THE UNIVERSITY OF MELBOURNE

Centre for Resources, Energy and Environmental Law (CREEL)
Melbourne Law School

Annual Report

2020 & 2021

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Acknowledgement of Country

In the spirit of reconciliation, we acknowledge the Traditional Custodians of country throughout Australia and their connections to land, sea and community. We pay our respects to their elders past and present and extend that respect to all Aboriginal and Torres Strait Islander peoples today.

Welcome

The Centre for Resources, Energy and Environmental Law (CREEL) is a long-standing research centre at the Melbourne Law School; established in 1986. CREEL brings together a diverse group of legal scholars, many with interdisciplinary expertise, whose research spans diverse dimensions of environmental law (including international environmental law), climate change and energy law, sustainable regulation of food, natural resources laws, water law, Indigenous peoples' rights and interests in lands and waters, (including native title, and agreement-making), and disaster law and risk management. These thematic research areas are extended by drawing on cognate methods and perspectives such as legal geography, environmental justice, intergenerational equity and global North-South issues; together with the jurisprudential theories that extend and frame our understanding of environmental law.

CREEL researchers include leading experts in their respective fields. CREEL academics have a strong record in publications, as well as the attainment of Australian Research Council funding and consultancy projects. The Centre has an active engagement and impact profile with a history of public interest research, including many submissions to government and industry, as well as working with community groups; including Indigenous communities. CREEL has been fortunate to have a very active PhD cohort over the years with many CREEL graduate researchers contributing across a wide spectrum of CREEL activities and research.

Many CREEL academics participate in the Melbourne Law Masters (MLM) teaching program which is centred on the Master of Environmental Law and the Master of Energy and Resources Law courses – although CREEL academics contribute to subjects across the MLM. The CREEL teaching program has continued to expand its subject offerings with many international scholars participating in the program and new subjects to these courses. 2020 and 2021 did see a lull in our International teaching visitors due to COVD-19. CREEL academics also teach into environmental and sustainability subjects in the Melbourne Law School JD and 'Breadth' University-wide subjects.

Our Purposes

CREEL aims to promote research, teaching, publication and engagement in a broadly-conceived field of environmental law that includes:

- the protection of the environment and the promotion of ecologically sustainable development;
- energy transition, including climate change law and regulation (International and national);
- the sustainable development of natural resources;
- the sustainable regulation of business and industry – particularly food and agriculture
- the protection, allocation and sustainable use of water – including attention to groundwater and Indigenous Peoples' interests in water;
- the promotion of resilient and sustainable infrastructure in urban areas; and
- the recognition and protection of Indigenous peoples' rights and interests in land and resources (working in collaboration with other colleagues such as the Law and Justice Hub).

Our Objectives

CREEL staff seek to engage in these activities with respect to contemporary developments and environmental issues in Australia, Internationally and in our Asia/Pacific region. We seek to strengthen existing links and establish new links with other research centres in Australia and overseas engaged in equivalent activities. CREEL promotes interdisciplinary research and the engagement of people from the legal profession, industry, investment institutions, government and universities in Australia and overseas to participate in the Centre's activities.

Director's Report

Welcome to the Annual Report for the Centre for Resources, Energy and Environmental Law (CREEL) in 2020 and 2021.

As CREEL Director, I am very happy to provide a bi-annual report for the combined years of 2020-2021. As you will be aware these were years of great upheaval and stress as the world, and our corner of it, dealt with the challenges of COVID-19. As a result of those challenges, CREEL entered a different phase from March 2020 with much less focus on the previous, very active profile of 'in person' events such as seminars, visiting scholars and research collaboration within the Law School and across the University. CREEL academics over this period were called upon to meet new teaching demands such as, online subject delivery, as well as finding the additional time that many CREEL colleagues provided in extended care responsibilities, including home schooling during Melbourne lockdowns.

In order to respond to time pressures, CREEL reduced its external facing seminar series, although still providing a highly supportive workshop and seminar opportunities for its graduate researchers. Indeed, Ashleigh Best, CREEL PhD working in conjunction with PhD students from UNSW Law School organised a well-attended international Graduate Researcher forum in 2021.

Research

Notwithstanding the challenges of 2020-21, including review of University and Law School research support, the research 'outputs' of CREEL academics and graduate researchers is remarkable. I would like to take the opportunity to both thank CREEL academics for persevering with their research during this difficult time but also to warmly congratulate them on the depth and quality of research that was achieved during this time. A scan of the number of publications, research projects, consultancies, media mentions and community outreach events that eventuated during this time that are contained in this report illuminates these efforts. If I could just highlight one among many projects – that of an Australian Research Council project around Sustainable Food Systems led by Professor Christine Parker (in association with colleagues from veterinary science and researchers from other Universities) as indicative of the research quality and contribution to the community that distinguishes so many CREEL research outcomes.

Engagement

CREEL's strong involvement with a diverse range of engagement activities continued across this time, notwithstanding that the pandemic altered many forms of activities. These changes often had to proceed in new online forums, such as revising in person workshops across Victoria planned to be in association with Indigenous communities under the 'Accessing Water to Meet Aboriginal Economic Development Needs' project or reorganising an international workshop for 40 people to an online version. We became adept at Zoom!

Staffing Changes

The period of 2020-2021 also saw some changes to the staff profile of CREEL with a period of structural change within the University.

In particular CREEL academics would like to mark the retirement of Professor Michael Crommelin and celebrate his significant contribution to scholarship in the field. In 2021, Professor Crommelin retired after a distinguished career at Melbourne Law School that included a long period as Dean. Professor Crommelin has an international reputation as a leading constitutional, natural resources, energy and environmental lawyer. Accordingly, Professor Crommelin has been a long-standing contributor to the Centre for Resources, Energy and Environmental Law and its forerunner, the Centre for Resources and Energy Law. An appointment as Emeritus Professor conferred by the University of Melbourne highlights

Michael's exemplary achievements and outstanding service of 45 years at the Law School.

We warmly congratulate him but are pleased that he has continued his long-term association with CREEL in his 'retirement'.

On a final note:

I am very grateful to all members of the CREEL 'family' for their contributions to the Research Centre in a period of stress and with many competing time demands.

In particular I would like to thank Astari Kusumawardani for her research support to myself as Director and to all CREEL members over this time. Her cheerful willingness to always assist where she can, has been a bright spot in a trying time.

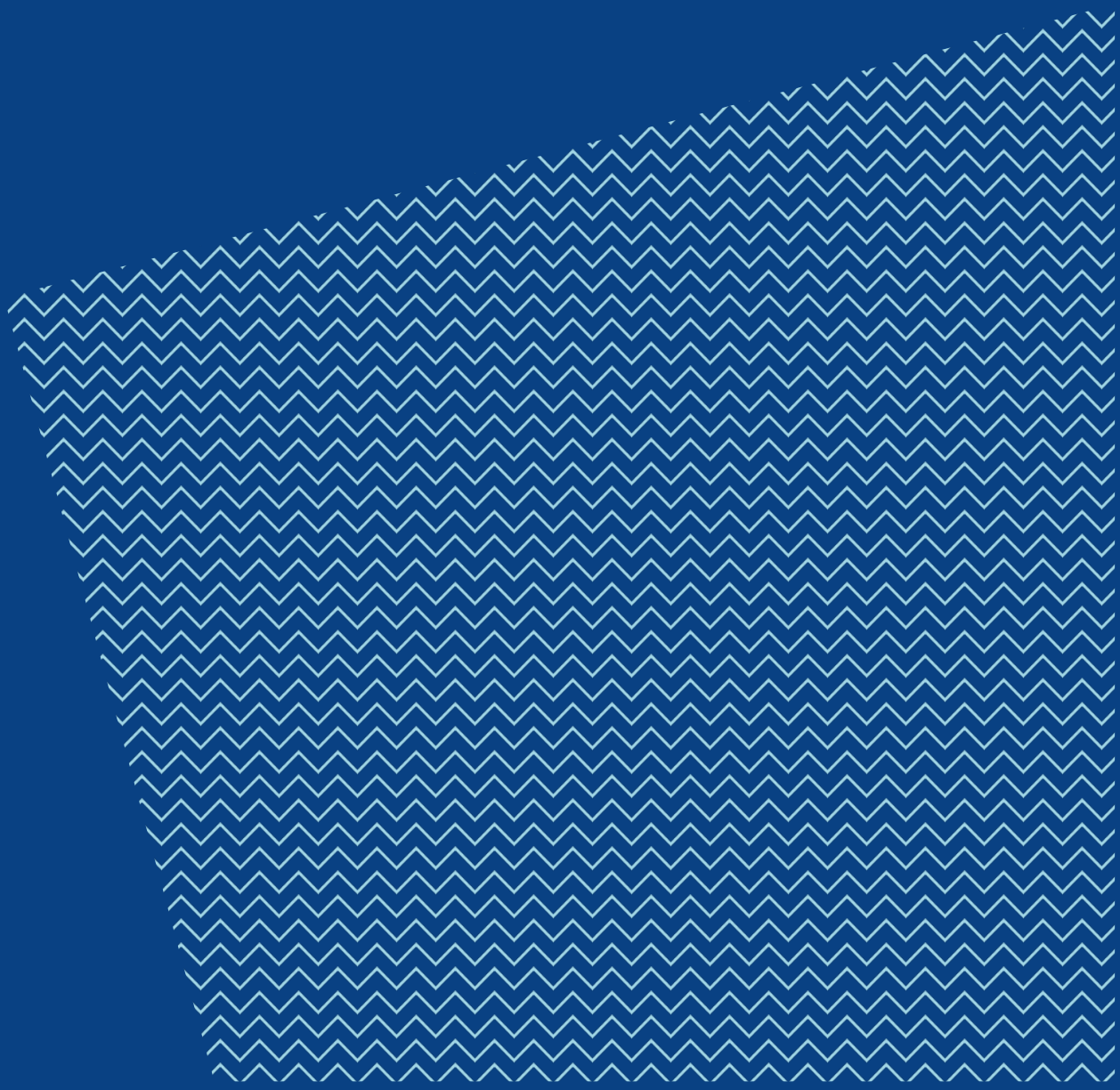
As the length of this report demonstrates, while CREEL members may have been locked down, they remained an extraordinarily productive group.

Professor Lee Godden,

Director, CREEL
Fellow, Australian Academy of Social Sciences
Fellow, Australian Academy of Law

Research

Research Project Highlights
Research Supervisions



Research Project Highlights

- Accessing Water to Meet Aboriginal Economic Development Needs
- Sustainable Food System
- Property as Habitat: Reintegrating Place, People and Law
- Legal Dimension of Climate Change
- Devising a Legal Blueprint for Corporate Energy Transition
- EME Support/ Evaluation of ClientEarth Phase 2
- Regulating Cumulative Environmental Effects: Designing Global Best Practice
- Governance arrangements for the Strategic Aboriginal Water Reserve in the Northern Territory
- Melbourne Climate Futures

Research Project

Accessing Water to Meet Aboriginal Economic Development Needs

Murray Lower Darling Rivers Indigenous Nations (2018 – 2021).
Funding: AUD $300,000

Shepparton water workshop, 2019
Photo by Erin O'Donnell

Key members of the project team:
Will Mooney, Executive Officer, MLDRIN
Lauren Chester, MLDRIN
Grant Rigney, Chair, MLDRIN
Dr Erin O'Donnell, Melbourne Law School
Professor Lee Godden, Melbourne Law School
Dr Katie O'Bryan, Monash University

The *Cultural Water for Cultural Economies* project is a partnership between the Murray Lower Darling Rivers Indigenous Nations (MLDRIN) and University of Melbourne, as well as representatives from 20 Traditional Owner organisations and First Nations across Victoria. This project is an important step towards water justice for Aboriginal people, who currently own less than 1% of water rights in Australia's Murray-Darling Basin. Lack of access to water deprives Aboriginal people of opportunities to exercise self-determination, care for Country, and generate wealth from agricultural production.

As part of the *Cultural Water for Cultural Economies* project, representatives from 20 Traditional Owners and First Nations were resourced to attend over 40 workshops and meetings from December 2018 to March 2021. Workshops and 'hands on' exercises, including a series of regional water market training workshops, were an important part of the project and have been developed in collaboration with the participants. First Nations and Traditional Owners hold the knowledge, stories, custodial obligations and cultural knowledge that have always ensured the health of waterways and river Country, and the project depended on their willingness to share their expertise with the research team.

The *Cultural Water for Cultural Economies* project identified specific law and policy pathways to increase water access for Traditional Owners and First Nations across Victoria, and to support their use of this water for economic development in accordance with their laws and cultural protocols. The final report was launched at the MLDRIN full gathering in March 2021.

In doing so, the *Cultural Water for Cultural Economies* project builds on *the National Cultural Flows Research Project* (2018), which included work by CREEL researchers Lee Godden and Rebecca Nelson. Although the Cultural Water for Cultural Economies project was based in Victoria, it also has implications for other states and territories across Australia, where Aboriginal ownership of water is similarly low.

Key Issues are:

- How can Traditional Owners access water?
- How can water be acquired or transferred to Traditional Owner organisations?
- What are the appropriate governance frameworks to hold and manage water?

Portland water market workshop, 2020
Photo by Erin O'Donnell

Project Outcomes

The Cultural Water for Cultural Economies project demonstrated the importance of ensuring that water for economic development is not seen as separate to water for cultural values. The project has identified four main pathways to increase water access for Traditional Owners and First Nations in Victoria:

1. Increasing use of existing rights to water, such as the s8A right. At present, none of the eligible Traditional Owners are using this right to access water, indicating that it is not fit for purpose and requires reform.
2. Unallocated water. Although many parts of Victoria are fully or over-allocated, there are substantial volumes of water that is considered available for use but currently unallocated, particularly across southern Victoria. Following this pathway led to Victoria's first ever water hand back to Traditional Owners (the GunaiKurnai Land and Waters Aboriginal Corporation) in November 2020.
3. Treated, fit-for-purpose recycled water. Recycled water can be used to substitute for existing water extractions from rivers (which then enables this water to be transferred to Traditional Owners), or the rights to use the recycled water can be transferred directly to the Traditional Owners. This is not an optimal solution, but both options are of interest in some cases.
4. Water reallocation via purchase or other agreement. In northern Victoria, the only pathway for substantive surface water access for Aboriginal people is water reallocation. This can be achieved via the water market, and the Commonwealth Government has committed $40 million to acquire water for Aboriginal people in the Murray-Darling Basin.

Project Report :

Final Report I 12 March 2021

Articles and media mentions :

Victoria just gave 2 billion litres of water back to Indigenous people. Here's what that means for the rest of Australia

The Conversation Article I 30 November 2020
Troy McDonald and Erin O'Donnell

Returning Water Rights to Aboriginal People

Pursuit Article I 6 April 2021
Erin O'Donnell, Lee Godden, Katie O'Bryan, Will Mooney, Lauren Chester and Grant Rigney

Traditional owners say missing out on rare opportunity to access water right is a step backwards

Dr Erin O'Donnell quoted in *ABC News* I 25 May 2021

First Nations slam 'secretive' Victorian government water grant

Dr Erin O'Donnell quoted in *The Age* article I 25 May 2021

Melbourne's Real-World Impact on Climate Change

Dr Erin O'Donnell interviewed in *Pursuit* I 18 March 2021

Visit the project website.

Sustainable Food System

Photo by Dose Juice on Unsplash

The University of Melbourne is committed to playing a leadership role in addressing global sustainability challenges through inter-disciplinary research and engagement and through its campus operations, and sustainability of the food system is one of the most important dimensions of this global challenge.

The global food system contributes around a third of global GHG emissions and is also one of the main drivers of deforestation, biodiversity loss and land degradation. It also accounts for around 70% of global water withdrawals. There is an urgent need for a transformation to a more sustainable food system that not only addresses the environmental impacts but also places health and social equity at the heart of the food system.

This research project aims to amplify the University's focus on sustainable food systems (and its potential role as a leader in food system transformation) by encouraging an interdisciplinary and highly engaged approach to research in the field.

The project activities will aim to bring researchers across the University together to develop a more integrated and inter-disciplinary 'food systems' perspective on research and engagement in order to:

- amplify the influence of the university's research on policy that promotes a transformation to more sustainable food systems
- better connect researchers working in aspects of sustainable food systems
- encourage collaboration and joint funding applications

Key members of the project team:
Dr Rachel Carey, Faculty of Veterinary and Agricultural Sciences
Professor Christine Parker, Melbourne Law School

Project Outputs:

Seminars:
Leveraging Responsible Investment for Sustainable Healthy Food Systems
Professor Christine Parker, Dr Rachel Carey and Ms Ella Robinson
19 August 2021

Growing Regenerative Culture
Dr Charles Massy, Mr Mark Gardner, Ms Serenity Hill and Mr Ross Davey
30 July 2021

Cell Based Meat and the Future of Food: Policy and Politics
Professor Robyn Warner and Dr Hope Johnson
2 July 2021

Alternative Problems, Alternative Solutions: Food Security and Indigenous Sovereignty in the Global Food System
Dr Christopher Mayes and Zena Cumpston
7 November 2019

Resilience, Food Justice and the Future of Food System Governance
Dr Kiah Smith
8 October 2019

Property as Habitat: Reintegrating Place, People and Law

ARC Discovery Project: 2019-2021. Funding: $360,000

Professor Lee Godden
Melbourne Law School

Professor Margaret Davies
Flinders University

Associate Professor Nicole Graham
Sydney Law School

This project aims to produce an original account of property law that will connect it to place and human relationships. Property is at the centre of contemporary social life and law, yet it is often separated in legal scholarship from the human and natural worlds it structures. Using innovative analytical techniques and a grounded consideration of the functions and effects of property, the objective of the project is to produce an understanding of property as habitat that is both sensitive to place and adapted to social and environmental conditions. Expected benefits include a responsive understanding of property that is better able to address the challenges of Australian society into the future.

