



MELBOURNE LAW SCHOOL

Australia's first, Australia's global

Research Report 2008



Contents

Welcome

Academic Research Focus

Funded Research

Graduate Research Student Focus

Student Research Prizes

Published Research

Centres and Institutes

Journals, Magazines and Newsletters

Journal Affiliations

Faculty Research Workshop Series

Academic Staff

Graduate Research Degrees Completed

Graduate Research Degrees in Progress

Welcome

It is my great pleasure to present the Research Report of the Melbourne Law School (MLS) for 2008. The report reflects a year in which members of MLS undertook a wide range of exciting and significant research. We highlight in this report the work of three of our academics and two PhD students to give you some insight into the work being undertaken in by MLS researchers. In addition, a full list of the 2008 research publications by MLS members, including 21 authored or co-authored books and 8 edited collections is set out in the report. Congratulations to those who produced such an extraordinary collection of works and also to the fourteen research students who completed research doctorates or masters degrees in 2008.

This year saw six new ARC Discovery Projects commence on topics as diverse as: court reform in Cambodia and Vietnam; the long-term impact of shared parental care post-divorce; a history of the family court; the role of amateur media; theories of free speech; and corporate liability. In addition, three new ARC Linkage grants have brought together leading MLS academics with partners such as IP Australia and the Institute of Patent and Trade Mark Attorneys for a project on patent harmonisation; the Australian War Memorial and the Australian Federal Police to create a law report series on war crimes trials; and Westmead Fertility Services for research into oocyte donation. MLS continued our strong tradition of success in ARC grant applications being awarded nearly a third of the research grants in law and justice granted in Australia for research commencing in 2009.

The Centres and Research Groups continued to provide intellectual homes for academics and students with shared scholarly interests. The description of the work of the Centres and Groups in this report illustrates the extraordinary range of scholarly activities being carried out at MLS. The Centres ran major conferences, seminars, workshops and students events and played host to visitors from a many countries. In addition, the Law School itself played host to a number of important intellectual events including the regular Monday lunchtime research workshop series in which academics present their work in progress.

Thanks are due to the many members of academic and professional staff who support the research of the law school. In particular, my thanks to Christine Parker and Gerry Simpson for their outstanding work as PhD co-ordinators and to grant mentors Sean Cooney and Chris Dent who have played an important role in MLS's grant success. The team in the Research Office has provided very high quality support to academics and research students and I would like to acknowledge the wonderful work of the Research Manager, Lucy O'Brien, as well as the excellent support provided by Mas Generis, Jenny Mcfadden and Sophie Garrett. My particular thanks to Angela Hendley-Boys who has taken primary responsibility for the design and content of the new electronic form of the Research Report.



A handwritten signature in black ink that reads "Carolyn Evans".

Carolyn Evans
Associate Dean (Research)



Law Building

Melbourne Law School
Main Entrance
185 Pelham Street

ACADEMIC RESEARCH FOCUS

John Howe



Associate Professor John Howe is Director of the Centre for Employment and Labour Relations Law at the Law School. John completed his PhD at the Melbourne Law School in 2004. John also holds degrees from Monash University (BA/LLB) and Temple University in the USA (LLM (Summa Cum Laude)).

John is one of the leading contributors of theoretical and empirical labour law research in Australia. His main research interests lie in two areas. The first involves the use of regulatory theory to develop a deeper understanding of the regulatory approaches and mechanisms employed in labour law and policy. John has written extensively on the diverse forms and techniques of government labour regulation and their intersection

with 'private governance' or 'self regulation' by non-government actors such as business firms. John's groundbreaking 2006 book chapter "'Deregulation' of Labour Relations in Australia: Toward a More "Centred" Command and Control Model' called into question the underlying assumptions of the Howard Government's labour law reform program, using the Building and Construction Industry Improvement legislation as an example. A particular focus of John's recent research has been to examine the role of government in shaping employment relations and labour standards using 'soft' or 'light touch' regulation to encourage or promote shifts in corporate self-governance, as an alternative to mandatory labour law. This research led to him being commissioned (with Associate Professor Anthony Forsyth of Monash University) to write a major research report for the Victorian Government (Current Initiatives to Encourage Fair and Cooperative Workplace Practices: An International Survey, June 2008).

John's second main research interest is in the area of labour law and labour market regulation, or the relationship between conventional labour law and other areas of regulation which impact on the supply and demand of labour. These other areas of regulation include welfare policy, job creation policies, education and training regulation and tax policy. He is one of a key group of academics who have been working on reconceptualising the content of Australian labour law, resulting in the publication of a major edited collection

(C Arup et al (eds), *Labour Law and Labour Market Regulation*, 2006). Writing in the *Melbourne University Law Review*, internationally renowned labour law scholar Professor Simon Deakin of the Faculty of Law, Cambridge University, described this book as 'unquestionably a landmark in Australian labour law scholarship'. John's book *Regulating for Job Creation* (Federation Press, 2008) furthers this project by employing a regulatory perspective to analyse job creation policies and labour market governance in Australia over the last thirty years.

In 2009, together with Associate Professor Sean Cooney, John will commence a research project funded by the Australian Research Council in conjunction with federal government agency the Fair Work Ombudsman. This three year project will be an empirical study of the Fair Work Ombudsman's enforcement of federal labour rights and obligations under the Fair Work Act 2009.

Selected publications may also be viewed or downloaded from [SSRN](#).

Megan Richardson

Professor Megan Richardson received her BA and LLB from Victoria University of Wellington, New Zealand. She has an LLM from Yale University, where she was a Fulbright scholar, and an LLM in comparative law from the Free University of Brussels. Before joining the Melbourne Law School, Megan worked at the New Zealand, Victorian and Australian Law Reform Commissions and practiced commercial law at Chapman Tripp Sheffield Young and Buddle Finlay, Solicitors, in Wellington. She was appointed a Senior Lecturer at Melbourne Law School in 1992, promoted to Associate Professor in 1998, and to Professor in 2008.

Megan's research interests are wide-ranging and cross-disciplinary, and much of her work is collaborative. The main fields in which she has worked in recent years have been intellectual property and privacy. However, within these fields her work has been very diverse. For instance in 2008 she completed research papers for publication on the following topics:

- 'Patents and Exhibitions' (2009) 12 *Journal of World Intellectual Property* (forthcoming);
- 'Copyright and the New Street Literature' (with Jason Bosland) in Arup and Van Caenegem (eds), *Intellectual Property Law Reform: Fostering Innovation and Development* (Edward Elgar, forthcoming 2009);
- 'Cultural Property and "The Public Domain": Case Studies from New Zealand and Australia' (with Susy Frankel) in Antons (ed), *Traditional*

Knowledge, Traditional Cultural Expressions and Intellectual Property Law in the Asia-Pacific Region (Kluwer Law International, 2009);

- 'The Art of Retelling: Harry Potter and Copyright in a Fan-Literature Era' (with David Tan) (2009) 14 *Media & Arts Law Review* 31;
- 'Larger than Life in the Australian Cinema: Pacific Dunlop v Hogan' in A Kenyon, M Richardson and S Ricketson (eds), *Landmarks in Australian Intellectual Property Law* (Cambridge University Press, 2009) – as well as co-editing the book and co-writing the introduction;
- 'Traversing the Cultures of Trade Marks: Observations on the Anthropological Approach of James Leach' in L Bently, J Davis and J Ginsburg (eds), *Trade Marks and Brands* (Cambridge University Press, 2008);
- 'Music Markets and Bad Actors in Competition and Copyright Law' (with Arlen Duke) (2008) 16 *Competition and Consumer Law Journal* 203;
- 'Wood v Duff-Gordon and the Modernist Cult of Personality' (with David Tan) (2008) 28 *Pace Law Review* 379.

She also commenced work in 2008 on a three year Australian Research Council grant on 'Amateur Hour: The Sociolegal Construction of Amateur Media', together with Julian Thomas Professor of Media and



Communications and Director of the Institute for Social Research at Swinburne University of Technology. Her current writing projects include a co-authored book with Michael Bryan (also of the Melbourne Law School) on *Breach of Confidence: Social Origins and Modern Developments*, to be published by Edward Elgar in 2011.

Megan Richardson teaches Special Topics in Intellectual Property (a research subject) and Remedies in the Melbourne Law School LLB program, as well as Privacy Law and Entertainment Law in the Melbourne Law Masters program. She is Deputy Director of the Centre for Media and Communications Law, a position she has held since 2006, and Associate Director Law of the Intellectual Property Research Institute of Australia. Selected publications are available from [SSRN](#).

Joo-Cheong Tham



Dr Joo-Cheong Tham joined the Law School as a faculty member in 2005 after having taught at Victoria University and LaTrobe University. As an international student from Malaysia, he graduated from the Law School with a first class honours undergraduate law degree in 1998. He also undertook his postgraduate studies at the Law School and holds a Master of Laws and Doctor of Philosophy (PhD) from the University of Melbourne. Joo-Cheong's research traverses public and private law and clusters in three main areas: counter-terrorism laws; the funding of politics; and the regulation of non-standard work. In all of these areas, his work has sought to grapple with broader questions of rights, justice and democracy and their relationship with the law. These questions have been approached from an

interdisciplinary perspective that draws on the discipline of law, as well as the disciplines of political philosophy, political science and industrial relations.

His work on counter-terrorism laws began after the attacks on September 11, 2001 and initially focussed on the impact of Australian counter-terrorism laws on civil liberties, the rule of law and the democratic process. As part of this focus, Joo-Cheong collaborated in 2005-2007 with a team of criminologists and legal academics on an Australian Research Council grant entitled 'Combating the Financing of Terrorism: Enhancing Security or Compromising Civil Rights and Democracy?'

Since 2007, Joo-Cheong's research in this area has been directed as critiquing claims that a Bill or Charter of Rights would enhance the protection of rights in relation to counter-terrorism laws. Through this project, Joo-Cheong undertook a comparative study of control orders in Australia and the United Kingdom and produced, together with Professor Keith Ewing of King's College London, two articles, one published in the *Melbourne University Law Review* entitled 'Limitations of a Charter of Rights in the Age of Counter-Terrorism' and the other published in *Public Law* with the title 'The Continuing Futility of the Human Rights Act'. He is also currently working on an article entitled 'Parliamentary Deliberation of Counter-Terrorism Laws: The Case of Control Orders'. Much of this work was carried out under the auspices of a British Academy Fellowship based in

the Law School, King's College London and a Rydon Fellowship in Australian Politics and Political History based in the Menzies Centre for Australian Studies, King's College London.

Joo-Cheong's work on bills of rights has branched out to include an assessment of the political protection of rights. In an article to be submitted to the *Australian Journal of Labour Law*, he will be considering the quality of political deliberation which accompanied the Work Choices legislation and the Fair Work Act. He is also completing a book chapter that defends the role that Australian political parties can play in advancing the protection of rights. This chapter will be published in a book edited by Professor Tom Campbell, Centre for Applied Philosophy and Public Ethics, Charles Sturt University; Professor Keith Ewing, King's College London and Professor Adam Tomkins, Glasgow University. This collection will be a sequel to their previous book, *Sceptical Essays on Human Rights*.

Joo-Cheong is one of Australia's leading experts on the funding of politics. The financing of politics implicates fundamental democratic values, such as political transparency, equality and liberty. Joo-Cheong's work in this field has been directed at assessing the extent to which the funding of politics in Australia and its regulation comply with these democratic principles and proposing changes necessary to ensure the democratic integrity of Australia's political process.

A major piece of Joo-Cheong's work in this area was a report he co-wrote with political scientist, Dr Sally Young, Melbourne University, for the Democratic Audit of Australia entitled 'Political Finance in Australia: A Skewed and Secret System'. His research on Australian political finance continues through two projects. He is completing a book that will be published by University of New South Wales Press in 2010. Together with Professor Brian Costar, Swinburne University and Associate Professor Graeme Orr, University of Queensland, he is also working on a project entitled 'Electoral Regulation and its Prospects for Australian Democracy'. As part of this project which is funded by a grant from the Social Justice Initiative, University of Melbourne, Joo-Cheong and his collaborators will convene a workshop in November 2009. The workshop papers will form an edited collection that will be published by Melbourne University Press in 2010.

With Professor Keith Ewing, King's College London and Jacob Rowbottom, Cambridge University, Joo-Cheong organised a workshop held in May 2008 that was devoted to international perspectives on political finance. Joo-Cheong and his collaborators are in the process of editing the workshop papers that will be published as a book by Routledge in 2010.

Joo-Cheong commenced his academic career as a labour law academic. His labour law research has produced writings on various topics including the nexus between social security law and labour law; the legal regulation of information in the Australian labour market and the High Court of Australia's Work Choices decision. In the past years, his labour law research has focussed on the protection of non-standard workers under Australian labour law. These workers often suffer from inferior labour protection; a position that is commonly referred to as precariousness. Joo-Cheong's doctoral thesis provided a comprehensive examination of the legal precariousness of casual workers in Australia. His current work analyses the position of temporary migrant workers in Australia. With industrial relations scholar, Dr Iain Campbell, RMIT University, he is currently examining the labour protection afforded to Subclass 457 visa workers and will be delivering a paper on this topic to the International Labour Organisation's conference on 'Regulating Decent Work' in July 2009. In collaboration with Melbourne University academics from the disciplines of political science, social work, philosophy and law, Joo-Cheong is organising a workshop on social justice and temporary migrant work to be held in 2010.

In his various areas of research, Joo-Cheong has drawn upon his academic work in order to engage in public debate. He has given expert evidence to parliamentary inquiries into counter-terrorism laws and political funding laws. He has also had opinion pieces published in *The Age* and the *Sydney Morning Herald*. His research findings have also been reported in these newspapers as well as *The Australian* and the *Herald-Sun*.

Selected publications may also be viewed or downloaded from [SSRN](#).



FUNDED RESEARCH

Commencing Australian Research Council (ARC) Discovery Projects in 2008

Camille Cameron and Pip Nicholson
(2008-2010)

'Testing Court Reform Projects in Cambodia and Vietnam'

Funding: \$275,000

Financial assistance for court reform projects in ASEAN countries is among Australia's foreign aid priorities, consuming highly sought-after aid dollars. This research will make recommendations aimed at increasing the efficacy of aid-assisted court reform projects. By paying particular attention to indigenous perspectives of successes and failures of such projects, the research will contribute to Australia's understanding of the legal and judicial contexts in two of its Southeast Asian neighbours. The research will inform Australia's aid investments in Cambodia and Vietnam, the region and internationally. It will enhance Australia's ability to achieve more effective design, implementation and evaluation of court-related aid interventions.

Belinda Fehlberg
(2008-2010)

'Post-separation Parenting and Financial Settlements: The Long-term Financial Impacts of Shared Care'

Funding: \$543,000

This proposal's focus on financial and parenting arrangements over time is both important and timely given increasing focus on shared post-separation parenting in Australia and internationally. By considering the impact of changes in shared care over time on financial decisions made at separation (especially property division), this proposal will establish how to embody in financial arrangements the long-term changes associated with shared parenting. This will enable us to empower separating couples, their advisors and courts to make financial settlements which reduce the potentially adverse financial and social impacts of post-separation financial arrangements on children, carers, and our social security system.

Dan Hunter, Megan Richardson and Julian Thomas (Institute for Social Research, Swinburne University of Technology)
(2008-2010)

'Amateur Hour: The Sociolegal Construction of Amateur Media'

Funding: \$210,000

This project addresses Research Priority 3, specifically the priority goal of Promoting an Innovation Culture and Economy. The rise of amateur networked production is a highly significant transformation in Australia's cultural and media industries. Innovation policy provides incentives for the socially-optimal production of new works, but amateurs do not produce for commercial gain, and may not respond to commercial incentives of intellectual property. The project articulates motivations, incentive and conditions for amateur content production.

Helen Rhoades and Shurlee Swain
(2008-2010)

'The Helping Court: Examining the Early History of the Family Court of Australia'

Funding: \$350,000

This project will benefit the many Australian families involved in divorce by analysing the process by which the Family Court of Australia, designed to reduce the acrimony and costs associated with fault-based adversarial processes, so quickly became a focus for criticism and violence. By identifying continuity and change in both the issues underlying disputes in the family law system and the strategies adopted to overcome them it will help to stabilise dispute resolution policies and reduce the need to review and adjustment in the future.

Adrienne Stone
(2008-2011)

'Freedom of Expression in Democratic States: A New Theoretical Direction'

Funding: \$197,817

Modern democratic states must protect freedom of expression while also responding to the harms caused by hateful, violent and dangerous form of speech - a problem accentuated by increasing racial, religious and ethnic conflict and the threat of (and responses to) terrorism. The project is important because it aims to develop a theory of freedom of expression that - free from the distorting influence of the United States jurisprudence - can explain and guide the courts in other democratic countries. Its comparative and theoretical innovation will place Australian scholarship at the forefront of a central problem in modern political life and enrich scholarly and public debate.

Christian Witting
(2008-2010)

'The Liability of Corporate Groups'

Funding: \$157,618

The importance of a re-examination of the rules of limited liability has been demonstrated in many recent cases of corporate wrongdoing and collapse. This has been highlighted by the restructuring of the James Hardie Group of companies, the conscious aim of which was the decision to free the group of its asbestos liability 'legacy'. Were it not for government intervention, thousands of person injured by asbestos products would have gone without compensation. One means by which such fairness can be avoided is by reform to the rules of limited liability. This project will explore the means by which this could be achieved.

Commencing Australian Research Council (ARC) Linkage Projects in 2008

Andrew Christie and **Chris Dent**
(2008-2010)

'The Fingers of the Powers above do Tune the Harmony of this Peace: Australia and the Harmonisation of Patents'

Funding: \$200,000 + an APA(I)

Partner Organisations: IP Australia
Institute of Patent and
Trade Mark Attorneys of
Australia

Patent law is central to the key economic aim of encouraging an innovative culture. The harmonisation of patent systems around the world means Australian law will change. There is a significant risk that, without effective lobbying, the reforms will only reflect the needs and interests of the dominant economies, like the US. This project, with its comparative analysis of the patent examination process, will explore the ways in which this integral part of the patent system may be improved. This research will lead to proposals for reform that are in line with the interests of Australia's unique economy.

Tim McCormack, Gideon Boas (Monash University) and **Helen Durham**
(2008-2010)

'Australia's Post World War II War Crimes Trials: A Systemic and Comprehensive Law Reports Series'

Funding: \$220,593

Partner Organisations: Australian War Memorial
Australian Federal Police

The publication of the project's Law Reports Series will, in effect, constitute the official history of this extensive Australian war crimes trial experience - in itself, an important national benefit. However, ready access to the previously buried historical primary source material also has profound potential for contemporary application. The proliferation of new international criminal tribunals with a concomitant explosion of case law has created a hunger for access to past judicial precedent. Reliance on the results of this project in war crimes trials around the world is guaranteed.

Catherine Waldby, Ian Kerridge (The University of Sydney) and **Loane Skene**
(2008-2010)

'Human Oocytes for Stem Cell Research: Donation and Regulation in Australia'

Funding: \$215,000

Partner Organisation: Westmead Fertility
Services

Administering Organisation: The University of
Sydney

This study will contribute to the development of workable, ethical guidelines and practices for Australian research oocyte donation. It will contribute to the protection of women's health and autonomy and the design of sound donation practices and support services. It will contribute to the national and international debate about the ethics of stem cell research, and improve the knowledge base available to regulators and other stakeholders to frame adequate and comprehensive regulation.

Commencing Australian Research Council Linkage Infrastructure, Equipment and Facilities (LIEF) Project in 2008

Graham Greenleaf (The University of New South Wales),
Andrew Mowbray (University of Technology, Sydney),
Tyrone Carlin (Macquarie University),
Fiona Wheeler (Australian National University),
Helen Culshaw (The Flinders University of South Australia),
Andrew Kenyon (Melbourne Law School), and
Michael Adams (University of Western Sydney)

'The Australian Legal Scholarship Library - Enhancing Research Infrastructure for Australian Law'

Funding: \$169,776

Administering Organisation: The University of New South Wales

It is difficult to find Australian legal scholarship of the last 50 years because too little of it is available online or searchable from any central location. The Australian Legal Scholarship Library, located on AustLII, will remedy that by creating a comprehensive repository for Australian academic and non-profit law journals, law school repositories for all of their new scholarship no matter where it is eventually published, and smart methods of finding how legal documents relate to each other. People researching Australian law, whether for business, academic or community purposes, will benefit from better access to this wealth of expertise.

Commencing National Health and Medical Research Council (NHMRC) Project in 2008

Jane Halliday (Murdoch Childrens Research Institute),
MaryAnne Aitken (Murdoch Childrens Research Institute),
Martin Delatycki (Genetic Health Services Victoria),
Ingrid Winship (Department of Medicine - Royal Melbourne Hospital/Western Health),
Loane Skene (Melbourne Law School), and
Susan Donath (The Royal Children's Hospital, Melbourne)

'Communication of Genetic Information in Families: A Randomised Controlled Trial of a Genetic Counselling Intervention'

Funding: \$344,500

Administering Organisations: Murdoch Childrens Research Institute
The University of Melbourne

Melbourne Law School Small Grants Scheme

Caron Beaton-Wells

'Cartel Regulation in Australia: Law, Policy and Practice'

Camille Cameron

'The Role of Institutional Litigation Funders in Australia'

Gary Cazalet

'Costs in Public Interest Litigation'

Alison Duxbury

'The Participation of States in International Organisations: The Role of Human Rights and Democracy'

Andrew Mitchell

'Global Governance Papers'

Pip Nicholson

'New Courts in Asia'

Melbourne Early Career Grant Scheme

Michelle Foster

'One's 'Own Country': Changing Concepts of Nationality in International Law'

Tania Voon

'Anti-Dumping, Countervailing and Safeguard Measures in Preferential Trade Agreements'



GRADUATE RESEARCH STUDENT FOCUS

Olivia Barr



Olivia Barr is in the second year of her PhD at Melbourne Law School and researches in the areas of common law, jurisprudence and jurisdiction. Olivia's doctoral research contributes to an emergent genre of jurisprudence through a consideration of a poetics of law. Contemplating common law as an assemblage of techniques and practices, this research focuses on how common law creates meaning through its jurisdictional practices. More particularly, this involves an examination of the role of jurisdiction in the creation and maintenance of common law's relationships with bodies, lands and other jurisdictions. What emerges is an opportunity to re-evaluate the institution of common law and re-imagine relationships with common law. In the context of Anglo-Australian common law and its

violent, highly ambiguous relationship with indigenous jurisdictions, developing a space in which such a re-imagining can occur is both timely and important research.

