation and taxation of the sector and has carried out significant policy work in relation to current federal government reforms of the tax and regulation of the sector, as well as original research. A major academic conference is to be held at the Law School on 19-20 July 2012.

International Tax and China

Ann O’Connell commences research in 2012 in a funded ARC Linkage grant, led by Monash University and partnering with Zhongnan University of Economics and Law, on Australia’s tax law and treaty relationships with China.

International Tax and Treaties

Associate Professor Dr Mike Kobetsky finished work on his book on the attribution of profits to branches of international enterprises under the OECD Model Tax Convention and continues his research on these issues. Senior Lecturer Sunita Jogarajan continued work on her PhD on the origins and history of tax treaties, recently publishing a significant article on the first international tax treaty in the *Oxford Journal of Legal Studies*.

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

Miranda Stewart continued work on a collaborative and interdisciplinary project working on issues of native title and Indigenous economic development, including tax and legal entity issues, with Professor Lee Godden and Associate Professor Maureen Tehan at the Law School, and colleagues elsewhere, under the leadership of Professor Marcia Langton and funded by an ARC Linkage Grant. In 2011, 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 and published on the tax treatment of native title agreements. Miranda co-supervises PhD candidate Lily O’Neill in connection with this project.

Tax Expenditures and Developing Countries

Mark Burton continued his joint book project on Tax Expenditures with Associate Professor Kerrie Sadiq of the University of Queensland. He and Miranda Stewart jointly produced a report in 2011 on a consultancy for
the International Budget Partnership (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.

Joint Oxford-Melbourne Research on Anti-Avoidance and Sham

Ann O’Connell was awarded in 2011 the Oxford-Melbourne collaborative research grant with Professor Judith Freedman of Oxford University Faculty of Law for her project “A Comparative Analysis of Anti-Avoidance Rules in Australia and the United Kingdom”.

Professor Miranda Stewart continued her joint research project, also funded by a previous Oxford-Melbourne collaborative grant, with Edwin Simpson of Oxford University Faculty of Law on the judicial “Doctrine of Sham and Anti-Abuse in the Common Law.” A joint symposium was held at Christ Church in July 2011.

Significant Publications

Selected publications from 2011 are below. A full list of publications of the Tax Group can be found on the Tax Group website and individual faculty webpages.


Seminars, Workshops and Conferences

Melbourne Law School Annual Tax Lecture

The Annual Tax Lecture series was launched 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 2011, Professor David Rosenbloom of New York University School of Law presented a Lecture entitled “International Tax Policy: A Current View from the United States.” Previous Lecturers have included the Hon Justice Richard Edmonds of the Federal Court of Australia, 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.

Australasian Tax Teachers Association Conference

The 23rd Annual Conference of the Australasian Tax Teachers Association was co-hosted by the Melbourne Law School and the Monash University Taxation Law and Policy Research Institute, and held at the Melbourne Law School from 19-21 January 2011. The Conference theme was ‘Tax - it’s more than numbers’.
Workshops and Conferences

• The Tax Group and the Centre for Employment and Labour Relations Law hosted a symposium on ‘Workers and Tax Reform’. This symposium held at Melbourne Law School, brought together celebrated US academic, Professor Jonathan Forman, author of Making America Work (2006) with an expert Australian panel to discuss options for reform of income tax rates, credits and transfers that will achieve sustainable fairness and increase productivity for Australia’s workers. (16 August 2011)

• The Tax Group and the Asian Law Centre hosted a seminar by Associate Professor Wei Cui from China University of Political Science and Law on ‘Centralizing of Taxing Power and Economic Development: Chinese Evidence’, with comments from Professor Cheryl Saunders of the Centre for Comparative Constitutional Studies at the Melbourne. (23 August 2011)

Book Launch

The Tax Group was very pleased to host the launch of Dr Michael Kobetsky’s book “International Taxation of Permanent Establishments: Principles and Policy”. The book was launched by Mr Cameron Rider of Greenwoods & Freehills at the Melbourne Law School. (21 November 2011)

International Fiscal Association Seminars

The Tax Group jointly with the International Fiscal Association (Australian Branch) hosts a seminar series presented by leading international tax visitors. In 2011, the following seminars were presented:

• Professor Brian Arnold, Canadian Tax Foundation, ‘Cleaning up the Mess: The Taxation of Services under Tax Treaties’ (24 February 2011).

• Mr Neil Motteram and Ms Lyn Redman, Australian Treasury, ‘Australian Tax Policy and Developments’ (5 April 2011).

• Associate Professor Mike Kobetsky, Melbourne Law School, ‘Transfer Pricing – SNF case’ (27 July 2011).

• Associate Professor Wei Cui, China University of Political Science and Law, ‘Chinese International Tax Treaty and Policy’, (31 August 2011).

Tax Discussion Group

The Tax Group hosts a monthly Discussion Group, chaired by Justice Tony Pagone, Professorial Fellow, that provides a forum for our adjuncts and full-time faculty to engage with the Law School and discuss topical tax law developments.

Engagement and Knowledge Transfer

Members of the Tax Group participate in peak professional bodies, including as Fellows of the Taxation Institute of Australia, in which they play a role in the development of tax law and policy. Diverse engagement activities with the tax profession, government and the community sector, include:

• Mark Burton provides external analysis of Australian Tax Office audit and interpretive practice on a consultancy basis.

• Mike Kobetsky sits on the Subcommittee for Transfer Pricing of the United Nations Committee on Fiscal Affairs and advises the Asian Development Bank and OECD on international tax.

• Ann O’Connell is Special Counsel to Allens Arthur Robinson and sits on the Advisory Panel to the Board of Taxation. She is also an external member of the Australian Tax Office Rulings Panel.

• Ann O’Connell and Miranda Stewart were invited as experts to participate in the Tax Forum on 4 and 5 October 2011 in Canberra.

• Miranda Stewart is a member of the Law Council Tax Committee and the International Fiscal Association Executive (Australian Branch).
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 in 2011 included:

- **Professor Brian Arnold**  
  Canadian Tax Foundation, Canada

- **Associate Professor Wei Cui**  
  University of Political Science and Law, China

- **Professor David Rosenbloom**  
  New York University, United States

- **Professor John Tiley, CBE**  
  University of Cambridge, United Kingdom

- **Professor Wolfgang Schon**  
  Max Planck Centre for Tax Law and Economics, Munich, Germany.

Management and Staff

In 2011, the Co-Directors of the Tax Group were Professor Ann O’Connell and Professor Miranda Stewart. Ms Tessa Dermody is 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
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 2011

Company and Securities Law Journal

The *Company and Securities Law Journal* is well-known for its high quality articles written by leading specialists in corporate, securities and takeovers law. It provides both scholarly and practical perspectives on a range of dynamic and important subjects of interest to the Australian legal and business communities.

Topics range from comments on the lack of confidence in the Australia securities markets and how an increased effort by regulators to improve enforcement of existing laws prohibiting market misconduct is needed to restore confidence, to insider trading case law dealing with “generally available” and “materiality” carve-outs and articles around the questions “do we need regulation in the way in which litigation funders should operate”?

*Company and Securities Law Journal*, is edited by Professor Robert Baxt AO (Professorial Associate of The University of Melbourne and a Partner at Freehills) and Associate Professor Paul Ali (Melbourne Law School). Professor Ian Ramsay is a member of the Editorial Board of the Journal and Associate Professor Ann O’Connell is a Section Editor.

