2013 Annual Report

CREEL
Centre for Resources, Energy and Environmental Law
Contents

About CREEL 3

Purposes and Objectives 3

Director’s Report 4

Centre Directors 6

Director 6

Associate Directors 6

Centre Members 7

Centre Administrator 8

Research Fellows 9

Research Higher Degree Students 9

Research Visitors 11

Advisory Board Members 12

Events 14

Symposia 14

Seminars 14

Workshop 14

Conferences 15

Research and Publications 16

Books 16

Edited Books 16

Book Chapters 16

Journal Articles - Refereed 17

Journal Articles 17

Grants 18

External Conference and Seminar Presentations 18

Submissions 20

Media 20

Journal Affiliations 20

Presentations - Research Higher Degree Students 21

British Council Grant 22

Linkages 23

University 23

International 23

National 23

Teaching 24

Contact Details 25
About CREEL

The Centre for Resources, Energy and Environmental Law (CREEL) was established in 1986. Until 1996 it was known as the Centre for Natural Resources Law, and the teaching program was focused upon laws relating to mining, petroleum and water resources; the legal structure and financing of major resources projects; and some aspects of environmental regulation.

In 1996 substantial changes were made to extend the program. Subjects were added to cover contemporary issues of national and international importance. These include production and distribution of energy; development of infrastructure; environmental impact of energy, resources and infrastructure projects; and indigenous rights over land and waters. Studies focus upon the inter-relationship of government policies, legal and regulatory regimes and administrative practices.

Many of the subjects are highly relevant to international students as well as Australian students.

The increased scope of the graduate teaching program is also reflected in CREEL’s research, publishing, seminars and related activities.

Purposes and Objectives

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

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

To engage in these activities with respect to contemporary developments and issues in Australia, Asia/Pacific, and other selected regions.

To extend the Law School’s specialised collection of research and teaching materials relating to energy, natural resources, environmental law and native title.

To strengthen existing links and establish new links with other centres in Australia and overseas engaged in equivalent activities.

To encourage persons from industry, professions, investment institutions, government and universities in Australia and overseas to participate in the Centre’s activities.
Professor Lee Godden (January - July)

In the first half of 2013 CREEL was planning for a major collaborative event with two other law research centres, IILAH and the Centre for Constitutional and Comparative Law. The Turning Points Symposium, based on, Remembering the Tasmanian Dams case and its significance, was a major focus for activities, with the symposium taking place in late June 2013. Jenny O’Connell, CREEL administrator was heavily involved in the planning that took place between the Centres that contributed to a highly successful symposium. Jenny is to be remembered for her work in tracking down many of the contemporary pictorial images associated with the No Dams campaign and especially the iconic photograph of the Franklin River in Tasmania. Jenny used her skills and qualifications in art conservation to produce an ‘installation’ of these images and photos that people were able to browse through upon arrival at the symposium.

Research continued on a number of Australian Research Council funded projects within the centre, as well as some CREEL staff being involved in a joint Victorian University initiative, the Victorian Centre for Climate Change Adaptation Research.

2013 saw the successful completion of several PhD theses by students associated with the Centre. CREEL also welcomed several new post-graduate and research fellow staff. Several new subjects were developed in the Masters courses associated with the centre; reflecting the important teaching/research nexus.

Jenny O’Connell, after several years of being the very efficient and effective ‘go to’ administrator for the Centre left to ‘follow her heart’ by working in the indigenous art restoration field. As Director, I would like to acknowledge the valuable contribution that Jenny made to many aspects of CREEL; especially in organising centre activities. At a personal level, my thanks for all the assistance that Jenny willingly gave to me in helping to run CREEL; as well as helping me to find those endless misplaced receipts!

In August 2013, I also took on new challenges, with an appointment as an Australian Law Reform Commissioner leading an Inquiry into the Native Title Act. Many CREEL colleagues contribute to Centre events and research outcomes from many dimensions; and I have been grateful for their support over the past five years as CREEL Director.