Key members of the project team:

Lee Godden (Melbourne Law School), Margaret Davies (College of Business, Government and Law, Flinders University) and Nicole Graham (Sydney Law School)

Impact: The project started in mid-2019 with a planning and research strategy meeting in July that covered plans for a project co-authored book and an edited collection.

Project Outputs:

Handbook of Property, Law and Society Workshop
Workshop I 8-10 December 2020

Handbook of Property, Law and Society
Online workshop, Sydney Law School I 29 – 30 June 2021

Legal Dimension of Climate Change

Melbourne Sustainable Society Institute (MSSI): 2019-2021. Seed Funding: $15,000

The project aims to develop an analysis of climate risk as a critical concept in interdisciplinary research that is relevant to transformations in climate change law, regulation and policy in the international and national spheres. This project will undertake a regulatory network theory analysis of the manner in which climate risk has diffused across legal fields and models in a situation of weak international and national policy orientation on climate change and energy regulation.

Key members of the project team: Professor Lee Godden, Professor Christine Parker, Professor Fiona Haines (Criminology UoM), Professor Jacqueline Peel, Associate Professor Margaret Young, Dr Rebecca Nelson, Dr Anita Foerster (Monash Sustainability) and Paul T Beaton (Research Assistant)

Impact:

- The research on climate risk will be the basis for a peer-reviewed article and a web-based short form report.
- Data from the content analysis will be presented as an interim project finding and made available to MSSI researchers as relevant and to external stakeholders.
- Workshop presentation (external) will provide analysis of regulatory and 'informal' governance of climate risk on an interim basis to seek feedback from relevant external stakeholders in the public and private sector. External stakeholders will be identified from MSSI/ CREEL networks, CREEL and through the literature review and content analysis.

Project Outputs:

The research outputs for the seed funding project were disrupted by the COVID 19 lockdowns and the workshop with external collaborators did not proceed.

There was an internal CREEL workshop in 2019 that set the research directions for the later extensive literature review and research that was undertaken by the Research Associate Paul Beaton. The proposed external workshop did not proceed

A Draft Report was prepared in early 2021 which was reviewed by team members. The report formed the basis for a presentation and draft article to a Collaborative Workshop [online], 'Managing Responsibilities for Climate Change Risks' 21 & 22 January 2021 , jointly organized by Sydney Law School, and the Centre for Water, Oceans and Sustainability Law, Utrecht University.

An article, Lee Godden and Paul Beaton, 'Climate Risk and Financial Risk: Moving Beyond Disclosure and Information Measures' is in the review process for publication in a special issue of the Utrecht Law Review.

Devising a Legal Blueprint for Corporate Energy Transition

ARC (2016-2020). Funding: $293,000

This project aims to provide a legal blueprint for using corporate law mechanisms to incentivise improved climate risk management and clean energy practices in Australian companies. Corporations are key players in efforts to transition the global energy system to clean energy sources and to mitigate climate risk. While this role is widely acknowledged, thinking on the best legal strategies that could foster corporate energy transition is in its infancy. Drawing on empirical data and more extensive United States experience with the use of corporate law tools for climate ends, the project plans to uncover roadblocks to corporate energy transformation, and identify law and governance reforms necessary for putting the private sector on a low-carbon pathway. The final report was released in September 2020.

Please visit webpage for project outcomes.

Key members of the project team : Jacqueline Peel, Brett McDonnell (partner investigator, University of Minnesota Law School), Hari Osofsky (partner investigator, Penn State Law), Anita Foerster (Senior Research Associate (until Feb 2019), Rebekkah Markey-Towler (research assistant 2020)

Project Outputs:

Project Report
Final Report I 2 September 2020

News articles, blogs and media mentions:

Green Boardrooms
Brett McDonnell, Hari M.Osofsky, Jacqueline Peel & Anita Foerster in *Business Law Blog*, University of Oxford
Blog post I 1 July 2021

Shareholder activism on climate change
A new article by Prue Moodie published in, *In the Black* magazine, featured Professor Jacqueline Peel
News Article I 1 April 2021

A 25-year-old took on a $57 billion super fund over climate change and won. Experts see the case as evidence of 'which way the wind is blowing'
Jacqueline Peel quoted in *The Business Insider* 25 November 2020

'A wake-up call': why this student is suing the government over the financial risks of climate change
Jacqueliene Peel and Rebekkah Markey-Towler, The Conversation I 27 July 2020

Can legal action force governments and businesses to respond to climate change?
Jacquliene Peel on ABC News I 14 February 2020

How a 24-year-old Brisbane council worker got global pension funds talking about climate change
Jacqueline Peel on ABC News Article I 18 January 2020

Resolution Marks a Significant Shift in Investor Culture
Jacqueline Peel and Anita Foerster, The ConversationI 3 May 2018.

Climate Change is a Financial Risk, According to a Lawsuit against the CBA
Jacqueline Peel and Anita Foerster, Theconversation.com I 15 August 2017

Journal Articles:

Brett McDonnell, Hari M.Osofsky, Jacqueline Peel & Anita Foerster, Green Boardrooms?
in *Connecticut Law Review (2020)*

J Peel, H Osofsky, B McDonnell, A Foerster, Energy Re-Investment in *Indiana Law Journal* (2019) 94(2)

J Peel, H Osofsky, B McDonnell, A Foerster, Governing the Energy Transition: the Role of Corporate Law Tools in *Environmental and Planning Law Journal* (2019) 36(5)

J Peel, A Foerster, H. Osofsky, B. McDonnell, Keeping Good Company in the Transition to a Low Carbon Economy? An Evaluation of Climate Risk Disclosure Practises in Australia in *Company and Securities Law Journal*, Thomson Reuters (2017)

J Peel, A Foerster, US Fossil Fuel Companies Facing Legal Action for Misleading Disclosure of Climate Risks: Could it Happen in Australia? In *Australian Environment Review* (2017)

Workshops:

Professor Jacqueline Peel took part in an expert panel on climate change risk
Panel discussion I 22 August 2019

Workshop on Trends in Climate Litigation : Public, Private and Global
Workshop I 2020
Melbourne Law School, 22 July 2019

EME Support/ Evaluation of ClientEarth Phase 2

Contract research (2018-2021). Funding: USD$550,000

This research evaluates the impact of litigation brought by ClientEarth under its Strategic Climate Litigation Program for Europe and its work on environmental governance in China.

Team Members: Jacqueline Peel (team leader), Hari Osofsky (co-team leader), Jolene Lin (China expert)

Output:

Report:
J Peel, H Osofsky, J Lin,
Children's Investment Fund Foundation: ClientEarth Phase 2 Investment – Mid-line Evaluation Report, University of Melbourne Publication (2019)

Book Chapter:
J Peel, H Osofsky, C Voight, Litigation as a Climate Regulatory Tool in *International Judicial Practice of the Environment: Questions of Legitimacy*, Cambridge University Press (2019)

Conferences:
Title: Climate Change Litigation
Conference name: Presentations to Supreme People's Procuratorate and Supreme People's Court, Beijing
April 2019

Convenor
Conference name: Focus group on impact of strategic climate litigation
June 2019

Evaluation team presentation to Supreme People's Procuratorate, Beijing, China, April 2019

Evaluation team presentation to Supreme People's Procuratorate, Beijing, China, April 2019

Left: Evaluation team presentation to Supreme People's Court judges, Beijing, China, April 2019

Regulating Cumulative Environmental Effects: Designing Global Best Practice

Discovery, Early Career Research Awards (2018-2021)

Our thorniest legal environmental issues are the large-scale, insidious, often slow-motion environmental tragedies that have many authors, large and small. Climate change, overuse of scarce freshwater and urban air pollution are often intractable and seemingly diverse problems, but they all suffer from the 'thousand cuts' of multiple actors causing harms that aggregate and interact in ways that threaten people and ecosystems. This project analyses why these types of environmental problems are so difficult to manage, distils the key ways that current laws try to tackle them, and proposes a general framework for assessing and improving environmental and natural resources laws for dealing with them.

Awardee: Dr Rebecca Nelson

Project Outputs:

Book Chapters:
Ayodele Olagunju, Divine Appiah, Paulina Maria Porto Silva Cavalcanti, Bridget Durning, Juan Carlos Tejeda González, Jason MacLean, Richard Morgan, and Rebecca Nelson, "Cumulative effects assessment requirements in selected developed and developing countries" in Jill A.E. Blakley and Daniel M. Franks (eds.), *Handbook of Cumulative Impact Assessment* (Edward Elgar, 2021) 21-42, DOI: https://doi.org/10.4337/9781783474028.00012.

Rebecca Nelson, "Challenges to Improved Integrated Management of the Murray-Darling Basin" in Barry Hart, Nick Bond, Neil Byron, Carmel Pollino and Mike Stewardson (eds), *The Murray-Darling River System: Its Future Management from Catchment to Coast* (Elsevier, 2020) 339-362, https://doi.org/10.1016/B978-0-12-818152-2.00016-4.

Journal Articles:
Rebecca Nelson, "Regulating Hidden Risks to Conservation Lands in Resource Rich Areas" (2021) 43(2) University of Queensland Law Journal 491-530. DOI: https://doi.org/10.38127/uqlj.v40i3.6217.

Protecting Streams in Our Cities: Scoping the 'State of Knowledge' Relevant to the 'General Environmental Duty' and Stormwater

Melbourne Sustainable Society Institute (2020-2021)

The project analyses the operation of Victoria's general environmental duty under the Environment Protection Act 2017 (Vic), in particular, the challenges and opportunities posed by the concept of the 'state of knowledge' to addressing problems of urban stormwater management.

Team Members: Yung En Chee, Chris Walsh, Rebecca Nelson, Anna Kosovac, Bruce Lindsay, Dru Marsh, Rhys Coleman, Sonny Neale, Leon Metzeling, Susan Lengyel, Roger Jones, Jamie Ewert, Tim Fletcher

Project Outputs:

Book Chapter:
Steve Barnett, Craig T. Simmons and Rebecca Nelson, "Groundwater Resources in Australia – Their Occurrence, Management and Future Challenges" in Abhijit Mukherjee et al. (eds), *Global Groundwater: Source, Scarcity, Sustainability, Security and Solutions* (Elsevier, 2020) 35-46.

Rebecca Nelson, Steve Barnett and Ann Kollmorgen, "History of Groundwater Management in Australia" in Jean-Daniel Rinaudo, Cameron Holley, Marielle Montginoul and Steve Barnett (eds), *Sustainable Groundwater Management: A Comparative Analysis of French and Australian Policies and Implications to Other Countries* (Springer, 2020) 129-141, DOI 10.1007/978-3-030-32766-8.

Journal Articles:
Erin O'Donnell and Rebecca Nelson, "Shield Science for Robust Decisions" (2020) Nature Sustainability https://doi.org/10.1038/s41893-020-0541-6.

A. R. Siders, Cassandra M. Brooks, Amanda E. Cravens, Rebecca L. Nelson, Dan R. Reineman and Nicola Ulibarri, "How to beat isolation? Academic Feedback Groups Fit the Bill, and Promote Growth as Scholars and Humans" (2020) 582 Nature 597-8.

Aboriginal water reserve in the Northern Territory

This research project was a response to the emergence of water governance models in the Northern Territory that have the objective of increasing Aboriginal Peoples' access to and management of water.

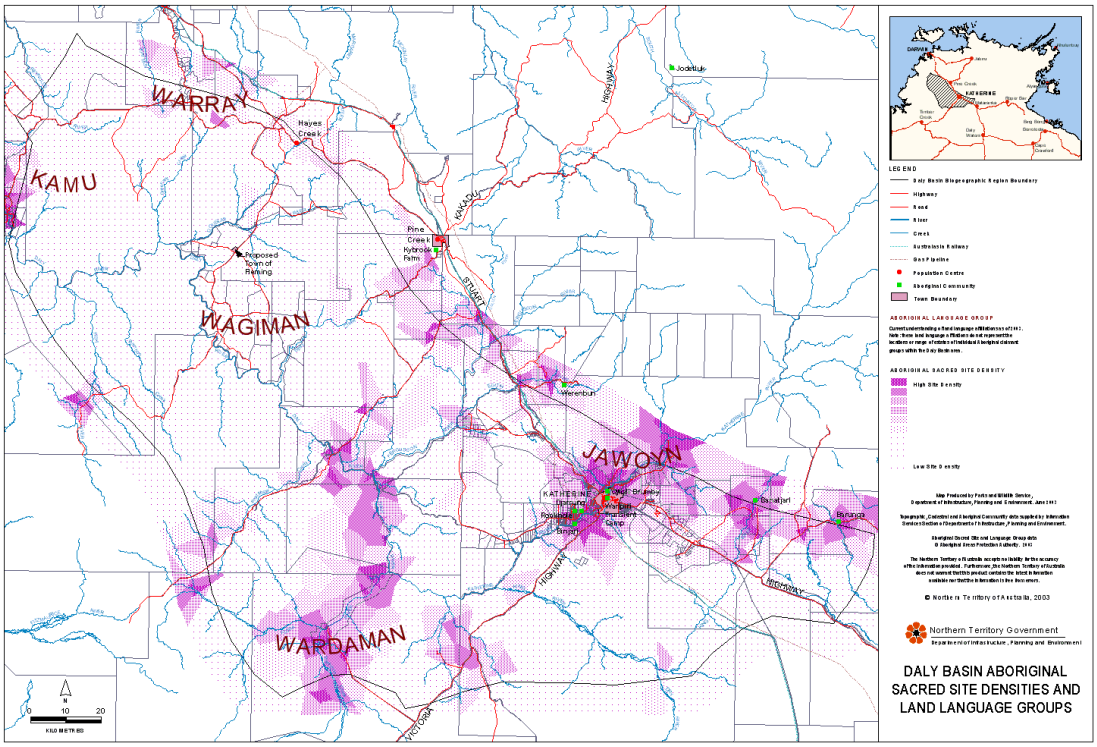
Water both surface water and groundwater (which is a vital source of water in many parts of the Territory) holds great cultural significance for Aboriginal peoples in terms of connection to country as well as holding great potential to support culturally appropriate economic development.

The team led by Dr Erin O'Donnell with Professor Sue Jackson, Griffith Rivers Institute and Professor Lee Godden was engaged by the Northern Land Council (NLC) to develop some high level options for the management of the Strategic Aboriginal Water Reserve, as it is increasingly made available across the Northern Territory.

In the Northern Territory, the territory government has established the Strategic Aboriginal Water Reserve (SAWR), which is 'a reserve of water allocated in a water allocation plan for Aboriginal economic development in respect of eligible land'.

The Strategic Aboriginal Water reserve is an innovative governance model but exactly how it will be implemented to ensure the most appropriate protections and opportunities for all Aboriginal peoples is still to be worked through.

The team investigated how the Strategic Aboriginal Water Reserve model might be implemented in a specific area in the Territory where there are several language groups in the Daly river basin (see below). The focus was on the Oolloo Aquifer Water Allocation Plan (WAP).



Source: Northern Territory Government.

Melbourne Climate Futures

Following the 2019-2020 Black Summer bushfires, the University of Melbourne (UoM) identified climate change as the first global challenge to be addressed under the 'Advancing Melbourne 2030' strategy. The Melbourne Climate Futures (MCF) initiative, led by Director and Professor at the Melbourne Law School, Jacqueline Peel, was established in 2021 to lead on this challenge. MCF builds on decades of UoM climate research, bringing together academics from access disciplines to develop practical outcomes for the challenges ahead.

MCF has three strategic objectives:

- Platform – leveraging the breadth and depth of UoM's climate research capability, convening power and partnerships for meaningful impact.
- Portal – enabling access to UoM climate research and expertise for external stakeholders and research end-users to collaborate, including in the Indo-Pacific region.
- Pathway – empowering the next generation of researchers and students to strive for a sustainable climate future, while also working with UoM to ensure it is a world leader in decarbonisation.

Highlights from MCF in 2021 included:

- Official launch of the initiative by Vice Chancellor, Duncan Maskell, on 23 March 2021 as part of an all-day, high profile event.
- Awarding 'sapling' funding to eight diverse projects that bring together inter-disciplinary teams from across the University with a range of external partners through the 'Climate Research Accelerator' (CRX) funding.
- Growing the Climate Futures Research Cluster as a network of cross-disciplinary climate change researchers from across the UoM.
- Collaborating with leadership from UoM faculty-based researchers to enable MCF's 10 thematic research programs, including the Law and Litigation program through projects such as the Australian Climate Litigation Database.
- Advising and leading on establishing ambitious UoM carbon targets and on the UoM Sustainability Plan 2030, and using the campus as a living lab for innovation on decarbonisation.