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. It is edited by Jason Bosland, Kathy Bowrey and Andrew Kenyon.

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.


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 2011 editions: Sam Naparstek, Tiong Tjin Saw and Suzanne Zhou.

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

Melbourne University Law Review

The *Melbourne University Law Review* is one of Australia’s leading generalist law journals. Submissions to the Review are subject to independent, anonymous peer review prior to acceptance for publication. The Review is published three times a year and is managed by an Editorial Board comprising students of the Melbourne Law School at The University of Melbourne.

The Review publishes articles on all areas of law, as well as case notes, book reviews and review essays. The Review also publishes shorter comment-style pieces in the Critique and Comment section. Occasionally, the Review produces a symposium edition devoted to a particular aspect of law. Past symposium editions of the Review have focused on the centenary of federation, contemporary human rights in Australia, and tort law.

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.


Website: http://mulr.law.unimelb.edu.au
Faculty Edited Journals and Newsletters in 2011

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 edited by Dr Chris Dent.


Public Law Review

The quarterly journal *Public Law Review* is edited by Professor Cheryl Saunders of the University of Melbourne. Associate editors are Dan Meagher from the Deakin Law School 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. A graduate law student is employed each year at CCCS to Assistant Editor to assist with *the Review*, including the compilation of recent developments.

Email: law-cccs@law.unimelb.edu.au
Faculty Edited Journals and Newsletters in 2011

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.
Journal Affiliations
Journal Affiliations in 2011

Across the Board
Ian Ramsay, Member of the Editorial Board

American Society of International Law Insights (ASIL Insights)
Tania Voon, Editor (International Economic Law)

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

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 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
Journal Affiliations in 2011

Australian Journal of Family Law
Belinda Fehlberg, Member of the Editorial Board

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

British Year Book of International Law
Margaret Young, Assistant Editor

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

Constitutional Court Review
Cheryl Saunders, Member of the Editorial Board

Construction Law International
Matthew Bell, Co-Editor
Doug Jones AM, Member of the Editorial Board

Corporate Law Bulletin
Ian Ramsay, Editor

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
Journal Affiliations in 2011

Federal Law Review
Adrienne Stone, Editor

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

Cheryl Saunders, Member of the Editorial Board

Griffith Law Review
Peter Rush, Member of the International Editorial Board

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 2011

<table>
<thead>
<tr>
<th>Journal</th>
<th>Member, Editorial Position</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>International Journal of Constitutional Law (I.CON)</em></td>
<td>Simon Evans, Australasian Recent Developments Correspondent</td>
</tr>
<tr>
<td></td>
<td>Cheryl Saunders, Symposium Editor; Member of the Editorial Board</td>
</tr>
<tr>
<td><em>International Journal of Information Policy and Law</em></td>
<td>Andrew Christie, Member of the Editorial and Advisory Board</td>
</tr>
<tr>
<td><em>International Legal Materials</em></td>
<td>Andrew Mitchell, Corresponding Editor</td>
</tr>
<tr>
<td><em>International Securities Regulation: Pacific Rim</em></td>
<td>Ian Ramsay, Consultant Editor</td>
</tr>
<tr>
<td><em>International Union Rights</em></td>
<td>Colin Fenwick, Member of the Editorial Board</td>
</tr>
<tr>
<td><em>Journal of Australasian Tax Teachers Association</em></td>
<td>Miranda Stewart, Member of the Editorial Board</td>
</tr>
<tr>
<td><em>Journal of Conflict and Security Law</em></td>
<td>Tim McCormack, Member of the Editorial Board</td>
</tr>
<tr>
<td><em>Journal of Corporate Law Studies</em></td>
<td>Geof Stapledon, Member of the Editorial Board</td>
</tr>
<tr>
<td><em>Journal of Energy &amp; Natural Resources Law</em></td>
<td>Lee Godden, Member of the Editorial Board</td>
</tr>
<tr>
<td><em>Journal of Indonesian Islam</em></td>
<td>Tim Lindsey, Member of the Editorial Board</td>
</tr>
<tr>
<td><em>Journal of International Economic Law</em></td>
<td>Andrew Mitchell, Member of the Editorial Board</td>
</tr>
<tr>
<td></td>
<td>Tania Voon, Member of the Editorial Board</td>
</tr>
<tr>
<td><em>Journal of International Dispute Settlement</em></td>
<td>Andrew Mitchell, Associate Editor</td>
</tr>
<tr>
<td><em>Journal of Intervention and State-Building</em></td>
<td>Anne Orford, Member of the International Advisory Board</td>
</tr>
<tr>
<td><em>Journal of Law and Financial Management</em></td>
<td>Ian Ramsay, Member of the Editorial Board</td>
</tr>
<tr>
<td>Journal Affiliations in 2011</td>
<td></td>
</tr>
<tr>
<td>-----------------------------</td>
<td></td>
</tr>
<tr>
<td><strong>Journal</strong></td>
<td><strong>Member, Editorial Position</strong></td>
</tr>
<tr>
<td>Journal of Law, Information and Science</td>
<td>Andrew Christie, Member of the Information Technology Board</td>
</tr>
<tr>
<td>Megan Richardson, Member of the Advisory Board</td>
<td></td>
</tr>
<tr>
<td>Journal of Medical Ethics</td>
<td>Loane Skene, Member of the Editorial Board</td>
</tr>
<tr>
<td>Jurnal Hukum Humaniter</td>
<td>Tim McCormack, Honorary Editor</td>
</tr>
<tr>
<td>(Journal of Humanitarian Law)</td>
<td></td>
</tr>
<tr>
<td>Jus Politicum</td>
<td>Cheryl Saunders, Member of the Scientific Council</td>
</tr>
<tr>
<td>Law and Critique</td>
<td>Shaun McVeigh, Member of the Editorial Board</td>
</tr>
<tr>
<td>Peter Rush, Member of the Editorial Board</td>
<td></td>
</tr>
<tr>
<td>Law and Policy</td>
<td>Christine Parker, Member of the Editorial Board</td>
</tr>
<tr>
<td>Laws of Australia</td>
<td>Cheryl Saunders, Editor (Constitutional Title)</td>
</tr>
<tr>
<td>Legal Education Review</td>
<td>Lee Godden, Member of the Editorial Board</td>
</tr>
<tr>
<td>Legal Ethics</td>
<td>Christine Parker, General Editor</td>
</tr>
<tr>
<td>Macquarie Journal of Business Law</td>
<td>Ian Ramsay, Member of the Editorial Board</td>
</tr>
<tr>
<td>Media and Arts Law Review</td>
<td>Jason Bosland, Editor</td>
</tr>
<tr>
<td>Andrew Kenyon, Editor</td>
<td></td>
</tr>
<tr>
<td>Graeme Austin, Member of the Editorial Board</td>
<td></td>
</tr>
<tr>
<td>Sam Ricketson, Member of the Editorial Board</td>
<td></td>
</tr>
<tr>
<td>Melbourne Journal of International Law</td>
<td>(Student members of the Journal are responsible for all editorial work)</td>
</tr>
<tr>
<td>David Brennan, Martin Davies, Alison Duxbury, Michelle Foster, Andrew Kenyon, Tim McCormack, Andrew Mitchell, Anne Orford, Bruce Oswald, Dianne Otto, Jacqueline Peel, Gerry Simpson, John Tobin and Tania Voon, Members of the Advisory Board</td>
<td></td>
</tr>
</tbody>
</table>
Journal Affiliations in 2011