Professor Lee Godden

Director, Centre for Resources, Energy and Environmental Law

Melbourne Law School
Director’s Report

Professor Michael Crommelin AO (August – December)

The latter part of 2013 included many highlights: seminars by academic visitors Associate Professor Pieter Badenhorst (Deakin University) and Professor Bradley Condon (Instituto Tecnológico Autónomo de México); a highly successful workshop on environmental water law and policy organised by Erin O’Donnell (CREEL) and Rebecca Nelson (Stanford Woods Institute for the Environment); presentations by CREEL members to relevant national and international conferences and seminars; and submissions by CREEL members to government bodies.

As incoming Director, I should like to acknowledge my gratitude to Professor Lee Godden for the energy, enthusiasm and inspiration that she displayed in her leadership of the Centre for the last five years, and thank her for her continuing interest in CREEL’s activities.

Michael

Professor Michael Crommelin AO
Zelman Cowen Professor of Law
Melbourne Law School
Centre Directors

Co-Directors

Professor Lee Godden (January - July)

Professor Godden researches and teaches within the Melbourne Law School. She was appointed Director of the Centre for Resources, Energy and Environmental Law in 2008. Preceeding that she held a joint appointment as Director, Office for Environmental Programs. Professor Godden's research interests include environmental law, natural resources management, property law and indigenous peoples’ land rights. The impact of her work extends beyond Australia with comparative research on environmental law and sustainability, property law and resource trading regimes, water law resources and Indigenous land rights issues, in countries as diverse as Canada, New Zealand, UK, South Africa, and the Pacific.

Professor Michael Crommelin AO (August - December)

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

Associate Directors

Professor Jacqueline Peel

Jacqueline Peel holds the degrees of Bachelor of Science and Bachelor of Laws (Hon I) from the University of Queensland, a Master of Laws from New York University where she was a Fulbright scholar, and a PhD from the University of Melbourne.

Professor Peel’s established research interests are in the areas of environmental law (domestic and international), climate change law, risk regulation and the role of science. Professor Peel current research focuses on questions of climate change litigation and governance, including adaptation measures. She currently holds an ARC Discovery Project grant for a project on US and Australian climate change litigation which she is undertaking with Professor Hari Osofsky of the University of Minnesota Law School. Professor Peel is presently based in the US as a Visiting Scholar with the University of California's Berkeley Law School and Stanford University’s Woods Institute for the Environment.

Associate Professor Maureen Tehan

Associate Professor Maureen Tehan’s major focus of research and academic interest is Indigenous legal issues with particular emphasis on native title, heritage protection and land access, use and management. She has a major interest in comparative Canadian law in these areas.
Centre Members

**Professor Miranda Stewart**

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

**Professor Sundhya Pahuja**

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

**Associate Professor Mark Burton**

Mark has worked, taught and researched in the field of taxation law since 1990. Although Mark specializes in taxation law, his research is of an interdisciplinary nature with particular emphasis upon the political institutions. Mark’s recent research has combined elements of political science, political theory, social psychology and law in dealing with the application of democratic principles in the context of taxation law. At present Mark is writing a co-authored book (with Associate Professor Kerrie Sadiq, due February 2012) which critically examines the management of tax expenditures. Tax expenditures, or tax concessions, are a common means by which governments pursue the objective of promoting environmentally sustainable behavior. Tax expenditures might also promote the environmentally unsustainable behavior.

**Associate Professor Jürgen Kurtz**

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

Associate Professor Margaret Young is the author of Trading Fish, Saving Fish: The Interaction between Regimes in International Law (Cambridge University Press, 2011), which was awarded the International Union for Conservation of Nature (IUCN) Academy of Environmental Law Junior Scholar Prize in 2012. Her edited collection Regime Interaction in International Law: Facing Fragmentation (Cambridge University Press, 2012) includes contributions from leading international, comparative and constitutional law scholars and is based on the conference she convened at the University of Cambridge in 2009 on Regime Interaction in International Law: Theoretical and Practical Challenges. Dr Young holds a PhD and an LLM from the University of Cambridge and a BA/LLB (Hons) from the University of Melbourne and has been a Visiting Scholar at Columbia Law School. She has worked at the World Trade Organisation (Appellate Body Secretariat) and the United Nations International Law Commission and is a former associate to the Chief Justice of the Federal Court of Australia.