Before beginning a doctorate at the Melbourne Law School, where she is supervised by Dr. Jenny Beard, Associate Professor Shaun McVeigh and Associate Professor Maureen Tehan, Olivia graduated from the University of Western Australia with a Bachelor of Laws (Distinction) and a Bachelor of Arts (Anthropology) and from the University of British Columbia with a Master of Laws by research. Olivia has worked as a government solicitor, in law reform and for the United Nations Permanent Forum on Indigenous Issues. Her work with Professor Mick Dodson (Australian National University), in his capacity as a member of the United Nations Permanent Forum on Indigenous Issues and Special Rapporteur for Indigenous Traditional Knowledge, led to a co-authored publication, 'Breaking the Deadlock: Developing an Indigenous Response to Protecting Indigenous Traditional Knowledge' (2007) 11(2) *Australian Indigenous Law Review* 19. Since arriving in Melbourne, Olivia has lectured at Deakin University and currently teaches Australian Legal Process and Legal Institutions in Melbourne Law School's LLM programme.

With fellow PhD candidates Yoriko Otomo and Luis Eslava, Olivia co-organised Melbourne Law School's inaugural postgraduate and early career researchers' workshop on methodological approaches to legal

scholarship, 'In Search of Authority, Rebellion and Action' in December 2008. Sponsored by the Melbourne Law School, Postgraduate Law Students Association, the Institute for International Law and the Humanities and the Melbourne School of Graduate Research, the workshop attracted national and international scholars and was a highly successful event. With Yoriko Otomo and Luis Eslava, Olivia has since been invited to guest edit a special edition of *Sortuz: Oñati Journal of Emergent Sociolegal Studies* (forthcoming), which includes articles arising from the workshop. In this edition, due to be published in 2009, Olivia will also co-author an article with Yoriko Otomo and Luis Eslava on the politics of methodology in the search for authority, rebellion and action in critical legal research.

In 2008, Olivia presented a paper, 'Beyond the Boundaries: Sovereignty, Law and War in the Colony of New South Wales' at the 'New Worlds, New Sovereignties' conference at the University of Melbourne in June 2008. She also presented a paper, 'In the Space of Jurisdiction', at the Institute for International Law and the Humanities' Doctoral Roundtable with Professor Hilary Charlesworth in November 2008 and at the workshop she co-organised in December 2008. In 2009, Olivia will travel to England to present papers at the Critical Legal Conference, University of Leicester and at an interdisciplinary conference, 'The Politics of Space and Place' at the Centre for Applied Politics, Philosophy and Ethics, University of Brighton.

Khalid Al-Azri

Islamic legal study is a growing subject in academia in many Western Universities, and certainly the study of Islamic Law, gender and the position of ethnicities in many Muslim societies are attractive and challenging subjects, since these societies are in political, legal and social transition, which not only affects their own, but also has far reaching effects within the global community. My PhD focused on the study of the tension between Islamic Law, gender rights and political and cultural associated themes in Oman. Like many other Middle Eastern countries, gender equality and women's rights meticulously represent an area of challenge to the Omani government and accordingly to the socio-political transformation of the country.

Subsequent to my graduation and on my return to my home country, I was employed by the Ministry of Social Development to work on a project which aimed at enhancing women's political rights in Oman. Here women have achieved good positions, with four women being appointed to ministerial level, fourteen to the State Council and two to ambassadorial levels in the USA and Netherlands. But, my major achievement came six months after my return, when after careful examination (of my profile as a Melbourne University Law graduate) and a successful interview at the Oxford Centre for Islamic Studies at Oxford University, I was accepted as a Fellow Researcher at the Centre. For me, this is of course a turning point in my career, where not only have I benefited from accessibility to the enormous collections

of Islamic, Middle Eastern and Omani studies that are to be found in specialist institutes such as the British Archive Library in London and the historical library of Bodleian in Oxford, but I am also gaining daily experience through participation in book reviews, publication of articles, attending various academic events such as conferences and workshops and giving presentations in addition to tutoring on issues related to gender, Oman and Arab Gulf studies generally. My interaction with academics at Oxford University is without a doubt enhancing my knowledge and research capability, as I am currently working on a research project related to Oman with a number of scholars including Jeremy Jones, the Former Joint Research Fellow, International Security Program/ The Dubai Initiative, 2004-2007, and Current Affiliation: Fellow, Oxford Centre for Islamic Studies, University of Oxford, and the author of '*Negotiating Change: The New Politics of the Middle East*'.





STUDENT RESEARCH PRIZES

2008 Harold Luntz Graduate Research Thesis Prize Winner

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

The 2008 Harold Luntz Graduate Research Thesis Prize was won by:

Catherine Elizabeth Brophy

Dr Brophy, a barrister at the Victorian Bar, was awarded the prize for her thesis entitled 'The Integration of Complementary and Alternative Medicine into Health Care: Regulating for Consumer Choice, Autonomy and Responsibility'.

Supervised by Associate Professor Christine Parker and Emeritus Professor Harold Luntz, and co-supervised by medical practitioners Dr Marie Pirotta and Dr Vicki Kotsirilos, Dr Brophy investigated the role that the law can play in the integration of evidence-based complementary and alternative medicine into mainstream health care.

The Selection Committee for the Prize said that Dr Brophy's work was "ambitious and visionary in being truly inter-disciplinary in an area which is of growing social importance".



Dr Catherine Elizabeth Brophy

Student Published Research Prize

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

Two prizes are awarded, one to a postgraduate law student and the other to an undergraduate student.

Postgraduate 2008 Winner



Yoriko Otomo

'Of Mimicry and Madness: Speculations on the State'

(2008) 28 *Australian Feminist Law Journal* 53-76

Undergraduate 2008 Winner

Fergus Green

'Fragmentation in Two Dimensions: The ICJ's Flawed Approach to Non-State Actors and International Legal Personality'

(2008) 9 *Melbourne Journal of International Law* 47-77





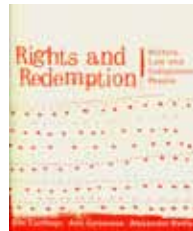
PUBLISHED RESEARCH

2008 Published Research

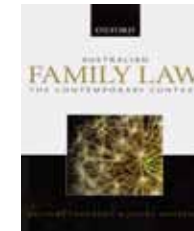
Books Authored



Bailey, I and **Bell, M**,
Understanding Australian Construction Contracts, Thomson Lawbook Co, Australia (2008)



Curthoys, A, **Genovese, A** and Reilly, A, *Rights and Redemption: History, Law and Indigenous People*, University of New South Wales Press, Australia (2008)



Fehlberg, B and Behrens, J,
Australian Family Law: The Contemporary Context, Oxford University Press, Australia (2008)



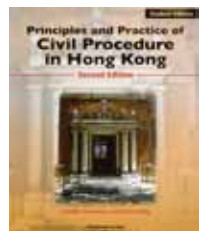
Baxt, R, Black, A and **Hanrahan, P**,
Securities and Financial Services Law (7th ed), LexisNexis Butterworths, Australia (2008)



Davies, M and **Malkin, I**,
Torts (5th ed), LexisNexis Butterworths, Australia (2008)



Hanrahan, P, **Ramsay, I** and **Stapledon, G**,
Commercial Applications of Company Law (9th ed), CCH Australia, Australia (2008)



Cameron, C and Kelly, E,
Principles and Practice of Civil Procedure in Hong Kong, (2nd ed), Sweet and Maxwell Asia, Hong Kong (2008)



Ellinghaus, M,
Australian Cases on Contract 2008 Edition, Code Press, Australia (2008)



Howe, J,
Regulating for Job Creation, Federation Press, Australia (2008)



Christie, A and Gare, S,
Blackstone's Statutes on Intellectual Property, (9th ed), Oxford University Press, United Kingdom (2008)



Evans, C and **Evans, S**,
Australian Bills of Rights: The Law of the Victorian Charter and ACT Human Rights Act, LexisNexis, Australia (2008)



Kobetsky, M, Krever, R, **O'Connell, A** and **Stewart, M**,
Income Tax: Text, Materials and Essential Cases, (7th ed), Federation Press, Australia (2008)



Lambiris, M,
First Principles of Business Law: Source Materials and Interactive Tutorials,
 CCH Australia, Australia (2008)



Ricketson, S, Richardson, M
 and Davison, M,
Intellectual Property: Cases, Materials and Commentary
 (4th ed), LexisNexis
 Butterworths, Australia (2008)



Yeo, V, Lee, J, **Hanrahan, P,**
Ramsay, I and **Stapledon, G,**
Commercial Applications of Company Law in Singapore
 (3rd ed), CCH Asia Pte Limited,
 Singapore (2008)



Lindsey ,T,
Indonesia Law and Society
 (2nd ed), Federation Press,
 Australia (2008)



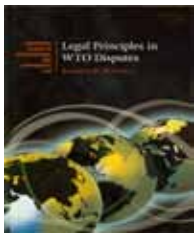
Seddon, N and **Ellinghaus, M,**
Cheshire and Fifoot's Law of Contract
 (9th ed), LexisNexis
 Butterworths, Australia (2008)



McQuade, P and **Gronow, M,**
McDonald, Henry & Meek Australian Bankruptcy Law and Practice
 (6th ed), Thomson
 Lawbook Co, Australia (2008)



Skene, L,
Law and Medical Practice: Rights, Duties, Claims and Defences
 (3rd ed), LexisNexis
 Butterworths, Australia (2008)



Mitchell, A,
Legal Principles in WTO Disputes,
 Cambridge University
 Press, United States (2008)

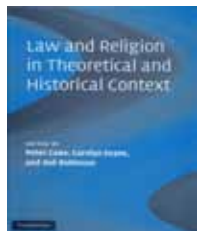


Nariman, A, Sulaiman, A, Bidin
 A, **Hanrahan, P, Ramsay, I** and
Stapledon, G, *Commercial Applications of Company Law in Malaysia*
 (3rd ed), CCH Asia Pte Limited,
 Malaysia (2008)

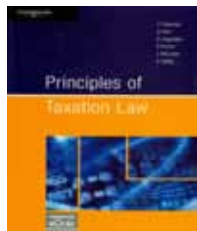
Edited Books



Blumenthal, D and **McCormack, T**, *The Legacy of Nuremberg: Civilising Influence or Institutionalised Vengeance?*, Martinus Nijhoff Publishers, Netherlands (2008)



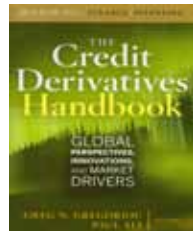
Cane, P, **Evans, C** and Robinson, Z, *Law and Religion in Theoretical and Historical Context*, Cambridge University Press, United States (2008)



Coleman, C, Hart, G, **Jogarajan, S**, Krever, R, McLaren, J and Sadiq, K, *Principles of Taxation Law*, Thomson, Australia (2008)



De Vries Robbe, J and **Ali, P**, *Expansion and Diversification of Securitization Yearbook 2007*, Kluwer Law International, Netherlands (2008)



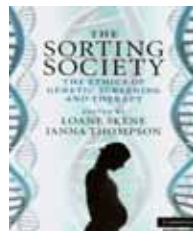
Gregoriou, G and **Ali, P**, *The Credit Derivative Handbook: Global Perspectives, Innovations, and Market Drivers*, McGraw Hill, United States (2008)



Marshall, S, Mitchell, R and **Ramsay, I**, *Varieties of Capitalism, Corporate Governance and Employees*, Melbourne University Press, Australia (2008)



Nicholson, P and **Biddulph, S**, *Examining Practice, Interrogating Theory: Comparative Legal Studies in Asia*, Martinus Nijhoff Publishers, Netherlands (2008)



Skene, L and Thompson, J, *The Sorting Society: The Ethics of Genetic Screening and Therapy*, Cambridge University Press, United States (2008)

Book Chapters

Ali, P, 'Eco-Finance and Securitization: Carbon as a New Asset Class', in J De Vries Robbe and P Ali (eds), *Expansion and Diversification in Securitization Yearbook 2007*, Kluwer Law International, Netherlands (2008), 97-105

Ali, P, 'Insurance Securitization' in J De Vries Robbe (ed), *Securitization Law and Practice: In the Face of the Credit Crunch*, Kluwer Law International, Netherlands (2008), 349-374

Ali, P, 'Liquidity and the Retail Investor' in F Lhabitant and G Gregoriou (eds), *Stock Market Liquidity: Implications for Market Microstructure and Asset Pricing*, John Wiley & Sons, United States (2008), 59-65

Ali, P, 'Managed Fund-Style Securitization' in J De Vries Robbe (ed), *Securitization Law and Practice: In the Face of the Credit Crunch*, Kluwer Law International, Netherlands (2008), 333-347

Ali, P, 'Managed Life: Securitization of Life Insurance Policies' in J De Vries Robbe and P Ali (eds), *Expansion and Diversification in Securitization Yearbook 2007*, Kluwer Law International, Netherlands (2008), 107-117

Ali, P, 'Securitization of Commodity Price Risk' in F Fobozzi, R Fuss and D Kaiser (eds), *The Handbook of Commodity Investing*, John Wiley & Sons, United States (2008), 613-625

Ali, P, 'Whole Business Securitization' in J De Vries Robbe (ed), *Securitization Law and Practice: In the Face of the Credit Crunch*, Kluwer Law International, Netherlands (2008), 373-380

Ali, P and Chang, A, 'Securitizing Intellectual Property, with some Comments on Taiwan' in J De Vries Robbe and P Ali (eds), *Expansion and Diversification in Securitization Yearbook 2007*, Kluwer Law International, Netherlands (2008), 85-95

Ali, P and Gregoriou, G, 'The Changing Face of Credit Default Swaps' in G Gregoriou and P Ali (eds), *The Credit Derivatives Handbook: Global Perspectives, Innovations, and Market Drivers*, McGraw Hill, United States (2008), 3-13

Anderson, K, Marshall, S and **Ramsay, I**, 'Do Australian Institutional Investors Aim to Influence the Human Resource Practices of Investee Companies?' in S Marshall, R Mitchell and I Ramsay (eds), *Varieties of Capitalism, Corporate Governance and Employees*, Melbourne University Press, Australia (2008) 245-276

Arnold, L, 'Labour Law and Practice in post-Soeharto Indonesia' in T Lindsey (ed), *Indonesia: Law and Society*, Federation Press, Australia (2008), 532-566

Biddulph, S, 'The Field of Crime Control and Social Order: Prospects for Criminal Procedure Reform in China' in P Nicholson and S Biddulph (eds), *Examining Practice, Interrogating Theory: Comparative Legal Studies in Asia*, Martinus Nijhoff Publishers, Netherlands (2008), 109-145

Biddulph, S and **Nicholson, P**, 'Expanding the Circle: Comparative Legal Studies in Transition' in P Nicholson and S Biddulph (eds), *Examining Practice, Interrogating Theory: Comparative Legal Studies in Asia*, Martinus Nijhoff Publishers, Netherlands (2008), 9-23

Blumenthal, D, 'Australian Implementation of the Rome Statute of the International Criminal Court' in D Blumenthal and T McCormack (eds), *The Legacy of Nuremberg: Civilising Influence or Institutionalised Vengeance?*, Martinus Nijhoff Publishers, Netherlands (2008), 283-325

Bryan, M, 'Equitable Relief from Forfeiture: Performance or Restitution?' in C Rickett (ed), *Justifying Private Law Remedies*, Hart Publishing, United States (2008), 363-384

Bryan, M, 'Recipient Liability under the Torrens System: Some Category Errors' in C Rickett and R Grantham (eds), *Structure and Justification in Private Law*, Hart Publishing, United States (2008), 339-359

Bryan, M, 'Unconscionable Conduct as an Unjust Factor' in S Degeling and J Edelman (eds), *Unjust Enrichment in Commercial Law*, Thomson Lawbook Co, Australia (2008), 295-315

Cooney, S, 'Addressing Extreme Working Hours in China: The Contributions of Regulation Theory' in P Nicholson and S Biddulph (eds), *Examining Practice, Interrogating Theory: Comparative Legal Studies in Asia*, Martinus Nijhoff Publishers, Netherlands (2008), 147-168

Crouch, M, 'Indonesia's National and Local Ombudsman Reforms: Salvaging a Failed Experiment?' in T Lindsey (ed), *Indonesia: Law and Society*, Federation Press, Australia (2008), 382-405

Duxbury, A, 'Excluding the Undesirable: Interpreting Article IF(a) of the Refugee Convention in Australia' in D Blumenthal and T McCormack (eds), *The Legacy of Nuremberg: Civilising Influence or Institutionalised Vengeance?*, Martinus Nijhoff Publishers, Netherlands (2008), 259-282

Evans, C, 'Introduction' in P Cane, C Evans and Z Robinson (eds), *Law and Religion in Theoretical and Historical Context*, Cambridge University Press, United Kingdom (2008), 1-15

Fenwick, C, 'The International Labour Organisation: An Integrated Approach to Economic and Social Rights' in M Langford (ed), *Social Rights Jurisprudence: Emerging Trends in International and Comparative Law*, Cambridge University Press, United States (2008), 591-611

Godden, L, 'Law in the Schism: Its Role in Moving Beyond the Carbon Economy in Australia' in D Zillman, C Redgwell, Y Omorogbe and L Barrera-Hernandez (eds), *Beyond the Carbon Economy: Energy Law in Transition*, Oxford University Press, United Kingdom (2008), 459-480

Godden, L, 'Property in Urban Water: Private Rights and Public Governance' in P Troy (ed), *Troubled Waters: Confronting the Water Crisis in Australia's Cities*, ANU E Press, Australia (2008), 157-185

Graycar, R and **Morgan, J**, 'Equality Rights: What's Wrong?' in R Hunter (ed), *Rethinking Equality Projects in Law: Feminist Challenges*, Hart Publishing, United States (2008), 105-124

Hanrahan, P, 'Regulating Securities and Markets' in R Baxt, A Black and P Hanrahan (eds), *Securities and Financial Services Law*, LexisNexis, Australia (2008), 3-47

Howe, J, 'The Role of 'Light Touch' Regulation in Advancing Employee Participation in Corporate Governance: The Case of Partners at Work' in S Marshall, R Mitchell and I Ramsay (eds), *Varieties of Capitalism, Corporate Governance and Employees*, Melbourne University Press, Australia (2008), 277-308

Jogarajan, S, 'Allowable Deductions' in C Coleman, G Hart, S Jogarajan, R Krever, K McLaren and K Sadiq (eds), *Principles of Taxation Law*, Thomson, Australia (2008), 213-244

Jogarajan, S, 'Capital Allowances' in C Coleman, G Hart, S Jogarajan, R Krever, J McLaren and K Sadiq (eds), *Principles of Taxation Law*, Thomson, Australia (2008), 259-270

Jogarajan, S, 'Fringe Benefits Tax' in C Coleman, G Hart, S Jogarajan, R Krever, J McLaren and K Sadiq (eds), *Principles of Taxation Law*, Thomson, Australia (2008), 77-100

Jogarajan, S, 'Goods and Services Tax' in C Coleman, G Hart, S Jogarajan, R Krever, J McLaren and K Sadiq (eds), *Principles of Taxation Law*, Thomson, Australia (2008), 491-210

Jogarajan, S, 'Specific Deductions' in C Coleman, G Hart, S Jogarajan, R Krever, J McLaren and K Sadiq (eds), *Principles of Taxation Law*, Thomson, Australia (2008), 245-258

Jogarajan, S, 'Trading Stock' in C Coleman, G Hart, S Jogarajan, R Krever, J McLaren and K Sadiq (eds), *Principles of Taxation Law*, Thomson, Australia (2008), 291-308

Jones, M, Marshall, S, Mitchell, R and **Ramsay, I**, 'Corporate Governance, Shareholder Primacy and the Interests of Employees: Evidence from a Survey of Australian Directors' in S Marshall, R Mitchell and I Ramsay (eds), *Varieties of Capitalism, Corporate Governance and Employees*, Melbourne University Press, Australia (2008), 158-187

Kelly, M and **McCormack, T**, 'Contributions of the Nuremberg Trial to the Subsequent Development of International Law' in D Blumenthal and T McCormack (eds), *The Legacy of Nuremberg: Civilising Influence or Institutionalised Vengeance?*, Martinus Nijhoff Publishers, Netherlands (2008), 101-129

Lindsey, T, 'Constitutional Reform in Indonesia: Muddling Towards Democracy' in T Lindsey (ed), *Indonesia: Law and Society*, Federation Press, Australia (2008), 23-47

Lindsey, T, 'When Words Fail: Syariah Law in Indonesia - Revival, Reform or Transplantation?' in P Nicholson and S Biddulph (eds), *Examining Practice, Interrogating Theory: Comparative Legal Studies in Asia*, Martinus Nijhoff Publishers, Netherlands (2008), 195-221

Lindsey, T and **Kingsley, J**, 'Talking in Code: Legal Islamisation in Indonesia and the MMI Shari'a Criminal Code' in P Bearman, W Heinrichs and B Weiss (eds), *The Law Applied: Contextualizing the Islamic Shari'a*, IB Tauris, United Kingdom (2008), 295-320

Lindsey, T and Santosa, M, 'The Trajectory of Law Reform in Indonesia: A Short Overview of Legal Systems and Change in Indonesia' in T Lindsey (ed), *Indonesia: Law and Society*, Federation Press, Australia (2008), 2-22