**Melbourne Legal Studies**
*Sean Cooney*, Editor
*Chris Dent*, Editor

**Melbourne University Law Review**
(Student members of the Journal are responsible for all editorial work)
*David Brennan*, *Belinda Fehlberg* and
*Richard Garnett*, Faculty Advisors

**New Zealand Journal of Tax Law and Policy**
*Miranda Stewart*, Member of the Editorial Advisory Board

**Public Law Review**
*Michael Crommelin*, Member of the Advisory Board
*Chery Saunders*, Editor

**Publius**
*Cheryl Saunders*, Member of the Editorial Board

**Regional and Federal Studies**
*Cheryl Saunders*, Member of the Editorial Board

---

**Journal**
*Member, Editorial Position*

---

**Regulation & Governance**
*Christine Parker*, Member of the Editorial Board

**Religion and Human Rights: An International Journal**
*Carolyn Evans*, Member of the Advisory Board

**Revenue Law Journal**
*Michael Kobetsky*, Member of the Advisory Board

**Review of Constitutional Studies**
*Cheryl Saunders*, Member of the International Advisory Board

**Revista Catalana de Dret Public**
*Cheryl Saunders*, Member of the Scientific Council

**Revista General de Derecho Canónico y Derecho Eclesiástico del Estado**
*Carolyn Evans*, Member of the International Advisory Committee

**Singapore Academy of Law Journal**
*Ian Ramsay*, Member of the International Editorial Board
## Journal Affiliations in 2011

<table>
<thead>
<tr>
<th>JournalAffiliations</th>
<th>Journal</th>
<th>Member, Editorial Position</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>The Journal of Law and Social Justice</strong></td>
<td>Shaun McVeigh, Editor (Public Space)</td>
<td></td>
</tr>
<tr>
<td><strong>The New Zealand Armed Forces Law Review</strong></td>
<td>Tim McCormack, Consultant Editor</td>
<td></td>
</tr>
<tr>
<td><strong>The Pearson Papers</strong></td>
<td>Bruce Oswald, Member of the Editorial Board</td>
<td></td>
</tr>
<tr>
<td><strong>The Third World and International Law</strong></td>
<td>Dianne Otto, Member of the International Advisory Board</td>
<td></td>
</tr>
<tr>
<td><strong>Third World Legal Studies</strong></td>
<td>Dianne Otto, Member of the Advisory Board</td>
<td></td>
</tr>
<tr>
<td><strong>Tort Law Review</strong></td>
<td>Michael Tilbury, Member of the Editorial Board</td>
<td></td>
</tr>
</tbody>
</table>
| **Torts Law Journal** | Harold Luntz, Editor  
Ian Malkin, Member of the Editorial Board  
Hayden Opie, Case Note Editor; Member of the Editorial Board |
<p>| <strong>Trade Practices Law Journal</strong> | Tim Lindsey, Contributing Editor (Report from Asia) |
| <strong>Transnational Legal Theory</strong> | Anne Orford, Member of the Editorial Board |
| <strong>Victoria University Law Review</strong> | Shaun McVeigh, Member of the International Advisory Board |
| <strong>Yearbook of Climate Change Compliance</strong> | Jacqueline Peel, Member of the Advisory Board |
| <strong>Yearbook of International Humanitarian Law</strong> | Tim McCormack, Editor-in-Chief |</p>
<table>
<thead>
<tr>
<th>Date</th>
<th>Speaker</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>7 March 2011</td>
<td>Associate Professor Peter Rush</td>
<td>'Jurisdictions of Sexual Assault: Reforming the Texts and Testimony of Rape in Australia'</td>
</tr>
<tr>
<td>14 March 2011</td>
<td>Associate Professor David Brennan</td>
<td>'The Beautiful Restitutionary Heresy of a Larrikin'</td>
</tr>
<tr>
<td>21 March 2011</td>
<td>Professor Christine Parker</td>
<td>'The War on Cartels: The Impossibility of Deterrence and Compliance?: Preliminary Evidence'</td>
</tr>
<tr>
<td>28 March 2011</td>
<td>Mr Connal Parsley</td>
<td>'Traditional Advocacy, Cause Lawyering and the Problem of “Systematic Interests”'</td>
</tr>
<tr>
<td>4 April 2011</td>
<td>Associate Professor Helen Anderson</td>
<td>'Pressing the Right Buttons: Case Studies in the Protection of Employee Entitlements'</td>
</tr>
<tr>
<td>11 April 2011</td>
<td>Mr Glenn Patmore</td>
<td>'Motivations for Constitutional change: The Case of Australian Republicanism'</td>
</tr>
<tr>
<td>18 April 2011</td>
<td>Professor David Studdert</td>
<td>'The Problem with Problem Doctors'</td>
</tr>
<tr>
<td>2 May 2011</td>
<td>Professor Michael Bryan</td>
<td>'Boardman v Phipps: Doing Equity Inequitably'</td>
</tr>
<tr>
<td>9 May 2011</td>
<td>Associate Professor Tania Voon</td>
<td>'Zeroing and Precedent in the World Trade Organization'</td>
</tr>
<tr>
<td>16 May 2011</td>
<td>Associate Professor Matthew Harding</td>
<td>'What is the Point of Charity Law'</td>
</tr>
<tr>
<td>22 May 2011</td>
<td>Associate Professor Andrew Palmer</td>
<td>'Cicero: On the Art of Life as an Advocate'</td>
</tr>
<tr>
<td>Date</td>
<td>Speaker</td>
<td>Title</td>
</tr>
<tr>
<td>---------------</td>
<td>----------------------------------</td>
<td>----------------------------------------------------------------------</td>
</tr>
<tr>
<td>25 July 2011</td>
<td>Professor Imelda Maher</td>
<td>‘Governing Competition: The Growth of Networks’</td>
</tr>
<tr>
<td>1 August 2011</td>
<td>Associate Professor Elise Bant</td>
<td>‘Constructive Trusts’</td>
</tr>
<tr>
<td>15 August 2011</td>
<td>Dr Mark McMillan</td>
<td>‘I’ve Been Bolted - The Personal Costs of Public Interest Litigation’</td>
</tr>
<tr>
<td>22 August 2011</td>
<td>Professor Adrienne Stone</td>
<td>‘Insult and Emotion, Calumny and Invective: Twenty Years of Freedom of Political Communication’</td>
</tr>
<tr>
<td>29 August 2011</td>
<td>Associate Professor Michelle Foster</td>
<td>‘Responsibility Sharing or Shifting? The Malaysia Deal and International Refugee Law’</td>
</tr>
<tr>
<td>5 September 2011</td>
<td>Mr Andrew Godwin</td>
<td>‘Corporate Rescue in Asia - Recent Trends and Challenges’</td>
</tr>
<tr>
<td>12 September 2011</td>
<td>Dr Kevin Heller</td>
<td>‘A Sentenced-Based Theory of Complementarity’</td>
</tr>
<tr>
<td>3 October 2011</td>
<td>Associate Professor Cally Jordan</td>
<td>‘International Financial Standards and the Explanatory Force of Lex Mercatoria’</td>
</tr>
<tr>
<td>10 October 2011</td>
<td>Associate Professor Maureen Teghan</td>
<td>‘Indigenous Land Tenure, Title and Certainty: Land ‘Reform’ and the Boundaries of Property in Australia and Canada’</td>
</tr>
<tr>
<td>17 October 2011</td>
<td>Dr Andreas Stephan (University of East Anglia)</td>
<td>‘The Death of the UK Cartel Offence’</td>
</tr>
</tbody>
</table>
2011 Academic Staff

Dean
Carolyn Evans
BA Melb. LLB Melb. DPhil Oxon.