**Dr Kirsty Gover**

Kirsty Gover is the Director of the Comparative Tribal Constitutionalism Research Programme, co-sponsored by CREEL, IILAH and the CCCS. The study focuses on the governance institutions and constitutions of tribal communities in Australia, New Zealand, Canada and the United States. These define the jurisdictional interface between tribes and other governments in settler societies. The study examines the ways in which tribal communities define and express their own jurisdiction, an under-interrogated aspect of indigenous governance scholarship. It includes analysis of agreements between tribal and other governments on resource management and the joint use and stewardship of land. A book and several articles focussing on the membership regimes in tribal constitutions, will be published in 2010.

**Mr Brad Jessup**

Brad Jessup is a human geographer and an environmental law specialist. Brad’s work crosses disciplines in the legal geography tradition. He draws on political theories, his expert knowledge of environmental law processes, and case study examples of law in society. Brad is especially interested in the law of place and the human and environmental experience of harm and the role of the law. He is the co-author of the edited collection (with Professor Kim Rubenstein) Environmental Discourses in Public and International Law published by Cambridge University Press in 2012. Brad has been a visiting scholar at the University of California, Berkeley, where he undertook funded research for the Energy Pipelines CRC exploring land use planning and safety aspects of pipeline regulation on the urban fringe, and research on environmental justice movements and theories. Brad’s principal research area is environmental and ecological justice and the exploration of environmental legal conflict. He also has research expertise in Vietnamese environmental laws and marine protected areas, and is exploring the capacity of environmental torts to achieve environmental protection.

**Centre Administrator**

**Ms Jenny O’Connell**

Jenny O’Connell was the CREEL Administrator from 2010 until 2013.
Research Fellows

Anita Foerster
Lisa Caripis
Stephanie Niall

Research Higher Degree Students

Tsegaye Ararssa

Alice Ashbolt
Alice Ashbolt’s PHD thesis is entitled ‘An Examination of the Switch from Coal to Clean Energy’. She is being supervised by Michael Crommelin.

Julia Dehm
Julia Dehm is undertaking a PhD at the Melbourne Law School. Julia’s thesis is titled ‘Reconsidering REDD+: Law, Life, Limits and Growth in Crisis’. Julia’s supervisors are Maureen Tehan and Margaret Young.

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

Steve Geroe

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

Anne Kallies
Anne Kallies is currently researching her PhD thesis titled ‘Can the Market Fix It? Promoting Renewable Energy in Australia’ with the Melbourne Law School. The thesis is being co-supervised by Lee Godden and Jacqueline Peel.

Liz Macpherson
Liz Macpherson is researching a PhD at Melbourne Law School. Her PhD thesis, entitled ‘The Indigenous Water Market: A Comparative Study of Commercial Indigenous Water Rights’, comparative and interdisciplinary methods to search for ways in which Australian law might provide commercial water rights to indigenous groups, studying the provision of commercial water rights to indigenous groups in Chile. Liz is being supervised by Kirsty Gover and Maureen Tehan.
Melkamu Moges


Carlo Morris

Carlo Morris' PHD is entitled ‘An Environmental History of Desnagging of the Murray’. He is being co-supervised by Michael Stewardson, Brian Finlayson and Lee Godden.

Erin O’Donnell

Erin O’Donnell is undertaking a PhD on the topic ‘Environmental Independence: How Environmental Law Can Adapt to an Environmental Corporation with Property Rights and a Voice of Its Own.’ Erin is being supervised by Lee Godden, John Freebairn and Sundhya Pahuja.

Lily O’Neil

Lily O’Neil’s PhD research topic is ‘Negotiating Resource Agreements for Greater Sunrise and Browse: A Comparative Study’. Lily is being supervised by Maureen Tehan and Miranda Stewart.