Marshall, S, Mitchell, R and **Ramsay, I**, 'Varieties of Capitalism, Corporate Governance and Employment Systems in Australia' in S Marshall, R Mitchell and I Ramsay (eds), *Varieties of Capitalism, Corporate Governance and Employees*, Melbourne University Press, Australia (2008), 1-15

McCormack, T and **Mtharu, P**, 'Cluster Munitions, Proportionality and the Foreseeability of Civilian Damage' in O Engdahl and P Wrange (eds), *Law at War: The Law as it Was and the Law as it Should Be*, Martinus Nijhoff Publishers, Netherlands (2008) 191-206

McDougall, C, 'The Crime of Aggression: Born of the Failure of Collective Security - Still Shackled to its Fate? Time to Catch Up or Part Ways' in D Blumenthal and T McCormack (eds), *The Legacy of Nuremberg: Civilising Influence or Institutionalised Vengeance?*, Martinus Nijhoff Publishers, Netherlands (2008), 131-167

Mitchell, A, 'The Australia-United States Free Trade Agreement' in R Buckley, V Lo and L Boule (eds), *Challenges to Multilateral Trade: The Impact of Bilateral, Preferential and Regional Agreements*, Kluwer Law International, Netherlands (2008), 115-123

Nicholson, P, 'Legal Culture 'Repacked': Drug Trials in Vietnam' in P Nicholson and S Biddulph (eds), *Examining Practice, Interrogating Theory: Comparative Legal Studies in Asia*, Martinus Nijhoff Publishers, Netherlands (2008), 71-108

Orford, A, 'Critical Intimacies: Reading International Law' in P Goodrich, F Hoffmann, M Rosenfeld and C Vismann (eds), *Derrida and Legal Philosophy*, Palgrave Macmillan, United States (2008), 115-124

Orford, A, 'Von der Humanität der Stärke zur Verantwortung für den Schultz. Die Neue Internationale Interventionspolitik (From Muscular Humanitarianism to the Responsibility to Protect: The New Politics of International Interventionism)' in K Fischer and S Zimmermann (eds), *Internationalism: Transformation of Global Inequality in the 19th and 20th Century*, Promedia Verlag, Austria (2008), 237-255

Oswald, B, 'The Treatment of Detainees by Peacekeepers: Applying Principles and Standards at the Point of Detention' in R Arnold (ed), *Law Enforcement within the Framework of Peace Support Operations*, Martinus Nijhoff Publishers, Netherlands (2008), 197-228

Ralston, J and **Finnin, S**, 'Investigating International Crimes: A Review of International Law Enforcement Strategies Expediency v Effectiveness' in D Blumenthal and T McCormack (eds), *The Legacy of Nuremberg: Civilising Influence or Institutionalised Vengeance?*, Martinus Nijhoff Publishers, Netherlands (2008), 47-68

Richardson, M, 'Traversing the Cultures of Trade Marks: Observations on the Anthropological Approach of James Leach' in L Bently, J Davis and J Ginsburg (eds), *Trade Marks and Brands: An Interdisciplinary Critique*, Cambridge University Press, United States (2008), 343-357

Saunders, C, 'Role of the Expert Advisor in the Formulation of Policy' in N Verrelli (ed), *The Role of the Policy Advisor: An Insider's Look*, McGill-Queen's University Press, Canada (2008), 39-43

Saunders, C, 'The Constitutional, Legal and Institutional Foundations of Australian Federalism' in R Carling (ed), *Where to for Australian Federalism*, Centre for Independent Studies, Australia (2008) 15-26

Sauntharajah, J, 'Policing Religion: Discursive Excursions into Singapore's Maintenance of Religious Harmony Act' in P Nicholson and S Biddulph (eds), *Examining Practice, Interrogation Theory: Comparative Legal Studies in Asia*, Martinus Nijhoff Publishers, Netherlands (2008), 267-305

Simpson, G, 'The Ethics of the New Liberalism' in C Reus-Smit and D Snidal (eds), *The Oxford Handbook of International Relations*, Oxford University Press, United Kingdom (2008), 255-266

Simpson, G, 'The Guises of Sovereignty' in T Jacobsen, C Sampford and R Thakur (eds), *Re-Envisioning Sovereignty: The End of Westphalia?*, Ashgate, United Kingdom (2008), 51-69

Skene, L, 'Legal Regulation of Genetic Testing: Balancing Privacy and Family Interests' in A Iltis, S Johnson and B Hinze (eds), *Legal Perspectives in Bioethics*, Routledge, United States (2008), 208-218

Skene, L, 'The Sorting Society: A Legal Perspective' in L Skene and J Thompson (eds), *The Sorting Society: The Ethics of Genetic Screening and Therapy*, Cambridge University Press, United States (2008), 149 - 157

Skene, L and Thompson, J, 'Introduction' in L Skene and J Thompson (eds), *The Sorting Society: The Ethics of Genetic Screening and Therapy*, Cambridge University Press, United States (2008), 1-5

Steiner, K, 'Menschenrechte und "Asian Values" (Regional Interpretations of Human Rights - Asia)' in I Richter (ed), *Transnationale Menschenrechte: Schritte zu einer weltweiten Verwirklichung der Menschenrechte*, Barbara Budrich Publishers, Germany (2008), 299-319

Tilbury, M, 'Remedy as Right' in C Rickett and R Grantham (eds), *Structure and Justification in Private Law*, Hart Publishing, United States (2008), 421-440

Tobin, J, 'The Development of Children's Rights' in G Monahan and L Young (eds), *Children and the Law in Australia*, LexisNexis, Australia (2008), 23-53

Whiting, A, 'Desecularising Malaysian Law?' in P Nicholson and S Biddulph (eds), *Examining Practice, Interrogating Theory: Comparative Legal Studies in Asia*, Martinus Nijhoff Publishers, Netherlands (2008), 223-266

Yang, P and **Biddulph, S**, 'Research and Analysis into the Effectiveness of Collective Contracts' in L Yinmao (ed), *Research Report on the Rule of Law in Shanghai*, Shanghai Academy of Social Sciences, China (2008), 256-270

Zhu, Y, **Cooney, S** and **Biddulph, S**, 'New Developments of Labour Law and Industrial Relations in China' in B Ramirez-Gaston (ed), *Labour Relations in the World*, Grijley, Peru (2008), 579-606

Refereed Journal Articles

Anderson, M, Jones, M, Marshall, S, Mitchell, R and **Ramsay, I**, 'Shareholder Primacy and Directors' Duties: An Australian Perspective' (2008) 8 *Journal of Corporate Law Studies* 161-190

Barber, R, 'Protecting the Right to Housing in the Aftermath of Natural Disaster: Standards in International Human Rights Law' (2008) 20 *International Journal of Refugee Law* 432-468

Barringer, P, **Studdert, D**, Kachalia, A and Mello, M, 'Administrative Compensation of Medical Injuries: A Hardy Perennial Blooms Again' (2008) 33 *Journal of Health Politics, Policy and Law* 725-760

Beaton-Wells, C, 'Criminalising Cartels: Australia's Slow Conversion' (2008) 31 *World Competition* 205-233

Beaton-Wells, C, 'Forks in the Road: Challenges Facing the ACCC's Immunity Policy for Cartel Conduct: Part 1' (2008) 16 *Competition and Consumer Law Journal* 71-113

Beaton-Wells, C, 'Forks in the Road: Challenges Facing the ACCC's Immunity Policy for Cartel Conduct: Part 2' (2008) 16 *Competition and Consumer Law Journal* 246-278

Beaton-Wells, C, 'The Politics of Cartel Criminalisation: A Pessimistic View from Australia' (2008) 29 *European Competition Law Review* 185-195

Beaton-Wells, C and **Brydges, N**, 'The Cardboard Box Cartel Case: Was All the Fuss Warranted' (2008) 36 *Australian Business Law Review* 6-28

Beaton-Wells, C and Fisse, B, 'Criminalising Serious Cartel Conduct: Issues of Law and Policy' (2008) 36 *Australian Business Law Review* 166-240

Biddulph, S, 'Prospects for Procedural Justice in Reforms to Public Order Regulations in China' (2008) 10 *Australian Journal of Asian Law* 50-76

Bisset, M and **Landau, I**, 'Australia's 457 Visa Scheme and the Rights of Migrant Workers' (2008) 33 *Alternative Law Journal* 142-146

Boas, G and **McCormack, T**, 'Learning the Lessons of the Milosevic Trial' (2008) 9 *Yearbook of International Humanitarian Law* 65-85

Brennan, D, 'Mobile Television and Copyright' (2008) 26 *Copyright Reporter: Journal of the Copyright Society of Australia* 91-95

Brennan, D, 'The Trouble with Legislating Exclusions from the Concept of Invention' (2008) 19 *Australian Intellectual Property Journal* 6-9

Brennan, D, 'University Student Anonymity in the Summative Assessment of Written Work' (2008) 27 *Higher Education Research and Development* 43-54

Brown, M, **Landau, I**, Mitchell, R, **O'Connell, A** and **Ramsay, I**, 'Why Do Employees Participate in Employee Share Plans? A Conceptual Framework' (2008) 18 *Labour and Industry* 45-72

Bulto, T, 'Between Ambivalence and Necessity in the Nile Basin: Occlusions on the Path Towards a Basin-Wide Treaty' (2008) 2 *Mizan Law Review* 201-228

Bulto, T, 'The Promise of New Constitutional Engineering in Post-Genocide Rwanda' (2008) 8 *African Human Rights Law Journal* 187-206

Butt, S and **Lindsey, T**, 'Economic Reform When the Constitution Matters: Indonesia's Constitutional Court and Article 33' (2008) 44 *Bulletin of Indonesian Economic Studies* 239-261

Chung, Y, 'Carried Interest: The Taxation of Private Equity Fund Managers' Remuneration' (2008) 37 *Australian Tax Review* 203-240

Christie, A and **Rotstein, F**, 'Duration of Patent Protection: Does One Size Fit All?' (2008) 3 *Journal of Intellectual Property Law & Practice* 402-408

Conley Tyler, M, Bretherton, D, Halafoff, A and Nietzsche, Y, 'Developing a Peace' (2008) 7 *Journal of Research in International Education* 346-367

Dent, C, 'An Exploration of the Principles, Precepts and Purposes that Provide Structure to the Patent System' (2008) 4 *Intellectual Property Quarterly* 456-477

Dent, C, 'Journalists are the Confessors of the Public, Says One Foucaultian' (2008) 9 *Journalism* 200-219

Dent, C, 'Patents as Administrative Acts: Patent Decisions for Administrative Review?' (2008) 30 *Sydney Law Review* 691-714

Dorevitch, A and **Foster, M**, 'Obstacles on the Road to Protection: Assessing the Treatment of Sex-Trafficking Victims under Australia's Migration and Refugee Law' (2008) 9 *The Melbourne Journal of International Law* 1-46

Duke, A, 'The Need to Close the 'Take Advantage' Gap in the Regulation of Unilateral Anti-Competitive Conduct' (2008) 15 *Competition and Consumer Law Journal* 284-301

Duke, A and **Richardson, M**, 'Music Markets and Bad Actors in Copyright and Competition Law' (2008) 16 *Competition and Consumer Law Journal* 203-219

Durham, H, 'The Laws of War and Traditional Cultures: A Case Study of the Pacific Region' (2008) 34 *Commonwealth Law Bulletin* 833-841

Eslava, L, 'Corporate Social Responsibility & Development: A Knot of Disempowerment' (2008) 2 *Sortuz* 43-71

Evans, C, 'Religion as Politics not Law: The Religion Clauses in the Australian Constitution' (2008) 36 *Religion, State and Society: the Keston journal* 283-302

Evans, C, 'Religious Education in Public Schools: An International Human Rights Perspective' (2008) 8 *Human Rights Law Review* 449-473

Evans, C, 'Religious Vilification Laws in Australia' (2008) 17 *Revista General de Derecho Canonico y Derecho Eclesiastico del Estado* 1-19

Evans, S and Williams, J, 'Appointing Australian Judges: A New Model' (2008) 30 *Sydney Law Review* 295-327

Ewing, K and **Tham, J**, 'The Continuing Futility of the Human Rights Act' (2008) Winter *Public Law* 668-693

Fanning, S, 'Challenges for Desalination in Australia' (2008) 13 *Local Government Law Journal* 192-208

Fenwick, C, 'Decency and Fairness in Labor Standards: An Australian Perspective on a Canadian Proposal' (2008) 29 *Comparative Labor Law & Policy Journal* 491-531

Fenwick, C and **Sheehan, K**, 'Share-Based Remuneration and Termination Payments to Company Directors: What are the Rules?' (2008) 26 *Company and Securities Law Journal* 71-92

Foerster, A, 'Managing and Protecting Environmental Water: Lessons from the Gwydir for Ecologically Sustainable Water Management in the Murray Darling Basin' (2008) 25 *Environmental and Planning Law Journal* 49

Forrest, L, Curnow, L, Delatycki, M, **Skene, L** and Aitken, M, 'Health First, Genetics Second: Exploring Families' Experiences of Communicating Genetic Information' (2008) *European Journal of Human Genetics* 1 - 7

Foster, M, 'Responsibility Sharing or Shifting? "Safe" Third Countries and International Law' (2008) 25 *Refuge* 64-78

Fraser, J, 'Torture Team: Human Rights, Lawyers, Interrogations and the 'War on Terror' - A Response to Philippe Sands' (2008) 9 *Melbourne Journal of International Law* 381-390

Gans, J, 'Evidence Law under Victoria's Charter: Rights and Goals - Part I' (2008) 19 *Public Law Review* 197-214

Gans, J, 'Evidence Law under Victoria's Charter: Responsibilities and Remedies - Part II' (2008) 19 *Public Law Review* 285-307

Gans, J, 'Silence in the High Court' (2008) 19 *Public Law Review* 5-11

Gans, J, 'Transition Trouble' (2008) 82 *Law Institute Journal* 54-57

Garnett, R, 'International Commercial Arbitration in Australia: Legal Framework and Problems' (2008) 19 *Australasian Dispute Resolution Journal* 249-258

Garnett, R and Pryles, M, 'Recognition and Enforcement of Foreign Awards under the New York Convention in Australia and New Zealand' (2008) 25 *Journal of International Arbitration* 899-912

Genovese, A, 'Writing the Past as Politics: Some Reflections on Historiography and Margaret Henderson' (2008) 17 *Lilith* 1-5

Ginsburg, J and **Ricketson, S**, 'Separating Sony Sheep from Grokster (and Kazaa) Goats: Reckoning Future Business Plans of Copyright-Dependent Technology Entrepreneurs' (2008) 19 *Australian Intellectual Property Journal* 10-42

Godden, L, Langton, M, Mazel, O and **Tehan, M**, 'Accommodating Interests in Resource Extraction: Indigenous Peoples, Local Communities and the Role of Law in Economic and Social Sustainability' (2008) 26 *Journal of Energy and Natural Resources Law* 1-30

Goggin, G, Gibson, M, Greenfield, C, **Kenyon, A**, Mitchell, P and Petelin, R, 'The Strange Death and Curious After-Lives of the Academic Journal' (2008) 35 *Australian Journal of Communication* 89-109

Graham, T, 'Securities Related Civil Litigation in the People's Republic of China: Thinking About the Regulatory Landscape and the Future' (2008) 15 *Ormond Papers* 53-95

Green, F, 'Fragmentation in Two Dimensions: The ICJ's Flawed Approach to Non-State Actors and International Legal Personality' (2008) 9 *Melbourne Journal of International Law* 47-77

Hanrahan, P, 'Directors' Liability in Superannuation Trustee Companies' (2008) 2 *Journal of Equity* 204-224

Hanrahan, P, 'Improving the Process of Change in Australian Financial Sector Regulation' (2008) 27 *Economic Papers* 6-23

Harding, M, 'Trusts for Religious Purposes and the Question of Public Benefit' (2008) 71 *The Modern Law Review* 159-182

Hathaway, J, 'The Human Rights Quagmire of 'Human Trafficking'' (2008) 49 *Virginia Journal of International Law* 1-59

Hayford, O, 'Watch Out! The Duty to Warn on Construction Projects' (2008) 24 *Building and Construction Law Journal* 163-186

Henckels, C, 'Exclusion of Evidence Obtained in Breach of the Right to Privacy: Will Victoria's Charter Protect the Rights of Criminal Defendants?' (2008) 19 *Public Law Review* 234-259

Henckels, C, 'Overcoming Jurisdictional Isolationism at the WTO-FTA Nexus: A Potential Approach for the WTO' (2008) 19 *European Journal of International Law* 571-599

Horan, J and **Taylor-Sands, M**, 'Bringing the Court and Mediation Room into the Classroom' (2008) 18 *Legal Education Review* 197-214

Kallies, A and **Godden, L**, 'What Price Democracy? Blue Wedges and the Hurdles to Public Interest Environmental Litigation' (2008) 33 *Alternative Law Journal* 194-199

Kaye, S, 'Australia and East Timor during Howard Years: An International Law Perspective' (2008) 27 *Australian Yearbook of International Law* 69-86

Kaye, S, 'Emerging Issues in the Law of the Sea to 2020 and their Impacts for Australia and the Indo-Pacific Region' (2008) 22 *Papers in Australian Maritime Affairs* 1-47

Kenyon, A and Marjoribanks, T, 'Chilled Journalism? Defamation and Public Speech in US and Australian Law and Journalism' (2008) 23 *New Zealand Sociology* 18-33

Kenyon, A and Marjoribanks, T, 'The Future of "Responsible Journalism": Defamation Law, Public Debate and News Production' (2008) 2 *Journalism Practice* 372-385

Kobetsky, M, 'The Case for Unitary Taxation of International Enterprises' (2008) 62 *Bulletin for International Fiscal Documentation* 201-215

Kobetsky, M, 'Transfer Pricing Measures and Emerging Developing Economies' (2008) 14 *Bulletin for International Fiscal Documentation* 363-377

Kurtz, J, 'Adjudging the Exceptional at International Law: Security, Public Order and Financial Crisis' (2008) 6 *International Law and Justice Working Papers* 1-56

Landau, I, 'Law and Civil Society in Cambodia and Vietnam: A Gramscian Perspective' (2008) 38 *Journal of Contemporary Asia* 244-258

Landau, I, 'Legislating on the Margins of the Federal Takeover: Victoria's Response to WorkChoices' (2008) 21 *Australian Journal of Labour Law* 30-42

Larcombe, W, 'Sex with Children 'A Foolish Lapse': What's the Story?' (2008) 28 *Australian Feminist Law Journal* 151-174

Larcombe, W and **Malkin, I**, 'Identifying Students Likely to Benefit from Language Support in First-Year Law' (2008) 27 *Higher Education Research and Development* 319-329

Larcombe, W, Nicholson, P and **Malkin, I**, 'Commencing Law Students' Interests and Expectations: Comparing Undergraduate and Graduate Cohorts' (2008) 1 *Journal of the Australasian Law Teachers Association* 227-238

Larcombe, W, Nicholson, P and **Malkin, I**, 'Performance in Law School: What Matters in the Beginning?' (2008) 18 *Legal Education Review* 95-122

Lehmann Nielsen, V and **Parker, C**, 'To What Extent Do Third Parties Influence Business Compliance?' (2008) 35 *Journal of Law and Society* 309-340

Le Mire, S and **Parker, C**, 'Keeping it In-House: Ethics in the Relationship Between Large Law Firm Lawyers and the Corporate Clients Through the Eyes of In-House Counsel' (2008) 11 *Legal Ethics* 201-229

Lindell, G, 'Constitutional Issues Regarding Same-Sex Marriage: A Comparative Survey - North American and Australasia' (2008) 30 *Sydney Law Review* 27-60

Lindell, G, 'The Scope of the Defence and Other Powers in the Light of Thomas v Mowbray' (2008) 10 *Constitutional Law and Policy Review* 42-50

Luntz, H, 'A View from Abroad' [2008] *New Zealand Law Review* 97-128

Mees, B and **Ramsay, I**, 'Corporate Regulators in Australia (1961-2000): From Companies' Registrars to ASIC' (2008) 22 *Australian Journal of Corporate Law* 212-254

Mello, M and **Studdert, D**, 'Deconstructing Negligence: The Role of Individual and System Factors in Causing Medical Injuries' (2008) 96 *Georgetown Law Journal* 599-623

Mello, M, **Studdert, D**, Moran, P and Dauer, E, 'Policy Experimentation with Administrative Compensation for Medical Injury: Issues under State Constitutional Law' (2008) 45 *Harvard Journal on Legislation* 59-105

Nicholson, P and Truong, K, 'Drugs Prosecutions in Vietnam: The Modern Propaganda Trial' (2008) 34 *Monash University Law Review* 430-456

O'Connell, A, 'Employee Share Ownership Plans: The Taxation Law Framework' (2008) 3 *Journal of the Australasian Law Teachers Association* 36-60

O'Connell, A, 'The Tax Position of Charities in Australia - Why Does it Have to be so Complicated?' (2008) 37 *Australian Tax Review* 17-37

O'Connell, A and **Brewster, K**, 'Combatting Large-Scale Tax Evasion - Australia's Experience' (2008) 62 *Bulletin for International Fiscal Documentation* 145-150

Orford, A, 'International Law and the Making of the Modern State: Reflections on a Protestant Project' (2008) 3 *In-Spire: journal of law, politics and societies* 5-11

Oswald, B, 'Accountability for the Treatment of Civilian Detainees During Military Operations: Developing Principled Practice' (2007-2008) 5 *New Zealand Yearbook of International Law* 131-162

Oswald, B, 'Detention of Civilians on Military Operations: Reasons For and Challenges to Developing a Special Law of Detention' (2008) 32 *Melbourne University Law Review* 524-553

Otomo, Y, 'Of Mimicry and Madness: Speculations on the State' (2008) 28 *Australian Feminist Law Journal* 53-76

Parker, C, Evans, A, **Haller, L**, Le Mire, S and Mortensen, R, 'The Ethical Infrastructure of Legal Practice in Larger Law Firms: Values, Policy and Behaviour' (2008) 31 *University of New South Wales Law Journal* 158-188