Professors
Graeme Austin
BA VUW LLB VUW LLM VUW LLB Col. JSD Col.

Simon Evans
BSc Syd. LLB Syd. PhD Cantab.

Belinda Fehlberg
BA Melb. LLB Melb. DPhil Oxf.

Richard Garnett
BA NSW LLB NSW LLM Harv.

Lee Godden
GradDipEd Melb. BLegS Macqu. BA Melb. MA Melb. PhD Griff.

Andrew Kenyon
LLB Melb. LLM Lond. PhD Melb.

Ian Malkin
BA Manit. LLB Manit. LLM Lond.

Jenny Morgan
BA Syd. LLB NSW LLM Yale

Pip Nicholson
BA Melb. LLB Melb. LLM (Public Policy) ANU PhD Melb.

Dianne Otto
BA Adel. LLB Melb. LLM Melb. LLM Col. JSD Col.

Megan Richardson
BA Well. LLB Well. LLM Yale LLM Brussels

Sam Ricketson
BA Melb. LLB Melb. LLM Lond. LLD Lond. FASSA

Andrew Robertson
LLB QIT LLM QUT PhD ANU

Gerry Simpson

Loane Skene
LLB Melb. LLM Monash LLD Melb.

Adrienne Stone
BA NSW LLB NSW LLM Col. JSD Col.

Australian Red Cross Professor of International Humanitarian Law
Timothy McCormack
LLB Tas. PhD Monash

Davies Collison Cave Professor of Intellectual Property
Andrew Christie
BSc Melb. LLB Melb. LLM Lond. PhD Camb.

Harold Ford Professor of Commercial Law
Ian Ramsay
BA Macq. LLB Macq. LLM Harv.

Laureate Professor
Cheryl Saunders AO
BA Melb. LLB Melb.PhD Melb.

Zelman Cowen Professor of Law
Michael Crommelin

ARC Professorial Fellow
Anne Orford
BA Qld. LLB Qld. LLM Lond. PhD Adel.

Federation Fellows
Timothy Lindsey
BA Melb. BLitt Melb. LLB Melb. PhD Melb.

David Studdert
BA Melb. LLB Melb. ScD Harvard MPH Harvard

Associate Professors and Readers
Sarah Biddulph
BA Syd. LLB Syd. PhD Melb.

Michael Lambiris
LLB Lond. PhD Rhodes
2011 Academic Staff

Christine Parker (until June 2011)
BA LLB Qld. PhD ANU

Martin Vranken
LicLaw Leuven PhD Leuven LLM Yale

Associate Professors
Paul Ali
LLB Auck. MJur Auck. SJD Syd.

Helen Anderson

Elise Bant
BA LLB UWA, BCL DPhil Oxon.

Caron Beaton-Wells
LLB Melb. LLM Melb. PhD Melb.

David Brennan
BComm Melb. LLB Melb. PhD Melb.

Mark Burton
LLB UTas. PhD ANU

Sean Cooney
BA Melb. LLB Melb. LLM Melb. LLM Col. JSD Col.

Alison Duxbury
BA Melb. LLB Melb. LLM Cantab. PhD Melb.

Colin Fenwick
BA Melb. LLB Melb. LLM Melb. LLM Virginia

Michelle Foster

Jeremy Gans
LLB ANU BSc ANU MA Tor. PhD NSW

Beth Gaze
B Sc Melb. LLB Monash LLM Berkeley PhD Monash

Pamela Hanrahan
BA Melb. LLB Melb. LLM Case Western Reserve University SJD Melb.

Matthew Harding
BA Melb. LLB Melb. BCL Oxon. DPhil Oxon.

John Howe
BA Monash LLB Monash LLM Temple PhD Melb.

Cally Jordan
BA Carleton MA Tor. LLB McGill BCL McGill DEA Paris I

Michael Kobetskyy
B Econ USyd. LLB Tas. LLM Lond. PhD Deakin

Jürgen Kurtz

Shaun McVeigh
LLB Exe.

Andrew Mitchell

Ann O’Connell
BA Melb. LLB Melb. LLM Melb.

Bruce Oswald CSC
BBus RMIT LLB ANU LLM Lond. MA Kent

Sundhya Pahuja
BA Melb. LLB Melb. LLM Br.Col.

Andrew Palmer
BA Well. LLB Monash BCL Oxon.

Jacqueline Peel
BSc Qld. LLB Qld. LLM NYU PhD Melb.

Helen Rhoades
LLB Melb. LLM Melb.

Peter Rush
BA NSW LLB NSW MPhil Cantab. PhD Edin.

Miranda Stewart
BSc Syd. LLB Syd Grad Dip ANU LLM NYU

Maureen Tehan
LLB Monash BA Melb. LLM Melb.

Joo-Cheong Tham
LLB Melb. LLM Melb. PhD Melb.
2011 Academic Staff

**Academic Staff**

**John Tobin**  

**Tania Voon**  

**Kristen Walker**  
BSc Melb. LLB Melb. LLM Melb. LLM Col.

**Senior Lecturers**

**Jenny Beard**  
PhD Melb.

**Matthew Bell**  
BA Melb. LLB Melb. MConstrLaw Melb.

**Jason Bosland**  
BA Melb. LLB Melb.

**Gary Cazalet**  
BA Monash LLB Monash

**Anna Chapman**  
BComm Melb. LLB Melb. LLM Melb.

**Arlen Duke**  
BComm Melb. LLB Melb.

**Ann Genovese**  
BA Adel. LLB Adel. PhD UTS

**Andrew Godwin**  
BA Melb. LLB Melb. LLM Melb.

**Kirsty Gover**  
BA Cant. LLB Cant. LLM Col. JSD NYU

**Linda Haller**  
LLB Monash LLM Qld. PhD Qld.

**Kevin Heller**  
BA Socio New School of Social Research MA Socio New School of Social Research MALit Duke JD Stan. PhD Leiden

**Jacqueline Horan**  
BA Monash LLB Monash LLM Monash PhD Melb.

**Sunita Jogarajan**  
BComm Melb. LLB Melb. CA ICAA MAppTax UNSW

**Wendy Larcombe**  

**Janice Luck**  
LLB Tas. LLM Lond.

**Mark McMillan**  
LLB ANU GradDip Legal Prac ANU

**Paula O’Brien**  
BA Melb. LLB Melb. LLM Cantab.

**Hayden Opie**  
BComm Melb. LLB Melb. LLM Tor.

**Senior Research Fellows**

**Jeannie Paterson**  
BA ANU LLB ANU PhD Monash

**Glenn Patmore**  
BA Monash LLB Monash LLM Queens

**Andrew Roberts**

**Stacey Steele**  
BA Monash LLB Monash

**Michelle Taylor-Sands**  
BA Monash LLB Monash

**Margaret Young**  
BA Melb. LLB Melb. LLM Cant. PhD Cant.

**Lecturers**

**Katy Barnett**  
PhD Melb.

**Lisa Sarmas**  
BA Melb. LLB Melb. LLM Melb.

**Amanda Whiting**  

**Senior Research Fellows**

**Chris Dent**  
BA Murdoch LLB Murdoch PhD Murdoch
2011 Academic Staff

Research Fellows
Malcolm Anderson
Joyce Chia
Monique Cormier
Georgina Fitzpatrick
Tess Hardy
Rain Liivoja
Christine Millward
Antje Missbach
Narelle Morris
Jessica Rae
Ben Saunders
Lael Weis

Honorary Staff
Emeritus Professors
Michael Bryan
MA Oxf. BCL Oxf. PhD Lond.