Alice Palmer

Alice Palmer is currently studying her PhD titled ‘Reimaging International Environmental Law’. She is being supervised by Lee Godden.

Darren Parker

Darren Parker is currently studying his PhD titled ‘Mining a Culture: Sharing Values in Environment and Resources – Can We Do Better?’. This project is being co-supervised by Maureen Tehan and Kirsty Gover. Darren currently holds one of the MLS 2010 Teaching Fellowships.

RobinAnn Robinson

RobinAnn Robinson’s PHD is entitled ‘Where Human, Indigenous and Cultural Rights Intersect: The Case for Legal Recognition of Inter se Rights in Native Title and Related Indigenous Land Settlement Regime’. She is being supervised by Maureen Tehan.

Hao Zhang

Hao Zhang is currently studying his PhD titled ‘Legal Risks of Payment Scheme of Carbon Trade and Its Judicial Remedy in China’. This project is being co-supervised by Lee Godden and Sarah Biddulph.
Research Visitors

**Professor Aileen McHarg, School of Law (University of Strathclyde)**

Aileen McHarg joined the University of Strathclyde law school in 2012 as Professor of Public Law, having previously been a lecturer and then senior lecturer in public law at the University of Glasgow; and a lecturer in law at the University of Bristol.

**Rebecca Nelson (Stanford University)**

Rebecca Nelson holds a Master of the Science of Law from Stanford University, undertaken as a General Sir John Monash Scholar. As a Melbourne National Scholar, she also holds Bachelors degrees in law and environmental engineering from the University of Melbourne, both with first class honors. She is currently a candidate for the Doctor of the Science of Law degree at Stanford University.

**Pieter Badenhorst (Deakin University)**

Pieter Badenhorst is currently an Associate Professor of Law at Deakin University. He was previously professor of Law at the Nelson Mandela Metropolitan University in Port Elizabeth, South Africa. Pieter is admitted as an attorney and notary of the High Court of South Africa.

**Manuel Nunez-Poblete, Faculty of Law (Pontificia Universidad Catolica de Valparaiso, Chile)**

Manual Nunez-Poblete is a lawyer and Doctor in Law. He is a Professor at the Faculty of Law, Pontificia Universidad Católica de Valparaíso in Chile. He has taught in undergraduate programs at Catholic University of the North, Valparaíso, Adolfo Ibáñez (Viña del Mar) and Central Chile.
Advisory Board Members

Associate Professor Pieter Badenhorst (Deakin University)

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

Elisa De Wit (Partner, Norton Rose)

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

Professor Roz Hansen (Managing Director, Hansen)

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

Professor Ray Ison (Monash and Open University, UK)

As Professor of Systems (UK Open University; 1994 - present) Ray has led or facilitated the development of new teaching programs (MSc's in Environmental Decision Making, Systems Thinking in Practice, Information Systems and a undergraduate Diploma in Systems Practice) and established the Open Systems Research Group. He was Head of the Systems Department (1995-8; 25 academic staff) then from 2000-04 he successfully coordinated a major interdisciplinary 5th Framework program (30 researchers, 6 countries) researching social learning for sustainable catchment management as well as running an EPSRC funded Systems Practice for Managing Complexity Network. From 2002 -7 the Environment Agency (England & Wales) funded research to apply social learning to implementation of the European Water Framework Directive. In September 2008 he moved to 0.3 time at the Open University (OU) and a 0.7 Professorship at Monash (Systems for Sustainability) where he has developed a Systemic and Adaptive Governance Research program within Monash Sustainability Institute and the School of Geography & Environmental Science.
Sam Johnston is a Senior Research Fellow at the United Nations University Institute of Advanced Studies - a policy think tank for the United Nations based in Japan. His principal responsibilities are to provide strategic guidance to the Director regarding the research priorities of the Institute, develop new research activities for the Institute and assist with fundraising efforts. His research interests include International Environmental Law, Governance of International Spaces, International Regulation of Biotechnology, Law of the Sea and Antarctica. In 2011 he taught and was the coordinator for the International Environmental Law Masters Course offered by the Faculty. He has raised over $10m in research funding from governments, international organizations and philanthropic organizations. Johnston has degrees in chemistry and law and is a qualified lawyer in the Supreme Court of Victoria, Australia.
Events

Symposia

Symposium on Indigenous Peoples, Economic Empowerment and Agreements with Extractive Industries

25 – 26 June 2013: hosted by the Agreements, Treaties and Negotiated Settlements Project, and supported by CREEEL, this symposium brought together participants from indigenous, industry, academic and government sectors.