Parker, C and Lehmann Nielsen, V, 'How Much Does it Hurt? How Australian Businesses Think About the Costs and Gains of Compliance and Noncompliance with the Trade Practices Act' (2008) 32 *Melbourne University Law Review* 554-608

Peel, J, 'Climate Change Law: The Emergence of a New Legal Discipline' (2008) 32 *Melbourne University Law Review* 786-800

Peel, J, 'Ecologically Sustainable Development: More than Mere Lip Service?' (2008) 12 *Australasian Journal of Natural Resources Law and Policy* 1-34

Ramsay, I and **Watne, A**, 'Which Courts Deliver Most Corporate Law Judgments? A Research Note' (2008) 26 *Company and Securities Law Journal* 392-401

Rhoades, H, 'The Dangers of Shared Care Legislation: Why Australia Needs (yet more) Family Law Reform' (2008) 36 *Federal Law Review* 279-299

Robertson, A, 'The Basis of the Remoteness Rule in Contract' (2008) 28 *Legal Studies* 172-196

Robertson, A, 'The Reliance Basis of Proprietary Estoppel Remedies' (2008) 72 *Conveyancer and Property Lawyer* 295-321

Sarmas, L, 'Mixed Messages on Sexual Assault and the Statute of Limitations: Stingel v Clark, the Ipp 'Reforms' and an Argument for Change' (2008) 32 *Melbourne University Law Review* 609-638

Savulescu, J and **Skene, L**, 'The Kingdom of Genes: Why Genes from Animals and Plants Will Make Better Humans' (2008) 8 *American Journal of Bioethics* 35-38

Sheehan, K and **Fenwick, C**, 'Seven: The Corporations Act 2001 (Cth), Corporate Governance and Termination Payments to Senior Employees' (2008) 32 *Melbourne University Law Review* 199-241

Siegal, G, Mello, M and **Studdert, D** 'Adjudicating Severe Birth Injury Claims in Florida and Virginia: The Experience of a Landmark Experiment in Personal Injury Compensation' (2008) 34 *American Journal of Law & Medicine* 489-533

Simpson, G, 'Warriors, Humanitarians, Lawyers: The Howard Government and the Use of Force' (2008) 27 *Australian Yearbook of International Law* 143-163

Skene, L, 'Deriving Sperm and Eggs from Human Skin Cells: Facilitating Community Discussion' (2008) 25 *Journal of Contemporary Health Law and Policy* 76-82

Skene, L, 'Human Cloning and Stem Cell Research: Engaging in the Political Process' (2008) 27 *Medicine and Law: an international journal* 119-130

Skene, L, Kerridge, I, Marshall, B, McCombe, P and Schofield, P, 'The Lockhart Committee: Developing Policy Through Commitment to Moral Values, Community and Democratic Processes' (2008) 16 *Journal of Law and Medicine* 132-138

Steele, L, 'Making Sense of the Family Court's Decisions on the Non-Therapeutic Sterilisation of Girls with Intellectual Disability' (2008) 22 *Australian Journal of Family Law* 1-34

Steele, S, 'Lessons (to be) Learnt from the Opes Prime Insolvency' (2008) 32 *Melbourne University Law Review* 774-785

Stewart, M, 'Tax and Same Sex Couples: Still Waiting for a Fair Go' (2008) 42 *Taxation in Australia* 517-534

Stone, A, 'Judicial Review Without Rights: Some Problems for the Democratic Legitimacy of Structural Judicial Review' (2008) 28 *Oxford Journal of Legal Studies* 1-32

Thomas, T, '\$Nil Liquidated Damages: An Exhaustive Remedy for Delay Under a Construction Contract?' (2008) 24 *Building and Construction Law Journal* 82-93

Thomas, T, 'Collateral Contracts and Relationship Contracting: Co-operation, Teamwork, Collaboration .. Disputation?' (2008) 24 *Building and Construction Law Journal* 224-237

Thomas, T, 'The Value is Whatever I Say it is: Determinations by the Principal Under Construction Contracts' (2008) 24 *Construction Law Journal* 481-493

Tobin, J, 'Recognising Same-Sex Parents: Bringing Legitimacy to the Law' (2008) 33 *Alternative Law Journal* 36-40

Tobin, J, 'Rights Resources' (2008) *May Law Institute Journal* 64-67

Walker, R, 'Resolving the Stolen Wages Claim in Queensland: The Trustee's Non-Fiduciary Duties' (2008) 2 *Journal of Equity* 77-116

Witting, C, 'The House that Dr Beever Built: Corrective Justice, Principle and the Law of Negligence' (2008) 74 *Modern Law Review* 621-640

Yang, **Studdert, D**, Subramanian, S and Mello, M, 'A Longitudinal Analysis of the Impact of Liability Pressure on the Supply of Obstetrician-Gynecologists' (2008) 5 *Journal of Empirical Legal Studies* 21-53

Zhou, L, 'Fiduciary Law, Non-Economic Interests and Amici Curiae' (2008) 32 *Melbourne University Law Review* 850-878

Other Journal Contributions

Ali, P, 'Book Review: Credit Derivatives: Documenting and Understanding Credit Derivative Products' (2008) 23 *Journal of International Banking Law and Regulation* 349

Ali, P, 'Book Review: Deposit Insurance' (2008) 23 *Journal of International Banking Law and Regulation* 554

Ali, P, 'Book Review: Secured Lending in Eastern Europe' (2008) 23 *Journal of International Banking Law and Regulation* 34-35

Ali, P, 'Book Review: The Law of Multi-Bank Financing: Syndicated Loans and the Secondary Loan Market' (2008) 23 *Journal of International Banking Law and Regulation* 443-444

Allen, D, 'Fairness and Freedom: The Final Report of the Equalities Review and Starting the Dialogue About Addressing Inequality in Australia' (2008) 21 *Australian Journal of Labour Law* 82-88

Anderson, C, 'Can the Series of Cases Emanating from (and including) Kane Constructions v Sopov Teach Construction Lawyers Anything? If So, What?' (2008) 31 *BDPS News* 32-34

Beaton-Wells, C, 'Even If Judges Do Buy Chocolate, It Should Not Matter: Cadbury Schweppes Pty Ltd v Darrell Lea' (2008) 16 *Trade Practices Law Journal* 55-61

Bell, M, 'Standard Form Construction Contracts in Australia: Where Do We Go From Here?' (2008) 33 *BDPS News* 5-10

Bell, M, 'Book Review: Workplace Relations in the Building and Construction Industry' (2008) 82 *Law Institute Journal* 77

Chapman, A, 'Care Responsibilities and Discrimination in Victoria: The Equal Opportunity Amendment (Family Responsibilities) Act 2008 (Vic)' (2008) 21 *Australian Journal of Labour Law* 200-207

Christie, A, 'Proposal for a Unified Regime of Copyright Exclusive Rights' (2008) 5 *IPRinfo* 22-23

Durham, H, 'Book Review: Targeted Killing in International Law (Nils Melzer)' (2008) 27 *Australian Yearbook of International Law* 276-277

Evans, C and **Gaze, E**, 'Between Religious Freedom and Equality: Complexity and Context' (2008) 49 *Harvard International Law Journal Online* 40-49

Evans, S, 'Book Review: Governing with the Charter: Legislative and Judicial Activism and Framers' Intent' (2008) 41 *Canadian Journal of Political Science* 521-523

Gaze, E and Thornton, M, 'The Future of Discrimination Law in Australia' (2008) 27 *Dialogue* 63-67

Genovese, A, 'Poisons and Antidotes: Historicising Feminism and Equality in an Age of Rights Competition' (2008) 27 *Dialogue* 10-22

Haller, L, 'Questions of Loyalty' (2008) 11 *Legal Ethics* 122-125

Harding, M, 'Book Review: The Law of Rescission by Dominic O'Sullivan, Steven Elliott and Rafal Zakrzewki' (2008) 32 *Melbourne University Law Review* 762-772

Hathaway, J, 'The Value of Year Books of International Law' (2008) 27 *Australian Yearbook of International Law* i-ii

Jordan, C, 'Political Prisoner: A Securities Regulator for Canada - Again!' (2008) 47 *Canadian Business Law Journal* 66-74

Jordan, C, 'Unlovely and Unloved - Corporate Law Reform's Progeny' (2008) 60 *Keeping Good Companies* 136-138

Jordan, C, 'Book Review: Hui Huang's International Securities Markets: Insider Trading Law in China' (2008) *Spring Journal of Law, Economics & Policy* 471-474

Kaye, S, 'Lessons Learned from the Gulf of Maine Case: The Development of Maritime Boundary Delimitation Jurisprudence since UNCLOS III' (2008) 14 *Ocean and Coastal Law Journal* 73-99

Kiratzis, N, 'The Importance of Time: An Analysis of the Recent Developments in Relation to the 'Prevention Principle'' (2008) 31 *BDPS News* 19-21

Kirby, S, 'Do 'Dispute Boards' Offer Any Solutions to the Challenges Faced by Traditional Forms of Dispute Resolution in the Australian Construction Industry' (2008) 20 *Australian Construction Law Bulletin* 56-61

Kurtz, J, 'Book Review: Regional Trade Agreements and the WTO Legal System' (2008) 19 *European Journal of International Law* 449-452

Landau, I, Mitchell, R, **O'Connell, A** and **Ramsay, I**, 'Employee Share Ownership in Australia: Theory, Evidence, Current Practice and Regulation' (2008) 25 *UCLA Pacific Basin Law Journal* 25-132

Mason, A and **Lindell, G**, 'Book Review: Detainee 002: The Case of David Hicks by Leigh Sales' (2008) 9 *Melbourne Journal of International Law* 515-538

McFarlane, B and **Robertson, A**, 'The Death of Proprietary Estoppel (Yeoman's Row v Cobbe)' (2008) 4 *Lloyd's Maritime & Commercial Law Quarterly* 449-460

Orford, A, 'Book Review: Between Equal Rights: A Marxist Theory of International Law by China Mieville' (2008) 16 *Finnish Yearbook of International Law* 416 - 427

Parker, C, 'The Pluralization of Regulation' (2008) 9 *Theoretical Inquiries in Law* 349-369

Pausacker, H, 'Hot Debates: A Law on Pornography Still Divides the Community' (2008) 94 *Inside Indonesia* 1-5

Richardson, M and **Tan, D**, 'Wood v Duff-Gordon and the Modernist Cult of Personality' (2008) 28 *Pace Law Review* 379-393

Rotstein, F and **Christie, A**, 'Australian Researchers Need a Right to Experiment' (2008) January *Managing Intellectual Property* 20-21

Saunders, C, 'Foreword' (2008) 31 *University of New South Wales Law Journal* 287-292

Skene, L, 'Human Body Parts and Tissue: What Are Your Rights?' (2008) September/October *Precedent* 10-13

Smith, J, 'Life on a Sandbank: Child Soldiers in International Refugee Law' (2008) 3 *Australian Journal of Peace Studies* 43-74

Tham, J, 'Book Review: Reproducing Precarious Work' (2008) 21 *Australian Journal of Labour Law* 233-235

Tham, J, 'Progressive Unease with Bills of Rights' (2008) 3 *Right Now* 7-8

Tilbury, M, 'Reviewing Privacy Law in New South Wales' (2008) 26 *Communications Law Bulletin* 1-3

Vranken, M, 'Legal Education Reform in Australia and the Impact of Globalisation: A Comparative Perspective' (2008) 14 *Revue Juridique Polynésienne* 21-28

Whiting, A, 'Gendered Vulnerabilities and the Juridification of Identity in Malaysia' (2008) 1 *NIASnytt: Asia Insights* 25-27

Witting, C, 'Leichhardt Municipal Council v Montgomery: Non-Delegable Duties and Roads Authorities' (2008) 32 *Melbourne University Law Review* 333-349

Conference Publications

Kenyon, A and Marjoribanks, T, 'Journalism and Defamation Law: Contesting Public Speech', TASA: Re-Imagining Sociology, University of Melbourne, Melbourne, 2008

Lambiris, M, 'Techniques for Generating Computer-based Feedback' in L Westcott (ed), *The Law, the Environment, Indigenous Peoples: Climate for Change?* Conference Handbook, Australian Law Teachers Association, 2008

Larcombe, W, 'Rights and Responsibilities of Conscientious Objectors Under the Abortion Law Reform Act 2008 (Vic)' in D Howard-Wagner (ed), 25th Annual Law and Society Conference of Australia & New Zealand (LSAANZ), Sydney, 2008

Stewart, M, 'Consultation in Business Tax Reform: Towards An Effective Tax Policy Network' in G Cooper (ed), *Executing an Income Tax*, Australian Tax Research Foundation, Sydney, 2008

Reference Works

Bryan, M, *Intention to Create a Trust*, Principles of the Law of Trusts (2008) Lawbook Co., Australia

Casagrande, E and **Oswald, B**, *Military*, The Oxford Companion to Australian Military History (2008) Oxford University Press, Australia

Cremean, D, Ewing, M, Gayford, M and **Duxbury, A**, *Defence*, Halsbury's Laws of Australia (2008) LexisNexis, Australia

Kenyon, A, *Censorship*, The New Oxford Companion to Law (2008) Oxford University Press, United Kingdom

McVeigh, S, *Jurisdiction and Social Discourse*, The New Oxford Companion to Law (2008) Oxford University Press, United Kingdom

Mitchell, A, *Electronic Commerce*, The Princeton Encyclopedia of the World Economy (2008) Princeton University Press, United States

Nicolson, P, *Democratic Republic of Socialist Vietnam*, Encyclopedia of Legal History (2008) Oxford University Press, United Kingdom

Orford, A, *Peacekeeping*, The New Oxford Companion to Law (2008) Oxford University Press, United Kingdom

Oswald, B, *Law Operations*, The Oxford Companion to Australian Military History (2008) Oxford University Press, Australia

Pahuja, S, *International Financial Institutions and Development*, The New Oxford Companion to Law (2008) Oxford University Press, United Kingdom

Parker, C, *Legal Profession: Competition, Consumer Protection and Regulation*, The New Oxford Companion to Law (2008) Oxford University Press, United Kingdom

Robertson, A, *Central London Property Trust Ltd v High Trees House Ltd (1947)*, The New Oxford Companion to Law (2008) Oxford University Press, United Kingdom

Rush, P, *Law and Aesthetics*, The New Oxford Companion to Law (2008) Oxford University Press, United Kingdom

Saunders, C, *Constitutional Conventions*, The New Oxford Companion to Law (2008) Oxford University Press, United Kingdom

Saunders, C, *Entrenchment of Constitutions and Legislation*, The New Oxford Companion to Law (2008) Oxford University Press, United Kingdom

Saunders, C, *Interpreting Constitutions*, The New Oxford Companion to Law (2008) Oxford University Press, United Kingdom

Simpson, G, *Helsinki Final Act*, The New Oxford Companion to Law (2008) Oxford University Press, United Kingdom

Simpson, G, *Westphalian System*, The New Oxford Companion to Law (2008) Oxford University Press, United Kingdom

Skene, L, *Body Parts*, The New Oxford Companion to Law (2008) Oxford University Press, United Kingdom

Skene, L, *Stored Genetic Material: Use in Research in the United Kingdom*, Encyclopedia of Life Sciences (2008) John Wiley & Sons, United Kingdom

Skene, L and **Masters, B**, *Health Law*, The Law Handbook (2008) Fitzroy Legal Service, Australia

Witting, C, *Hedley Byrne & Co Ltd v Heller & Partners Ltd (1964)*, The New Oxford Companion to Law (2008) Oxford University Press, United Kingdom

Witting, C, *Joint Liability*, The New Oxford Companion to Law (2008) Oxford University Press, United Kingdom

Witting, C, *Physical Damage*, The New Oxford Companion to Law (2008) Oxford University Press, United Kingdom

Reports/Working Papers

Brown, M, **Landau, I**, Mitchell, R, **O'Connell, A** and **Ramsay, I**, *Why Do Employees Participate in Employee Share Plans? A Conceptual Framework*, Centre for Corporate Law and Securities Regulation, University of Melbourne Law School, Australia (2008)

Godden, L, *Submission to The Senate Standing Committee on Environment Communications and the Arts, The Operation of the Environment Protection and Biodiversity Conservation Act 1999*, The Senate Standing Committee, Australia (2008)

Godden, L, Kallies, A and **Peel, J**, *Submission to the Emissions Trading System of the Garnaut Climate Change Review*, Commonwealth of Australia, Australia (2008)

Godden, L and **Peel, J**, *The EPBC Act: Implications for Environmental and Natural Resource Management for Victorian Department of Finance and Treasury*, Melbourne Law School, Australia (2008)

Godden, L and **Peel, J**, *The EPBC Act: Proposals for Improving the Assessment and Approval Reime*, Australian Conservation Foundation, Australia (2008)

Godden, L, Peel, J and **Kallies, A**, *Submission to Green Paper on a Carbon Pollution Reduction Scheme*, Commonwealth of Australia, Australia (2008)

Howe, J and **Landau, I**, *Do Investment Attraction Incentives Create Decent Jobs? A Study of Labour Conditions in Industry Assistance Contracts*, Centre for Employment and Labour Relations Law, Melbourne Law School, Australia (2008)

Howe, J and Forsyth, A, *Current Initiatives to Encourage Fair and Cooperative Work Practices: An International Survey for the Victorian Workplace Rights Advocate*, Centre for Employment and Labour Relations Law, Melbourne Law School, Australia (2008)

O'Connell, A, *Employee Share Ownership in Unlisted Entities: Objectives, Current Practices and Regulatory Reform*, Melbourne Law School, Australia (2008)

Parker, C, *Self-Regulation and the Not-for-Profit Sector*, State Services Authority Victoria, Australia (2008)

Parker, C, Mark, S and Gordon, T, *Assessing the Impact of Management-Based Regulation on NSW Incorporated Legal Practices for the Office of the New South Wales Legal Services Commissioner*, University of Melbourne Law School, Australia (2008)

Quang, N and **Nicholson, P**, *Study of the Methods, Procedures and Criteria for the Dissemination of Court Judgments - Supreme People's Court of Vietnam for DANIDA*, University of Melbourne Law School, Australia (2008)

Rhoades, H, Astor, H, Sanson, A and O'Connor, M, *Enhancing Inter-Professional Relationships in a Changing Family Law System*, University of Melbourne Law School, Australia (2008)





CENTRES AND INSTITUTES 2008

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

The Centre has pioneered extensive programs of teaching and research on the laws and legal systems of Japan, China, Indonesia, Vietnam, Taiwan and Malaysia and on Islamic law and Asian commercial law. It has also worked on law in Singapore, Korea, Thailand, Laos, East Timor and the Philippines.

Objectives

The Centre's objectives are:

- to improve knowledge and understanding of the laws of our region;
- to support the rule of law in Asia;
- to promote teaching and research on Asian legal systems at both graduate and undergraduate levels, in Australia, Asia and elsewhere;
- to promote the development of Asian studies and Asian languages in other disciplines and to encourage links with legal studies;
- to promote the importance of comparative law in Asian legal studies and research; and

- to promote exchanges of staff and students between the Melbourne Law School and Asian universities and institutions

Research Projects

Centre members are engaged in research on a diverse range of topics relating to Asian legal studies. Members of the ALC worked on the following research projects in 2008:

- ARC Federation Fellowship: 'Islam and Modernity: Syari'ah, Terrorism and Governance in South-East Asia' (2006-2011) (Lindsey, T)
- ARC Discovery Grant: 'Enforcement of Chinese Employment Law, Regulatory Innovation and Wage Arrears' (2007-2009) (Cooney, S, Biddulph, S and Zhu, Y)
- ARC Discovery Grant: 'The Media and ASEAN Transitions: Defamation Law, Journalism and Public Debate in Indonesia, Malaysia and Singapore' (2006-2009) (Lindsey, T, Whiting, A, Kenyon, A and Marjoribanks, T)
- ARC Discovery Grant: 'Islamic Law in Contemporary Malaysia, Singapore and Brunei: The Anglo-Malay Madhhab' (2005-2008) (Lindsey, T)

Significant Publications, 2008

- Lindsey, T, *Indonesia: Law & Society* (2nd ed), Federation Press, Australia (2008)
- Lindsey, T, *The Romance of K'tut Tantri and Indonesia* (2nd ed), Equinox Publishing, Jakarta (2008)
- Nicholson, P and Biddulph, S, *Examining Practice, Interrogating Theory: Comparative Legal Studies in Asia*, Martinus Nijhoff Publishers, Netherlands (2008)
- Steele, S, 'Lessons (to be) Learnt from the Opes Prime Insolvency' (2008) 32 *Melbourne University Law Review* 774-785
- Zhu, Y, Cooney, S and Biddulph, S 'New Developments of Labour Law and Industrial Relations in China' in G. Ramirez-Gaston (ed), *Labour Relations in the World* (2008), 579-606

Australian Journal of Asian Law

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

Asian Law Online

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

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

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

Seminars

Comparative Law Seminar Series

In this series, internationally recognised scholars of comparative law and/or socio-legal theory, present on its application to Asia.