Research Supervisions

Graduated or completed in

2021

Sebastian Rioseco
The Influence of Conferences of the Parties of the Content and the Implementation of Their Parent-Treaties
Supervisors: Professor Margaret Young and Professor Hilary Charlesworth

James Bond
The Materiality of Expertise
Supervisors: Dr Brian Cook and Professor Lee Godden

Mohammad Islam
Crafting Legal and Institutional Frameworks for groundwater resources of Bangladesh: From Overexploitation to Sustainable Abstraction
Supervisors: Professor Lee Godden and Associate Professor Rebecca Nelson

2020

Alice Palmer
The Aesthetics of Image in International Environmental Law
Supervisors: Professor Lee Godden and Professor Shaun McVeigh

Penelope Gleeson
Dope, Drugs, and Devices: The Political Legitimacy of Therapeutic Goods Regulation in Australia
Supervisors: Professor Christine Parker and Associate Professor M. Taylor Sands

Kobi Leins
International Law Applicable to the Use of Nanomaterials in War
Supervisors: Professor Christine Parker and Professor Alison Duxbury

Commenced in

2021

Roanna McClelland
Rights to Water or Rights of Water? Examining the use of the Human Right to Water and Rights for Rivers at the local level
Supervisors: Professor Lee Godden and A/Professor Rebecca Nelson

2020

Samantha Tang
Shareholder Power and the Public Interest
Supervisors: Professor Christine Parker and Professor R Langford

Ella Vines
At the Coalface: Legal Constraints on Coal Mining After the Paris Agreement

Supervisors: Professor Jacqueline Peel and Professor Margaret Young

Ongoing Supervision

Ashleigh Best
Animals, Disasters and Legal Status: Contributing to and Correcting Vulnerability
Supervisors: Professor Christine Parker and Professor Lee Godden

Lev Bromberg
Australian Farm Animal Welfare Regulation: Preventing Unnecessary Suffering, Providing Animals with a Life Worth Living, or Neither?
Supervisors: Professor Christine Parker and Professor Tess Hardy

Nicholas Ampt
Zoorisprudence: How Should the Law treat Animals?
Supervisor: Professor Christine Parker and Professor K. Jones

Ma. Niña Blesilda Araneta-Alana
Climate Finance and the Philippines: A Legal and Critical analysis of rules, Institutions and Structures
Supervisor: Professor Margaret Young and Professor Sundhya Pahuja

Sarah Barker
Director's Liability for Corporate Responses to Climate Change A Comparative Study of Australian, US and UK Law
Supervisor: Professor Jacqueline Peel

Sophie Lamond
Campus Food Revolutions: Investigating Policy and Projects for Food System Transformation in US Universities
Supervisors: Professor Christine Parker and Professor John Howe

Daria Vasilevska
Pollution of the Marine Environment by Plastic: Comparative Approach in International, European and Comparative Law
Supervisor: Professor Margaret Young and Professor S. Maljean-Dubois

Alexis Ian Dela Cruz
The Imperial Sea: Imaginaries of ocean rule of law and development
Supervisors: Professor Sundhya Pahuja and Professor Margaret Young

Xiaoxuan Chen
Coastal Management, Community Resilience, and the Law: A Comparative Analysis of Shandong Province in China and the State of Victoria in Australia
Supervisors: Professor Margaret Young and Professor Sarah Biddulph

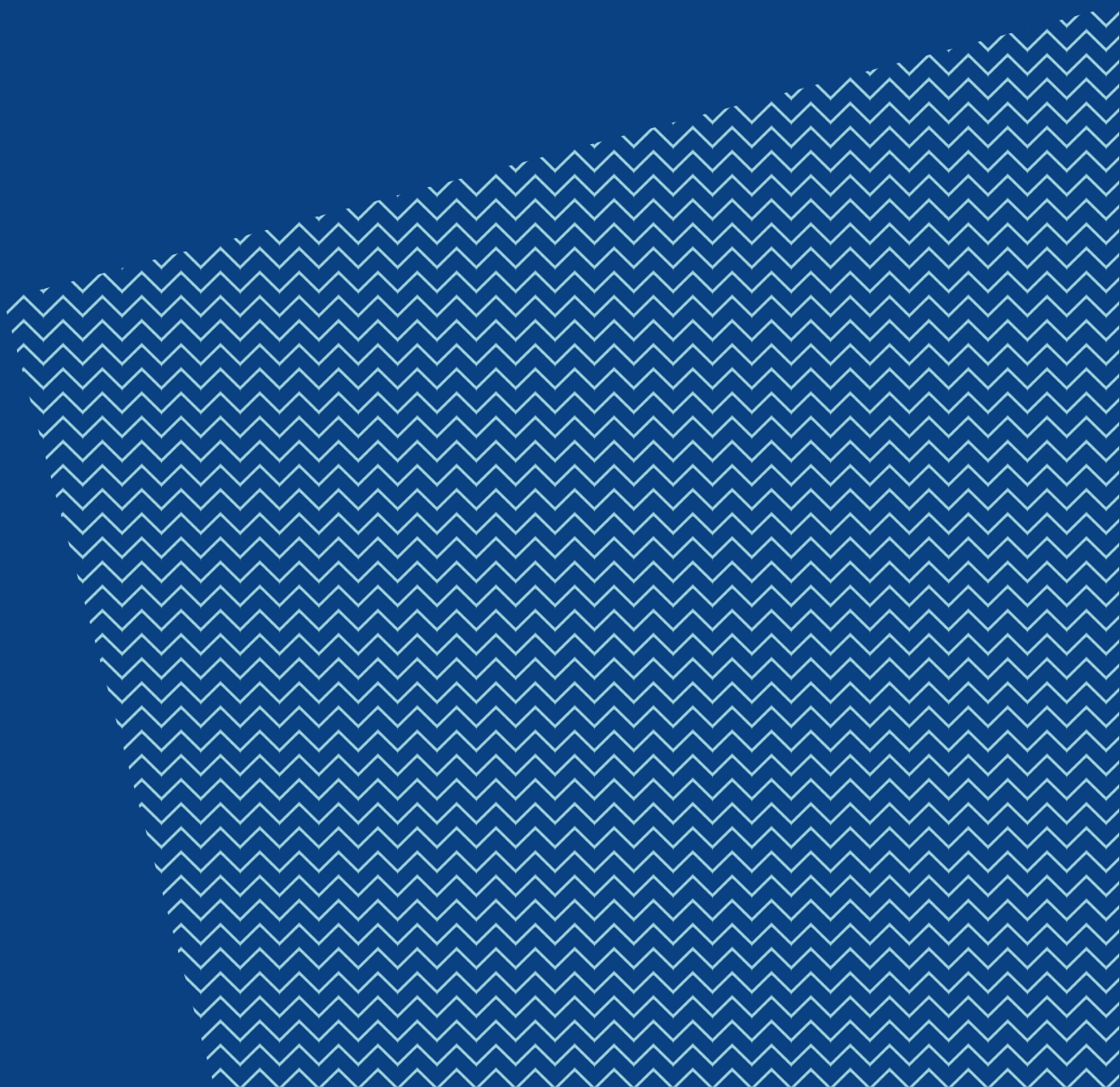
Vernon Rive
Scattered laws, scattered lives: a regimes analysis of legal and policy responses to climate change-related displacement, migration and relocation in Oceania
Supervisors: Professor Margaret Young and Professor Michelle Foster

Richard Hainbach
Renewable Energies in International Trade and Investment Law
Supervisors: Professor Jurgen Kurtz and Professor Margaret Young

Juliette McIntyre
Procedures of the International Court: Theory, Function and Practice
Supervisors: Professor Hillary Charlesworth and Professor Margaret Young

Teaching

Master of Environment Law
Master of Energy and Resources Law
JD and Breadth Subjects



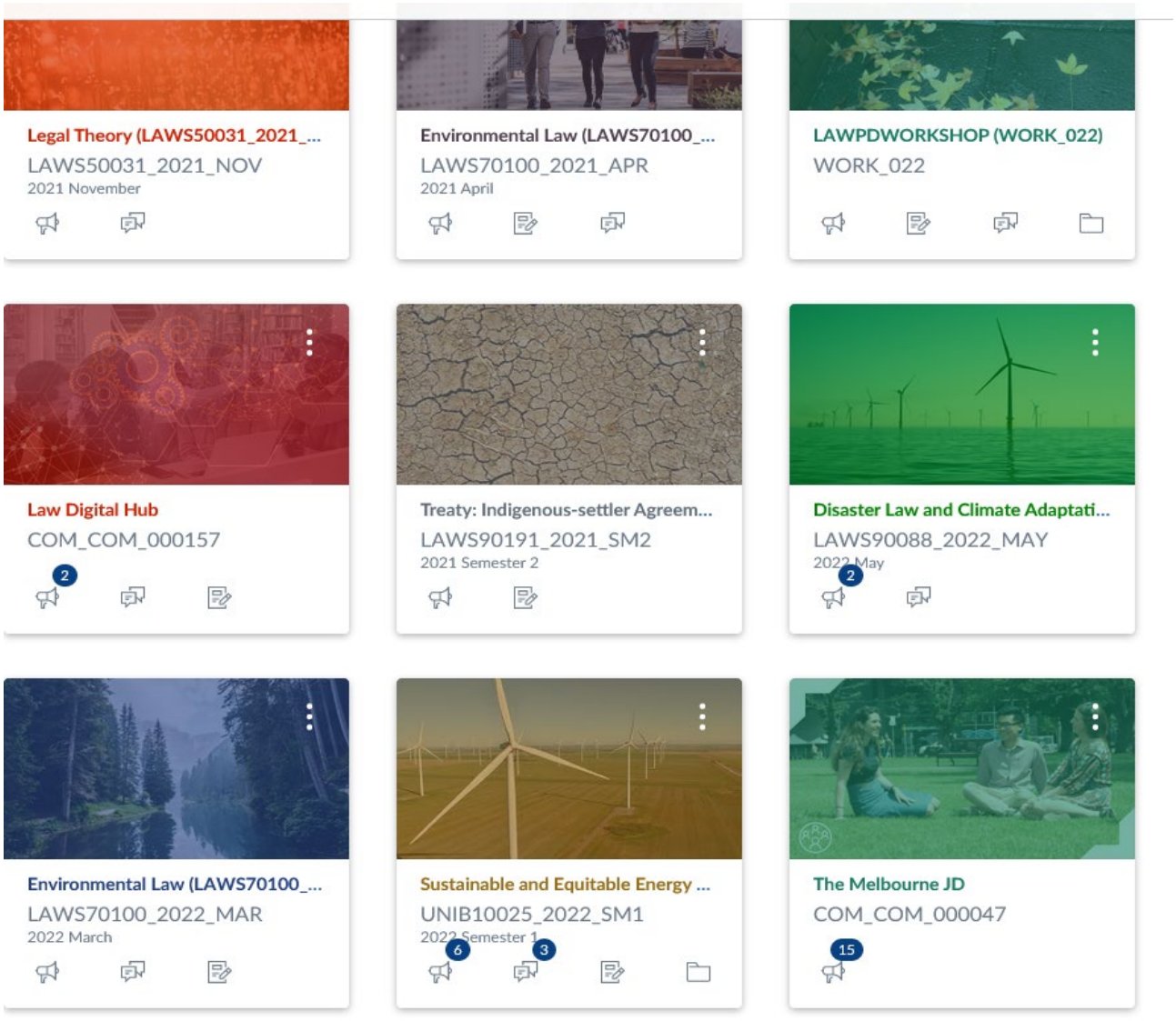
Teaching

Across the University, along with the implementation of lockdown from the Victorian Government, our programs were taught fully online during 2020 and 2021.

This was a significant challenge for all teaching staff but the two CREEL related Melbourne Law Masters programs were able to provide a suite of online subjects for each program at short notice in 2020 and expanded the range of online offerings in 2021.

Similarly, CREEL academic staff contributed to the JD and Breadth subjects. Brad Jessup contributed to the JD environmental law electives while a new sustainable and equitable energy Breadth subject was taught by an interdisciplinary team including law in second semester 2021.

CREEL academic staff were initiated into a world of producing video recorded lectures, unravelling the mysteries of zoom presentation technology and were assisted by a team of educational technology specialists to produce innovative online subject sites that included blogs, discussion boards and even student produced videos as class presentations.



Master of Environmental Law

Master of Environmental Law Subjects 2021

Subject Name	Lecturer/s	Sem	Dates
Animal Law and Policy	Christine Parker, Joyce Tischler	1	Intensive – Apr
Climate Change Law	Margaret Young	1	Intensive - May
Disaster Law and Climate Adaptation	Lee Godden	2	Intensive - Jul
Environmental Law (MLM)	Lee Godden and Laura Schuijers	1	Intensive – Apr
International Environmental Law	Alice Palmer, Sam Johnston	2	Intensive - Aug
Regulation Policy Practice	Christine Parker & Tess Hardy	2	Intensive - Aug
Environmental Law (OEP)	Alice Palmer, Brendan Sydes	2	Intensive - July

Master of Environmental Subjects Law 2020

Subject Name	Lecturer/s	Sem	Dates
Climate Change Law	Margaret Young	1	Intensive - May
Environmental Law (MLM)	Lee Godden	2	Intensive - Aug
International Environmental Law	Jacqueline Peel, Sam Johnston, Alice Palmer	2	Intensive - Aug
Space, High Seas, Seadbed & Antartic Law	Sam Johnston, René Lefeber	2	Intensive - Dec
Toxics, Waste and Contamination Law	Brad Jessup	2	Intensive - Aug
Water Law and Natural Resources Management	Lee Godden, Rebecca Nelson, Erin O'Donnell	2	Intensive -– Sep
Environmental Law (OEP)	Alice Palmer, Brendan Sydes	2	Intensive - July

Master of Energy and Resources Law

Master of Energy and Resources Law Subjects 2021

Subject Name	Lecturer/s	Sem	Dates
Climate Change Law	Margaret Young	1	Intensive - May
Energy Regulation and the Law	Michael Crommelin, Terence Daintith	1	Intensive - Nov
Environmental Law	Lee Godden	2	Intensive - Apr
International Environmental Law	Alice Palmer, Sam Johnston	2	Intensive - Aug
Law of the Sea	Margaret Young, Sam Johnston	2	Intensive - Oct
Major Project Delivery: Legal Interfaces	Jeremy Chenoweth, Kiri Parr	2	Intensive - Jul
Mineral and Petroleum Law	Michael Crommelin, Cameron Rider	1	Intensive - Mar
Project Finance	Michael Tuckfield	2	Intensive - Oct
Resources Joint Ventures	Michael Crommelin AO, Cameron Rider	1	Intensive - May

General MLM Subjects 2021

Subject Name	Lecturer/s	Sem	Dates
Comparative Indigenous Rights	John Burrows	1	Intensive - Apr
Fundamentals of the Common Law	Andrew Roberts, Arlen Duke	1 & 2	Intensive – Mar, May, Jul, Sep
International Commercial Arbitration	Richard Garnett	2	Semester long
International Economic Law	Tania Voon, Shin-yi Peng	2	Intensive - Apr
International Legal Internship	Bruce Oswald CSC, John Tobin	1 & 2	Semester long
International Sustainable Finance	Jan Job De Vries Robbe	1	Intensive - Mar
Law and Public Administration	Jason Varuhas, Cheryl Saunders	2	Intensive - Sep

Subject Name	Lecturer/s	Sem	Dates
Public Private Partnerships Law	Owen Hayford	1	Intensive – Mar

Master of Energy and Resources Law Subjects 2020

Subject Name	Lecturer/s	Sem	Dates
Climate Change Law	Margaret Young	1	Intensive - May
Energy Regulation and the Law	Michael Crommelin, Peter Rose	1	Intensive - Mar
Environmental Law	Lee Godden	2	Intensive - Aug
International Environmental Law		2	Intensive - Aug
Major Project Delivery: Legal Interfaces	Jeremy Chenoweth, Kiri Parr	2	Intensive - Jul
Mineral and Petroleum Law	Michael Crommelin, Cameron Rider	1	Intensive - Apr
Project Finance	Michael Tuckfield	2	Intensive - Oct
Resources Joint Ventures	Michael Crommelin AO, Cameron Rider	2	Intensive - Sep
Space, high Seas, Seabed & Antarctic Law	Sam Johnston, René Lefeber	2	Intensive - Dec
Toxic, Waste and Contamination Law	Brad Jessup	2	Intensive - Aug
Water Law & Natural Resources Management	Lee Godden, Rebecca Nelson, Erin O'Donnell	2	Intensive - Sep

General MLM Subjects 2020

Subject Name	Lecturer/s	Sem	Dates
Comparative Indigenous Rights	John Burrows	1	Intensive - Apr
Fundamentals of the Common Law	Arlen Duke, Julian Sempill, Erica Grundell, Judy Bourke, and Raelene Harrison	1 & 2	Intensive – Feb, Mar, Apr, Jul Semester long
Government Liability	Jason Varuhas	2	Intensive - Aug

Subject Name	Lecturer/s	Sem	Dates
International Commercial Arbitration	Richard Garnett	1 & 2	Intensive – Nov Semester 1
International Economic Law	Shin-yi Peng	2	Intensive - Sep
International Legal Internship	Bruce Oswald CSC, John Tobin	1 & 2	Semester long
International Law, Sustainability and Development	Alice Palmer, Usha Natarajan	2	Intensive - Oct
Law and Public Administration	Jason Varuhas, Richard Rawlings	2	Intensive - Sep
Public Private Partnerships Law	Owen Hayford	1	Intensive – Jun

JD and Breadth Subjects

2021

Subject Name	Lecturer/s	Sem	Dates
Environmental Law	Brad Jessup	1	Semester 1
Animals and the Law	Christine Parker, Katy Barnett	2	Intensive - Nov
Treaty: Indigenous-settler Agreements	Shaun McVeigh, Ann Genovese	2	Semester 2
Sustainability Business Clinic	Brad Jessup	2	Semester 2

2020

Subject Name	Lecturer/s	Sem	Dates
Environmental Law	Alice Palmer	2	Semester 2
Treaty: Indigenous-settler Agreements	Shaun McVeigh, Ann Genovese	2	Semester 2

Engagement

Events
Reading Groups
Honours and Awards
Consultancy Works
Media Mentions

Events

We navigated 2020 through the COVID-19 outbreak and as a result many events have been cancelled, postponed or moved online. In 2020, CREEL held its inaugural Annual Lecture delivered by Mr Brendan Sydes (former Director of EJA). The Graduate Researchers Seminar series kicked off in the same year, led by one of CREEL's Graduate Researchers, Ashleigh Best. The seminars evolved to an international workshop co-hosted with the UNSW under Ms Best's leadership. We also held a Sustainable Food Seminar series, and our first online film screening, in collaboration with People of the Living Moorabool in 2021.