Sandford Clark
LLB Adel. PhD Melb.

Sir Zelman Cowen AK GCMG GCVO PC
(Deceased December 2011)
MA Oxon. DCL Oxon. LLD Oxon.

Harold Ford AM
LLM Melb. SJD Harv. LLD Melb.

Colin Howard
BA Melb. LLB Lond. LLM Lond. PhD Adel. LLD Melb.

David Lanham
LLB Leeds BCL Oxon.

Harold Luntz
BA Witw. LLB Witw. BCL Oxon. LLD Melb.

Professorial Fellows
Ian Bailey SC
BArch Newcastle (NSW) DipLaw NSW

Camille Cameron
BA Saint Mary’s LLB New Br. LLM Camb.

Breen Creighton
LLB Belf. LLB Melb. PhD Cantab.

Martin Davies
BA Oxf. BCL Oxf. MA Oxf. LLM Harv.

Sir Daryl Dawson AC KBE CB
LLB Melb. LLM Yale

Tony Duggan
BA Melb. LLB Melb. LLM Tor.

The Honorable Justice Paul Finn
BA Qld. LLB Qld. LLM Lond. PhD Cant.

John Malcolm Fraser AC CH PC
MA Oxon.

Raimond Gaita
BA Melb. MA Melb. PhD Leeds

Francis Gurry
LLB Melb. LLM Melb. PhD Cantab.

James Hathaway
LLB York. LLM Col. JSD Col.

Doug Jones AO
BA Qld. LLB Qld. LLM Qld.

Geoffrey Lindell
LLB Adel. LLM Adel.

Richard Mitchell
LLB Melb. LLM Melb. MSc Lond.
2011 Academic Staff

The Hon. Alistair Nicholson AO QC RFD

Robert Nicholson AO
BA W Aust. LLB W Aust. MA Georgetown LLM Melb.

The Hon. Justice Tony Pagone
BA Cant. DipEd Monash LLB Cant. LLM Cant.

Robin Sharwood AM
BA Calif. LLB Calif. LLM Calif. SJD Harv.

The Rt Hon. Sir Ninian Stephen KG AK GCMG GCVO KBE
LLB Syd. LLD Syd.

Michael Tilbury
LLB Lond. BCL Oxon.

Brigadier Ian Westwood
LLB Syd. LLM S. Aust.

Sarah Worthington
BSc ANU LLB Qld. LLM Melb. PhD Cant.

Principal Fellows

George Beaton
MMBCH MBA (Witwatersrand) PhD

Fred Ellinghaus
LLB Melb. LLM Yale

Michael Kelly AM
BA Macq. LLB Macq. PhD NSW

Sue MacCallum
LLB Melb. LLM Melb.

Robert Mathews OAM
BSc Monash MSc La Trobe

David Wood
BA ANU LLB Melb. MA Melb. PhD Melb.

Senior Fellows

Albert Dinelli

Lt Colonel Paul Muggleton

John Waugh
LLB Melb. BComm Melb. BA Melb. LLM Melb. MPhil Cantab.

External Staff

Senior Fellows (Melbourne Law Masters)

Mr Greg Ahern, Victorian Bar

Ms Carol Andrades, Ryan Carlisle Thomas

Professor Douglas Arner, University of Hong Kong, Hong Kong

Professor Brian Arnold, Canadian Tax Foundation, Canada

Mr John Baaretz, Queensland Bar

Mr Trevor Beadle, Davies Collison Cave

Professor Larissa Behrendt, University of Hull, United Kingdom

Mr David Bennett QC, formerly Victorian Bar

Professor Klaus Bosselmann, University of Auckland, New Zealand

Ms Judy Bourke, Senior Fellow

Professor Michael Bridge, London School of Economics, United Kingdom

Mr David Campbell-Williams, Shaw Reynolds Bowen and Gerathy

Mr Michael Carrick, Carrick Gill Smyth

Mr David Caudill, Villanova University, United States

Mr Michael Charles, KPMG

The Hon. Stephen Charles QC, former Judge, Victorian Court of Appeal

Mr Barnaby Chessell, Maddocks

Professor Simon Chesterman, National University of Singapore, Singapore and New York University, United States

Professor Sujit Choudhry, University of Toronto

Ms Karin Clark, Allen Arthur Robinson

Professor Donald Clark, George Washington University, United States

Mr Richard Comerford, BDO Kendalls

Mr Matt Connock SC, Victorian Bar

Associate Professor Wei Cui, China University of Political Science and Law, China
2011 Academic Staff

Mr Ralph Cunnington, University of Birmingham, United Kingdom

Professor Terence Daintith, University of Western Australia

The Hon. Justice Jennifer Davies, Supreme Court of Victoria

Justice Dennis Davis, High Court of South Africa, South Africa

Mr Jan Job de Vries Robbé, Dutch Development Bank FMO, Netherlands

Mr John de Wijn QC, Victorian Bar

Mr Aldrin De Zilva, BDO Kendall Tax Lawyers

Associate Professor Joachim Dietrich, Bond University

Mr John Dorter, Allen Arthur Robinson

Dr Catriona Drew, University of London, United Kingdom

Dr Helen Durham, Australian Red Cross

Professor Cynthia Estlund, New York University, United States

Ms Kylie Evans, Victorian Department of Health

Mr Michael Evans, KPMG

Mr Adrian Finanzio, Victorian Bar

Adjunct Professor Brent Fisse, University of Sydney

Mr Michael Flynn, Victorian Bar

Mr James Forrest, Mallesons Stephen Jaques

Mr Peter Fox, Victorian Bar

Professor Mark Freedland, University of Oxford, United Kingdom

Mr Martin Fry, Allen's Arthur Robinson

Professor Damien Geradin, Tilburg University, Netherlands

Mr Jonathan Gill, Carrick Gill Smyth

Mr Peter Gillies, Pitcher Partners

Professor Lawrence Gostin, Georgetown University, United States

Mr Stewart Grieve, Foster's Group Limited

Ms Erica Grundell, Victorian Department of Health

Mr Steven Gurney, FB Rice and Co

Mr Peter Hallett, Watermark Intellectual Property Lawyers

Professor Andrew Harding, University of Victoria, Canada

Ms Raelene Harrison, Senior Fellow

Mr Paul Hayes, Victorian Bar

Dr Ian Heath, First Thoughts

Mr Paul Henderson, Slater & Gordon

Professor Deborah Hensler, Stanford University, United States

Ms Michelle Herring, JGL Investments Pty Ltd

Mr Graeme Hill, Victorian Bar

Mr Ray Hind, Davies Collison Cave

The Hon. Justice Elizabeth Hollingworth, Supreme Court of Victoria

Mr Tony Horan, Victorian Bar

Ms Emily Hudson, University of Queensland

Professor Samuel Issacharoff, New York University, United States

Professor Michael Jacobs, DePaul University, United States

Professor Christian Johnson, University of Utah, United States

Mr Sam Johnston, United Nations University, Japan

Professor Michael Karayanni, Hebrew University of Jerusalem, Israel

Mr Nasos Kaskani, Corrs Chambers Westgarth

Professor Dino Kritsiotis, University of Nottingham, United Kingdom

Professor Pierre Legrand, Université Paris I Panthéon-Sorbonne, France

Mr Rodd Levy, Freehills

Mr James Macky, KPMG

Professor Fiona Macmillan, University of London, United Kingdom

Mr Geoff Mansfield, Griffith Hack

Professor Richard McLaren, University of Western Ontario, Canada

Professor David McLauchlan, Victoria University of Wellington, New Zealand
2011 Academic Staff