Seminars

CREEL Seminar: The Referendum on Independence for Scotland: Where Are We Now? Where Are We Going? And How Will We Get There?

15 March 2013: Professor Aileen McHarg, University of Strathclyde presented this seminar on ‘The Referendum on Independence for Scotland: Where Are We Now? Where Are We Going? And How Will We Get There?’.

CREEL Seminar: Environmental Decision Making in Face of Uncertainty: a European Perspective

30 July 2013: Professor Nicolas de Sadeleer, Saint Louis University, Brussels presented this seminar on ‘Environmental Decision Making in Face of Uncertainty: a European Perspective’.

CREEL Seminar: Security of Mineral Tenure in South Africa

10 September 2013: Visiting academic, Associate Professor Pieter Badenhorst, Deakin University presented this seminar on Security of Mineral Tenure in South Africa.

Trade, Investment and Climate Change

12 November 2013: This public seminar was jointly hosted by CREEEL and the Global Economic Law Network (GELN). Professor Bradley Condon, WTO Chair Professor of international trade law at the Instituto Tecnológico Autónomo de México, discussed how World Trade Organization law and International Investment Agreements constrain the ability of governments to regulate in response to climate change.

Workshop

Mainstreaming Environmental Water Law and Practice

14 October 2013: Michael Crommelin opened this one-day workshop in Melbourne, on emerging environmental water law and policy which was organised by Erin O’Donnell (CREEEL PhD) and Rebecca Nelson (Stanford Woods Institute for the Environment PhD). It brought together key researchers and practitioners in environmental water law, policy and management.
Conferences

NELA Conference 2013 - Delivering a low carbon future

CREEL was a conference partner to the 2013 National Environmental Law Association conference held in Melbourne from 6 – 9 March 2013.
Research and Publications

Books


Edited Books


Book Chapters


Journal Articles - Refereed

Lee Godden and Casinader, N, ‘The Kandyan Convention 1815: Consolidating the British Empire in Colonial Ceylon’ (2013) 1 Comparative Legal History 211-242


Journal Articles


Lisa Caripis, ‘Victorian Law Change Abandons Native Forests to Loggers’ (2013) May The Conversation


Lisa Caripis, ‘Comparing the Parties’ Climate Change and Renewables Policies’ (2013) August The Conversation


Brad Jessup, ‘Book Review: Climate Change and Australia’ (2013) 87 Law Institute Journal 68-68


Miranda Stewart, ‘Chasing Tax Across Countries: A Test Case’ (2013) June The Conversation

Miranda Stewart, ‘The Tussle over Australia’s Company Tax’ (2013) August The Conversation

Grants

Jacqueline Peel, ARC, DP130100500, Transition to a Clean Energy Future: the Role of Climate Change Litigation in Shaping our Regulatory Path, 2013-2015

Jacqueline Peel, Lee Godden, Ruth Nettle, Margaret Ayre and Brian Cook, CCIF grant, Melbourne University, Water Governance: Realising Sustainable and Productive Outcomes under Uncertainty, 2013-2014

Maureen Tehan, Lee Godden, Margaret Young and Kirsty Gover, ARC, Climate Change Law and Mitigation: Forest Carbon Sequestration and Indigenous and Local Community Rights. 2011-2013


Miranda Stewart, Brian Galligan, Scott Brenton, John Freebairn, Hielke Buddelmeyer, Cheryl Saunders, Michael Crommelin, Anne Tieman, Jenny Menzies, Robyn Hollander, Justin Hanney, Philip O'Meara and David Burns, Melbourne School of Government Grants, Research Cluster Grant, Renewing Australian Federalism 2013


External Conference and Seminar Presentations


Lee Godden, ‘Vulnerability and Resilience: The State, the Subject and the Law in a Climate Change World’, University of Western Sydney Law Faculty Seminar Series, 24 April 2013.