Occasional Seminar Series

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

Recent seminars include:

- **22 October 2008** - 'The Sidoarjo Mud Flow Disaster: Abuse of Human Rights?' **Mr Yosep Stanley Adi Prasetyo**
- **24 November 2008** - 'Combating Corruption in Indonesia: How the Anti-Corruption Commission catches the Big Fish' **Amien Sunaryad**

Brown Bag Seminar Series

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

Recent seminars include:

- **Dr Dede Oetomo** - '*Homosexuality, Transgenderism and Islam in Indonesia*' (1 February 2008)
- **Dr Jin Chun** - '*The Trustee (or Administrator) System under the Chinese Enterprise Insolvency Law (2006)*' (12 March 2008)
- **Mr Jeremy Kingsley** - '*Keluarga Besar – When a Family Fights: Muslim Internal Conflicts in Lombok, Indonesia*' (16 April 2008)

Ms Jothie Rajah - '*Punishing Bodies, Securing the Nation: Singapore's Vandalism Act*' (30 April 2008)

Professor Shoichi Tagashira - '*Japan's New Trust Law and Creditor's Rights*' (12 May 2008)

Associate Professor Andrew White - '*Is a Special 'Fiqh Al-Aqallayyat' for Muslims Living Outside Muslim Lands Really that Different and Is It Even Needed?*' (13 May 2008)

Mr Muhammad Eeqbal Farouque Hassim - '*Resistant to Change: Muslim Educational Thought on Children's Motivation from Ibn Sahnun to Ibn Khaldun*' (28 May 2008)

Associate Professor David Linnan - '*Reading the Tea Leaves in the Indonesian Commercial Court: How to Account for Vastly Differing Court Performance by Sstantive Area*' (19 June 2008)

Ms Amelia Fauzia - '*Faith and the State: A History of Islamic Philanthropy in Indonesia*' (5 August 2008)

Khalil Hamid - '*The Legal Profession and Building Legal Aid in Afghanistan*' (12 August 2008)

Mr Andi M.A Amiruddin - '*Local Election (Pilkada) and Shari'a Implementation in South Sulawesi, Indonesia*' (13 August 2009)

Dr Alia Imtoul - '*Challenging the Myth of the Happy Celibate: Muslim Women Negotiating Contemporary Relationships*' (20 August 2008)

Ms Dina Afrianty - *'Responses of Local Women's NGO's to Sharia Implementation in Aceh: Competing Ideas of Local Adat, Islamic Law and Universalist Feminism'* (27 August 2008)

Martin Jones - *'Challenging and Moving Beyond the Asian Rejection Hypothesis: Exploring Refugee Law in Asia'* (2 September 2008)

Ms Anisa Buckley - *'Muslim Women in Australia and the Challenges of Securing a 'Complete' Divorce'* (10 September 2008)

Mr Imran Lum - *'Interest Free? Attitudes of Australian and British Muslims Towards Conventional and Islamic Banking'* (10 September 2008)

Professor Tim Lindsey - *'University of Melbourne Issues Forum: The Death Penalty in Indonesia'* (16 September 2008)

Stewart Fenwick - *'Usman Roy and the Language of Devotion'* (17 September 2008)

Professor Chin Lim - *'Australia's Asia Pacific Community Proposal'* (3 October 2008)

Ms Helen Pausacker - *'Beauty Queens, the Law and the Islamic Defenders Front in Indonesia'* (8 October 2008)

Yosep Stanley Adi Prasetyo - *'10 Years of Reform in Indonesia: Reflections from a Human Rights Commissioner'* (23 October 2008)

Asian Legal Dialogues

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

Professor Fan Chongyi - *'Recent Efforts to Reform China's Criminal Procedure Law: Progress and Stumbling Blocks'* (15 May 2008)

Professor Peter Leyland - *'Thailand's Constitutional Watchdogs: More Bark than Bite?'* (19 November 2008)

Amien Sunaryadi - *'Combating Corruption in Indonesia: How the Anti-Corruption Commission Catches the Big Fish'* (24 November 2008)

Hajrah Saboor - *'Pakistan's Islamic Identity, its Blasphemy Law and the International Law of Human Rights'* (3 December 2008)

Ms Chenxia Shi - *'The Political Determinants of Corporate Governance in China'* (15 December 2008)

Visitors

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

Supreme Court of Japan Overseas Training and Research Program

Each year since 2003, the Asian Law Centre has hosted

a Judge from Japan as part of the Overseas Training and Research Program of the Supreme Court of Japan. The Program enables Judges from Japan to experience life in a jurisdiction outside Japan for a twelve-month period and provides them with a valuable opportunity to study Australian law courses, access University resources and undertake research and training activities, including visits to Victorian courts and meetings with court personnel.

Supreme Court of Korea Overseas Research and Study Program

Each year since 2006, the Asian Law Centre has hosted a Judge from Korea as part of the Overseas Research and Study Program of the Supreme Court of Korea. The Program enables Judges from Korea to experience life in a jurisdiction outside Korea for a 6-12 month period and provides them with a valuable opportunity to study Australian law courses, access University resources and undertake research and training activities, including visits to Victorian courts and meetings with court personnel.

Chuo Law School Melbourne Summer School

Each year since 2005, the Asian Law Centre has hosted the Chuo Law School Melbourne Summer School. The Summer School continues the relationship with Chuo Law School that was developed – and originally taught – by the late Professor Malcolm Smith when he joined Chuo Law School as Professor of Law, in 2004.

The Chuo Law School students enjoy interacting with

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

In 2008, the Centre hosted a large number of visitors, including the following:

Professor Xue Gagling, *Dean of the Law Faculty, China University of Political Science & Law*

Collaborative research on legal empowerment of state agencies and legal controls on the exercise of state power.

Professor Fan Chongyi, *Honary Chief, Procedural Law Research, China University of Political Science and Law*
Ongoing collaborative research on criminal justice reforms in China.

Professor Han Xiangqian, *Professor of Law, China University of Political Science and Law*

Presentation of an Asian Legal Dialogue on the most recent reforms to China's civil Procedure Law

Amien Sunaryadi, Senior Officer, World Bank, Jakarta
Presentation on an Asian Legal Dialogue on combating corruption in Indonesia

Stanly Yosep Adi Prasetyo, *Commissioner, Human Rights Commission, Indonesia*

Presentation of an Occasional Seminar

Professor Hisaei Chuck Ito, *Associate Dean, Chuo University, Japan*

Chuo Summer School Program

Judge Atsushi Shiraishi, *Tokyo District Court*

Japanese Judges Program

Judge Chan Ho, *Chang-won District Court*

Korean Judges Program

Professor Peter Leyland, *London Metropolitan University, United Kingdom*

Presentation of a Brown Bag seminar on the various bodies that act as constitutional watchdogs in Thailand.

Professor Alvaro Santos, *Associate Professor, Georgetown University, United States*

Law and Development Reading Roundtable between various Melbourne Law School Research Centres

Nguyen Khanh Ngoc, *Vice Director, Ministry of Justice, Vietnam*

Research legal sources and practise on legal interpretation in the process of dispute.

Dang Trung Ha, *Legal Expert, Ministry of Justice, Vietnam*

Gain experience of certain countries in the engagement and preparation for dispute.

Staff

Director:

Professor Tim Lindsey (Indonesia, Islam)

Associate Directors:

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

Associate Professor Sarah Biddulph (China)

Associate Professor Sean Cooney

Mr Andrew Godwin (Asian Commercial Law)

Ms Stacey Steele (Japan)

Dr Amanda Whiting (Malaysia)

Manager:

Ms Kathryn Taylor

Senior Administrator:

Ms Jessica Cotton

Administrative Assistant:

Ms Kelly McDermott

Contact ALC

The Centre's website can be accessed at:

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

The Centre can be contacted by email at:

law-alc@unimelb.edu.au

Asia Pacific Centre for Military Law



The Asia Pacific Centre for Military Law (APCML) was established in 2001 as a collaborative initiative of Defence Legal in the Australian Department of Defence and the Melbourne University Law School, to facilitate cooperation amongst military forces of the Asia Pacific Region in the research, training and implementation of the laws governing military operations.

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

The Director of the Centre is Professor Tim McCormack, Foundation Australian Red Cross Professor of International Humanitarian Law. In 2008 the Deputy Director was CAPT Dale Stephens (to July) and WGCDR Ian Henderson (from August). Professor Stuart Kaye served as Associate Director (University node). Associate Directors (Military node) were LTCOL Paul Muggleton (to July) and Mr Peter Jeffrey (from August).

Melbourne Law School staff associated with the Centre in 2008 were Dr Helen Durham, Associate Professor Alison Duxbury, Associate Professor Andrew Mitchell, Mr John Tobin and Associate Professor Tania Voon. Dr Bob Mathews is a Principal Research Fellow in the Centre. The Rt Hon Malcolm Fraser AC CH, Professorial Fellow of the University of Melbourne, is attached to this Centre.

The Centre Administrator is Ms Cathy Hutton and enquiries can be directed to law-apcml@unimelb.edu.au

Major Events in 2008

The 60th Anniversary of the Judgment in the Tokyo War Crimes Trial: Lessons for the Future of International Law

10-12 November 2008

A major international conference presented in association with Hiroshima Peace Institute, American Society of International Law's Lieber Society, London School of Economics International Humanitarian Law Project, and supported by Martinus Nijhoff Publishers.

The war crimes trials at Nuremberg and Tokyo are regarded as landmarks in the field of international criminal law. This conference, significant features of which were the involvement of eminent Japanese, Korean, and Chinese speakers as well as the authors of several new books on the Tokyo Trial, placed the Trial at the centre of a wide-ranging discussion about the future of international law and the law of war crimes.

Selected papers from the conference will be published by Martinus Nijhoff Publishers in their International Humanitarian Law Series in 2009. It is also expected that the papers will be published in Japanese by a Japanese publisher in early 2010.

Visitors in 2008

Mr Adam McCarthy, Assistant Secretary, International Legal Branch, Dept. of Foreign Affairs & Trade (24 July 2008)

Mr McCarthy presented a lunchtime seminar on Australia's position on the Convention on Cluster Munitions, adopted 2 months earlier by more than 100 states, including Australia.

Mr Doug Brooks, President, International Peace Operations Association, Washington DC (29 August 2008)

Mr Brooks, founder of the IPOA, a non-profit association committed to raising the standards of peace and stability operations, presented a seminar on the role of the private sector in stability operations.

Mrs Fatou Bensouda, Deputy Prosecutor of the International Criminal Court (14 October 2008)

Mrs Bensouda gave a lunchtime lecture entitled 'The Tenth Anniversary of the Rome Statute and developments at the International Criminal Court' in which she outlined developments in the situations and cases currently before the Court: Northern Uganda, the Democratic Republic of Congo, Darfur Sudan and the Central African Republic, as well as other situations



under analysis, including Colombia and Afghanistan. During her visit Mrs Bensouda also spoke informally with APCML RHD students.

Professor Yuki Tanaka, Research Professor of History, Hiroshima Peace Institute, Hiroshima City University, Japan. APCML Sir Ninian Stephen Visiting Scholar for 2008 (10-28 November 2008)

Professor Tanaka, internationally renowned expert on the history of Japanese war crimes during World War II, was deeply involved in the planning of the Centre's major international conference commemorating the 60th anniversary of the judgment in the Tokyo War Crimes Trial. Professor Tanaka delivered two papers at the Conference, on the historical significance of the Tokyo Trial, and on the atomic bombing of Hiroshima and Nagasaki. He also chaired the session 'Forgotten Crimes: The 'Comfort Women''.

During his visit to the APCML Professor Tanaka met with staff and students and conducted some media interviews. He also delivered a public lecture in Canberra at the Australian War Memorial on 19 November, entitled 'Japanese Atrocities in the Asia-Pacific War: Why were they so brutal?'

Major Research Projects in 2008

ARC Grant: Australia's War Crimes Trials Law Reports Series

The APCML was awarded a 3-year grant by the Australian Research Council (ARC) to produce a series of Law Reports for Australia's Post World War II War Crimes Trials, which were held 1945-1951 in eight locations in the Asia Pacific region. Professor Tim McCormack (APCML) and Dr Gideon Boas (Monash University) are the lead investigators. The partner organisations for the project are Defence Legal (partner investigator WGCDR Ian Henderson) and the Australian War Memorial (partner investigator Dr Steven Bullard, Senior Historian). The project commenced with the appointment of Dr Narrelle Morris as a research fellow for the law reports (APCML) and Ms Georgina Fitzpatrick as a part-time historian based at the Australian War Memorial. Dr Morris and Ms Fitzpatrick have begun their studies with the war crimes trials held at Darwin and at Morotai.

Regional Maritime Claims

In June 2008, APCML Associate Director Professor Stuart Kaye gave the opening address to the United Nations Informal Consultative Process on the Law of the Sea to delegations representing over 140 States at the United Nations Headquarters at New York. His address considered recent developments in international

maritime security. He then stayed for the remainder of the conference as a member of the Australian Government delegation.

Professor Kaye completed *Freedom of Navigation in the Indo-Pacific Region* which was published by the Sea Power Centre - Australia. The work is part of a broader consideration of regional maritime claims and their impact on regional trade and security undertaken with colleagues Associate Professor Clive Schofield and Professor Martin Tsamenyi under an ARC Discovery Grant.

Post-graduate Completions

Two APCML PhD students completed their theses and graduated in 2008. Ian Henderson's thesis was entitled '*Targeting During Armed Conflict: A Legal Analysis*' and Alison Duxbury's thesis was entitled '*The Participation of States in International Organisations: the Role of Human Rights and Democracy*'.

Contact APCML

The Centre's website can be accessed at:
<http://www.apcml.org>

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

Centre for Comparative Constitutional Studies



The Centre for Comparative Constitutional Studies (CCCS) is one of the Law School's eleven specialist research centres, and is a focal point for research, scholarship, teaching and information about Australian constitutional law and the constitutional law of other countries whose systems are most relevant to Australia. The objectives of the Centre for Comparative Constitutional Studies are:

- to examine and evaluate the Australian constitutional system and to contribute actively to the debate on the Australian system of government;
- to examine and advise on the constitutional and legal framework for relations between levels of government, in theoretical and practical operation;
- to introduce comparative constitutional concepts and knowledge on comparative constitutional principles, institutions and practices into the Australian constitutional debate;
- to develop and promote a sound understanding of the constitutional systems of countries in the neighbouring region, both in underlying theory and practical operation;
- to contribute to the debate on constitutional issues elsewhere in the world in the light of the experience of Australia and the Asia-Pacific region; and

- to provide a public and specialist resource on constitutional and comparative constitutional issues.

The Centre pursues these objectives through its activities - research, teaching, information exchange, resource centre, consultancies and research collaboration. The Centre's aims and objectives are set out in full on our website: <http://cccs.law.unimelb.edu.au/>

Key Research Activities

In 2008 Centre members were actively engaged in research work on key topics in Australian and comparative public law.

Professor Adrienne Stone, CCCS Director, and Professor Cheryl Saunders participated in a meeting of the International Association of Constitutional Law (IACL) held at the Constitutional Court of Andorra to discuss the issue of *International Law and National Constitutions in the Jurisprudence of Constitutional Courts*. Professor Stone attended a joint International Association of Constitutional Law (IACL)/United Kingdom Constitutional Law Group Round Table on *The Regulatory State: Constitutional Implications* in London. She participated in the executive committee meeting, the roundtable on regulation and participated in the meeting of the interest group on the use of foreign law

in constitutional interpretation. Professor Stone gave her Inaugural Professorial Lecture '*Foreign Law and Constitutional Interpretation: Cautious Comparativism or Judicial Activism?*'. In her lecture Professor Stone addressed claims that reference to foreign law amounts to an unethical activism. Professor Stone defended the use of foreign law and considered the following questions: Is it legitimate to refer to foreign law in interpreting the Australian Constitution? Is foreign law relevant to the Australian Constitution? How should judges use foreign law in constitution cases?

Professor Cheryl Saunders, foundation CCCS Director, participated in a Forum of Federations two day International Seminar: *Comparing High Courts in Federal Countries*. The Seminar was held at the Faculty of Law of the University of Buenos Aires and brought together Constitutional Law experts from around the world to debate compare the way constitutional courts work in federal systems on five different continents and to debate the merits of different approaches to interpretation. Professor Saunders participated in the Australia 2020 Summit convened by the Prime Minister of Australia, Kevin Rudd, at Parliament House to help shape a long term strategy for the nation's future. She participated in The Future of Australian Governance stream which was concerned with democratic renewal, a more open government (including the role of the media), the structure of the Federation and the rights

and responsibilities of citizens. Professor Saunders travelled to Vanuatu to give the keynote address at the Australasian Law Reform Agencies Conference (ALRAC) hosted by the University of the South Pacific, School of Law USP, Port Vila. She then went to Barcelona to chair a meeting of IACFS and spoke at the IACFS conference.

Associate Professor Carolyn Evans, CCCS Deputy-Director, gave a presentation 'Religious Freedom and Equality: Principled Approaches to Religious Exemptions from Discrimination Law' at the Research Unit for the Study of Society, Law and Religion, Roundtable on the Relationship between Law and Religion in Contemporary Society, held at the University of Adelaide. Associate Professor Evans also joined the Board of Management of the Research Unit. Associate Professor Evans brought out a co-edited book: Cane, P, Evans, C M & Robinson, Z (eds) *Law and Religion in Theoretical and Historical Context* (Cambridge University Press, 2008) to which she also wrote the Introduction. Associate Professor Evans has been asked to prepare a supplemental paper on Freedom of Religion and Belief and the Law for the Australian Human Rights Commission's National Report on Freedom of Religion and Belief in Australia. The report will cover issues such as Australia's international obligations, the constitutional protection of religious freedom, the relationship with discrimination law, religious vilification law and religious law in the Australian legal system.

Associate Professor Simon Evans, former CCCS Director, visited the National University of Singapore and the University of Cambridge. He also attended a planning conference for the Centre for Transnational Legal Studies (CTLS). Associate Professor Evans spoke at the *Human Rights Law & Policy 2008 Shaping the National Stage for a New Era of Rights* Conference held in Melbourne. His presentation was about reasonable limits on human rights and building a culture of human rights.

Associate Professor Beth Gaze attended a Joint Annual Meeting of the Canadian Law and Society Association and the (US) Law and Society Association in Montréal, Canada. She presented at a Roundtable on Transnational Feminisms, speaking about equality issues relating to women's work in Australia, and in particular on whether reforms to WorkChoices can or are likely to reverse its detrimental impact on women, who are overrepresented among the casual and low paid workers whose conditions were worst affected. Associate Professor Gaze is a member of the Advisory Committee of the Review of the Equal Opportunity Act (Vic) being conducted for the Department of Justice (appointed September 2007). She also made several submissions as follows: Submission in response to the Equal Opportunity Review Issues Paper, January 2008; Submission to the Exceptions Review, April 2008; and Submission in response to the Equal Opportunity Review Options Paper, May 2008.

Dr Michelle Foster was invited to attend a workshop organised by the Minerva Centre for Human Rights at Tel Aviv University entitled 'Designing an Asylum System in Israel'. Dr Foster was invited to present a paper on the 'Social and Economic Rights of Asylum Seekers and Refugees', which analysed Israel's international obligations towards refugees and discussed examples of international 'best practice' on which Israel may model a system of refugee protection. Dr Foster also spoke at a public forum entitled 'Are We There Yet? Where We Are Up to in the Struggle for Refugee Rights' in Melbourne. Dr Foster, together with Julian Burnside and Paris Aristotle, assessed the new government's record to date in complying with Australia's international obligations. Together with Professor Saunders Dr Foster wrote a joint report for the meeting of the IACL in Mexico. The 1st Intermediate Congress of the International Academy of Comparative Law concerning 'The Impact of Uniform Law on National Law. Limits and Possibilities' hosted by the Mexican National Committee took place in Mexico.

Associate Professor Pip Nicholson was invited, in her capacity as a Vietnamese court system expert, to Hanoi, Vietnam, on a research consultancy mission. She worked with the Supreme People's Court to establish a pioneering public searchable database of Vietnamese Court Judgements. Associate Professor Nicholson also carried out research on her Australian Research Council Discovery Project 'Testing Court Reform Projects in Cambodia and Vietnam'.

Associate Professor Jeremy Gans had two publications: 'Evidence Law Under Victoria's Charter: Rights and Goals – Part 1' in the Public Law Review and 'Charter of Frights' at inside.org.au which asks the question 'Has fear of upsetting the public caused Victoria's new human rights charter to lose its way?' Associate Professor Gans argues that it's a question with national implications. Associate Professor Gans also gave two speeches: 'The Fear Factor: Criminal Justice in the Charter's First Year' at the Protecting Human Rights conference at Melbourne Law School and 'Litigation under Victoria's Charter of Human Rights' at a Deakin Law School conference held in Warrnambool.

Dr Joo-Cheong Tham was a British Academy Visiting Fellow at King's College, University of London, where he undertook a comparative study of control orders in Australia and the United Kingdom in relation to the protection of human rights. He is also writing a book on Australian political finance law that will be published by UNSW Press in 2009.

Research Projects

Freedom of Expression in Democratic States: A New Theoretical Direction

Professor Adrienne Stone

Non-Discrimination Laws and Religious Freedom: Current Conflicts and Future Directions

Associate Professors Carolyn Evans and Beth Gaze

Major Conference

The 2008 *Protecting Human Rights Conference*, co-hosted by the CCCS on 3 October 2008, was a very successful and well attended event. This one day event discussed developments in the protection of human rights by Australian charters and human rights acts. Over 220 people including many MPs from the states' legislative review committees, all of the Commissioners for Equal Opportunity and Anti-Discrimination Commissioners from around Australia, members of the legal fraternity, academia, government and human rights and indigenous communities attended. They listened to leading Australian and international speakers discuss the role of judges in assessing limitations on rights and the use of international and comparative law, the intersection of anti-discrimination laws with human rights legislation, the effect of human rights protection on the private sector and the relevance of human rights in criminal trials. The conference provided an important opportunity to examine the Victorian Charter of Human Rights and Responsibilities and the Australian Capital Territory's Human Rights Act and other charters of rights.