Professor Carrie Menkel-Meadow, University of California and Georgetown University, United States

Lieutenant Colonel Michael Mori, United States Marine Corps, United States

Mr Peter Morrissey SC, Victorian Bar

Ms Debbie Mortimer SC, Victorian Bar

Dr Stewart Motha, University of Kent, United Kingdom

Mr Bernard Murphy, Maurice Blackburn Cashman

Mr Terry Murphy SC, Victorian Bar

Mr Jim Murray, Grant Thornton Australia

Mr Tim Neilson, Greenwoods & Freehills

Mr Stephen Newman, Cornwall Stodart

Mr Richard Nolan, University of Cambridge, United Kingdom

Dr Tania Obranovich, Davies Collison Cave

Mr Paul O’Grady, Victorian Bar

Mr Frank O’Loughlin, Victorian Bar

Professor Brian Opeskin, Macquarie University

Mr David Opperman, Freehills

Mr Adrian O’Shannessy, Greenwoods & Freehills

Mr Alistair Pound, Victorian Bar

Ms Angela Quintarelli, Q Solutions

Mr Bill Reid, Blake Dawson

Ms Mikaela Reynoldson, Moray and Agnew Lawyers

Mr Craig Richards, Bicycle Victoria

Professor David Rosenbloom, New York University, United States

Mr Peter Rozen, Victorian Bar

Mr Des Ryan AM, Davies Collison Cave

Professor Julian Savulescu, University of Oxford, United Kingdom

Mr Gary Sebo, Hall and Wilcox

Mr John Sharkey AM, Norton Rose Group

Ms Karen Sinclair, Watermark Patent and Trade Mark Attorneys

Ms Shannon Smit, Smart Business Solutions

Mr Greg Smith, Review of Australia’s Future Tax System

Professor Allen Snyder, University of San Diego, United States

Mr Andrew Stephenson, Clayton Utz

Mr Trevor Stevens, Davies Collison Cave

Mr Simon Steward, Victorian Bar

Professor Andrew Stewart, University of Adelaide

Associate Professor Cameron Stewart, University of Sydney

Mr John Stonier, Licensing Consultant

Mr William Swadling, University of Oxford, United Kingdom

Mr David Tadgell, Phillips Ormonde & Fitzpatrick

Mr Antony Taubman, World Trade Organization, Switzerland

Professor John Tiley, University of Cambridge, United Kingdom

Mr Michael Tuckfield, Clayton Utz

Mr Simon Uthmeyer, DLA Phillips Fox

Ms Jayashree Watal, World Trade Organization, Switzerland

Ms Kimberlee Weatherall, University of Queensland

Mr David Webber, Davies Collison Cave

Mr Jon Webster, Allens Arthur Robinson

Dr Ralph Wilde, University College London, United Kingdom

Dr Philip Williams, Frontier Economics

Ms Sue Williamson, Clayton Utz

Mr Peter Wood, Minter Ellison Lawyers

Professor Roderick Wood, University of Alberta, Canada

Professor Jiunn-rong Yeh, National Taiwan University, Taiwan

Mr Richard York, Frontier-Econimics

Mr Greg Zerzan, Koch Industries, United States
Graduate Research Degrees Completed 2011
Graduate Research Degrees Completed 2011

**Doctor of Philosophy (PhD)**

**Becroft, R**  
Deference under the Standard of Review in World Trade Organisation Anti-Dumping Disputes  
*Supervisors: Richard Garnett, Andrew Mitchell and Tania Voon*

**Bulto, T**  
Rights, Wrongs and the River Between: Extraterritorial Application of the Human Rights to Water in Africa  
*Supervisors: Carolyn Evans and Jacqueline Peel*

**Crouch, M**  
*Supervisors: Tim Lindsey and Amanda Whiting*

**Finnin, S**  
Elements of Accessorial Modes of Liability: Article 25 (3)(b) and (c) of the Rome Statute of the International Criminal Court  
*Supervisors: Tim McCormack, Jenny Morgan and Andrew Mitchell*

**Griffin, L**  
Rights-based Approaches to International Migration and Enhancement of Labour Migration Benefits for Sustainable Development in South East Asia  
*Supervisors: Salim Lakha and Jenny Morgan*

**Harijanti, S**  
The Indonesian Ombudsman System and Good Governance: Proposals for Reform  
*Supervisors: Cheryl Saunders and Tim Lindsey*

**Kent, L**  
Justica Seidauk Mai (Justice is Yet to Come): Rethinking the Dynamics of Transitional Justice in East Timor  
*Supervisors: Jennifer Balint, Dianne Otto and Julie Evans*

**Kirk, S**  
Property Beyond Growth: Toward a Politics of Voluntary Simplicity  
*Supervisors: Lee Godden and Gerry Simpson*

**Nastevski, V**  
Overcoming Legal Impediments to a Comprehensive Legislative Basis for War Crimes Trials in Australia  
*Supervisors: Tim McCormack and Michelle Foster*

**Ruschenia, D**  
Litigatation and Liability as Regulation to Reduce Tobacco Related Harm: Making the Polluter Pay for the Harm Tobacco Causes  
*Supervisors: Christine Parker, Jonathan Liberman and John Howe*

**Saw, T G**  
The Final Cut: Film Censorship and Judicial Review in Malaysia, Hong Kong and Australia  
*Supervisors: Andrew Kenyon and Amanda Whiting*

**Simic, O**  
Gender Based Violence and Human Rights Violations Committed by UN Peacekeepers  
*Supervisors: Dianne Otto and Michelle Foster*

**Taylor-Sands, M**  
Creating “Saviour Siblings”: The Role of the Welfare of the Child Principle in Regulating Preimplementation Tissue Typing in Australia and the UK  
*Supervisors: Christine Parker, Loane Skene and Margaret Coady*
## Graduate Research Degrees in Progress 2011

### Doctor of Philosophy (PhD)

**Anderson, J**  
The Child in Law: Modernism, Nation-Building and the Children’s Court Movement in Victoria, 1890-1906  
*Supervisors: Ann Genovese and Julie Evans*

**Ararssa, T**  
The Politics of Constitution-making: Sub-national, National, and Transnational  
*Supervisors: Cheryl Saunders and Michael Crammelin*