Graduate Researchers Seminar

Addressing Marine Plastic Pollution Through Regulating the Trade and Transport of Plastic Waste: The European Union's Approach

In this CREEL graduate researchers' seminar, Daria Vasilevskaia presented her draft conference paper, "International and Regional Legal Framework Related to Trade in Plastic Waste".

In her draft paper, Daria argues that a better regulation of international trade of plastic waste is needed to reduce marine pollution by plastic which is a major environmental threat. In the paper she provides an overview of the following questions: why is it important to better regulate trade in plastic waste; existing international instruments and possible improvements; regional perspective: can EU be a role model for international law and national legislators?

Monday, 30 November 2020, 1.00-2.00pm, Online

Speaker: Daria Vasilevskaia

Chair: Professor Lee Godden

Informing and Influencing the Policy Agenda

Following on from Daria Vasilevskaia's engaging seminar on trade and marine plastic pollution last November, the second instalment of CREEL Graduate Researcher Series was delivered by a recently completed PhD Candidate, James Bond. James talked about the concept of expertise and how it can inform policy. The session also discussed how one might engage policy-makers, and avenues through which our research and findings might come to have real-world application.

The session was facilitated by Professor Lee Godden. Lee has had experience in working on several collaborative projects with government and in policy and legal reform.

Friday, 12 February 2021, 1.00-2.00pm, Online

Speaker: James Bond

Chair: Professor Lee Godden

Environmental Law Doctoral Researchers' Workshop 2021

Melbourne Law School's Centre for Resources, Energy and Environmental Law and UNSW Sydney's Faculty of Law & Justice co-hosted the first Environmental Law Doctoral Researchers' Workshop online.

The Workshop intended to provide an opportunity for PhD researchers in environmental law to share their research in a relatively informal and supportive context, get feedback on their work from peers, and build connections with other emerging researchers in the field. The workshop heard from 24 PhD candidates discussing their research in environmental law. Workshop participants came from universities in Australia, Brazil, Canada, the Netherlands, New Zealand, South Africa and the

United Kingdom. We also had the opportunity to hear from and engage with four established environmental law scholars at different stages of their careers, about skills that are central to their craft: publishing widely and in different formats; and remaining optimistic and focussed notwithstanding the pressing environmental challenges we face.

This inaugural workshop was organised by Ashleigh Best, University of Melbourne; Caterina Guidi and Alice Bleby, University of New South Wales. Along with UNSW, we committed to continue our supports for this workshop in the coming years.

Tuesday 6 July and Wednesday 7 July 2021, Online

View the full workshop program and report summarising the presentations and discussions.

Handbook of Property, Law and Society Workshop

This workshop was part of the ARC Discovery Property as Habitat: Reintegrating Place, People and Law (2019-2021). The project aims to produce an original account of property law that will connect it to place and human relationships.

The workshop was held online for approximately 40 international participants and due to different time zones, it was spread into four parts in three days. The Authors presented their abstracts for the handbook under four distinctive themes:

1. Dispossession, Development and Displacement
2. Homes, Housing and Communities
3. Places, Resources and Environments
4. Power and Territory

8-10 December 2020, 8.00-11.00am, online

Conveners: Professor Lee Godden, Professor Margaret Davies (Flinders University) and Associate Professor Nicole Graham (University of Sydney)

Sustainable Food System Seminar Series

The Sustainable Food System project was funded by the Melbourne Sustainable Society Institute. The seminar series was co-hosted by the Centre for Resources, Energy and Environmental Law with the Future food Hallmark Research Initiative at the University of Melbourne, the Faculty of Veterinary and Agricultural Sciences, the Deakin University Institute for Health Transformation, and the Global Obesity Centre at Deakin University.

Cell Based Meat and the Future of Food: Policy and Politics

In the first seminar series, Professor Warner presented her research on the production of alternative proteins and the development of sustainable, healthy and affordable protein products as Chair of the University of Melbourne's Future Food Hallmark Research Initiative. She drew on the major research themes of the project, including human nutrition, life cycle analysis and water footprints, food science and engineering, consumer science, food policy and labelling to discuss how we may produce the meat, and 'meat', of the future.

Dr Johnson (Queensland University of Technology) presented findings from her two socio-legal studies on cell-based meat and the law and discussed potential directions for the Australian regulation of cell-based products. She analysed existing intellectual property trends in cell-based products identifying implications for the future of the material, for its regulation and for broader societal outcomes.

Dr Johnson also outlined the findings of an analysis of the USDA-FDA Joint Public Meeting on Use of Animal Cell Culture Technology (2018) to explore the underlying assumptions and positions of key stakeholder groups. Drawing on these investigations, and her broader work in novel proteins, Hope will explore potential ways in which cell-based products will be regulated in Australia.

Friday, 2 July 2021, 12.30-1.45pm, Online

Speakers: Professor Robyn Warner (University of Melbourne) and Dr Hope Johnson (QUT)

Chair: Professor Christine Parker

Growing Regenerative Agriculture – pathways and potential for scaling up

There was a surge of interest in regenerative agriculture as a way of addressing multiple crises relating to climate change, soil and biodiversity. Adopting regenerative farming approaches has the potential to reduce GHG emissions and generate significant environmental and social co-benefits. But what's the potential for scaling up regenerative agriculture at a national or global scale and how can we achieve it?

In the second seminar, a panel of experts and practitioners explored the potential to scale up regenerative agriculture, the pathways and challenges to scaling up and the policies and government support. The discussion was moderated by Professor Rod Keenan from the University of Melbourne.

Watch the recording through this link.

Friday, 30 July 2021, 12.30-1.30PM, Online

Speakers:

Dr Charles Massy (Severn Park)
Mark Gardner (Regenerative Agriculture consultant, Vanguard Business Services)
Serenity Hill (Open Food Network)
Ross Davey (Central Victorian Regenerative Farmers)

Chair: Professor Rod Keenan (University of Melbourne)

Leveraging Responsible Investment for Sustainable Heathy Food Systems

This one-hour webinar presented the results of a recent research study designed to explore the extent to which responsible investment practices in Australia currently support sustainable and healthy food systems. The aim of this webinar was to highlight the potential role of superannuation funds and other investors in contributing to sustainable and healthy food systems and discuss current practice and potential opportunities for increasing action on sustainable and healthy food systems in Australia and globally. The Q&A was moderated by A/Prof Gary Sacks from Deakin University.

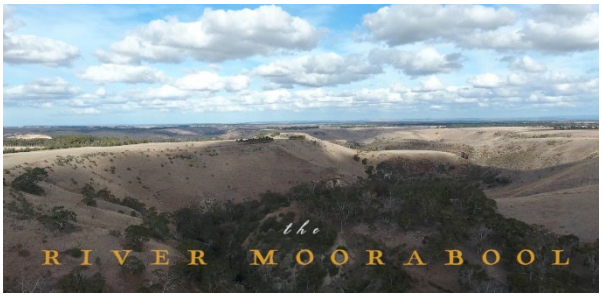
View the recording of the webinar summarising the findings.

Thursday, 19 August 2021, 12.30-1.30PM, Online

Speakers: Professor Christine Parker (University of Melbourne), Dr Rachel Carey (QUT) and Ms Ella Robinson (Deakin University)

Chair: Associate Professor Gary Sacks (Deakin University)

The Melbourne Launch of the River Moorabool Film



The online screening (48min) was followed with a Q&A session with a panel and moderated by Dr

Erin O'Donnell. "the River Moorabool" was made by People for A Living Moorabool and Sheoaks Films. This compelling film explores the consequences of water demands on the Moorabool River, particularly in the face of climate change. It features interviews with local landowners, scientists, and healthy river advocates.

Thursday, 23 September 2021, 12.30-2.00pm

Panelists:

Peter Stray (farmer and President of the Geelong Landcare Network)

Associate Professor Rebecca Nelson (CREEL)

Cameron Steele, Coordinator People for A Living Moorabool (PALM)

Stephen Oakes, film producer, SheOaks films (vimeo.com/sheoaksfilms)

Juliet Le Feuvre (Healthy Rivers Campaigner)

Barry Gilson (Wadawurrung)

Chair: Dr Erin O'Donnell (University of Melbourne)

CREEL Annual Lectures

Courting controversy: Reflections on the evolution of Australian public interest environmental law

This inaugural annual lecture was delivered by Brendan Sydes (former Director of Environmental Justice Australia). "The capacity and influence of public interest environmental laws continue to increase, and the scope and nature of the public interest environmental law agenda continue to evolve". Reflecting on 15 years of leadership of the Environment Defenders Office (EDO) Victoria and Environmental Justice Australia, Brendan Sydes shared his thoughts on these developments and the challenges the future holds. Lauren Butterly (EDO) was the discussant and Prof. Lee Godden chaired the event. The lecture's recording is available to view on the CREEL website.

Thursday, 12 November 2020, 5.00-6.30pm, online

Speaker: Brendan Sydes (Former Director of Environmental Justice Australia)

Discussant: Lauren Buterly (EDO)

Chair: Professor Lee Godden (CREEL)

Comparative Climate Change Litigation: Canada and Australia

The 2021 CREEL Annual Lecture was delivered by Emeritus Professor Nigel Bankes (University of Calgary). Professor Bankes explored the comparisons between climate change litigation in Canada and Australia. The Q&A session was chaired by Professor Lee Godden (Melbourne Law School).

Tuesday, 23 November 2021, 11.00am-12.00PM

Speaker: Emeritus Professor Nigel Bankes (University of Calgary)

Chair: Professor Lee Godden (CREEL)

Visit the CREEL webpage to view the recordings.

CREEL Reading Groups

Reading groups that were convened by our members:

- Animal Reading Group, hosted by the Australasian Animal Law Teachers and Researchers Association (AALTRA) and CREEL. The Reading Group met three times during Semester 2 of 2021, led by Professor Christine Parker.

Professor Christine Parker

- Anthropocene Reading Group, hosted by the Institute for International Law and the Humanities. The group meets fortnightly to discuss the changing relationship between law and ecology and critical approaches to rights and obligations in the Anthropocene. The Reading Group is interdisciplinary and cross-institutional. In 2021, it was co-convened by Dr Kathleen Birrell CREEL Post-doctoral McKenzie Fellow and MLS PhD Candidate Tim Lindgren

Consultancy Projects

PacWastePlus Project Legislative Review and Assessment of Environmental & Waste Legislative Environment in 15 Pacific Island countries for the PacWastePlus Project.

A team from Melbourne Law School led by CREEL researchers completed the PacWaste Plus Legislative Review and Assessment project for the Secretariat of the Pacific Regional Environment Programme (SPREP) from late 2019 to June 2020. SPREP is working with the European Union's Delegation to the Pacific, and 14 Pacific Island Countries and Timor-Leste to undertake the PacWaste Plus Project, which seeks to improve and enhance waste management activities and the capacity of governments, industry and communities to manage waste to reduce the impact on human health and the environment. The PacWaste Plus programme seeks to generate improved economic, social, health and environmental benefits for Pacific Island Countries arising from stronger regional economic integration and the sustainable management of natural resources and the environment. The CREEEL team comprised Professor Jacqueline Peel, Professor Lee Godden, Ms Alice Palmer and Ms Rebekkah Markey-Towler with waste-related technical assistance from Associate Professor Laura-Lee Innes at Monash University and library research support from Ms Robin Gardner and the Academic Research Service. Ms Astari Kusumawardani, the CREEL administrator, provided financial and travel planning assistance to the team. The team worked in close collaboration with SPREP personnel to undertake the reviews which involved assessing the waste and environmental laws and governing institutions in the 15 participating countries: Cook Islands, Democratic Republic of Timor-Leste, Federated States of Micronesia, Fiji, Kiribati, Nauru, Niue, Palau, Papua New Guinea, Republic of the Marshall Islands, Samoa, Solomon Islands, Tonga, Tuvalu, Vanuatu. The CREEL team undertook a total of 60 interviews with in-country stakeholders in the participating countries;, including government staff and legal counsel, both in person and then by remote means as COVID-19 travel restrictions were imposed to safeguard these nations. The project involved extensive legal research in jurisdictions where sometimes the relevant laws were difficult to locate and the Academic Research service working in conjunction with the CREEL team were able to identify and collate these laws, building a valuable research resources and establishing research networks in the pacific nations and Timor Leste.

The team produced seven substantial reports during the project including a stocktake of existing legislation and polices for each country and pipeline activities, legislative, capacity and needs assessments, together with a regional solutions report exploring possible interlinkages in managing wastes between the nations, and a final set of national options papers.

The project provided the opportunity to develop strong research and engagement links in the Pacific and Timor-Leste that the team will seek to build on in future research and scholarship.

Waste disposal in Nauru, photos by Alice Palmer

Ocean Governance Capacity Building Training Program – Online Workshop for the Africa Region

Melbourne Law School has partnered with the World Bank, the UN Division for Oceans Affairs and the Law of the Sea (DOALOS), the UN Food and Agriculture Organization and the International Seabed Authority to deliver a training program on Ocean Governance. The online workshop is intended to build capacity in ocean governance for country participants and World Bank officials. A successful workshop was provided to participants in the Pacific region in April 2021. A second workshop tailored to African participants was delivered in September-October 2021. Professor Margaret Young and Sam Johnston, MLS Senior Fellow and CREEL member, led the training from the MLS.

United Nation Environmental Program Environmental Rule of Law Report

In 2021, MLS/CREEL team (Professor Jacqueline Peel, Project Supervisor and Dr Alice Palmer, Project Manager, together with Professor Lee Godden, Associate Professor Rebecca Nelson and Dr Brad Jessup, with research assistance from Rebekkah Markey-Towler) engaged by UNEP to review the draft UNEP Global Report on Environmental Rule of Law. Expected to be finalised in 2022, the Report will be the second edition, providing a data-informed assessment of the status of and global trends on environmental rule of law, good practices in the implementation of environmental rule of law, and recommendations for future directions. The Report will establish benchmarks and identify opportunities for future action and collaboration among stakeholders.

United Nation Environmental Program COVID Waste

In the first half of 2021, the United Nations Environment Programme contracted with a team from the Melbourne Law School to develop guidance to support countries in their efforts to develop or revise their legislation and policies so as to encourage integrated waste management considerations in times of pandemic. The guidance built upon existing waste management guidelines issued by international organisations and compliments the existing UNEP 2016 Guidelines for Framework Legislation for Integrated Waste Management. The team analysed national experiences of measures adopted for COVID-19 waste management and highlighted the different legislative and policy approaches countries took to deal with waste management challenges during the COVID-19 pandemic. The final report provides guidance for countries in developing or revising legislation and strategies to facilitate an integrated waste management approach to pandemic waste. The team consisted of Professor Jacqueline Peel, Professor Lee Godden, Dr Alice Palmer and Ms Rebekkah Markey-Towler, with support from the Library Academic Research Service.

South Central Urban Water Market Trial: Review

The project was funded by the Victorian Department of Environment, Land, Water and Planning in 2020. Rebecca Nelson, Erin O'Donnell, Darren Sinclair and Cameron Holley were engaged in a project to analyse the basis for a bulk urban water market in South Central Victoria, drawing on regulatory and market theory, and comparative experiences of urban water markets in other jurisdictions.

Reports:

- Rebecca Nelson, Darren Sinclair, Erin O'Donnell, and Cameron Holley, South Central Urban Water Market Trial: Review and Foundations, 2020, Report to the

Victorian Department of Environment, Land, Water and Planning, 23pp.

- Cameron Holley, Rebecca Nelson, Erin O'Donnell and Darren Sinclair, South Central Urban Water Market Trial: International Experiences, 2020, Report to the Victorian Department of Environment, Land, Water and Planning.