Lee Godden, Law and Society Conference Boston USA May 2013 - Paper presented as part of the Panel - Addressing climate change: What forms of governance are promising to take up the challenge at the scale and speed needed? Paper entitled, ‘Re-Examining the Public/Private Divide in Law and Governance for Climate Change Adaptation’ 31 May 2013 Boston.


Lee Godden, Seminar presentation as part of participation in the panel -The Boundaries of Indigenous Law in Australia: The Vagaries of Native Title 20 Years On Law on the Edge: Canadian and Australasian Law and Society Conference UBC Canada, 2-5 July 2013.


Brad Jessup, ‘Environmental Law and Justice’, presented to Kwong Lee Dow scholars, April 2013.


Jacqueline Peel, Author presentation, Climate-Energy-Water Nexus project, chapter on Regulation of the Nexus, San Francisco, 15 January 2013.

Jacqueline Peel, Keynote, ‘Science in International Risk Governance’, Symposium on the Place of Science in International Governance, Tokyo, 5 March 2013.


Jacqueline Peel, ‘Divergent Responses to Climate Change in a Multipolar World: a View from Downunder’, panel presentation, American Society of International Law meeting, April 2013.


Jacqueline Peel, Presentation as team leader on the precaution-related sections of draft report, International Law Association, Committee on the Legal Principles Relating to Climate Change, Intersessional meeting, Aix en Provence, June 2013 (via Skype).


Margaret Young, ‘Forests, International Law and Experimentalist Governance: The Case of REDD’, University of Helsinki, Finland, 4 November 2013; Centre of Environmental and Technological History, Department of History, European University at Saint Petersburg, Russia, 11 December 2013; Graduate Institute, Geneva, Switzerland, 29 April 2014.

Margaret Young, ‘The Fragmentation of Public International Law’, Lecture Series, Saint Petersburg State University, Russia, 24 October 2013 and 28 November 2013.

Margaret Young, Workshop on Experimentalist Governance, Brown University, Providence, USA, 14-16 November 2013.


Submissions


Media


Brad Jessup, ABC 730 Victoria – expert comment on planning, project assessment and compensation laws regarding the proposed Melbourne East West Link, September 2013.

Brad Jessup, ABC Landline – expert comment on negligence and public misfeasance arising from the closure of a country abattoir, September 2013.

Journal Affiliations

Climate Law, Brill
Melbourne Journal of International Law
Yearbook of International Environmental Law

Jacqueline Peel, Member of the Editorial Board
Jacqueline Peel, Member of the Advisory Board
Presentations - Research Higher Degree Students


**Melkamu Moges,** presented in the Law Graduate Research Colloquia of the Melbourne Law School, University of Melbourne.


**Erin O’Donnell,** Panellist, Rivers of Reform: Lessons from the Colorado and Murray-Darling Workshop at Australian National University, Crawford School of Public Policy, Canberra, ACT, September 2013.


**Erin O’Donnell,** ‘Living Within our Ecological Limits – Law and Governance to Nurture the Earth Community,’ Brisbane, Queensland, September 2013.
CREEL gratefully acknowledges the support provided by the British Council that enabled two post-graduate students from the Centre to establish networks and research linkages in the UK. Erin O'Donnell and Anne Kallies were the recipients of funding that allowed them to travel to the UK and to visit a wide spectrum of UK institutions and Universities. Erin completed her trip in 2013. The British Council funding was focused on supporting students whose research is in the fields of sustainability, climate change and environmental law issues. CREEL also acknowledges the valuable assistance given by Ms Kirsten Freeman in establishing the collaboration on behalf of the British Council in 2012-13. It has been an important way of fostering awareness of the potential collaborations between the two countries in these areas of research.