**Barr, O**  
A Minor Jurisprudence of Movement  
*Supervisors: Peter Rush, Shaun McVeigh and Maureen Tehan*

**Bini, M**  
Duty to Act in the Interests of a Public Entity  
*Supervisors: Ian Ramsay and Beth Gaze*

**Bluett-Boyd, N**  
Institutional Depictions of Sexual Assault: Negotiating Meaning at the Police/Prosecution Nexus  
*Supervisor: Jenny Morgan*

**Brodie, M**  
Agents of Change: What Power do National Human Rights Have to Affect the Process of Transformative Social Change?  
*Supervisors: Dianne Otto*

**Burke, R**  
Sexual Exploitation and Abuse by UN Military Contingents: Moving Beyond the Current Status Quo and Responsibility under International Law  
*Supervisors: Tim McCormack, Alison Duxbury and Stuart Kaye*

### Chacko, S  
International Arbitrations: Convergence and the Rise of Supranational Law?  
*Supervisors: Richard Garnett and Andrew Mitchell*

**Chiam, M**  
A Social and Intellectual History of Law as War  
*Supervisors: Gerry Simpson and Ann Genovese*

**Daniels, J**  
Regulation of Natural Monopoly Infrastructure in Australia - An Empirical Assessment of the Effectiveness of Part IIIA of the Competition and Consumer Act 2010 (Cth)  
*Supervisors: Caron Beaton-Wells and Rhonda Smith*

**Dehm, J**  
From REDD to Green Capitalism: Law, Life, Growth and Limits in Crisis  
*Supervisors: Maureen Tehan, Margaret Young, Kirsty Gover and Lee Godden*

**Dehm, S**  
Negotiating the Border: Law, Migrant Labour and Development  
*Supervisors: Sundhay Pahuja and Anne Orford*

**Dirou, P**  
Food Security, Development and Law: Insights from the Indonesian Development Experience  
*Supervisors: Tim Lindsey, Sundhya Pahuja and Shaun McVeigh*

**Do, HH**  
The Right to Strike in Vietnam: Toward a Better Regime  
*Supervisors: Pip Nicholson and Sean Cooney*

**Elander, M**  
In the Name of the Victim: The Figure and Figuration of the Victim in International Criminal Justice  
*Supervisors: Peter Rush and Dianne Otto*
Graduate Research Degrees in Progress 2011

Elkin, K
An Analysis of Complaints and Disciplinary Proceedings Against Medical Practitioners in Australia and New Zealand
Supervisors: David Studdert, John Howe and Lesley Hawthorne

Elkman, S
Lockean Foundations of Private Property Rights
Supervisors: Michael Bryan and Megan Richardson

Elliott, L
Human Rights and Development: Children’s Psychosocial Recovery in the Post-conflict Context - A New Conceptual Model
Supervisors: Carolyn Evans and John Tobin

Eslava, L
The Spatial Dimensions of Law and Development: Transforming Sovereignty, State and Citizenship
Supervisors: Anne Orford and Shaun McVeigh

Fenwick, S
In Rawlsian Liberalism Compatible with Islamic Thought? A Case Study of Religious Freedom in post-Suharto Indonesia
Supervisors: Tim Lindsey, Abdullah Saeed and Carolyn Evans

Frith, A
Sustainable Indigenous Entities for Making Agreements
Supervisors: Maureen Tehan, Lee Godden and Marcia Langton

Geroe, S
What are the Factors that have Influenced the Content and Implementation of China’s Renewable Energy and Energy Efficiency Laws, and do these Laws Create an Effective System for Scaling-up Both Domestic and Foreign Investment in General and for Australian Exporters in Particular?
Supervisors: Lee Godden and Mike Sandiford

Godwin, A
The Relevance of Traditional Proprietary Rights to the Reform of Rural Land Rights in China
Supervisors: Sarah Biddulph, Michael Bryan and Sean Cooney

Goldenfein, J
Surveillance and Action: Resistance and Law
Supervisors: Megan Richardson and Andrew Kenyon

Goodbourn, R
Sensing the City: Physical Experience in Melbourne’s Laneways
Supervisors: Alison Young and Peter Rush

Grant, G
Compensation Technologies: Critical Analyses of Contemporary Australian Personal Injury Law
Supervisors: David Studdert, Lyle Gurrin and Jenny Morgan

Graydon, C
Reforming Customary Law Systems to Address Domestic Violence in Timor-Leste: Customary Law, Legal Pluralism and Women’s Rights
Supervisors: Tim Lindsey and Dianne Otto and Marek Nowicki

Hardy, T
Friend or Foe? Regulatory Enrolment of Non-State Actors in the Enforcement of Minimum Employment Standards
Supervisors: John Howe and Sean Cooney

Ho Foui Sang, M
Law and the Protection of Historical Truth: A Comparative Study of Legal Responses to Situations of Political Injustices
Supervisor: Anne Orford
(This project is being conducted under a Cotutelle agreement with the University of Paris X)
Graduate Research Degrees in Progress 2011

Hood, A
Understanding Security Council Legislation: Legal, Historical and Theoretical Perspectives on the Rise of the Council's Legislative Phase
Supervisors: Gerry Simpson and Bruce Oswald

Kelly, C
Is Australia in Violation of the International Human Right to Non-Discriminatory and Equitable Access to Health Care Services of Aboriginal and Torres Strait Islander Peoples?: Possibilities and Limitations of National and International Legal Procedures
Supervisors: Carolyn Evans, Ian Anderson and Irene Watson

Huang, V
Empirical Assessment of the Theoretical Justifications for Intellectual Property and Information Protection
Supervisors: Megan Richardson and Chris Dent

Lake, J
Privacy and the Pictures
Supervisors: Barbara Creed and Megan Richardson

Josev, T
The American Way of War Crimes: Reassessing the U.S. Army’s Approach to Service Member Violations of the Law of Armed Conflict
Supervisors: Gerry Simpson and Kevin Heller

Le Roy, K
Participatory Constitution Making: Lessons from Fiji and Solomon Islands
Supervisor: Cheryl Saunders

Kailis, G
A Public Right to Fish?
Supervisors: Michael Crommelin, Stuart Kaye and Kirsty Gover

Kalli, A
Can the Market Fix It? Promoting Renewable Energy in Australia
Supervisors: Lee Godden and Jacqueline Peel

Karagiannakis, M
Corporate Officials and International Criminal Law
Supervisors: Gerry Simpson and Christine Parker

Karagiannakis, M
Corporate Officials and International Criminal Law
Supervisors: Gerry Simpson and Christine Parker

Jenks, C
The American Way of War Crimes: Reassessing the U.S. Army’s Approach to Service Member Violations of the Law of Armed Conflict
Supervisors: Gerry Simpson and Kevin Heller

Lester, E
Making Sovereignty, Migration and Race Work in Australia: Paradoxes and Prospects
Supervisor: Shaun McVeigh and Sundhya Pahuja

Lino, D
Federal Constitutional Reform and Indigenous People: Possibilities, Prospects and Problems
Supervisors: Adrienne Stone, Cheryl Saunders and Megan Davis
MacPherson, E
Indigenous Water Rights in Australia and Chile - Can Indigenous Water Rights be Sustainably Integrated in Water Markets
Supervisors: Maureen Tehan and Kirsty Gover