Honours and Awards

Professor Margaret Young – Fellow of The Australian Academy of Law (2021)

Dr Brad Jessup – Early Career Researchers Grant from University of Melbourne (2021)

Best PhD, Australian Legal Research Awards

Ashleigh Best (PhD candidate) – awarded Best New Emerging Researcher's Award at the Global Animal Disaster Management Conference (2021)

Professor Christine Parker – Fellow of the Academy of Social Sciences of Australia (2020)

Dr Rebecca Nelson - Federal Scholar in Residence Award, Eurac Research Institute for Comparative Federalism (Italy) (2020)

Media Mentions Highlights

Academic	News	Media	Date
Lee Godden	The case for an Australian Climate Accord (with Ella Plumanns Pouton and Professor Rod Keenan)	Pursuit	27 October 2021
	Could property law help achieve 'Rights of Nature' for Wild Animals?	The Revelator	18 October 2021
	What do these sacred trees tell us about Aboriginal heritage in Australia?	Sydney Morning Herald	31 October 2020
	Claims major projects are being delayed by environmental 'lawfare' dismissed in new research	The Guardian	19 June 2020
	Calls for review of forestry exemption laws after VicForests conservation breaches	The Guardian	3 June 2020
Lee Godden, Christine Parker & Ashleigh Best	3 billion animals were in the bushfires' path. Here's what the royal commission said (and should've said) about them	The Conversation	9 November 2020
Lee Godden & Erin O'Donnell	Returning water rights to Aboriginal people	Pursuit	6 April 2021
Ashleigh Best	Are we doing enough to protect animals in natural disasters?	Voiceless.org.au	29 March 2021
Jacqueline Peel	What we now know about climate change after 2021	Pursuit	23 December 2021
	Shareholder gets early victory in climate change case against CBA	Australian Financial Review	

Academic	News	Media	Date
	Future of coal under microscope at Glasgow	ABC News	11 November 2021
	Four seismic climate wins show Big Oil, Gas and Coal are running out of places to hide	The Conversation	31 May 2021
	Can legal action force governments and business to respond to climate change?	ABC News	13 February 2020
	Suing for climate action: can the courts save us from the black hole of political inaction?	The Guardian	15 November 2020
	Climate risk: What accountants need to know	InTheBlack	18 September 2020
Jacqueline Peel & Rebekkah Markey-Towler	The investor-led push on climate change	Pursuit	30 November 2020
	'A wake-up call': why this student is suing the government over the financial risks of climate change	The Conversation	27 July 2020
Christine Parker & Lev Bromberg	Australia was planning to phase out caged eggs by 2036, but one state is threatening to derail that	ABC News	4 November 2021
	British, Australian food standard differences causing angst in free trade deal	ABC News	11 June 2021
Erin O'Donnell	University of Melbourne's Erin O'Donnell on the laws recognising rivers as having the legal status of a person	ABC Radio Melbourne	19 October 2021
	Sacred sites and water rights	ABC News	8 October 2021
	Australia's rivers are ancestral beings With Dr Alessandro Pelizzon and Dr Anne Poelina	Pursuit	18 October 2021
	Should rivers have the same rights as people?	The Guardian	25 July 2021
	Australia's water woes offer a preview for Arizona. Will we avoid their mistakes?	AZCentral	29 August 2021

Academic	News	Media	Date
	With Dustin Garrick		
	Victoria just gave 2 billion litres of water back to Indigenous people. Here's what that means for the rest of Australia With Troy McDonald	The Conversation	29 November 2020
Margaret Young	Weakening Australia's illegal logging laws would undermine the global push to halt forest loss	The Conversation	15 December 2021
	Torres Strait8: Australian Islanders in landmark climate fight	BBC news	15 April 2021
Brad Jessup	Adventure tourism accidents and legal liability	ABC Radio National	23 February 2021
Rebecca Nelson	A Major coal mine expansion was knocked back today, but where's the line in the sand? With Pete Dupen	The Conversation	5 February 2021
	Water wells are at risk of going dry in the US and Worldwide	The Conversation	10 May 2021
Laura Schuijers	Climate Science is now more certain than ever. Here's how it can make a difference in Australian court cases	The Conversation	13 August 2021

Presentations at Conferences and Seminars

Academic	Title	Host Organisation	Date
Lee Godden	Presented evidence to the 'Inquiry into Ecosystem Decline in Victoria'	Parliament of Victoria	20 April 2021
Erin O'Donnell	Invited to speak at *Not a drop to drink*	Arts House for Refuge	12-15 May 2021
	The Nexus of Law and Water: Recent developments in the rights if nature and ecocide	IWRA	7 September 2021
	Water Policy in Australia	Observatoire internationale de droits de la Nature	12/13 May 2021

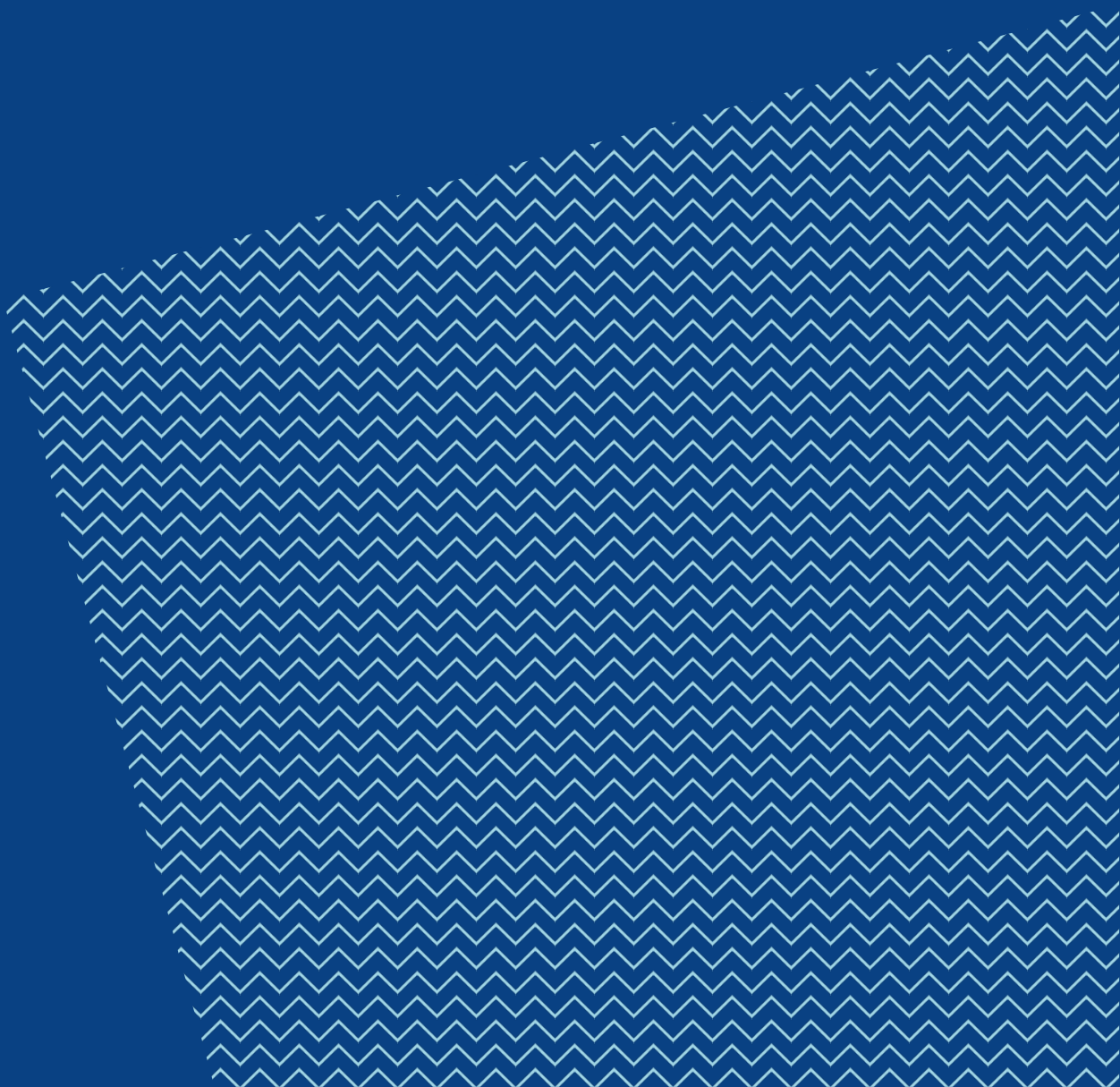
Academic	Title	Host Organisation	Date
	Treaty Talk: National Heritage protection	ANTaR, part of NAIDOC week	12 July 2021
	River Voices	Sydney Biennale 2022 event lead-up	27 July 2021
	Rights of Rivers, Rights of Nature: Turning Intentions into Action	University of Oxford REACH programme	11 November 2020
Brad Jessup	Sanitation, planning law, and queer spaces	Journal of Environmental Law 2021 Workshop: Different Voices, Different Knowledges; Oxford (with Steven Vaughan).	24 November 2021
Rebecca Nelson	GDEs: The Bigger Picture, Groundwater Dependent Ecosystems Reference Group (comprised of federal and state agency representatives)	Bureau of Meteorology, Melbourne	6 March 2020
	An Overlooked Impact of Groundwater Depletion: Groundwater Wells Running Dry With Debra Perrone and Scott Jasechko	American Geological Union Fall Meeting, New Orleans, Louisiana	13-17 December 2021
	Global Prevalence of Cumulative Effects Concepts in EIA Laws and Theoretical Contributions to Policy and Decision-Making	Environment Institute of Australia and New Zealand Annual Conference	9 November 2021
	Cities and the Environment	ICON-S Mundo: The Future of Public Law, International Society of Public Law	8 July 2021
	Theoretical Potential and Prevalence of Cumulative Environmental Effects Concepts in Global EIA Law, The Future of Environmental Law: Ambition and Reality With LM Shirley	IUCN Academy of Environmental Law Colloquium	30 June 2021
	Cumulative Environmental Problems: A Global EIA Perspective and a New Norm	7th Frontiers in Environmental Law Colloquium	26 February 2021

Academic	Title	Host Organisation	Date
	With LM Shirley		
	Groundwater Production Wells as a Novel Approach to Understanding Sedimentary Basins With Debra Perrone and Scott Jasechko	Geological Society of America Conference	21-30 October 2020
	Time and Space in the Regulation of Coal Seam Gas, Legal Geography Symposium	University of Sydney	6 February 2020
Christine Parker	Confronting Digital Surveillance for Profit During an Ecological Crisis? Reconstituting the Contemporary Corporation Through Ecologically Responsive Regulation With Professor Fiona Haines	invited presentation to ASSA Workshop, The Contemporary Corporation: Current Challenges and Future Directions, The University of Adelaide	6-7 December 2021 (online)
	From Responsive regulation to ecological compliance.	Theories of Regulation & Governance Webinar Series with Prof David Levi-Faur, The Hebrew University of Jerusalem	27 August 2021
	Can Labelling Create Transformative Food System Change for Human and Planetary Health? A Case Study of Meat'	Sheffield Institute for Company and Commercial Law, University of Sheffield, and Centre for Socio Legal Studies, University of Oxford	25 November 2020 (online) and 16 July 2020 (online)
	Leveraging Investor Driven Governance for Food System Sustainability	Nexus Governance in the Context of Climate Change: The Role of Non-State Actors, Kings College London and UNSW	19-20 November 2020
Jacqueline Peel	Part of a panel for Victoria's Climate Future webinar	Melbourne Sustainable Society Institute	3 May 2021
Margaret Young	Delivered Keynote Address, Conference on Climate Change, Law and Legal Education	Bond University	26-27 February 2021

Academic	Title	Host Organisation	Date
	Invited panelist, American Society of International Law, 'We Are All Climate Lawyers Now', Annual Meeting, 24-26 March 2021	American Society of International Law Annual Meeting 2021	25 March
	'Protection of the Marine Environment' panelist, Fifth International Conference on the Law of the Sea, Seoul, Korea, 3-4 December 2020 (Zoom)	Korean Society of International Law	4 December 2020

Our Members and Publications

Director and Associate Directors
Faculty Members
Advisory Board Member



Director and Associate Directors

Professor Lee Godden

Director

Professor Lee Godden has long-standing expertise in environmental law, (with specialist expertise in water law, forests, resources and energy law) with wide experience in law reform in native title and Indigenous peoples' rights. She has maintained an active involvement in public policy issues related to environmental management. She is a Fellow of the Academy of Social Sciences in Australia and the Australian Academy of Law.

She participated in the Australian Panel of Experts in Environmental Law, 2015-17, a group of prominent legal academics and policy makers who developed working papers on, 'New Generation' environmental law reforms to meet looming sustainability challenges.

From 2013-15, her leadership of the Australian Law Reform Commission's review of the *Native Title Act* 1993 (C'th) drew on a decade of legal research and policy development within the University of Melbourne, Agreements, Treaties and Negotiated Settlements project. Building on this platform, she was one of 3 researchers who led the legal and policy component of the Cultural Flows project for the National Native Title Council. Her scholarship on the interaction of colonial law, environmental law and Indigenous law has made a major contribution to scholarship in the field; including a recent publication on Indigenous marine governance.

Lee Godden has worked with government departments and agencies on climate change adaptation, and water governance, and contributed reform strategies for community and NGO groups. With interdisciplinary colleagues she contributed to an Australian Academy of Science report on Fish Kills in the Darling River in 2019.

In 2019, with several CREEL colleagues as co-authors she was awarded the American Society of International Law, 2019 Certificate of Merit in a specialized Area of International Law for the monograph, *The Impact of Climate Change Mitigation on Indigenous and Forest Communities: International, National and Local Law Perspectives on REDD+* (Cambridge University Press 2018).

Publications:

Book:

I. del Guayo, L. Godden, J. Gonzales, M. Montoya and D Zillman, (eds) *Energy Justice and Energy Law* (Oxford University Press 2020)

Book Chapters:

Godden, L. (2021). Law and sacrifice in Australian extra-territorial nation spaces: The residue of empire. In Chalmers, S. & Pahuja, S. (Eds.) *Routledge Handbook of International Law and the Humanities* (1 ed., pp. 369-378) Routledge. doi:10.4324/9781003170914-34

L. Godden, 'Energy Justice in Australia: From Remote Access to Consumer Protection' in I. del Guayo, L. Godden, J. Gonzales, M. Montoya and D Zillman, (eds) *Energy Justice and Energy Law* (OUP 2020) 178-199.

L. Godden, 'Legal geography - place, time, law and method: The spatial and the archival in 'Connection to Country'' in T. O'Donnell et al., (eds) *Legal Geography Perspectives and Methods*, 1st Edition (Routledge 2020) 130-148.

Jacqueline Peel, Lee Godden, Alice Palmer and Rebekkah Markey-Towler, 'Regional Solutions: Export Measures for Plastic Recyclables to Reduce Marine Plastic Pollution in the Pacific' in Linda Yanti Sulistiawati, and Rose-Liza Eisma-Osorio (eds), *Marine Plastic Pollution and the Rule of Law* (Konrad-Adenaeur-Stiftung, Ltd., Korea Legislation Research Institute, Asia-Pacific Centre for Environmental Law-National University of Singapore, and University of Cebu School of Law, 2021) 1

Journal Articles:

Peel, J., Godden, L., Palmer, A. & Markey-Towler, R. (2021). Regional Solutions: Export Measure for

Plastic Recyclables to Reduce Marine Plastic Pollution *in the Pacific. KLRI Journal of Law and Legislation*, 11(1), pp. 10-62.
L. Godden, S. Jackson and K. O'Bryan, 'Indigenous Water Rights and Water Law Reforms in *Australia*' (2020) 37 EPLJ 655.

Projects:

- **Guidance on policy and legislation on integrated waste management in times of pandemic – Workstream B**
  2020-2022
  Researchers: Lee Godden, Jacqueline Peel, Alice Palmer, Rebekkah Markey-Towler

- **Guidance on policy and legislation on integrated waste management in times of pandemic – Workstream A**
  2020-2021
  Researchers: Lee Godden, Jacqueline Peel, Alice Palmer, Rebekkah Markey-Towler

- **Property as Habitat: Reintegrating Place, People, And Law**
  ARC Discovery Project 2019- 2020
  Researchers: Lee Godden (with Margaret Davies, Flinders University and Nicole Graham, Sydney University)

- **Options for a framework for accessing and using Aboriginal Water Reserves**
  2021 - 2022
  Researchers: Erin O'Donnell, Sue Jackson and Lee Godden

  Academy of Social Sciences: Risk and Fragmentation in Urban Water Workshop 18-19 February 2022 (delayed due to COVID)
  Researchers: Lee Godden, Anna Kosovac (Research Fellow in Water Policy), Professor Brendan Gleeson (MSSI and Architecture, Building and Planning)

- **Risk and Fragmentation in Water: an ECR perspective**
  2021 - 2021
  Researchers: Lee Godden, Erin O'Donnell, Katie O'Bryan (Monash Law School)

- **Accessing Water to Meet Aboriginal Economic Development Needs**
  2019 - 2021
  Researchers: Lee Godden, Erin O'Donnell, Katie O'Bryan (Monash Law School)

- **Legislative Review and Assessment Of The Environmental And Waste Legislative Environment In 15 Pacific Island Countries For The Pacwaste Plus Project**
  2019 - 2020
  Researchers: Lee Godden, Jacqueline Peel, Alice Palmer, Laura Lee-Innes, Rebekkah Markey-Towler and Robyn Gardner

Professor Michael Crommelin AO
Associate Director

Michael Crommelin is Zelman Cowen Professor of Law and Director of Studies, Energy and Resources Law in the Melbourne Law School at the University of Melbourne. He was the visiting Professor in the Peter A Allard School of Law at the University of British Columbia in 2017. He was Dean of the Melbourne Law School from 1989 to 2002, from 2003 until 2007, and in 2010. In 2009 he was appointed an Officer in the General Division of the Order of Australia for service to the law and legal education.