Public Lecture

26 November 2008 - Inaugural Professorial Lecture: 'Foreign Law and Constitutional Interpretation: Cautious Comparativism or Judicial Activism?' Professor Adrienne Stone, Director of the Centre for Comparative Constitutional Studies, Melbourne Law School

Seminars and Roundtables

19 February 2008 - 'A Comatose Canine? The UK Human Rights Act 1998 and the Criminal Trial' *Professor Ian Leigh, Professor of Law at the University of Durham, UK*

28 February 2008 - 'Twenty-Five Years under the Canadian Charter of Rights: Problematic Dialogue and an Unfinished Rights Revolution.' *Associate Professor James Kelly, Department of Political Science at Concordia University, Montreal, Quebec*

13 March 2008 - 'The Co-operative Constitution? Inter-institutional 'Dialogue' and the Separation of Powers after the Human Rights Act 1998' *Roger Masterman, Lecturer in Law at the University of Durham, UK*

31 March 2008 - 'The Kable Principle: After Forge and Gypsy Jokers.' *Jonathon Redwood, Victorian Bar*

1 April 2008 - 'Between the Devil and the Deep Blue Sea? Administrative Law in an Age of Rights.' *Dr Thomas Poole, Law Department, London School of Economics, UK*

16 April 2008 - 'Legitimate Expectations.' *Mr Richard Gordon QC, Barrister, United Kingdom*

17 July 2008 - 'Giving Teeth to International Human Rights Treaties: Commissions, Courts and Corporations - A Practitioner's Perspective.' *Professor Brian Burdekin, Visiting Professor at the Raoul Wallenberg Institute, Sweden*

4 August 2008 - 'Thinking About 'Constitutional Dictatorship'. *Professor Sanford Levinson, The University of Texas at Austin, USA*

13 August 2008 - 'The Party and the Judges: Threats to the Independence of the Judiciary in South Africa.' *Professor Christina Murray, University of Cape Town, South Africa*

27 August 2008 - 'Codification System in the Anglo-American Legal Tradition: The Case of New York.' *Professor Aniceto Masferrer, Professor of Comparative Legal History in the Faculty of Law, University of Valencia, Spain*

24 September 2008 - 'The Evolution of a Revolution: The Singapore Constitution after 40 Years.' *Professor Li-ann Thio, Faculty of Law, National University of Singapore*

21 October 2008 - 'Bicameralism and the British House of Lords.' *Dr Meg Russell, Reader in British and Comparative Politics, Constitution Unit, Department of Political Science, University College, London, United Kingdom*

28 October 2008 - 'Political Responsibility for Rights Protection in New Zealand.' *Dr Petra Butler, Victoria University of Wellington, New Zealand*

17 November 2008 - 'Disintegration through Law? - On the Decomposition of Citizenship in Europe.' *Professor Dr Alexander Graser, Professor of Comparative Public Law and Social Policy, Hertie School of Governance, Berlin*

24 November 2008 - 'The Office of Lord Chancellor, the Judiciary and the Constitutional Reform Act 2005: '... a new and original plan?'. *Professor Peter Leyland, Professor of Public Law, London Metropolitan University, UK*

3 December 2008 - 'PhD Confirmation Seminar: Pakistan's Islamic Identity, its Blasphemy Law and the International Law of Human Rights'. *Ms Hajrah Saboor, PhD candidate, Melbourne Law School*

16 December 2008 - 'Real Constitutional Dialogue: From Canada to Australia.' *Assistant Professor Rosalind Dixon, University of Chicago Law School*

Visitors to the Centre

Professor Heping Dong, Director, International Exchange Centre of NUPL, Northwest University of Politics and Law, People's Republic of China, 2 January – 30 June 2008

Professor Ian Leigh, Professor of Law, University of Durham, 28 January – 7 March 2008

Associate Professor James Kelly, Associate Professor, Department of Political Science, Concordia University, Montreal, Quebec, 4 February – 3 March 2008

Mr Roger Masterman, Human Rights Centre, Department of Law, University of Durham, 4 March – 28 March 2008

Professor Aniceto Masferrer, Professor of Comparative Legal History, Law School, University of Valencia, 15 July – 15 October 2008

Professor Christina Murray, Professor of Constitutional and Human Rights Law & Head of the Department of Public Law, University of Cape Town, South Africa, 17 July – 15 August 2008

Ms Kylie Evans, Human Rights Specialist, 11 August – 22 December 2008

Professor Graeme Austin, J Byron McCormick Professor of Law, University of Arizona, USA, 8 September 2008 – 28 February 2009



Dr Harshan Kumarasingham, Research Fellow, School of Government, Victoria University of Wellington, 12 October – 9 November 2008

Professor Peter Leyland, Professor of Public Law, London Metropolitan University, the United Kingdom, 12 November – 27 November 2008

Professor Alex Graser, Professor of Comparative Public Law and Social Policy, Hertie School of Governance, Berlin, Germany, 17 November 2008

Professor Brice Dickson, Professor of International and Comparative Law and Director of the Human Rights Centre, Queen's University Belfast, 24 November – 19 December 2008

Professor Janet Hiebert, Department of Political Studies, Queen's University, Canada, 15 December 2008 – 16 February 2009

Assistant Professor Rosalind Dixon, Assistant Professor, University of Chicago Law School, 16 December 2008

Significant Publications

Centre members have published numerous books, articles and chapters on constitutional law during 2008. Some highlights include:

Australian Bills of Rights: The Law of the Victorian Charter and ACT Human Rights Act (LexisNexis, Australia) by Carolyn Evans and Simon Evans.

Examining Practice, Interrogating Theory: Comparative Legal Studies in Asia (Martins Nijhoff Publishers, Netherlands) by Pip Nicholson & Sarah Biddulph (eds).

Management

Director: Professor Adrienne Stone

Deputy Director: Associate Professor Carolyn Evans

Administrator: Dr Madeline Grey

Contact CCCS

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

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

Overview

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

The objectives of the Centre and its members are:

- to undertake and promote research on corporate law and securities regulation;
- to undertake the teaching of corporate law and securities regulation subjects within the Melbourne Law School and the Faculty of Economics and Commerce at the University of Melbourne and to develop and promote innovative teaching methods and teaching materials;
- to host conferences to disseminate the results of research undertaken under the auspices of the Centre or in other programs associated with the Centre;
- to develop and promote links with academics in other Australian universities and in other countries who specialise in corporate law and securities regulation;

- to establish and promote links with similar bodies, internationally and nationally, and provide a focal point in Australia for scholars in corporate law and securities regulation;
- to promote close links with peak organisations involved in corporate law and securities regulation;
- to promote close links with those members of the legal profession who work in corporate law and securities regulation; and
- to attract students of the highest calibre to the graduate program and provide opportunities for their involvement in corporate law research projects.

The activities of the Centre include teaching (members of the Centre teach or coordinate the teaching of 39 specialist subjects), maintaining a strong research program, and conducting conferences and seminars.

Staff

The Director of the Centre is Professor Ian Ramsay. Other academic staff associated with the Centre are Associate Professor Paul Ali, Hellen Blue, Associate Professor Pamela Hanrahan, Associate Professor John Howe, Associate Professor Cally Jordan, Jurgen Kurtz, Professor Tim Lindsey, Associate Professor Christine

Parker, Stacey Steele and Associate Professor Christian Witting. The Centre Administrator is Josephine Peters.

Publications

In 2008, the following books and research reports were published by Centre members:

Books

- Marshall, S, Mitchell, R, and Ramsay, I, *Varieties of Capitalism, Corporate Governance and Employees*, Melbourne University Publishing (2008)
- Baxt, R, Black, A, and Hanrahan, P, *Securities and Financial Services Law* (7th ed), LexisNexis Butterworths (2008)
- Gregoriou, G and Ali, P, *The Credit Derivatives Handbook: Global Perspectives, Innovations, and Market Drivers*, McGraw-Hill (2008)
- De Vries Robbé, J, and Ali, P, *Expansion and Diversification in Securitization*, Kluwer Law International (2008)
- Ali, P and Gregoriou, G, *Insider Trading: Global Developments and Analysis*, CRC Press (2008)
- Hanrahan, P, Ramsay, I, Stapledon, G, Yeo, V and Lee, J, *Commercial Applications of Company Law in Singapore* (3rd ed), CCH Singapore (2008)

- Hanrahan, P, Ramsay, I, Stapledon, G, Nariman Sulaiman, A and Bidin, A, *Commercial Applications of Company Law in Malaysia* (3rd ed), CCH Malaysia (2008)
- Hanrahan, P, Ramsay, I and Stapledon, G, *Commercial Applications of Company Law* (9th ed), CCH Australia (2008)

Research Reports

- Jones, M, Marshall, S, Mitchell, R and Ramsay, I, *Corporate Governance and Workplace Partnerships Case Studies*, Centre for Corporate Law and Securities Regulation and Centre for Employment and Labour Relations Law, 2008
- O'Connell, A, *Employee Share Ownership in Unlisted Entities: Objectives, Current Practices and Regulatory Reform*, Centre for Corporate Law and Securities Regulation, the Centre for Employment and Labour Relations Law and the Tax Group, 2008
- Fast, J, *Directors' Liabilities - Navigating the Maze*, 2008
- Ramsay, I and Watne, A, *Which Courts Deliver Most Corporate Law Judgments? A Research Note*, Centre for Corporate Law and Securities Regulation, 2008

- Hanrahan, P, *Fiduciary Duty and the Market: Private Law and the Public Good*, Centre for Corporate Law and Securities Regulation, 2008
- Hanrahan, P, *Improving the Process of Change in Australian Financial Sector Regulation*, Centre for Corporate Law and Securities Regulation, 2008
- Hanrahan, P, *ASIC v Citigroup: Investment Banks, Conflicts of Interest and Chinese Walls*, Centre for Corporate Law and Securities Regulation, 2008
- Jordan C and Lubrano, M, *Corporate Governance and Emerging Markets: Lesson from the Field*, Centre for Corporate Law and Securities Regulation, 2008
- Mees, B and Ramsay, I, *Corporate Regulators in Australia (1961-2000): From Companies' Registrars to the Australian Securities and Investments Commission*, Centre for Corporate Law and Securities Regulation, 2008
- Parker, C, *Peering Over the Ethical Precipice: Incorporation, Listing and the Ethical Responsibilities of Law Firms*, Centre for Corporate Law and Securities Regulation, 2008
- Jordan C, *Family Resemblances: The Family Controlled Company in Asia*, Centre for Corporate Law and Securities Regulation, 2008

- Jordan C, *Unlovely and Unloved: Corporate Law Reform's Progeny*, Centre for Corporate Law and Securities Regulation, 2008
- Brown, M, Landau, I, Mitchell, R, O'Connell, A and Ramsay, I, *Why do Employees Participate in Employee Share Plans - A Conceptual Framework*, Centre for Corporate Law and Securities Regulation, the Centre for Employment and Labour Relations Law and the Tax Group, 2008

Members of the Centre for Corporate Law also published a significant number of journal articles in 2008.

Seminars and Conferences

A significant part of the Centre's activities is the holding of seminars/conferences on important issues. In 2008 the Centre held the following seminars/ conferences:

Risk-Based Regulation the Credit Crisis and the Compliance Conundrum (9 December 2008)

Speaker: Professor Iain MacNeil, University of Glasgow

JB Reid Non-Profit Governance Conference (19 November 2008)

Speakers: Steve Bowman, LifeMastery Pty Ltd; Maureen Cleary, Governance and Management Pty

Ltd; David Fishel, Positive Solutions, Myles McGregor-Lowndes; CPNS Nerida Nettlebeck, Matrix on Board; Gavin Nicholson, QUT; David Thompson AM; Jobs Australia

This seminar was co-hosted with the Australian Centre for Philanthropy and Nonprofit Studies and Pilchconnect

Insider Trading: Recent Developments and Implications for Market Players

(28 August 2008 Melbourne and 9 September 2008 Sydney)

Speakers: Cathie Armour, Executive Director, Macquarie Capital Advisors Division (Sydney seminar); Richard Flynn, Manager, Surveillance, ASX Markets Supervision Pty Ltd (Melbourne and Sydney seminars); Michael Hoyle; Division Director, Macquarie Capital Advisors (Melbourne seminar); Robert Simkiss Partner, Allens Arthur Robinson (Melbourne seminar); John Warde Partner, Allens Arthur Robinson (Sydney seminar)

Continuous Disclosure: Key Issues for Companies and Their Advisers

(16 July 2008 Sydney and 23 July 2008 Melbourne)

Speakers: David Barnett, General Manager-Issuers Department, ASX Limited (Sydney seminar); Malcolm Cooke, Partner, Freehills (Melbourne seminar); Quentin Digby, Partner, Freehills (Sydney seminar); James Gerraty, Manager of Issuers, ASX Limited (Melbourne seminar); Marie McDonald, Partner, Blake Dawson (Sydney seminar); Elizabeth Pakchung, Partner, Blake

Dawson (Melbourne seminar); John Walker, Managing Director, IMF (Australia) Ltd (Sydney and Melbourne)

Directors' Duties: Navigating the Storm on Board (19 March 2008 Melbourne, 1 May 2008 Sydney)

Speakers: Bob Baxt A.O, Partner, Freehills (Melbourne seminar); Tim Bednall, Partner, Mallesons Stephen Jaques (Sydney seminar); Alan Cameron A.M, Company Director and former Chairman of ASIC (Sydney seminar); Sir Rod Eddington, Chairman of JPMorgan (Melbourne seminar); David Gonski A.C, Chairman of Investec Bank Australia Limited (Sydney seminar); Alison Lansley, Partner, Mallesons Stephen Jaques (Melbourne seminar); Stuart McCulloch, Partner, Allens Arthur Robinson (Sydney seminar); Jon Webster, Partner, Allens Arthur Robinson (Melbourne seminar)

Employee Share Ownership in Small and Medium-Sized Enterprises: Objectives, Current Practice and Regulatory Reform

(2 April 2008)

On 2 April 2008, the Employee Share Ownership Project (a joint initiative of Melbourne Law School's Centre for Corporate Law and Securities Regulation, the Centre for Employment and Labour Relations Law and The Tax Group), hosted a day-long workshop on the regulation of employee share ownership in small and medium-sized enterprises. Attended by legal practitioners, regulators and academic researchers, the workshop discussed objectives for, and current practice in, broad-

based employee share ownership in Australian SMEs. Participants identified and discussed a number of regulatory obstacles to broad-based employee share ownership in this sector, emanating from corporations and taxation law. Proposals for reform were also discussed.

The London Takeover Panel - Approach to Regulation and Current Issues

(13 March 2008)

Speaker: Noel Hinton, Deputy Director General, London Takeover Panel

Replacing Misused Limited Liability with Enterprise Analysis in Corporate Groups

(4 March 2008)

Speaker: Professor Kurt Strasser

Criminalising Cartel Conduct: Issues of Law and Policy

(25 February 2008)

Speakers: Dr Caron Beaton-Wells, Director of Studies for Competition Law, University of Melbourne; Brent Fisse, Ross Parsons Centre of Commercial, Corporate and Taxation Law; Justice Peter Heerey, Federal Court of Australia; Professor Bob Baxt A.O, Partner, Freehills

Links with Key Organisations

The Centre has developed links with peak organisations with an interest in corporate and securities law. During 2008 academic members of the Centre were also members of:

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

Editorial Positions

Members of the Centre continued in 2008 to occupy editorial positions with major corporate law publications including the *Company and Securities Law Journal*, the *Journal of Corporate Law Studies* and the *Corporate Law Bulletin*.

Corporate Law Bulletin

2008 saw the continued development of the Corporate Law Bulletin which is edited by Professor Ian Ramsay. The monthly electronic Bulletin is published with the support of the Australian Securities and Investments Commission, the Australian Securities Exchange and leading national law firms and distributed in partnership with SAI Global. The Bulletin is distributed widely within companies, regulators, law firms and government departments.

By the end of 2008, 136 issues of the Bulletin had been published.

Corporate Law Judgments Database

The Centre for Corporate Law established, with the support of the Australian courts, the corporate law judgments database. It contains a comprehensive database of corporate law judgments delivered by courts of all Australian jurisdictions since September 1999. It also contains decisions of the Takeovers Panel. By the end of 2008, almost 6,000 judgments were included in the database and available on the Centre for Corporate Law website.

Media Coverage of Centre Activities

The research activities of Centre members received significant coverage in the media in 2008. Members of the Centre gave more than 100 reported interviews to the media in 2008.

Further Information

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

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

Centre for Employment and Labour Relations Law



Goals of the Centre for Employment and Labour Relations Law

The Centre for Employment and Labour Relations Law was established in the Faculty of Law in 1994. Its broad aims are to consolidate the teaching of, and research into, labour and employment law at the University of Melbourne, to contribute to the development of labour and employment law teaching and research throughout Australia, and to engage with labour and employment law scholars throughout the world. Centre Members are responsible for teaching labour and employment law subjects in the undergraduate and graduate programmes in the Faculty of Law, with the graduate programme leading to both Masters Degrees and Graduate Diplomas specialising in labour and employment law.

Centre Members in 2008

Associate Professor Colin Fenwick (Director to 31st October), Associate Professor John Howe (Director from 1st November), Ms Anna Chapman, Associate Professor Sean Cooney, Associate Professor Beth Gaze, Ms Anna Gray, Ms Charlotte Morgans, Mr Glenn Patmore, Mr Stephen Sempill, Dr Joo-Cheong Tham.

Research

During 2008 research work in the Centre took place generally within three broad and ongoing research frameworks. These are:

- Law and Labour Market Regulation (from 1994);
- Corporate Governance and Workplace Partnerships (from 2003);
- Analysing Change in Australian Labour Law;
- Centre members during 2008 pursued a number of more specific research projects within the parameters of these three broad research programs. These are (listed in alphabetical order):
 - Current Initiatives to Encourage Fair and Cooperative Work Practices;
 - Employee Happiness and Labour Law;
 - Employee Share Ownership Plans: Current Practice and Regulatory Reform;
 - Improving the Effectiveness of Australia's Anti-Discrimination Laws;
 - Labour Law in an Era of 'Self-Regulation';
 - Labour Regulation in East Asia;
 - Law and Labour Market Regulation in Southern Africa;

- Legal Protection of Workers' Human Rights: Regulatory Changes and Challenges;
- Regulating Employee Creations;
- Security of Employment and Unfair Dismissal Law; and
- Work, Care and Family: Revealing and Reconstituting Legal Norms.

Conferences/Seminars

Labour Law Seminar Series

These free public seminars are intended to be of interest to a wide audience including academics, members of the legal profession, and those engaged in the day to day business of industrial relations and/or human resource management. Among other things, the Labour Law Seminar Series provides an opportunity for Centre members, visitors and associates, together with invited speakers, to present preliminary results of their research into the operations of labour and employment law. Sean Cooney, John Howe and Glenn Patmore co-ordinated the Labour Law Seminar Series during 2008.

Twelve seminars were held during the course of the year.

- **Professor Judy Fudge**, Lansdowne Chair in Law at the University of Victoria, Canada on 'Control Over Working Time: Lessons from Canada' (18 February)
- **Professor George Williams**, Anthony Mason Professor, Faculty of Law, University of New South Wales; Professor Andrew Stewart, John Bray Professor of Law, University of Adelaide, and a Legal Consultant to Piper Alderman; Sean Cooney, Associate Professor, Melbourne Law School and member of the Centre for Employment & Labour Relations Law on 'The Path to a National IR System'. (6 March)
- **Professor Charles Weathers**, Political Scientist (PhD, Berkeley) specialising in Japanese labor relations on 'Union Revitalisation Campaigns: A US-Japan Comparison' (19 March)
- **Professor Alvaro Santos**, Associate Professor of Law at Georgetown University on 'What Kind of 'Flexibility' in Labour and Employment Regulation for Economic Development?' (28 May)
- **Dr. Iain Campbell**, Senior Research Fellow at the Centre for Applied Social Research (CASR), RMIT University on '"Time on your Back": Billable Hours and the Work of Solicitors in Private Practice'. (6 June)

- **Professor James J Brudney**, Newton D Baker-Baker & Hostetler Chair in Law at the Ohio State University Moritz College of Law on 'Employee Majority Bargaining Systems: Comparing Developments in the United States and Australia'. (16 June)
- **Associate Professor John Howe**, Melbourne Law School, Director for Centre of Employment and Labour Relations Law, University of Melbourne on 'Do Investment Attraction Incentives Create Decent Jobs? A Study of Labour Conditions in Industry Assistance Contracts'. (29 August)
- **Mordy Bromberg**, Senior Counsel, Victorian Bar on 'Making Labour Law in Nepal: the ILO in Action'. (10 September)
- **Professor Andrew Stewart**, John Bray Professor of Law, University of Adelaide and a consultant to the national law firm Piper Alderman on 'Towards National Child Employment Laws?' (23 September)
- **Dr Jennifer Nielsen**, Senior Lecturer, School of Law & Justice at Southern Cross University (Northern New South Wales) on 'Looking for the Hook: The Problem in Proving Race Discrimination'. (15 October)
- **Anne Hewitt**, Lecturer with the University of Adelaide Law School and **Associate Professor Beth Gaze**, Melbourne Law School and member of Centre for Employment and Labour Relations Law,

University of Melbourne on 'Prohibiting Religious Discrimination: Fundamental Human Rights and Political Reality Intersect!' (6 November)

- **Julian Gardner** who has been involved for over 30 years with human rights and social justice on 'The Review of the *Equal Opportunity Act 1995* – Proposed New Directions'. (10 December)

Roundtables and Workshops

Labour Law Teaching Workshop (November 13 2008)

This workshop provided a forum for teachers of labour law subjects, broadly construed to include employment law and industrial law (taught to both law and non-law students) to come together in a collegial environment and discuss the challenging questions we face in our teaching.

From Work Choices to Fair Work Workshop at Monash University (July 2-3 2008)

A research workshop on 'Australian Labour Law: From 'Work Choices' to 'Fair Work'', was held on Wed 2 and Thurs 3 July 2008 at Monash University, Caulfield Campus. It was jointly sponsored by the Centre for Employment & Labour Relations Law and the Workplace and Corporate Law Research Group at



Monash University. Following the workshop a book was published in 2009 by Federation Press - *'Fair Work: The New Workplace Laws and the Work Choices Legacy'*.