Men, N
The Development of Alternative Dispute Resolution in the Cambodian Civil Justice System
Supervisors: Sean Cooney, Pip Nicholson, David Chandler and Camille Cameron

Millar, E
From Restriction to Choice? Governing Abortion in Victoria, 1969-2008
Supervisors: Maree Pardy and Ann Genovese

Moges, M
Growing Practices on Safeguarding Land Rights Through Improving Land Registration Legislation in Ethiopia: Gaps and Strengths
Supervisors: Maureen Tehan and Matthew Harding

Muhammad Hashim, N
Child Maintenance After Divorce in Syariah and Civil Practice in Malaysia
Supervisors: Abdullah Saeed and Tim Lindsey

Newman, A
Temporary Migrant Labour Schemes in the Australian and Canadian Agricultural Sectors from a Rights Based Perspective
Supervisors: John Howe and Joo-Cheong Tham

Ng, W
Motivations Behind and Challenges of Designing, Adopting, Implementing and Enforcing Competition Law and Policy in Developing Countries with Large Economies
Supervisors: Caron Beaton-Wells and Sean Cooney

O’Brien, P
The Regulation of Alcohol in Australia: What Role for Law?
Supervisors: David Studdert and Robin Room

O’Donnell, E
Environmental Independence: How Can Environmental Law Adapt to an Environmental Corporation with Property Rights and a Voice of its Own?
Supervisors: Lee Godden, Sundhya Pahuja and John Freebairn

O’Neill, I
Negotiating Resource Agreements for Greater Sunrise and Browse: A Comparative Study
Supervisors: Maureen Tehan and Miranda Stewart

Parker, D
(Under)Mining a Culture: Can’t We Do Better than this? Recognising Transformative Values in Aboriginal Cultural Heritage
Supervisors: Maureen Tehan and Kirsty Gover

Parker, J
Acoustics Jurisprudence
Supervisors: Andrew Kenyon and Shaun McVeigh

Parsley, C
Jurisprudence Without Law: Giorgio Agamben and the Potential of a non-Juridical Biography
Supervisors: Peter Rush and Shaun McVeigh

Pausacker, H
In the Eye of the Beholder: Law, Pornography and Indonesia’s Islamic Defenders Front
Supervisors: Tim Lindsey and Abdullah Saeed
Petersen, L
Law and Aesthetics in the Archive: Gestures of Justice and Restitution After the Holocaust  
Supervisors: Peter Rush and Shaun McVeigh

Plaza, R
Supervisors: Maureen Tahan and Lee Godden

Pope, J
Traces of Law: Exploring Transcript in Native Title and Land Rights Proceedings in Australia  
Supervisors: Peter Rush, Ann Genovese and Diana Eades

Porter, D
To What Extent are Human Rights Considerations Taken into Account by the Courts of Australia and the United Kingdom in Reviewing a Child’s Decision to Refuse Medical Treatment? A Proposal for Re-consideration of the Approach, Within a Human Rights Framework  
Supervisors: Loane Skene and John Tobin

Pulungan, R
The Shortcomings of the International Law on Piracy and Maritime Terrorism: Options for Strengthening Maritime Security in the Malacca Strait  
Supervisors: Tim Lindsey and Andrew Mitchell

Purcell, J
A Corrective and Distributive Justice Analysis of Creditor Entitlements in Bankruptcy  
Supervisors: Michael Bryan and Matthew Harding

Radin, S
Organised Armed Groups under International Humanitarian Law  
Supervisors: Tim McCormack, Alison Duxbury and Michael Schmitt

Read, C
Regime Change: Counter Terrorism in the UK and the US  
Supervisors: Adrian Little and John Tobin

Rech, W
Ennemis du Genre Humain: Warmongers and Warlike Nations in Vattel’s ‘Droit des Gens’  
Supervisors: Anne Orford and Sundhya Pahuja

Rowe, J
Supervisors: Tim McCormack and Nick Crofts

Saboor, H
Pakistan’s Islamic Identity, its Blasphemy Law and the International Law of Human Rights  
Supervisors: Carolyn Evans and Amanda Whiting

Saw, TG
The Final Cut: Film Censorship in Malaysia, Hong Kong and Australia  
Supervisors: Andrew Kenyon and Amanda Whiting

Sahhar, M
The Power of Public Opinion: How War Crime Acusations Have Framed Israel and Reframed the Palestinian-Israeli Conflict  
Supervisors: Ghassan Hage, Gerry Simpson and Ramaswami Harindranath

Scardamaglia, A
The History of Trade Mark Law in Australia: The Colonial Trade Mark Regime  
Supervisors: Megan Richardson and Chris Dent
Graduate Research Degrees in Progress 2011

Schuette, S
Triggering Institutional Change in an Environment of Endemic Corruption: The Indonesian Corruption Eradication Commission
Supervisors: Dick Howard and Tim Lindsey

Simpkins, J
Courts and Constitutionalism: The Judicial Branch in Constitution-making and the Promotion of a Culture of Constitutionalism
Supervisors: Cheryl Saunders and Adrienne Stone

Southwood, E
What is the Role of Ch III Courts in Creating Criminal Laws Norms of Conduct?
Chap III of the Constitution, the Separation of Judicial Power and the ‘Rights’-Creation/-Determination Distinction
Supervisors: Cheryl Saunders and Adrienne Stone

Storrier, A
Copyright Exceptions and Contract
Supervisors: David Brennan and Sam Ricketson

Taylor, B
An Examination of Insolvency Administration and Other Legal Aspects of the Debtor-Creditor Relationship from a Corporate Rehabilitation and Financial Stability Perspective
Supervisors: Paul Ali and Helen Anderson

Thampapillai, D
An Open Access Framework for Crown Copyright
Supervisors: Sam Ricketson and Tania Voon

Trabsky, M
Voices of the Dead: Law, Aesthetics and Mortality
Supervisors: Peter Rush and Shaun McVeigh

Tran, M A
Judicial Review in Private Law: An Examination of the Court’s Role in Reviewing Exercises of Discretion by Privately Appointed Decision-Makers
Supervisors: Simon Evans and Matthew Harding

Vaitiekunas, A
The Court of Arbitration for Sport: Law-making and the Question of Independence
Supervisors: Hayden Opie and David Wood

Weybury, D
Self-Represented Litigants in Australian Appeals Courts
Supervisors: Camille Cameron and Linda Haller

Whitehall, D
Cosmopolitan Justice and Constitutional Dialogues with International Human Rights
Supervisors: Anne Orford and Ann Genovese

Woldemariam, G
Federalism and Rights
Supervisors: Cheryl Saunders and Simon Evans

Young, C
A History of Judicial Dissent
Supervisors: Michael Bryan and John Baker

Zhang, H
Legal Risks of Payment Scheme of Carbon Trade and its Judicial Remedy in China
Supervisors: Lee Godden and Sarah Biddulph
Master of Philosophy in Law

Riethmuller, G
Beyond the Reach of the Court? The Role of Trusts in Family Property Disputes
*Supervisors: Belinda Fehlberg and Matthew Harding*

Master of Laws by Thesis

Irving, M
Equitable and Analogous Remedies for Breach of Employment Obligations
Relating to the Termination of Employment
*Supervisors: Sean Cooney and Matthew Harding*

Thomas, T
Relationship Contracting for the Delivery of Major Infrastructure Projects:
Panacea or Placebo?
*Supervisor: Jeannie Paterson*