His teaching and research interests are in constitutional law, mineral law and petroleum law. He teaches several courses in the Melbourne JD and the Melbourne Law Masters programs including Constitutional Law (JD), Mineral and Petroleum Law (MLM) and Resources Joint Ventures (MLM). In 2019, he was part of the judging panel for the Saunders Prize along with the Hon Susan Crennan AC QC and Professor the Hon William Gummow AC.

In early 2021, Professor Crommelin was appointed a Professor Emeritus at Melbourne Law School, following his retirement news.

Publications:

Journal Article:

Saunders, C. & Crommelin, M. (2020). Engineers and Constitution-building. *Public Law Review*, 31(1), pp. 75-85.

Professor Jacqueline Peel
Associate Director

Professor Jacqueline Peel is a leading, internationally-recognised expert in the field of environmental and climate change law. Her scholarship encompasses international, transnational and national dimensions, as well as interdisciplinary aspects of the law/science relationship in the environmental field and risk regulation. She has 9 books and over 50 articles on these topics, including most recent books on Principles of International Environmental Law, 4th ed (with P. Sands, Cambridge University Press, 2018) and Environmental Law (with L. Godden and J. McDonald, Oxford University Press, 2019);

From 2019-2021, Professor Peel is serving as a Lead Author in Working Group III of the Inter-Governmental Panel on Climate Change for its 6th Assessment Report. In 2022, Professor Peel will direct a program on ‘Climate Change and International Law’ at the Centre for Research and Studies at the Hague Academy of International Law.

Professor Peel's research has attracted competitive funding from various organisations, including the Australian Research Council (ARC), SPREP, VCCCAR and the United States Studies Centre. In the field of climate change law, Professor Peel has held several ARC grants with her current research focusing on legal mechanisms for promoting corporate energy transition (2016-2020, with H. Osofsky and B. McDonnell).

She was the recipient of the Morrison Prize 2018 for her award-winning article with Dean Hari Osofsky (Penn State) on "Energy Partisanship".

In 2021, Professor Peel was appointed to lead a new university-wide, cross-disciplinary climate initiative, Melbourne Climate Futures.

Publications:

Book Chapters:

Peel, J., OSOFSKY, H. M., & Foerster, A. (2020). 'Next Generation' Climate Change Litigation in Australia. In J. Lin, & D. Kysar (Eds.), *Climate Change Litigation in the Asia Pacific* (1 ed., pp. 175-206). United Kingdom: Cambridge University Press. doi:10.1017/9781108777810.009

Journal Articles:

Peel, J., & Markey-Towler, R. (2020). Climate Change Risk and Sovereign Bond Investments: The Case of O'Donnell v Commonwealth of Australia. *Climate and Carbon Law Review*, 14(3), 177-186. doi:10.21552/cclr/2020/3/6

Peel, J. (2020). The 'Rights' Way to Democratize the Science–Policy Interface in International Environmental Law? A Reply to Anna-Maria Hubert. *European Journal of International law*, 31(2), 657-664. doi:10.1093/ejil/chaa042

Peel, J., & Osofsky, H. (2020). Climate Change Litigation. *Annual Review of Law and Social Science*, 16, 1-18. doi:10.1146/annurev-lawsocsci-022420-122936

Etty, T., Heyvaert, V., Carlarne, C., Huber, B., Peel, J., & van Zeben, J. (2020). The End of a Decade and the Dawn of a Climate Resistance. Transnational Environmental Law, 9(1), 1-9. doi:10.1017/S2047102520000035

Editor:

Transnational Environmental Law in a Transformed Environment (2020). (Vol. 9, Iss. 2). doi:10.1017/S2047102520000175

Reports:

Peel, J., Barker, S., & Mulholland, E. (2020). *Australia's International Climate Change Commitments - Associated Accounting Assumptions and Auditing of Climate Risk Disclosures.* Australia: The University of Melbourne, Commonwealth Climate and Law Initiative and MinterEllison. Retrieved from https://www.cpaaustralia.com.au/

Peel, J., Godden, L., Palmer, A., & Markey-Towler, R. (2020). *Capacity Assessment for Waste Legislation in the 15 PacWastePlus Participating Countries*. Samoa: Secretariat of the Pacific Regional Environment Programme.

Peel, J., Osofsky, H., McDonnell, B., Foerster, A., & Markey-Towler, R. (2020). *Corporate Energy Transition: Legal Tools for Shifting Companies Towards Clean Energy Practices*. Australia: University of Melbourne, Melbourne Law School.

Peel, J., Godden, L., Palmer, A., & Markey-Towler, R. (2020*). Legislative Opportunity Assessment and Needs Analysis for Waste Legislation in the 15 PacWastePlus Participating Countries.* Samoa: Secretariat of the Pacific Regional Environment Programme

Peel, J., Godden, L., Palmer, A., & Markey-Towler, R. (2020*). PacWastePlus Waste Legislative Review National Options Papers for Waste Legislation in the 15 PacWastePlus Participating Countries.* Samoa: Secretariat of the Pacific Regional Environment Programme.

Peel, J., Godden, L., Palmer, A., & Markey-Towler, R. (2020). *Assessment of Waste Legislation in the 15 PacWastePlus Participating Countries.* Samoa: Secretariat of the Pacific Regional Environment Programme.

Peel, J., Godden, L., Palmer, A., & Markey-Towler, R. (2020). *Stocktake of Existing and Pipeline Legislation in the 15 PacWastePlus Participating Countries*. Samoa: Secretariat of the Pacific Regional Environment Programme.

Peel, J., Godden, L., Palmer, A., & Markey-Towler, R. (2020). *PacWastePlus Waste Legislative Review Regional Solutions Assessment*. Samoa: Secretariat of the Pacific Regional Environment Programme.

Scholarly contribution on website

Peel, J., & Markey-Towler, R. (2020*). 'A Wake-up Call': Why this Student is Suing the Government over the Financial Risks of Climate Change.*

Australia. *The Conversation* *https://theconversation.com/a-wake-up-call-why-this-student-is-suing-the-government-over-the-financial-risks-of-climate-change-143359*

Lin, J., & Peel, J. (2020). *The Farmer or the Hero Litigator? Modes of Climate Litigation in the Global South.* Columbia. Open Global Rights https://www.openglobalrights.org/farmer-or-hero-litigator-modes-of-climate-litigation-in-global-south/

Peel, J., & Markey-Towler, R. (2020). *The Investor-Led Push on Climate Change*. Australia. Pursuit https://pursuit.unimelb.edu.au/articles/the-investor-led-push-on-climate-change

Projects:

- **Devising A Legal Blueprint for Corporate Energy Transition**
  ARC, 2016 - 2020
  Researchers: Jacqueline Peel, Brett McDonnell (partner investigator, University of Minnesota Law School), Hari Osofsky (partner investigator, Penn State Law), Anita Foerster (Senior Research Associate (until Feb 2019), Rebekkah Markey-Towler (research assistant 2020-)

- **Eme Support/ Evaluation of Client Earth Phase 2 – contract research**
  2018 - 2021
  Researcher: Jacqueline Peel (team leader), Hari Osofsky (co-team leader), Jolene Lin (China expert)

- **Intergovernmental Panel on Climate Change**
  2018 - 2021
  Researcher: Jacqueline Peel
  Professor Peel is a lead author contributing to chapter 14 (international cooperation) of the IPCC's Working Group III report for the Sixth Assessment Report.

  Output:

  - Chapter 14, Zero Order Draft, Working Group III report, AR6, IPCC, 2019
  - Chapter 14, First Order Draft, Working Group III report, AR6, IPCC, 2019

- **Research on Australia's International Climate Change Commitments and Associated Assumptions for Accounting/ Auditing In Climate Risk Disclosures**
  CPA Australia, 2019 (final report published in 2020)
  Researchers: Jacqueline Peel, Sarah Barker (MinterEllison Lawyers), Ellie Mullholland (CCLI), Rebekkah Markey-Towler (MLS, Research Assistant)
  This research undertaken for CPA Australia examined Australia's international climate change commitments under the Paris Agreement and how these affect assumptions used by accountants and auditors preparing companies' financial statements.
  Report and fact sheets see: https://www.cpaaustralia.com.au/professional-resources/esg/climate-change-and-risk-policy

- **Legislative Review and Assessment of The Environmental and Waste Legislative Environment In 15 Pacific Island Countries For The Pacwaste Plus Project – contract research**
  2019 - 2020
  Researchers: Lee Godden, Jacqueline Peel, Alice Palmer, Laura Lee-Innes, Rebekkah Markey-Towler

Centre Faculty Members

Dr Olivia Barr

Olivia Barr joined the Law School as a Senior Lecturer in February 2016. She completed her LLB (Distinction) and BA (Anthropology and Philosophy) at the University of Western Australia, an LLM at the University of British Columbia, and a PhD at Melbourne Law School. She has also worked as a government solicitor, in law reform, and for the United Nations Permanent Forum on Indigenous Issues. With Dr Karen Crawley (Griffith University), she is the Managing Editor of the Australian Feminist Law Journal: A Critical Legal Journal. Olivia writes in jurisprudence, and her cross-disciplinary work engages with geography, anthropology, philosophy, architecture and contemporary public art practices. Her current research concerns questions of lawful place, and argues for greater attention to the place-making practices of law.

Memberships and Affiliations: Managing Editor, Australian Feminist Law Journal Law; Literature and the Humanities Association of Australasia; Urban Environments Research Network, University of Melbourne; Research Unit in Public Cultures, University of Melbourne, Centre for Resources, Environment and Energy Law, Melbourne Law School; 'Space, Place, Country', Sydney College of the Arts, University of Sydney.

Dr Kathleen Birrell

Until February 2022, Dr Kathleen Birrell was a McKenzie Postdoctoral Fellow at Melbourne Law School. She holds a PhD from Birkbeck, the University of London and a BA and LLB from The University of Melbourne. Kathleen is the author of Indigeneity: Before and Beyond the Law (Routledge, 2016). She is Vice President of the Law, Literature and the Humanities Association of Australasia, and a member of the Association for the Study of Law, Culture, and the Humanities, and the Global Network for the Study of Human Rights and the Environment. She is Assistant Editor of the Journal of Human Rights and the Environment.

Research Interest:

Kathleen's postdoctoral project was focused on encounters between juridical, political and cultural narratives in the context of climate change. Her research adopts critical legal methodologies to consider the limits and possibilities of rights and obligations and encounters between laws in the context of the Anthropocene thesis. Her research is strongly interdisciplinary, encompassing environmental and climate change law, rights law, property law and native title, and intersects with Indigenous jurisprudences, literature and the environmental humanities.

Publications:

Book Chapters:

Fitzpatrick, P., Pahuja, S., Joyce, R., Birrell, K., & Golder, B. (2021). A training in conduct. In *Routledge Handbook of International Law and the Humanities* (pp. 75-88).

Birrell, K., & Dehm, J. (2021). International law and the humanities in the Anthropocene. In *Routledge Handbook of International Law and the Humanities* (pp. 407-421).

Journal Articles:

Birrell, K. (2021). Convivial Mythologies: The Poiesis of Modern Law. Law and Critique, 32(3), 315-330. doi:10.1007/s10978-021-09305-y

Birrell, Kathleen, Review of Alexis Wright, Carpentaria, republished with permission in Estelle Castro-Koshy and Temiti Lehartel (eds), Agrégation Anglais 2022. Alexis Wright, "Carpentaria" (Ellipses, 2021). Ouvrage de préparation au concours de l'Agrégation.

Birrell, K. (2020). Ambivalent Affines: Law Like Literature. Law, Culture and the Humanities. doi.org/10.1177/1743872120971991

Birrell, K., & Matthews, D. (2020). Laws for the Anthropocene: Orientations, Encounters, Imaginaries. Law and Critique, 31(3), 233-238. doi:10.1007/s10978-020-09282-8

Birrell, K., & Matthews, D. (2020). Re-storying Laws for the Anthropocene: Rights, Obligations and an Ethics of Encounter. Law and Critique, 31(3), 275-292. doi:10.1007/s10978-020-09274-8

Project:

- **Counter Narratives: Climate Change Law and Indigenous Rights**
  2016 - 2022
  Researcher: Kathleen Birrell

Professor Kirsty Gover

Kirsty Gover is the Programme Director, Indigenous Peoples in International and Comparative Law. Professor Kirsty Gover was appointed to the Melbourne Law School faculty in 2009. Her research and publications address the law, policy and political theory of Indigenous rights, institutions and jurisdiction.

She is interested in in the importance of Indigenous concepts of law and politics in settler state political theory, constitutionalism and international law. Professor Gover is the author of Tribal Constitutionalism: States, Tribes and the Governance of Membership (Oxford University Press 2010). She is currently working on a book entitled: *When Tribalism meets Liberalism: Political Theory and International Law* (Oxford University Press), examining the ways in which indigenous self-governance influences the development of international law and international legal theory by altering the behaviours of states. Professor Gover is a graduate of New York University (NYU) JSD Doctoral Program, where she was an Institute for International Law and Justice (IJIL) Graduate Scholar and New Zealand Top Achiever Doctoral Fellow. She is Chair of Melbourne Law School's Reconciliation and Recognition Committee and Graduate Research Coordinator.

Memberships and Affiliations: Law and Society Association; Australia and New Zealand Society of International Law.

Responsibilities: Associate Dean (Indigenous Recognition)

Publications:

Book Chapters:

Gover, K. (2020). Legal pluralism and indigenous legal traditions. In Schiff Berman, P. (Eds.) *The Oxford Handbook of Global Legal Pluralism* (1st ed., pp. 847-875) Oxford Handbooks. doi:10.1093/oxfordhb/9780197516744.013.7

Journal Articles:

Beckman, L., Gover, K. & Morkenstam, U. (2021). The popular sovereignty of Indigenous peoples: a challenge in multi-people states. CITIZENSHIP STUDIES, 26(1), pp. 1-20. doi:10.1080/13621025.2021.2011142

Gover, K. (2021). The potential impact of indigenous rights on the international law of nationality. *AJIL Unbound*, 2021(115), pp. 135-139. doi:10.1017/aju.2021.8

Gover, K. (2020). From the Heart: The Indigenous Challenge to Australian Public Law. In Varuahs, J. & Wilson Stark, S. (Eds.) *The Frontiers of Public Law* (1 ed., pp. 205-226) Bloomsbury Professional.

Foster, M. & Gover, K. (2020). Determining Membership: Aboriginality and Alienage in the Australian High Court. *Public Law Review*, 31(2), pp. 105-131.

Report:

Gover, K. (2020). Treaties and the UN Declaration on the Rights of Indigenous Peoples: The Significance of Article 37. pp. 77-86.

Projects:

- **Understanding and Recognising Indigenous Law and Legal Systems** 2020-2025

Dr Brad Jessup

Brad Jessup is a Senior Lecturer specialising in environment at the University of Melbourne. He has a particular interest in interdisciplinary scholarship that traverses areas of law, environment, society and policy. He teaches torts and environmental and introductory law subjects, and developed and co-ordinates the Public Interest Law Initiative subject Sustainability Business Clinic. Brad joined Melbourne Law School in 2012 from the Australian National University, where he had been teaching and researching within the ANU College of Law since 2007. Previously, Brad worked as a lawyer within Herbert Smith Freehills's planning and environmental law practice.

Brad is a geographer and an environmental law specialist who offers global, national, comparative and local perspectives in his research. Brad's research and teaching cross disciplines in the tradition of legal geography. In both capacities he draws on political theories, his knowledge of environmental law processes, and case study examples of law in society. Brad is especially interested in the law of place, the human and environmental experience of harm, and the role of the law, lawyers, society and policy in responding to risk and harm.

With Professor Kim Rubenstein, Brad is the editor of a collection of essays published by Cambridge University Press in 2012. The collection, *Environmental Discourses in Public and International Law*, brings together international legal and humanities scholars to analyse the dominant ways of knowing, constructing and presenting information about global environmental 'problems' and 'solutions'.

Brad has been a visiting scholar with Oxford University's Faculty of Law and Wolfson College, and at the University of California, Berkeley, where he was affiliated with the Center for Law,

Energy and the Environment. While based in North America, Brad undertook funded research for the Energy Pipelines Cooperative Research Centre. This research involved comparing the land use planning and safety aspects of pipeline regulation on the urban fringe across a number of jurisdictions. Brad has also undertaken detailed research on Australian marine protected areas, Vietnam's environmental laws, and the planning law conflict around wind farms.

Publications:

Book Chapters:

Jessup, B. (2021). Gender and queer perspectives on the sustainable development paradigm for environmental law. In Vijeyarasa, R. (Eds.) *International Women's Rights Law and Gender Equality Making the Law Work for Women* (1 ed., pp. 120-127) Routledge.

Jessup, B. (2021). Law underground: The legal geographies of gas transmission pipeline regulation. In Bartel, R. & Carter, J. (Eds.) *Handbook on Space, Place and Law* (1 ed., pp. 304-315) Edward Elgar Publishing. doi:10.4337/9781788977203.00041

Jessup, B. (2021). Encounters with Materiality: Planning Regulation and Non-Participation in Australia. In Rydin, Y., Beauregard, R., Cremaschi, M. & Lieto, L. (Eds.) *Regulation and Planning: Practices, Institutions,* Agency Routledge. doi:10.4324/9781003095828-7

Calyx, C., Jessup, B. & Sihombing, M. (2020). Asserting Land Rights Through Technology and Democratic Expression: The Effect of the Indigenous Peoples Alliance of the Archipelago v Indonesia Case. In O'Donnell, T., Robinson, D. & Gillespie, J. (Eds.) *Legal Geography: Perspectives and Methods* (1 ed., pp. 37-57) Routledge.