Sponsors' Seminar Series

The Centre conducts a series of seminars for members of the Centre's sponsoring firms and organisations. Three seminars were held in 2008:

- **Leigh Johns**, Workplace Ombudsman on 'Civil Penalties under the Workplace Relations Act 1996: Insistence Compliance in Action' (4 September)
- **Edward Heerey**, Victorian Bar on 'Who Owns what Employees Invent?' (29 May)
- **Stuart Wood**, Victorian Bar on 'Sex, Lies and Unfair Dismissal: The Telstra Case' (13 February)

Visitors (International and Local)

During 2008 the Centre hosted the following academic visitors:

- **Professor Judy Fudge**, Lansdowne Professor of Law, Victoria University Law School, Canada (January - February)
- **Professor J.H. (Rip) Verkerke**, Director, Program for Employment and Labor Law Studies, University of Virginia, USA (April - May)

- **Associate Professor Alvaros Santos**, Georgetown University Law Centre, USA (May)
- **Ms Anne Hewitt**, Lecturer, University of Adelaide, SA (October - November)

Significant Publications

Cooney, S, 'Addressing Extreme Working Hours in China: The Contributions of Regulation Theory' in P Nicholson and S Biddulph (eds), *Examining Practice, Interrogating Theory: Comparative Legal Studies in Asia*, Martinus Nijhoff Publishers, Netherlands (2008)

Fenwick, C, 'Decency and Fairness in Labour Regulation: An Australian Perspective on a Canadian Proposal' (2008) 29 *Comparative Labor Law and Policy Journal* 491-532

Howe, J, *Regulating for Job Creation*, Federation Press, Australia, (2008)

Centre Working Paper Series

Stephen Sempill and Joo-Cheong Tham edited the Centre Working Paper Series during 2008, overseeing the publication of two issues:

- Iain Campbell, Jenny Malone and Sara Charlesworth, *'The Elephant in the Room': Working-Time Patterns of Solicitors in Private Practice In Melbourne*, Centre for Employment and Labour Relations Law, The University of Melbourne, Working Paper No. 43, June 2008.
- John Howe and Ingrid Landau, *Do Investment Attraction Incentives Create Decent Jobs? A Study of Labour Conditions in Industry Assistance Contracts*, Centre for Employment and Labour Relations Law, The University of Melbourne, Working Paper No. 44, August 2008.

Contact CELRL

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

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

The Centre for Islamic Law and Society (CILS) was established in 2005 and is now located in the Melbourne Law School at the University of Melbourne.

Given global events over the last few years, Islam and Islamic legal studies have received renewed attention. The Centre aims to facilitate and support Islam-related research and education projects across the University, particularly those related to contemporary Islamic legal issues. It also aims to improve Australian understandings of Islam, both within the University and throughout the wider community. The Centre has developed a focus on Islamic law issues in Southeast Asia, but this is not exclusive.

Aims

The specific aims of the CILS include:

- to create a global centre of excellence in the study of Islamic law and society at the University of Melbourne;
- to promote interdisciplinary approaches to contemporary Islamic thought at the University of Melbourne, with particular focus on areas such as law, human rights, pluralism, interreligious relations and causes of, and responses, to militant Islam.;

- to attract researchers/specialists in the study of contemporary Islamic legal thought of the highest calibre to the University of Melbourne; and
- to function as a think-tank for issues related to Islam, law and Muslim societies.

Research Projects

CILS is associated with 3 major research projects:

- ARC Linkage Grant: 'Religion, Finance and Ethics: Islamic and Conventional Perspectives on Shared Principles, Practices, and Financial Institutions and Instruments' (2007-2009) (with Monash and Deakin Universities – Saeed, A, Mews, C, Ariff, M, Skully, M, Bakar, D, Ghouse, A)
- ARC Federation Fellowship: 'Islam and Modernity: Syari'ah, Terrorism and Governance in South-East Asia' (2006-2011) (Lindsey, T)
- ARC Discovery Grant: 'Islamic Law in Contemporary Malaysia, Singapore and Brunei: The Anglo-Malay Madhhab' (2005-2008) (Lindsey, T)

Significant Publications 2008

The following were published by Centre members in 2008:

- Crouch, M, 'Indonesia's National and Local Ombudsman Reforms: Salvaging a Failed Experiment?' in T Lindsey (ed) , *Indonesia: Law and Society* (2nd ed), Federation Press, Australia (2008), 382-406
- Lindsey, T, *Indonesia: Law & Society* (2nd ed) Federation Press, Australia (2008)
- Lindsey, T and Kingsley, J, 'Talking in Code: Legal Islamization in Indonesia and the MMI Shari'ah Criminal Code' in P Bearman, W Heinrichs and B Weiss (eds), *The Law Applied: Contextualizing the Islamic Shari'a*, I.B. Tauris, United Kingdom (2008), 295-320
- Saeed, A, *The Qur'an: An Introduction*, Routledge, London (2008)

Briefing Paper Series

CILS publishes the CILS Islamic Issues Briefing Paper series, which is available in hard copy and on the CILS website.

Seminars

Islam Research Seminar Series

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

Dr Dédé Oetomo - '*Homosexuality, Transgenderism and Islam in Indonesia*'
(1 February 2008)

Julian Millie - '*Sundanese/Indonesian: Islamic Preaching and Social Difference in West Java*'
(7 May 2008)

Associate Professor Andrew White - '*Is a Special 'Fiqh Al-Aqallayyat' for Muslims Living Outside Muslim Lands Really that Different and Is It Even Needed?*'
(13 May 2008)

Ms Nur Hidayah - '*Progressive Muslim Gender Discourse and Activism in Contemporary Indonesia: A Case Study of Rahima*'
(21 May 2008)

Mr Muhammad Eeqbal Farouque Hassim - '*Resistant to Change: Muslim Educational Thought on Children's Motivation from Ibn Sahnun to Ibn Khaldun*'
(28 May 2008)

Ms Amelia Fauzia - '*Faith and the State: A History of Islamic Philanthropy in Indonesia*'
(5 August 2008)

Mr Andi M.A Amiruddin - '*Local Election (Pilkada) and Shari'a Implementation in South Sulawesi, Indonesia*'
(13 August 2008)

Dr Alia Imtoul - '*Challenging the Myth of the Happy Celibate: Muslim Women Negotiating Contemporary Relationships*'
(20 August 2008)

Ms Dina Afrianty - '*Responses of Local Women's NGO's to Sharia Implementation in Aceh: Competing Ideas of Local Adat, Islamic Law and Universalist Feminism*'
(27 August 2008)

Ms Helen Pausacker - '*Beauty Queens, the Law and the Islamic Defenders Front in Indonesia*'
(08 September 2008)

Mr Imran Lum - '*Interest Free? Attitudes of Australian and British Muslims towards Conventional and Islamic Banking*'
(10 September 2008)

Ms Anisa Buckley - '*Muslim Women in Australia and the Challenges of Securing a 'Complete' Divorce*'
(10 September 2008)

Mr Stewart Fenwick - '*Yusman Roy and the Language of Devotion – the Prosecution of Deviant Sects in Contemporary Indonesia*'
(17 September 2008)

Ms Hajrah Saboor - '*Pakistan's Islamic Identity, its Blasphemy Law and the International Law of Human Rights*'
(02 December 2008)

Conferences

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

The 2008 Islamic Studies Postgraduate Conference was held on 17-18 November, and Emeritus Professor Virginia Hooker, Emeritus Professor Clive Kessler, Dr Robin Bush and Associate Professor Shahram Akbarzadeh attended as PhD mentors. 19 PhD students joined the conference from 10 universities around Australia and Indonesia.

Visitors

In 2008, the Centre hosted the following (selected) visitors:

26 February 2008, Dr Muhamad Rahimi Osman, Director, Centre for Islamic Thought and Understanding (CITU) Universiti Teknologi MARA (UiTM)

31 March 2008, Ms Artati Haris , Centre for Dialogue and Cooperation among Civilisation

31 March 2008, Ms Jubaedah Yusuf, Executive Officer and Deputy Director for Education, Islamic College for Advanced Studies (ICAS)

31 March 2008, Ms Melati Adidamayanti, Journalist, NooR Women's Islamic monthly

31 March 2008, Ms Yulianingsih Riswan , Researcher, Centre for Religion and Cross-Cultural Studies, Gadjah Mada University, Yogyakarta

Staff

Director: Professor Tim Lindsey
 Senior Associate: Professor Abdullah Saeed
 Manager: Ms Kathryn Taylor
 Senior Administrator: Ms Jessica Cotton
 Administrative Assistant: Ms Kelly McDermott

Federation Fellowship PhD Scholars

Ms Melissa Crouch
 Mr Jeremy Kingsley

Contact CILS

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

The Centre can be contacted by email at:
cils-info@unimelb.edu.au

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

The CMCL:

- undertakes large scale research projects;
- holds public seminars about legal and regulatory developments;
- supports research visits from Australian and international academics, lawyers and policy makers; and
- supervises teaching and research in media and communications law within the Melbourne Law School's teaching programs.

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

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

Staff

The Director is Professor Andrew Kenyon and the Deputy Director is Professor Megan Richardson. Bronwen Wolff is the Centre Administrator and Jason Bosland, Heng Leng Ang and Robin Wright are Research Fellows.

Current Research Projects

In 2008, staff associated with CMCL were involved in six major research projects and an research infrastructure project:

- ARC Linkage Project - Cultural Collections, Creators and Copyright: Museums, Galleries, Libraries and Archives and Australia's Digital Heritage
- ARC Discovery Project - The Media and ASEAN Transitions: Defamation Law, Journalism and Public Debate in Indonesia, Malaysia and Singapore
- ARC Discovery Project - The Future of Television: Australian Legal Protection of Digital Broadcast Content
- ARC Discovery Project - Freedom of Expression in Democratic States: A New Theoretical Direction
- ARC Discovery Project - Amateur Hour: The Sociolegal Construction of Amateur Media

- Legal Controls on Cross-Border Advertising and the WHO Framework Convention on Tobacco Control

Major Events

2008 CMCL Conference, Media, Communications and Public Speech (20-21 November 2008)

Melbourne Law School Keynote speakers:

- Kathey Bowrey - Professor, Faculty of Law, University of NSW
- Cherian George - Assistant Professor, Acting Head of Journalism and Publishing Wee Kim Wee School of Communication and Information, Nanyang Technological University
- Jonathan Griffiths - Queen Mary, University of London, School of Law
- Dario Milo - Partner, Webber Wentzel, South Africa and University of the Witwatersrand
- Katharine Sarikakis - Director, Centre for International Communications Research, Institute of Communications Studies, University of Leeds.

Cultural Collections, Creators and Copyright Workshop (11 June 2008) Melbourne Law School

Facilitators: Robin Wright, Andrew Kenyon, Andrew Christie

Discussants: Robyn Ayres (Arts Law Centre of Australia), Margaret Birtley (Collections Council of Australia), Julia Silvester (visual artist), Fiona Gunn (NFSA), Emily Hudson (IPRIA/CMCL), Mark Seton (Media Producer), Jon Cattapan (Visual Artist), John Davis (Australian Music Centre) and Shane Simpson (Copyright Lawyer)

CMCL Seminars

Litigating Privacy – Australia and the UK

Professor Gavin Phillipson, Durham University, Michael Rivette, Victorian Bar
(13 March 2008, Melbourne Law School)

Michael Tilbury, NSW Law Reform Commission
(19 March 2008, Allens Arthur Robinson, Sydney)

Alternatives to Defamation

Dr Matt Collins, Barrister, Jeremy Ruskin, QC
(15 April 2008, Piper Alderman Melbourne)

Bruce McClintock, SC and Andrew Kenyon, CMCL
(16 April 2008, Piper Alderman, Sydney)

Rights, Regulation and the Technological Revolution

Professor Roger Brownsword, Director, Centre for Technology, Law, Ethics and Society, King's College London

(6 June 2008, Melbourne Law School)

Better Information Security Regulation

Professor Jane Winn, Director, Shidler Center for Law, Commerce & Technology, University of Washington; Karin Clark, Special Counsel, Allens Arthur Robinson; Anthony Bendall, Deputy Privacy Commissioner, Victoria; Professor Megan Richardson, CMCL

(4 September 2008, Melbourne Law School)

Privacy Law Reform and the Media

Professor Michael Tilbury, Law Reform Commissioner of NSW; Adrian Lawrence, partner Baker & McKenzie; Professor Megan Richardson, CMCL

(2 October 2008, UNSW)

Matthew Ricketson, Media and Communications editor, The Age; Michael Rivett, Victoria Bar
(8 October 2008, Melbourne Law School)

Defamation Law: Standards of Journalism, Privilege and Fault

Dario Milo partner, Webber Wentzel (South Africa) and University of the Witwatersrand; Marie McGonagle National University of Ireland, Galway
(11 November 2008, Mallesons Stephen Jaques, Sydney; 18 November 2008, Melbourne Law School)

Media & Arts Law Review

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

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

The *Media & Arts Law Review* is published by Lexis Nexis. Articles published in 2008, Volume 13 included:

Roy Baker and Julian Leslie, *Rethinking the Defamation Jury*

Hilary May Black and Brent Salter, *When Copyright and Chutzpah Collide: The Google Library Project and Fair Use*.

Matt Collins, *Protecting Corporate Reputations in the Era of Uniform National Defamation Laws*

Conal Condren, Jessica Milner Davis, Sally McCausland and Robert Phiddian, *Defining Parody and Satire: Australian Copyright Law and its New Exception*

Joshua Henderson, *Sweat of the Brow Withstands an Icy Challenge: Databases and the Test for Copyright Infringement*

Alix Hunter and Kate MacNeill, *Art on the Outside: Thoughts on Legal Aspects of Institutionalised Art Production*

Dennis Lim, *The Reasonableness Exception to Infringement of the Right of Integrity in Copyright Law.*

Esther Milne, *The Pedagogy of Media Law.*

Paul Mitchell, *Nineteenth Century Defamation: Was it a Law of the Press?*

Brian C Murchison, *The Fact-Conjecture Framework in US Libel Law: Four Problems*

Timothy D Peters, *Allusions to Theology: I, Robot, Universalism and the Limits of the Law*

Alpana Roy, *A New Dispute Concerning the TRIPS Agreement: The United States and China in the WTO*

Nicolas Suzor, Paul Harpur and Dilan Thampapillai, *Digital Copyright and Disability Discrimination: From Braille Books to Bookshare*

Nick Verginis, *Hypersensitive Gods or Just Another Opinion? A Conceptual Analysis of the Right of Integrity of Authorship Doctrine in Australia*

Chen Xiaoyan and Ang Peng Hwa, *Civil Defamation Law in China*

Contact CMCL

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

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

About the Centre

The Centre for Resources, Energy and Environmental Law (CREEL) was established in 1986 with a predominant natural resource orientation. It has undergone several iterations with a growing emphasis on environmental law in recent years. In 2008, the keen public interest in environmental law issues translated into a growing profile for the Centre, particularly in knowledge transfer activities. A key activity over 2008 was the large number of public and community submissions on environmental policy and law reform by Centre members. The associated teaching program in the Melbourne Law Masters focuses upon laws relating to mining, petroleum and water resources; the legal structure and financing of major resources and construction projects; environmental law and regulation and indigenous rights over land and waters. Studies focus upon the inter-relationship of government policies, legal and regulatory regimes and administrative practices with a strong interdisciplinary engagement.

Over 2008, expansion in the teaching program was matched by growing diversity in the research areas covered by CREEL staff. Emerging research areas include the intersections between energy and climate change, interdisciplinary adaptive management in natural resources and environmental regulation and the implementation of effective environmental governance.

Overall, CREEL aims to promote research, teaching and publication that engages with laws related to:

- the production and distribution of energy, including consideration of climate change regulation;
- the sustainable development of natural resources;
- the protection of the environment;
- the planning for, and provision of infrastructure in urban areas; and
- protection of Indigenous rights and interests in land and resources.

Centre Activities and Linkages

University-wide Research

CREEL established strong links with University researchers in the energy, resources and environmental fields in 2008, with membership of the Melbourne Sustainable Society Institute. Interdisciplinary research is a particular strength of Centre researchers with 2008 providing opportunities to build substantial collaborative partnerships with university and associated researchers in other disciplines.

Interdisciplinary Workshops

CREEL held two interdisciplinary workshops/seminars exploring the role of social learning in water policy and law in 2008. The first workshop on 3 October 2008 focussed on scoping an 'Institutional Complexity' project in water management together with a small interdisciplinary group of scholars. The follow up seminar on 5 December 2008: 'Systemic and Adaptive Water Governance: Reconfiguring Institutions for Social Learning and More Effective Water Managing?' explored the potential for social learning to contribute to development of systemic and adaptive water governance. As one of Australia's predominant public policy challenges, attending academics, members of environmental NGOs and state and federal government officials discussed the way we manage water catchments including the Murray Darling Basin and allocate water resources in an era of climate change.

International Linkages

The Centre has developed international linkages with several groups of researchers including the Academic Advisory Group (SEERIL) for the International Bar Association and the Environmental Law Commission for IUCN. The Centre Director attended a 'Beyond the Carbon Economy' workshop in May 2008 in Copenhagen to strengthen existing links and establish new networks.

Research Activities

CREEL members had a very successful research year. Centre Director, Lee Godden and Associate Director, Jacqueline Peel were able to secure a major ARC Discovery Project with Professor Rod Keenan, Department of Forest and Ecosystem Science at the University. The project 'Responding to Climate Change: Australia's Environmental Law and Regulatory Framework' will be funded from 2009-2011.

Jacqueline Peel was awarded United States Studies Centre Research Grant 'Californian Climate Change Law - Lessons for Australia'.

Lee Godden and Maureen Tehan finalised research under their ARC project, 'Managing Competing Claims to Land and Resources - Does Property Law Promote Sustainability' with a major publication *Sustainable Futures: Comparative Perspectives on Communal Lands and Individual Ownership*, forthcoming.

Maureen Tehan and Lee Godden continued research for the ARC Linkage project, 'The Implementation of Agreements and Treaties with Indigenous and Local Peoples in Postcolonial States', working with other chief investigators and partners.

Submissions

As indicated, CREEL has a special interest in impacting on policy development in the area of resources, energy and environmental law.

CREEL members engaged intensively with the process of implementing climate change legislation in 2008 by making submissions to the Government's Green Paper on the Carbon Pollution Reduction Scheme (Lee Godden, Jacqueline Peel and Anne Kallies; September 2008) and the Emissions Trading System of the Garnaut Climate Change Review, (Lee Godden, Anne Kallies and Jacqueline Peel; March 2008).

Another focal point of CREEL research is operation of the Environmental Protection and Biodiversity Conservation Act, with centre members submitting to the Senate Standing Committee on Environment, Communications and the Arts - Inquiry into the *Environment Protection and Biodiversity Conservation Act 1999* (C'th) (Lee Godden; 30 September 2008); to the Draft Victorian Bilateral Agreement under the EPBC Act (Lee Godden, Jacqueline Peel and Anne Kallies; 10 November 2008) as well as an 'Submission to Desalination Plant', Invitation for Public Comment- EPBC Act (1999) Referral (Lee Godden, Anne Kallies; February 2008). Jacqueline Peel and Lee Godden prepared a report for the Australian Conservation Foundation in December 2008 on 'The EPBC Act: Proposals for Improving the Assessment and Approval Regime'.

Climate Law Blog

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

Contact CREEL

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

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

The Institute for International Law and the Humanities (IILAH) is dedicated to integrating the study of international law with contemporary approaches to the humanities. It facilitates and promotes innovative scholarship and critical thinking on emerging questions of international law, governance and justice, and strengthens the role of Melbourne Law School as a leading centre of research in this area.

Aims and Objectives

IILAH supports interdisciplinary scholarship on emerging questions of international law, governance and justice. Many of the significant modes of thought that have framed the way in which international lawyers understand the world have developed in conversation with the humanities. IILAH continues this engagement, through fostering dialogue with scholars working in disciplines such as anthropology, cultural studies, geography, history, linguistics, literature, philosophy, politics and theology.

IILAH focuses on encouraging the work of younger scholars and those developing new approaches to the field of international law, and facilitates engagement between scholars and the community of professionals and activists working on issues of international law and governance. It has developed networks with scholars in international law and the humanities from Canada,

Colombia, Egypt, Finland, France, India, New Zealand, South Africa, Sweden, the United Kingdom and the United States. IILAH is currently focusing on developing links with scholars in the global South, in order to explore the shared legal legacies of colonialism.

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

IILAH Research Programmes

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

Comparative Tribal Constitutionalism

Programme Director: Dr Kirsty Gover

Fragmentation and Regime Interaction in International Law

Programme Director: Dr Margaret Young

Global Trade

Programme Directors: Associate Professor Andrew Mitchell and Associate Professor Tania Voon

Histories of International Law and Empire

Programme Director: Professor Anne Orford

International Environmental Law

Programme Director: Associate Professor Jacqueline Peel

International Human Rights Law

Programme Director: Professor Dianne Otto

International Investment Law

Programme Director: Mr Jürgen Kurtz

International Refugee Law

Programme Director: Dr Michelle Foster

Jurisdiction, Prudence and the Transnational

Programme Directors: Associate Professor Shaun McVeigh and Associate Professor Peter Rush

Law and Development

Programme Directors: Dr Jennifer Beard and Associate Professor Sundhya Pahuja

Peace and Security in International Law

Programme Director: Professor Anne Orford

IILAH Research Students

The following research students were affiliated with IILAH during 2008.

Olivia Barr

Geographies of Jurisdiction: Aboriginal Sovereignty and the Common Law in Australia

Supervisors: Dr Jennifer Beard and Associate Professor Maureen Tehan, Associate Professor Shaun McVeigh

Megan Brodie

Agents of Change: What Power Do National Human Rights Institutions Have to Affect the Process of Transformative Social Change?

Supervisors: Professor Dianne Otto, Dr John Chesterman (external) and Professor Brian Burdekin (external)

Takele Soboka Bulto

The Imperatives of Extraterritorial Application of the Human Right to Water: A Case Study of the Nile Basin

Supervisors: Associate Professor Carolyn Evans and Associate Professor Jacqueline Peel

Luis Eslava

The Spatial Dimensions of Law and Development: Jurisdictions, Sovereignty, State and Citizenship Under Siege

Supervisors: Dr Jenny Beard and Professor Anne Orford

Carolyn Graydon

Domestic Violence in Timor-Leste: Is There a Place for Indigenous Justice Systems?