Erin travelled to the UK to attend a conference and meet with key academics and policy makers in water resource management. The commonality of issues between the UK and Australia, along with the differences in water law and hydrology, provided excellent opportunities to examine how water reform can play out in different circumstances. Erin's visit helped to develop new perspectives on:

1. The role of efficiency and flexibility in water resource management, and how best to achieve this;
2. How to transition to a water market, and how to maintain and improve environmental water management within the market, with an emphasis on both water quality and quantity; and
3. The implications of using the corporate form to manage water resources.

Erin's trip was three weeks in length, including a week at the Water and Society II conference in New Forest. This conference is run by the Wessex Institute of Technology and drew a wide variety of international speakers on a range of water management issues. Erin presented a paper, which has also been published in the conference proceedings: O'Donnell, E., 'Common legal and policy factors in the emergence of environmental water managers' in C.A. Brebbia (ed), Water and Society II (WIT Press, 2013), 321

During the remaining two weeks, Erin visited Dundee, Edinburgh, London and Norwich. She met with academics in various fields of water law and policy from the University of Dundee, Oxford University, University of London, University College London and the University of East Anglia. Erin also met with policy makers from the Environment Agency (in flood risk management) and the Department of Environment, Food and Rural Affairs (in water resource management and markets). For more detail on these meetings, and the ideas they generated, please refer to Erin's blog posts: http://linesonthewater.blogspot.com.au/

Erin also gave a presentation at the University of Dundee, which was attended by staff and postgraduate students from the UNESCO Centre for Water Law, Policy and Science (approx 20 attendees). This presentation was well-received, with a lively Q&A session following the presentation.

Since returning to Australia, Erin has been engaged in further discussions with a number of these contacts. In particular, she has facilitated information-sharing on a pilot smart-metering project in Victoria with the Department of Environment, Food and Rural Affairs, which is contemplating a similar use of metering technology.
Linkages

University

**Melbourne Sustainable Society Institute (MSSI)**

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

**Melbourne Energy Institute**

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

www.energy.unimelb.edu.au

**Office for Environmental Programs (OEP)**

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

**International**

**Jacqueline Peel** has been a Visiting Scholar at Berkeley Law School’s Centre for Law, Energy and the Environment. Jacqueline is also appointed as a Visiting Scholar at Stanford University Woods Environment Institute, in the Water in the West program.

In 2013, the Melbourne Law School via CREEL entered into a *Memorandum of Understanding* with the University of Chile, in relation to collaboration in the field of energy and sustainability.

**International Union for the Conservation of Nature (IUCN)**

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

**National**

In 2013 **Michael Crommelin and Lee Godden** met with Mr Ganbat Battulga, First Secretary, Embassy of Mongolia in Australia to discuss the activities of CREEL which were echoing the needs of the Mongolian mining industry.
Teaching

Michael Crommelin, Mineral and Petroleum Tax (MLM)

Michael Crommelin, Mineral Law (MLM)

Michael Crommelin, Petroleum Law (MLM)

Michael Crommelin, Principles of Public Law (JD)

Lee Godden, Environmental Law (MLM)

Lee Godden and Anita Foerster, Water Law and Natural Resources Management (MLM)

Brad Jessup, Torts (JD)

Brad Jessup, Environmental Law (JD)

Maureen Tehan, Encounters: Indigenous Peoples and Law (JD)

Margaret Young, Lee Godden and Damien Lockie, Climate Change Law (MLM)

Master of Energy and Resources Law

Energy and resources are dominant in the Australian economy, and have long been so. The management of these resources presents formidable legal challenges for governments and private enterprise, at global, national and local levels. Australia’s record in meeting these challenges is internationally recognised, and Australian energy and resources companies operate successfully in many parts of the world.

Melbourne Law School’s graduate program in energy and resources law allows lawyers and other professionals to gain expertise and skills in statutory and contractual regimes governing exploration and production, sophisticated commercial transactions relating to those activities, project finance, regulatory controls and resolution of resources conflicts, drawing upon Australian experience and applying it globally.
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Lines on the Water