Journal Articles:

Jessup, B. (2020). Environmental, Planning, and Climate Law in Queensland. *University of Western Australia Law Review*, 48(1), pp. 326-329.

Jessup, B. (2020). Book Review: Environmental, Planning, and Climate Law in Queensland. *University of Western Australia Law Review*, 48 pp. 326-329.

Jessup, B. (2020). Statues and Status: The Legal Geography of Landscape Values and Belonging. *University of Western Australia Law Review*, 48 pp. 140-169.

Jessup, B. (2020). A Consideration of Love. *Alternative Law Journal*, 45(1), pp. 66-68. doi:10.1177/1037969X20903536

Projects:

- **Species protection laws in Australian and the USA**
  Researchers: Brad Jessup and Mark Squillace (Colorado)
- **Queering of environmental law**
  Researchers: Brad Jessup and Steven Vaughan (UCL)
- **Community Values in Planning Law (2021)**
- **The General Environmental Duty and Melbourne's "Plastics Communities"**

Awards:

- Early Career Researcher Grant from University of Melbourne
- Best PhD, Australian Legal Research Awards

Professor Shaun McVeigh

Shaun McVeigh joined the law school at Melbourne University in 2007. He previously researched and taught at Griffith University in Queensland as well as Keele and Middlesex Universities in the United Kingdom.

He has a long time association with law and humanities and critical legal studies in Australia and the UK.

Shaun McVeigh has research interests in the fields of jurisprudence, health care, and legal ethics. His current research projects centre around three themes associated with refreshing a jurisprudence of jurisdiction: the development of accounts of a 'lawful' South; the importance of a civil prudence to thinking about the conduct of law (and lawyers); and, the continuing need to take account of the colonial legal inheritance of Australia and Britain.

In 2021, Professor McVeigh appointed MLS Director (Graduate and research).

Publications:

Book Chapters:

McVeigh, S., Genovese, A. & McMillan, M. (2021). Modus Vivendi: Office of transnational jurisprudent. In Chalmers, S. & Pahuja, S. (Eds.) *Routledge Handbook of International Law and the Humanities* (1 ed., pp. 21-35) Routledge. doi:10.4324/9781003170914-3

McVeigh, S. (2021). Sovereignty. In Valverde, M., Clarke, K., Darian-Smith, E. & Kotiswaran, P. (Eds.) *Routledge Handbook of Law and Society* (1st ed., pp. 221-224) Routledge. doi:10.4324/9780429293306

Dorsett, S. & McVeigh, S. (2020). An essay on jurisdiction, jurisprudence, and authority: the High Court of Australia in Yorta Yorta (2001). *Northern Ireland Legal Quarterly*, 56(1), pp. 1-20. doi:10.53386/nilq.v56i1.786

Journal Articles:

Mcmillan, M., Foster, D., Genovese, A., Mcveigh, S. & Tehan, M. (2020). OBLIGATIONS OF CONDUCT: PUBLIC LAW - TREATY ADVICE. MELBOURNE UNIVERSITY LAW REVIEW, 44(2), pp. 602-633.

Project:

- **Indigenous Leaders: Lawful Relations From Encounter to Treaty**
  2018 - 2021
  Researchers: Shaun McVeigh, Ann Genovese, Julie Evans

Dr Rebecca Nelson

Rebecca Nelson is an Associate Professor of Melbourne Law School. Her research focuses on environmental and natural resources law and policy, with an emphasis on empirical research and practical solutions. Dr Nelson holds an ARC Discovery Early Career Researcher Award (2018-2020), which aims to analyse and evaluate laws regulating cumulative environmental effects in the United States of America, European Union, Canada and Australia. From 2010-2014, she led the Comparative Groundwater Law and Policy Program, a collaborative initiative between Water in the West at Stanford University and the United States Studies Centre at the University of Sydney. The Program focused on undertaking empirical research and convening stakeholder workshops to improve groundwater sustainability in the western US and Australia.

In 2014 she was named the Law Council of Australia's Young Environmental Lawyer of the Year for her contribution to water law and environmental law.

She is a member of the federal Murray-Darling Basin Authority's Advisory Committee on Social, Economic and Environmental

Dr Nelson holds a Doctor of the Science of Law from Stanford University, where her dissertation focused on empirically assessing regulatory arrangements for protecting surface water and ecosystems from the impacts of pumping groundwater. She also holds a Masters in law (Stanford) and Bachelor of Engineering (Environmental) and Bachelor of Laws (University of Melbourne). Dr Nelson formerly worked as a lawyer at the Murray-Darling Basin Authority and in private practice in Australia.

Research Interest: water law, natural resources law, controlling cumulative environmental effects through environmental law and natural resources laws

Publications:

Book Chapters:

R. Nelson, Challenges to Improved Integrated Management of the Murray-Darling Basin in Barry Hart, Nick Bond, Neil Byron, Carmel Pollino and Mike Stewardson (eds), *The Murray-Darling River System: Its Future Management from Catchment to Coast* (Elsevier, 2021) 339-362

Barnett, S., Simmons, C. T., & Nelson, R. (2021). Groundwater Resources in Australia - Their Occurrence, Management, and Future Challenges. In A. Mukherjee, B. R. Scanlon, A. Aureli, S. Langan, H. Guo, & A. A. McKenzie (Eds.), *Global Groundwater: Source, Scarcity, Sustainability, Security, and Solutions* (1 ed., pp. 35-46). United Kingdom: Elsevier Inc..

Olagunju, A., Appiah, D., Cavalcanti, P. M. P. S., Durning, B., González, J. C. T., MacLean, J., . . . Nelson, R. (2021). Cumulative effects assessment requirements in selected developed and developing countries. In J. A. E. Blakley, & D. M. Franks (Eds.), *Handbook of Cumulative Impact Assessment* (1 ed., pp. 21-38). Cheltenham, UK: Edward Elgar Publishing. Retrieved from https://www.e-elgar.com/

Steve Barnett, Craig T. Simmons and Rebecca Nelson, Groundwater Resources in Australia – Their Occurrence, Management and Future Challenges in Abhijit Mukherjee et al. (eds), *Global Groundwater: Source, Scarcity, Sustainability, Security and Solutions* (Elsevier, 2020) 35-46

Rebecca Nelson, Steve Barnett and Ann Kollmorgen, The Evolution of Groundwater Management Policy in the States of Australia in Jean-Daniel Rinaudo, Cameron Holley, Marielle Montginoul and Steve Barnett (eds), *Sustainable Groundwater Management: A Comparative Analysis of French and Australian Policies and Implications to Other Countries* (Springer, 2020) 129-141, DOI 10.1007/978-3-030-32766-8.

Journal Articles:
Ulibarri, N., Escobedo Garcia, N., Nelson, R. L., Cravens, A. E., & McCarty, R. J. (2021). Assessing the Feasibility of Managed Aquifer Recharge in California. *WATER RESOURCES RESEARCH*, 57(3), 18 pages. doi:10.1029/2020WR029292

Rebecca Nelson, "Regulating Hidden Risks to Conservation Lands in Resource Rich Areas" (2021) 43(2) *University of Queensland Law Journal* 491-530. DOI: https://doi.org/10.38127/uqlj.v40i3.6217.

Erin O'Donnell and Rebecca Nelson, "Shield Science for Robust Decisions" (2020*) Nature Sustainability* https://doi.org/10.1038/s41893-020-0541-6.

A. R. Siders, Cassandra M. Brooks, Amanda E. Cravens, Rebecca L. Nelson, Dan R. Reineman and Nicola Ulibarri, "How to beat isolation? Academic Feedback Groups Fit the Bill, and Promote Growth as Scholars and Humans" (2020) 582 *Nature* 597-8.

Projects:

- **Upcoming book, The Book: Regulating a Thousand Cuts (working title)**

- **Regulating Cumulative Environmental Effects: Designing Global Best Practice**
  Discovery Early Career Research Award, ARC
  2018-2021
  Researcher: Rebecca Nelson
- **Water Access for Aboriginal Economic Development in Victoria**
  Murray-Lower Darling Indigenous Nations and Federation of Victorian Traditional Owner Corporations
  2019 - 2021
  Researchers: Lee Godden, Erin O'Donnell, Avril Horne, Rebecca Nelson

Dr Erin O'Donnell

Erin is a water law and policy specialist, focusing on water markets, environmental flows, and water governance. She has worked in water resource management since 2002, in both the private and public sectors. Erin is recognized internationally for her research into the groundbreaking new field of legal rights for rivers, and the challenges and opportunities these new rights create for protecting the multiple social, cultural and natural values of rivers. Her work is informed by comparative analysis across Australia, New Zealand, the USA, India, Colombia, and Chile. Erin's latest book, Legal Rights for Rivers: Competition, Collaboration, and Water Governance, is available now from Routledge.

Erin's PhD examined the role of environmental water managers in Australia and the USA in delivering efficient, effective and legitimate environmental water outcomes in the context of transferable water rights and water markets. Erin has recently completed a consultancy for The World Bank, on water markets and their role in water security and sustainable development. In 2018, Erin was appointed to the inaugural Birrarung Council, the voice of the Yarra River.

Publications

Report:
O'Donnell, E., Godden, L. & O'Bryan, K. 2021, 'Cultural Water for Cultural Economies', Murray Lower Darling Rivers Indigenous Nations Commissioned - Not for profit report - Additional

Book chapter upcoming (2022):
Clark, C. & O'Donnell, E. 2022, 'Property in Water?' in Graham, N., Schuijers, L. & Godden, L. (eds.), Routledge Handbook of Property, Law & Society, Routledge, United Kingdom

Book Chapters:
O'Donnell, E. 2021, 'Re-setting our relationship with rivers' in Vegas Cardena, Y. & Turp, D. (eds.), *A Legal Personality for the St Lawrence River and other Rivers of the World*, Les Éditions JFD, Canada, pp. 271-290

O'Donnell, E. 2021, 'A Voice for the Birrarung? River Rights, Sovereignty and Water Management' in MacFarlane, K. (ed.), Water: *An Interdisciplinary Forum*, Ian Potter Centre, Australia, pp. 20-27

Journal Articles:
O'Donnell, E. 2021, 'Rivers as Living Beings: Rights in Law, but no Rights to Water?', *Griffith Law Review*, vol. 29, no. 4, pp. 643-668, doi:10.1080/10383441.2020.1881304

Arstein-Kerslake, A., O'Donnell, E., Watson, J. & Kayess, R. 2021, 'Relational Personhood: A New Conception of Legal Personhood with Insights from Disability Rights and Environmental Law', *Griffith Law Review*, (Early Release), doi:10.1080/10383441.2021.2003744

RiverofLife, M., Pelizzon, A., Anne, P., Akhtar-Khavari, A., Clark, C., Laborde, S., MacPherson, E., O'Bryan, K., O'Donnell, E. & Page, J. 2021, 'Yoongoorrookoo: The Emergence of ancestral Personhood', *Griffith Law Review*, doi:10.1080/10383441.2021.1996882

Islam, M. S. & O'Donnell, E. 2020, 'Legal Rights for the Turag: Rivers as Living Entities in Bangladesh', *Asia Pacific Journal of Environmental Law*, vol. 23, no. 2, pp. 160-177, doi:10.4337/apjel.2020.02.03

Hart, B., O'Donnell, E. & Horne, A. 2020, 'Sustainable Water Resources Development in Northern Australia: The Need for Coordination, Integration and Representation', *International Journal of Water Resources Development*, vol. 36, no. 5, pp. 777-799, doi:10.1080/07900627.2019.1578199

O'Donnell, E., Poelina, A., Pelizzon, A. & Clark, C. 2020, 'Stop Burying the Lede: The Essential Role of Indigenous Law(s) in Creating Rights of Nature', *Transnational Environmental Law*, vol. 9, no. 3, pp. 403-427, doi:10.1017/S2047102520000242

O'Donnell, E. & Nelson, R. 2020, 'Shield Science for Robust Decisions', *Nature Sustainability*, vol. 3, no. 9, pp. 675-676, doi:10.1038/s41893-020-0541-6

Projects:

- **Accessing Water To Meet Aboriginal Economic Development Needs (with MLDRIN)**
  2019 - 2021
  Researchers: Lee Godden, Erin O'Donnell, Rebecca Nelson, Avril Horne

- **Martuwarra partnership project with Indigenous Knowledge Institute**
  2021 – current
  Chief investigator: Erin O'Donnell

- **Strategic Aboriginal Water Reserve (with Northern Land Council**)
  2021 - current
  Chief investigator: Erin O'Donnell, with Lee Godden and Sue Jackson (Griffith University)

Professor Sundhya Pahuja

Sundhya Pahuja is the Director of Melbourne Law School's Institute for International Law and the Humanities (IILAH). Sundhya's research focuses on the history, theory and practice of international law in both its political and economic dimensions, with a particular interest in international law and the relationship between North and South, and the practice, and praxis, of development and international law. Sundhya holds numerous awards and has held various fellowships and visiting appointments as a result of her longstanding research excellence. Her research has spawned numerous works, including *Decolonising International Law: Development, Economic Growth and the Politics of Universality* (Cambridge University Press, 2011), as well as the edited collections, *International Law and the Cold War* (Cambridge, 2019) (co-edited with Matthew Craven and Gerry Simpson) and *Reading Modern Law: Critical Methodologies and Sovereign Formations* (Routledge, 2012) (co-edited with Ruth Buchanan and Stewart Motha). Sundhya teaches across public international law, international law and development, trade, development and human rights, globalization and law, and legal theory. Before entering academia, Sundhya practiced as a commercial lawyer, and worked as a research associate in international law and human rights at the EUI in Florence.

Research Interests: Her research focuses on the history, theory and practice of international law and the relationship between North and South, and the practice, and praxis, of development and international law.

Responsibilities: Director, IILAH; Director of Studies, International Law; Director of Studies, Law and Development; Co-Director of Studies, Public and International Law.

Publications:

Books:

Chalmers, S., & Pahuja, S. (2021). Routledge Handbook of International Law and the Humanities. doi:10.4324/9781003170914

Craven, M., Pahuja, S. & Simpson, G. (2020). International Law and the Cold War (1 ed.). Cambridge University Press. doi:10.1017/9781108615525

Book Chapters:

Fitzpatrick, P., Pahuja, S., Joyce, R., Birrell, K. & Golder, B. (2021). A training in conduct. *Routledge Handbook of International Law and the Humanities* (pp. 75-88). Routledge. doi:10.4324/9781003170914-8

Chalmers, S. & Pahuja, S. (2021). Introduction. Practice, craft and ethos: Inheriting a tradition. In Chalmers, S. & Pahuja, S. (Eds.) *Routledge handbook of international law and the humanities* edited by Shane Chalmers and Sundhya Pahuja (1 ed., pp. 1-18) Routledge. doi:10.4324/9781003170914-1

Chalmers, S. & Pahuja, S. (2021). Introduction - Practice, Craft and ethos: inheriting a tradition. In Pahuja, S. & Chalmers, S. (Eds.) Routledge *Handbook of International Law and the Humanities* (1st ed., pp. 1-18) Routledge. doi:10.4324/9781003170914-1

Pahuja, S. (2021). Methodology: Writing about how we do research. In Deplano, R. & Tsagourias, N. (Eds.) Research Methods in *International Law* (1 ed., pp. 60-77) Edward Elgar Publishing. doi:10.4337/9781788972369.00012

Journal Articles:

Pahuja, S. (2021). Not to save, but to encounter: Fitzpatrick as transnational jurisprudent. *INTERNATIONAL JOURNAL OF LAW IN CONTEXT*, 17(1), pp. 24-27. doi:10.1017/S174455232100015X

O'Hara, C., Pahuja, S., Vazquez Guevara, V. & Whyte, J. (2021). WORLD-MAKING THROUGH MARKET MORALITY: A CONVERSATION ABOUT HUMAN RIGHTS, NEOLIBERALISM AND POLITICAL

STRUGGLE. AUSTRALIAN FEMINIST LAW JOURNAL, 46(1), pp. 139-151. doi:10.1080/13200968.2020.1820741

Pahuja, S. (2021). Der Staat als Kolonialware. Ein Gespräch. Zeitschrift für Ideengeschichte, 15(1), pp. 36-48. doi:10.17104/1863-8937-2021-1-36

Projects:

- **International Law and The Cold War**
  2014 - 2019
  Researcher: Sundhya Pahuja
- **States, Frontiers and Conflict In The Asia Pacific**
  2014 - 2019
  Researchers: Sundhya Pahuja, Jonathan Goodhand, John Langmore, Rachael Diprose, Adrian Little, Kate MacDonald

Award:

FASSA – Fellow of the Academy of the Social Sciences in Australia 2019

Dr Alice Palmer

Dr Alice Palmer is a Senior Lecturer at Melbourne Law School and a Co-Director of the Art and Law Program of the Institute of International Law and Humanities (IILAH). She teaches international and domestic environmental law as well as subjects that examine the human rights and development dimensions of international environmental law. Her research spans theory and practice, addressing the interfaces between law and image with a focus on legal interpretation in international law, theories for the visual arts and philosophies of environmental aesthetics. Alice is also involved in projects assessing laws on waste management for UN and regional bodies and strategic analysis of climate litigation for the philanthropic sector.

Alice's teaching and research draw on over 15 years' experience in providing legal support to governments, international institutions, think tanks and campaign organisations as well as businesses. She was previously the Director of the Foundation for International Environmental Law and Development (FIELD), a not-for-profit organisation in London that advocated for the crafting, implementation and enforcement of international environmental laws by developing countries. A focus of her work at FIELD was the relationship between international trade rules and environmental protection. Before specialising in international law, Alice practised law with commercial law firms Davis Polk & Wardwell in New York and Arthur Robinson & Hedderwicks (now Allens) in Melbourne. She also previously worked as a lawyer with the Law Institute of Victoria, focussing on reform in human rights and administrative law, and she has advised on refugee and migration issues in national and international contexts.

In addition to her teaching at Melbourne Law School, Alice has taught classes and courses on

issues intersecting international environmental law at University College London, Kent Law School and University of Auckland. She has also contributed to subjects on refugee law at ANU's College of Law and Columbia University. Alice has a PhD in law from the University of Melbourne, supported by an Australian Government Research Training Program Scholarship.

Publications:

Book Chapters:

Palmer, A, 'Absent Images of International Law' in Shane Chalmers and Sundhya Pahuja (eds), *Routledge Handbook of International Law and the Humanities* (Routledge, 2021) 91

Palmer, A, 'National Implementation' in Jacqueline Peel and Lavanya Rajamani (eds), *Oxford Handbook on International Environmental Law* (2nd edn, Oxford University Press, 2021) 1022

Peel J, Godden L, Palmer A and Markey-Towler R, 'Regional Solutions: Export Measures for Plastic Recyclables to Reduce Marine Plastic Pollution in the Pacific' in Linda Yanti Sulistiawati, and Rose-Liza Eisma-Osorio (eds), *Marine Plastic Pollution and the Rule of Law* (Konrad-Adenaeur-Stiftung, Ltd., Korea Legislation Research Institute, Asia-Pacific Centre for Environmental Law-National University of Singapore, and University of Cebu School of Law, 2021) 1

Palmer, A, 'Image and Art in the Whaling in the Antarctic Case' in Jani McCutcheon and Fiona McGaughey (eds), *The Research Handbook on Art and Law* (Edward Elgar, 2020) 408

Journal Articles:

Peel, J., Godden, L., Palmer, A., & Markey-Towler, R. (2021). Regional Solutions: Export Measure for Plastic Recyclables to Reduce Marine Plastic Pollution in the Pacific. *KLRI Journal of Law and Legislation*, 11(1), 10-62. Retrieved from https://www.klri.re.kr/eng/journal/U/19/view.do

Reports and Working Papers:

Peel, J., Godden, L., Palmer, A., & Markey-Towler, R. (2020). Capacity Assessment for Waste Legislation in the 15 PacWastePlus Participating Countries. Samoa: Secretariat of the Pacific Regional Environment Programme.

Peel, J., Godden, L., Palmer, A., & Markey-Towler, R. (2020). Assessment of Waste Legislation in the 15 PacWastePlus Participating Countries. Samoa: Secretariat of the Pacific Regional Environment Programme.

Peel, J., Godden, L., Palmer, A., & Markey-Towler, R. (2020). Stocktake of Existing and Pipeline Legislation in the 15 PacWastePlus Participating Countries. Samoa: Secretariat of the Pacific Regional Environment Programme.

Peel, J., Godden, L., Palmer, A., & Markey-Towler, R. (2020). PacWastePlus Waste Legislative Review Regional Solutions Assessment. Samoa: Secretariat of the Pacific Regional Environment Programme.

Peel, J., Godden, L., Palmer, A., & Markey-Towler, R. (2020). Legislative Opportunity Assessment and Needs Analysis for Waste Legislation in the 15 PacWastePlus Participating Countries. Samoa: Secretariat of the Pacific Regional Environment Programme.

Peel, J., Godden, L., Palmer, A., & Markey-Towler, R. (2020). PacWastePlus Waste Legislative Review National Options Papers for Waste Legislation in the 15 PacWastePlus Participating Countries. Samoa: Secretariat of the Pacific Regional Environment Programme.

Presentations:

Presenter with Lee Godden, UNEP Policy Guidance on waste policy and legislation in times of pandemic, Asia and the Pacific/West Asia Regional Consultations, webinar, September 2021

Presenter, Marine Plastic Pollution Rule of Law in Asia Pacific, Book Launch, online event, October 2021 (recorded here https://www.youtube.com/watch?v=X9o-zXQ_Vxk)

Co-ordinator and participant, 'Three Little Words: Art And Law', IILAH Festival of Conversations, MLS, online event, October 2021 (recorded here https://soundcloud.com/iilahpodcast/three-little-words-art-and-law-festival-of-conversations)

Professor Christine Parker

Professor Christine Parker teaches units on food law and policy, corporate social and environmental responsibility, business regulation, animal law, and legal ethics. She has written, researched and consulted widely on how and why business comply with legal, social and environmental responsibilities and what difference regulatory enforcement makes. Her work has been published in academic journals and used in policy making and enforcement strategy. Her books include The Open Corporation (2002); Explaining Compliance (2011, with Vibeke Nielsen) and three editions of Inside Lawyers' Ethics (with Adrian Evans). **Research Interests:** Professor Parker's current research focuses on the politics, ethics and regulation of food. Her recent research has critically examined whether ethical labelling can make food systems healthy, sustainable and just with a particular focus on animal welfare labelling and superfood health claims. She is continuing with various collaborators work on the potential to leverage responsible investment for sustainable food system transitions; and also the potential for transformative governance in relation to human-animal relationships in the food system. Christine has a deep interest in both conceptualizing and communicating how law and regulation can help individuals and especially businesses live more sustainably well within socio ecological systems. She is working with Professor Fiona Haines on "ecological regulation", which they will be pursuing as part of the ARC funded Centre of Excellence on Automated Decision Making and Society.

Projects and other engagements:

- Harvard Animal Law and Policy (US$15,000)
- 2020-2026, Chief Investigator on successful ARC Centre of Excellence on Automated Decision Making in Society ($31.7 mill in ARC funding + partner funding)
- 2020-2021, Seed funding from University of Melbourne Future Food Hallmark for research on regulation of novel proteins ($1000 each year)
- 2020, MLS Research Excellence Funding on Responsible Investment and Animal Welfare ($6,644)
- 2019-2020, Seed funding from Melbourne Sustainable Society Institute (MSSI) for "Promoting cross-disciplinary research and engagement on sustainable food systems at the University of Melbourne" and "Sustainable investment in food systems' (total of $30,00)

Membership:

2020, Foundation member and committee member of AALTRA (Australasian Animal law teachers and Researchers Association)

Publications:

Journal Articles:

PARKER, C., 'From responsive regulation to ecological compliance: meta-regulation and the existential challenge of corporate compliance' in Ben Van Rooij and Daniel Sokol (eds) *The Cambridge Handbook of Compliance* (Cambridge University Press, 2021), 37-49.

SIEVERT, K., M. LAWRENCE, C. PARKER, CA RUSSELL & P. BAKER, "Who has a beef with reducing red and processed meat consumption? A media framing analysis" *Public Health Nutrition*, 2021, Sep 30:1-13. doi: 10.1017/S1368980021004092. Epub ahead of print. PMID: 34588091

MacGregor, C., Petersen, A., & Parker, C. (2021). Promoting a healthier, younger you: The media marketing of anti-ageing superfoods. JOURNAL OF CONSUMER CULTURE, 21(2), 164-179. doi:10.1177/1469540518773825

Parker, C., Carey, R., Boehm, L., Sacks, G., & Robinson, E. (2021). Responsible investing for food system sustainability: A review of current practice in Australia. *Environmental and Planning Law Journal*

Robinson, E., Parker, C., Carey, R., & Sacks, G. (2020). The Extent to Which Obesity and Population Nutrition Are Considered by Institutional Investors Engaged in Responsible Investment in Australia-A Review of Policies and Commitments. *FRONTIERS IN PSYCHOLOGY,* 11, 18 pages. doi:10.3389/fpsyg.2020.577816

Sievert, K., Lawrence, M., Parker, C., & Baker, P. (2020). Understanding the Political Challenge of Red and Processed Meat Reduction for Healthy and Sustainable Food Systems: A Narrative Review of the Literature. *INTERNATIONAL JOURNAL OF HEALTH POLICY AND MANAGEMENT*, 16 pages. doi:10.34172/ijhpm.2020.238

PARKER, C., R. CAREY, F. HAINES & H. JOHNSON, "Can labelling create holistic transformative food system change for human and planetary health? A case study of meat" *International Journal of Health Policy and Management*, Special issue on "The global political economy of food systems, nutrition and public health: towards healthy and sustainable food systems in the 21st century". Accepted 18 Nov 2020. Published online early December 2020.

CAREY, R., PARKER, C., & G. SCRINIS, "How free is sow-stall free? Incremental regulatory reform and industry co-optation of animal activism", *Law and Policy*, 2020, 42(3), 284-309.

Award:

In 2020 Prof Christine Parker was made a Fellow of the Academy of Social Sciences of Australia

Professor Miranda Stewart

Miranda is Professor at the Law School and is a Fellow at the Tax and Transfer Policy Institute at the Crawford School of Public Policy, The Australian National University. Miranda was the inaugural Director of the Institute from 2014 to 2017. Miranda has more than 25 years' experience in tax law and policy in academia, government and the private sector, across a wide range of topics, including taxation of large and small business entities, not-for-profits and individuals; international taxation and the role of tax in development; reform processes and budget institutions; and gender equality in tax and transfer systems. Miranda has an enduring interest in the resilience, legitimacy and fairness of tax systems to support good government.

Miranda is a co-editor and author of several books, including Tax, Social Policy and Gender (ANU Press, 2017); Income Taxation Commentary and Materials (with Graeme Cooper, Michael Dirkis and Richard Vann, Thomson Reuters, 8th ed., 2017); Death and Taxes (with Michael Flynn, Thomson Reuters, 6th ed., 2014), Sham Transactions (with Edwin Simpson, Oxford University Press, 2013), Tax, Law and Development (with Yariv Brauner, Edward Elgar, 2013), and Housing and Tax Policy (Australian Tax Research Foundation, 2010).

Responsibilities: Director, Tax Studies and the Tax Group

Publications:

Research Paper:

M. Stewart, R. Davies, The Gatekeeper Court: For the Revenue or for the Taxpayer?
In *University of Melbourne Legal Studies research Paper* no 828, Available at SSRN: https://ssrn.com/abstract=3414811 or http://dx.doi.org/10.2139/ssrn.3414811

Journal articles:

Halliday, D. (2021). On 'Dynastic' Inequality. In GARDINER, S. (Eds.) *The Oxford Handbook of Intergenerational Ethics* (1st ed., pp. 21-) Oxford University Press. doi:10.1093/oxfordhb/9780190881931.013.46

Stewart, M. & SAWER, M. (2021). Gender Budgeting. In SAWER, M., Jenkins, F. & Downing, K. (Eds.) *How Gender Can Transform the Social Sciences* (1 ed., pp. 117-126) Palgrave Macmillan. doi:10.1007/978-3-030-43236-2_12

Stewart, M. (2021). Australia's proposal to reform company tax residence: Legal fictions approaching truth? *British Tax Review*, 2021(1), pp. 29-43.

Book:
Stewart, M., Cooper, G., Dirkis, M. & Vann, R. J. (2020). Income Taxation: Commentary and Materials (9th ed.). Thomson Reuters (Professional) Australia Limited.

Book Chapters:
Stewart, M. & Krever, R. (2020). Taxation: Paying for Policy. In McClelland, A., Smyth, P. & Marston, G. (Eds.) *Social Policy in Australia* (4th ed., pp. 350-373) Oxford University Press.

Redonda, A., Galassao, V., Mazur, M., Stewart, M. & Whittaker, M. (2020). Taxation in Aging Societies: Increasing the Effectiveness and Fairness of Pension Systems. In Kim, C. J. (Eds.) *Aging Societies: Policies and Perspectives* (1 ed., pp. 34-44) Asian Development Bank Institute.

Professor Margaret Young

Professor Margaret Young joined Melbourne Law School in 2009 from the University of Cambridge, where she held the inaugural position of Research Fellow in Public International Law at Pembroke College and the Lauterpacht Centre for International Law. In 2016, Margaret was awarded the research excellence prize, the Woodward Medal, for her book Trading Fish, Saving Fish: The Interaction between Regimes in International Law (Cambridge University Press, 2011 Her latest book, The Impact of Climate Change Mitigation on Indigenous and Forest Communities (Cambridge University Press, 2017), was co-authored with colleagues from CREEL and was awarded the Certificate of Merit in a Specialized Area of International Law by the American Society of International Law in 2019.). Margaret commenced as Visiting Legal Fellow at the Department of Foreign Affairs and Trade (DFAT) in 2019. This two-year position aimed to encourage greater dialogue between the Department's legal advisers and academia on new and developing international legal issues. Margaret is also the Director of Studies for environmental law and Co-Director of studies for dispute resolution in the Melbourne Law Masters. She is on the Editorial Board of Oxford's Journal of Environmental Law and Melbourne Law School's Melbourne Journal of International Law. She is a member of the Society of International Economic Law, the American Society of International Law (ASIL), the European Society of International Law (ESIL) and the Australian and New Zealand Society of International Law (ANZSIL).

Publications:

Journal articles:
M. Young, Sustainable Oceans, Trade and Fisheries Subsidies in *Legal Studies Research Paper Series Vol.23, No2 (930),* Social Science Research Network, 2021

Book Chapters:

Schuijers, L., & Young, M. (2021). Climate Change Litigation in Australia: Law and Practice in the Sunburnt Country. In I. Alogna, C. Bakker, & J. -P. Gauci (Eds.), *Climate Change Litigation: Global Perspectives* (1 ed., pp. 47-78). United Kingdom: Brill. doi:10.1163/9789004447615_004

M. Young, 'Fragmentation' in L. Rajamani and J. Peel (eds) *Oxford Handbook of International Environmental Law* (Oxford University Press, 2021) 85-101

H. Charlesworth and **M. Young,** 'National Encounters with the International Court of Justice: Introduction to the Special Issue' (2021) 21(3) *Melbourne Journal of International Law* 502-515

H Charlesworth and **M. Young**, 'Australian Encounters with the Advisory Jurisdiction of the International Court of Justice' (2021) 21(3) *Melbourne Journal of International Law* 698-725

Young, M. (2021). A Quiet Revolution: The Exclusivity of Exclusive Economic Zones. In K. Rubenstein (Ed.), Traversing the Divide: Honouring Deborah Cass's Contributions to Public and International Law (1 ed., pp. 59-86). Australia: ANU Press. doi:10.2307/j.ctv1j9mjhx.9

Journal Articles:

Young, M. (2021). Climate Change and Law: A Global Challenge for Legal Education. *University of Queensland Law Journal*, 40(3). doi:10.38127/uqlj.v40i3.6045

Young, M. A. (2021). Protection of the Marine Environment. *The Korean Journal of International and Comparative Law*, 9(2), 196-211. doi:10.1163/22134484-12340155

Other Reference Work:

Young, M. (2021). Sustainable Oceans, Trade and Fisheries Subsidies (2 ed.). P. Delimatsis, & L. Reins (Eds.), USA: Edward Elgar.

Projects:

- **The Potential and Limits of International Adjudication**
  2018 - 2021
  Researchers: Margaret Young and Hilary Charlesworth

Awards:

Fellow of the Australian Academy of Law in 2021

Advisory Board Members

Associate Professor Pieter Badenhorst (Deakin University)
Pieter Badenhorst teaches land law and property at Deakin University. He was previously Professor of Law at the Nelson Mandela Metropolitan University in Port Elizabeth, South Africa.

Elisa De Wit (Norton Rose)
Elisa de Wit is a partner in the Melbourne office of Norton Rose, a leading international law firm. She leads the environment group of the Melbourne office and heads the Australian climate change practice.

Professor Roz Hansen (Roz Hansen Consulting)
Roz Hansen is Director of Roz Hansen Consulting. As an urban and regional planner with more than 30 years of experience, Roz has engaged in a diverse range of projects in Australia and overseas. Formerly, she was a managing director at Hansen Partnership between 1997 and 2011.

Ian Havercroft (The Global CCS Institute)
Ian Havercroft is the Senior Consultant – Legal and Regulatory at the Global CCS Institute, in Melbourne, Australia. Ian had acted as an expert reviewer/adviser to several organisations on CCS law and regulation (eg. the International Energy Agency). Formerly, he was an Honorary Visiting Senior Research Fellow at University College London's Faculty of Laws between 2011 and 2017.

Professor Ray Ison (Open University, UK)
As Professor of Systems (UK Open University; 1994 - present) Ray developed new teaching programs in Environmental Decision Making, Systems Thinking in Practice, Information Systems and an undergraduate Diploma in Systems Practice). He has completed a series of major social learning projects and systems practices research since 2002; including research applying social learning to implementation of the European Water Framework Directive. His current research includes applying systems thinking to climate change.

Sam Johnston (Senior Fellow, University of Melbourne)
Sam Johnston was a Senior Research Fellow at the United Nations University Institute of Advanced Studies - a policy think tank for the United Nations based in Japan. Johnston has degrees in chemistry and law and is a qualified lawyer in the Supreme Court of Victoria, Australia. His research interests include International Environmental Law, Governance of International Spaces, International Regulation of Biotechnology, Law of the Sea and Antarctica.

Centre for Resources, Energy and Environmental Law (CREEL)

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