Supervisors: Professor Tim Lindsey and Professor Dianne Otto

Lia Kent

Exploring Expectations of Transitional Justice in Timor Leste

Supervisors: Professor Dianne Otto, Dr Jennifer Balint (external) and Dr Julie Evans (external)

Eve Lester

Making Sovereignty, Migration and Race Work in Australia: Paradoxes and Prospects

Supervisors: Dr Jenny Beard and Associate Professor Shaun McVeigh

Daniel Muriu

Recognition, Redistribution and Resistance: Assessing the Usefulness of the Right to Health in Africa

Supervisors: Professor Anne Orford and Dr Jenny Beard

Edward Mussawir

Jurisdiction: The Expression and Representation of Law

Supervisors: Associate Professor Peter Rush and Professor Anne Orford

Yoriko Otomo

Decision-making in International Law: Towards an Ethics of Occupation and Exchange

Supervisors: Professor Anne Orford and Dr Jenny Beard

Mickaël Ho Foui Sang

Law and the Protection of Historical Truth. A Comparative Study of Legal Responses to Situations of Political Injustices

Supervisor: Professor Anne Orford

(This project is being conducted under a Cotutelle agreement with the University of Paris X)

Olivera Simic

Gender Based Violence and Human Rights Violations Committed by UN Peacekeepers

Supervisors: Professor Dianne Otto and Dr Michelle Foster

John Tobin

Children's Right to Health: Seeking Clarity in the Content of Article 24 of the UN Convention on the Rights of the Child

Supervisors: Professor Anne Orford and Professor Philip Alston (external)

Deborah Whitehall

Hannah Arendt and the Appearance of the Reproductive Body in International Law

Supervisors: Professor Anne Orford and Dr Ann Genovese

Research Activities

IILAH hosted a wide range of events in 2008.

14 March 2008: IILAH Roundtable with Mr Ken Roth (Human Rights Watch, New York, USA)
(*Convenor: Professor Dianne Otto*)

18 March 2008: Seminar, The Future of International Human Rights Protection: Reflections from the UN Special Rapporteur on Human Rights and Counter-Terrorism (*Convenor: Professor Dianne Otto*)

3 April 2008: IILAH Public Seminar, Legal Conceptualisation of Security Council 'Sanctions', presented by Ms Devika Hovell (Balliol College Oxford, UK) (*Convenor: Professor Anne Orford*)

10 April 2008: IILAH Doctoral Students Roundtable with Professor Susan Marks (King's College London, University of London) (*Convenor: Professor Dianne Otto*)

1 May 2008: IILAH Twilight Seminar, Constitutions and Democracy-Building in Africa, presented by Dr Hashim Tewfik (State Minister for Justice and Deputy Attorney General, Ethiopia) (*Convenor: Dr Jennifer Beard*)

15 May 2008: IILAH Book Launch, Rights and Redemption: History, Law and Indigenous People, by Ann Curthoys, Ann Genovese and Alexander Reilly (*Convenor: Professor Anne Orford*)

22 May 2008: IILAH Seminar, Taking Your Beefs to the WTO: The Continuing Hormones Dispute and Issues in WTO Dispute Settlement, presented by Ms Victoria Donaldson (WTO Appellate Body Secretariat)
(*Convenors: Dr Andrew Mitchell and Dr Tania Voon*)

29 May 2008: Law and Development Reading Roundtable with Professor Alvaro Santos (Georgetown Law School)
(*Convenor: Associate Professor Sundhya Pahuja*)

1 July 2008: IILAH Twilight Seminar, Rule of Law in Post-Conflict Rebuilding, presented by Professor Balakrishnan Rajagopal (Massachusetts Institute of Technology)
(*Convenor: Professor Dianne Otto*)

30 July 2008: IILAH Twilight Seminar, Law and Development in Practice - The Dutch Development Bank, presented by Mr Jan Job de Vries Robbé (Solicitor, Netherlands Development Bank)
(*Convenor: Dr Jennifer Beard*)

31 July 2008: IILAH Twilight Seminar, Delimiting Accountability: Writing History Out of Transitional Justice, presented by Dr Vasuki Nesiah (International Affairs, Brown University)
(*Convenor: Professor Anne Orford*)

13 August 2008: IILAH Seminar, The Fight for Justice in Afghanistan - Victims of Childhood Marriage and Forced Labour, Ms Suraya Pakzad (NGO, Voice of Women Organization, Afghanistan)
(*Convenor: Professor Dianne Otto*)

18 September 2008: IILAH Seminar, The Governance of International Refugee Law: Time for a Change?, presented by Mr Martin Jones (Osgoode Hall Law School, Toronto, Canada)
(*Convenor: Dr Michelle Foster*)

10 October 2008: Symposium, The Work of History in International Law and Empire at the London School of Economics, UK
(*Convenors: Dr Louise Arimatsu (LSE), Professor Gerry Simpson (Melbourne/LSE) and Professor Anne Orford (IILAH)*)

19 November 2008: IILAH Doctoral Roundtable with Professor Hilary Charlesworth (Australian National University) (*Convenor: Professor Anne Orford*)

19 November 2008: IILAH Public Seminar, Talking to Ourselves: Should International Lawyers Take a Break from Feminism?, presented by Professor Hilary Charlesworth (ANU), with Dr Ann Genovese and Professor Dianne Otto
(*Convenor: Professor Anne Orford*)

18-19 December 2008: Inaugural Postgraduate and Early Career Researchers Workshop on Methodological Approaches to Legal Scholarship - In Search of Authority, Rebellion and Action, co-hosted PLSA, IILAH and Melbourne Law School

Established in 2002, IPRIA is one of the world's few, and Australia's only, multidisciplinary research organisation specialising in research on the law, economics and management of intellectual property. The Institute was established with the broad aim of increasing the understanding, creation, use and exploitation of intellectual property by Australian organisations and individuals. It is based at the University of Melbourne, comprising directors and staff from the Melbourne Law School, the Faculty of Economics and Commerce, and the Melbourne Business School. Professor Andrew Christie filled the role of IPRIA's Director, and led the work of the IPRIA staff in the Law School, until June 2008; Dr Chris Dent assumed the role of Associate Director (Law) for the period July-December 2008.

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

- support and generate development of high-level public policy in relation to intellectual property issues;
- improve the protection, management and exploitation of intellectual property by all Australian stakeholders, including research institutions, public and private sector interests; and

- help create an informed environment for, and contribute to, on-going public debate in Australia about intellectual property issues and related matters, including innovation policy and economic growth.

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

- Harmonisation of Patent Examination in Australia, US and Europe
- Comparative Examination of Opposition Processes in Patent Law
- TRIPS and Australian Copyright Exceptions
- Copyright and Regulatory Theory
- Employee Rights to the Benefits of their Innovation
- History of Australian Patent Policy

ARC Discovery Grants Awarded in 2008

'Nothing Can Be Created Out of Nothing': Workers, Their Know-How and the Employment Relationships that Support Them

Chief Investigators: Colin Fenwick, William van Caenegem, Chris Arup and Chris Dent

Drug Companies, their Patenting Strategies and High-Cost Pharmaceuticals: An Empirical Investigation

Chief Investigators: Andrew Christie, David Studdert, Peter McIntyre and Chris Dent

Events

Seminars

'Pre-Grant And Post-Grant Amendments Under European, UK And US Patent Laws', Dr Noel Byrne, Adviser, Intellectual Property Law, UK, September 2008, Melbourne

'Privilege and the IP Professional', Michael Caine and Chris Dent, June 2008, Melbourne, Sydney and Brisbane

'IP Professionals and Ethics', Dr Linda Haller, Melbourne Law School, Dr Trevor Davies, Allens Arthur Robinson, November 2008, Perth and Adelaide

'World IP Day April 2008 'Employees' IP and the Employment Relationship – Incentives to Innovate', Colin Fenwick, Chris Dent and Graeme Huon, DCC, Melbourne

'In the Shadow of the China-Australia Free Trade Agreement Negotiations: What Australian Business Thinks About IP', Kimberlee Weatherall, TC Beirne School of Law, The University of Queensland and Dr Jongsay Yong, MIAESR, February 2008, Melbourne, Sydney and Brisbane. Held in association with the Australia China Business Council

'The Value of Copyright: Determining Shadow Prices', Associate Professor David Brennan, Melbourne Law School and Dr Rhonda Smith, Senior Lecturer, Department of Economics, The University of Melbourne, November 2008, Sydney, Brisbane and November

'Manner of Manufacture', Associate Professor David Brennan, Melbourne Law School, November 2008, Sydney, Brisbane and Melbourne

Significant Publications

Working Papers

Fiona Rotstein and Chris Dent, Third Party Patent Challenges in Europe, the United States and Australia: A Comparative Analysis, IPRIA Working Paper No. 09/2008

Chris Dent, An Exploration of the Principles, Precepts and Purposes that Provide Structure to the Patent System, IPRIA Working Paper No. 08/2008

Contact IPRIA

The Centre's website can be accessed at:
<http://www.ipria.org>

The Tax Group at Melbourne Law School is a focal point for excellence in tax research and education. Members of the Tax Group carry out a range of tax research projects with a technical and a policy focus and contribute actively to public debate on tax reform. The Tax Group brings together academic faculty and experienced tax professionals including members of leading law and accounting firms and leading members of the Tax Bar, to provide a comprehensive and detailed Tax Masters degree program.

Activities of the Tax Group include:

- academic research into tax law and policy;
- offering a diverse range of more than 20 advanced tax subjects in the Melbourne Law Masters as well as teaching tax law in the Melbourne LLB, JD and B.Comm degrees; and providing additional training programs and seminars to government officials in Australia and overseas;
- organising significant workshops, seminars and lectures on tax policy and law; and
- developing and maintaining relationships with leading tax academics and centres of tax research and teaching, including the Oxford University Centre for Business Taxation; the Institute for Tax Law and Policy Research at Monash University; and leading US institutions including the University of Michigan Law School

and the University of Florida Levin College of Law.

Research Projects

Tax group members are currently working on the following significant research projects, many of which are collaborative and interdisciplinary in nature and both build on and contribute to professional and consultancy work carried out by members of the Group. Key research projects of the Tax Group in 2008 included projects on employee share ownership; tax reform processes in a globalized world; and international taxation rules.

Employee Share Ownership

Associate Professor Ann O'Connell continued work with Professor Richard Mitchell of the Centre for Labour Law and Professor Ian Ramsay of the Centre for Corporate Law and Securities Regulation on a 3 year ARC-funded research project, 'Employee Share Ownership: Current Practice and Regulatory Reform'. In 2008, the project focused on the use of employee share plans by listed and unlisted entities and included both conceptual and empirical research. In association with the project, Associate Professor Ann O'Connell organized a workshop involving business, professional, government and academic participants on taxation and regulation of employee share schemes and produced a number of publications.

Fiscal Policy and Globalization

Associate Professor Miranda Stewart further developed her research on globalization and the role of international institutions in fiscal reform, preparing a joint paper with Professor Lisa Philipps of Osgoode Hall Law School, York University, Canada on budget transparency laws for the Symposium: Ruling the World: Generating International Legal Norms hosted by Brooklyn Law School, USA.

International Tax

Dr Mike Kobetsky spent time visiting at the ANU College of Law during 2008 writing his book on the attribution of profits to branches of international enterprises under the OECD Model Tax Convention.

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

Associate Professor Miranda Stewart was one of a collaborative and interdisciplinary team working on issues of native title and Indigenous economic development, including tax and legal entity issues during 2008, under the leadership of Professor Marcia Langton. She presented papers and workshops on taxation of business entities to a range of audiences working on native title and Indigenous development.

Associate Professor Miranda Stewart and Ms Sunita Jogarajan worked with KPMG to research the policy and design of tax incentives to stimulate investment and business activity on Aboriginal land in remote and

regional Australia in a consultancy for an Australian government agency.

Significant Publications in 2008

Associate Professor Miranda Stewart

Stewart, M, 'Consultation in Business Tax Reform: Towards an Effective Tax Policy Network' in G Cooper (ed), *Executing an Income Tax*, Australian Tax Research Foundation, Australia (2008)

Stewart, M, 'Tax and Same Sex Couples: Still Waiting for a Fair Go' (2008) 42 *Taxation in Australia* 517-534

Philipps, L and Stewart, M 'Defining Fiscal Transparency: Transnational Norms, Domestic Laws, and the Politics of Budget Accountability' Joint Working Paper, Comparative Research in Law and Political Economy (Osgoode Hall Law School, Toronto, Canada) and University of Melbourne Legal Studies (Melbourne Law School), SSRN ID 1292849 (October 31, 2008)

Associate Professor Ann O'Connell

Brown, M, Landau, I, Mitchell, R, O'Connell, A and Ramsay, I, 'Why Do Employees Participate in Employee Share Plans? A Conceptual Framework' (2008) 18 *Labour and Industry* 45-72

O'Connell, A, 'Employee Share Ownership Plans: The Taxation Law Framework' (2008) 3 *Journal of the Australasian Law Teachers Association* 36-60

O'Connell, A, 'The Tax Position of Charities in Australia - Why Does It Have To Be So Complicated?' (2008) 37 *Australian Tax Review* 17-37

O'Connell, A and Brewster, K, 'Combatting Large-Scale Tax Evasion - Australia's Experience' (2008) 62 *Bulletin for International Fiscal Documentation* 145-150

O'Connell, A, 'Employee Share Ownership in Unlisted Entities: Objectives, Current Practices and Regulatory Reform, Employee Share Ownership Project, Melbourne Law School, Australia (2008)

Dr Michael Kobetsky

Kobetsky, M, 'Transfer Pricing Measures in Emerging Developing Economies' (2008) 14 *Asia Pacific Tax Bulletin* 363-377

Kobetsky, M, 'The Case for Unitary Taxation of International Enterprises' (2008) 62 *Bulletin for International Taxation* 201-215

Seminars/Workshops/Conferences

Melbourne Law School Annual Tax Lecture

The Annual Tax Lecture series was launched by the Tax Group in 2005 with the purpose of placing the development of the tax law in its historical context, and to inform public debate on current tax issues.

In 2008, the Hon. Justice Michael Kirby, of the High Court of Australia, presented a Lecture entitled 'Sham in Tax Law After *Raftland Pty Ltd v Commissioner of Taxation*' to a crowd of more than 200 members of the judiciary, profession, academia and students. This Lecture was published in the *Melbourne University Law Review*, Volume 32, Number 3, 2008. Previous Lecturers have included Professor John Tiley of the University of Cambridge, Justice Young of the Federal Court of Australia and Mr Alan Myers QC.

IFA Seminars

The Tax Group also hosted two Melbourne branch meetings of the International Fiscal Association in 2008.

On 12 June 2008, Professor Reuven Avi-Yonah, Director of the International Tax LLM Program at the University of Michigan Law School gave a presentation on 'Tax Competition, Tax Arbitrage and the International Tax Regime'.

On 25 September 2008, Mr Casey Plunkett, Partner at Chapman Tripp in New Zealand, gave a presentation on 'Recent New Zealand International Tax Reforms'.

Conferences

In April Associate Professor Ann O'Connell ran a one day workshop on taxation and regulation of Employee Share Ownership Plans for Unlisted Entities with representatives from industry, the ATO, ASIC and Treasury at the Melbourne Law School.

The Tax Group hosts a monthly Discussion Group on topical tax law developments for our nearly 30 adjuncts and professional faculty.

Visiting Conference Presentations, Seminars and Teaching

Members of the Tax Group were invited to teach or present seminars to a range of institutions during 2008 and presented a number of conference papers:

- Associate Professor Ann O'Connell presented a paper on Cross-border Issues of Pensions to the International Fiscal Association in Belgium in September 2008. She also chaired a session on Taxation of Charities at the Fourth Tax History Conference in Cambridge in July 2008 and participated in the Annual Conference of the European Tax Professors Association dealing with Cross-border issues of ESOPs in Cambridge in July 2008.
- Associate Professor Miranda Stewart was a Visiting

Professor at Brooklyn Law School during October 2008, when she presented three talks to students, faculty and a conference audience. In June 2008 she gave a paper at the Native Title Conference held in Perth and presented at a one day Workshop on Taxation Issues immediately after the conference. In September 2008, Associate Professor Miranda Stewart presented on tax law issues at an Aurora Project workshop for native title lawyers. She also participated in the Symposium for International Research Fellows at Oxford University Said Centre for Business Taxation during June 2008.

- Ms Sunita Jogarajan presented a paper on 'ASEAN Tax Regimes - Impediment or Pathway to Greater Integration' at the 5th Asian Law Institute Conference held at the National University of Singapore in May 2008.

Tax Group members also continued their commitment to the publication of quality text books for teaching and reference purposes, as Dr Mike Kobetsky, Associate Professor Ann O'Connell and Associate Professor Miranda Stewart collaborated in producing the seventh edition of Kobetsky, M, Krever, R, O'Connell, A and Stewart, M. 2008. *Income Tax: Text, Materials and Essential Cases* (7th ed), Federation Press, Australia, for law students and Ms Sunita Jogarajan contributed to Coleman, C, Hart, G, Jogarajan, S, Krever, R, McLaren, J and Sadiq, K, (eds), *Principles of Taxation Law* (2008), for commerce students.

Knowledge Transfer and Contributions to Policy Debates

Members of the Tax Group participate in peak professional bodies, as Fellows of the Taxation Institute of Australia and members of the International Fiscal Association, in which they play a role in the development of tax law and policy. Tax Group members also work as special counsel to leading law and accounting firms, ensuring close links with the tax profession and an awareness of the problems of taxation in practice.

Associate Professor Ann O'Connell was a member of the Advisory Panel to the Board of Taxation in Treasury, the peak federal government body concerned with taxation reform, and sat on the Education, Examinations and Quality Assurance Board of the Taxation Institute of Australia.

Associate Professor Miranda Stewart and Associate Professor Ann O'Connell made a joint submission on tax issues in commercializing intellectual property to the Innovation Review of 2008. Associate Professor Miranda Stewart gave written evidence and was called to give oral evidence to the Senate Legal and Constitutional Affairs Committee in respect of tax and superannuation for their *Inquiry into the Same-Sex Equality Reform Bill 2008*. She also assisted the federal Attorney General's committee on legal and administrative issues associated with this reform and presented a Television Education Network paper and interview on discrimination against same-sex couples in tax and superannuation law.

Visitors to the Tax Group

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

- **Professor Tim Edgar**
University of Western Ontario Law School
- **Professor Brian Arnold**
University of Western Ontario Law School
- **Professor Yariv Brauner**
University of Florida Law School
- **Professor Lisa Philipps**
Osgoode Hall Law School, Canada
- **Professor John Prebble**
Victoria University of Wellington, New Zealand

Management and Staff

In 2008 the Co-Directors of the Tax Group were Associate Professor Ann O'Connell and Associate Professor Miranda Stewart. Ms Anna Whitelaw and Ms Chiara Comodori worked with the Co-Directors as Coordinators of the Tax Group. Ms Tessa Dermody is the current Tax Group Coordinator.

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

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

A stack of books is shown, with the most prominent one having a red spine and the word "STRATA" printed vertically in large, black, serif capital letters. To the right, another book spine is partially visible with the text "a World that is" in white. The background is a blurred stack of various colored books. A white rectangular box is positioned at the bottom center of the image, containing the text "JOURNALS, MAGAZINES & NEWSLETTERS" in a blue, sans-serif font. The entire image has a subtle, light blue geometric pattern of thin lines on the left side.

JOURNALS, MAGAZINES & NEWSLETTERS

Faculty Edited Journals, Magazines & Newsletters in 2008

Refereed Journals

Australian Journal of Asian Law

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

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

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

Email: law-asianlawjournal@unimelb.edu.au

Company and Securities Law Journal

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

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

Media & Arts Law Review

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



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

The *Media & Arts Law Review* is published by Lexis Nexis.

Website: <http://www.law.unimelb.edu.au/malr>

Melbourne Journal of International Law



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

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

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

Editors of the *MJIL* 2008 editions are Rebecca Hughes, May-Ling Low and Zach Meyers.

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

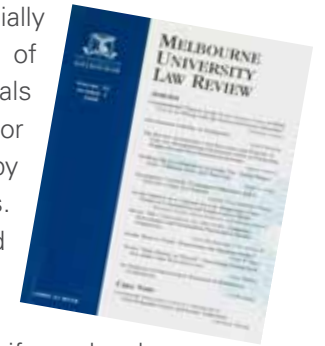
Melbourne University Law Review

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

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

The *Review* also publishes and distributes the Australian Guide to Legal Citation (*AGLC*). The *AGLC* standardises established Australian citation practices and indicates preferred approaches where no particular approach has been widely adopted. It is designed for academics, legal practitioners, law students and the judiciary, and is a valuable tool for legal writing and research. The *AGLC* has become the best recognised legal citation guide

in Australia. It has been officially adopted by more than 30 of Australia's leading law journals and has been prescribed for use in student essays by 15 Australian universities. Moreover, it has been relied upon by government and educational institutions in Australia as a basis for uniform legal citation. The *Review* is currently in the process of publishing a third edition of the *AGLC* in collaboration with the *Melbourne Journal of International Law*.



Editors of the *MULR* 2008 editions are Wilfred Ho, Dakshinee Kodituwakku and Sunny Leow

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

Melbourne Legal Studies



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

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

Website:

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

Public Law Review

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

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

Torts Law Journal

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

Magazines



Right Now – Human Rights Law in Australia

Right Now aims to promote and strengthen human rights law discourse in Australia. By taking an innovative and creative approach to the communication of legal ideas and issues,

Right Now will appeal to a wide audience and stimulate active and inclusive discussion of human rights in the broader, non-legal community. Publishing articles by persons of all different backgrounds and experiences, *Right Now* offers Melbourne Law School students unique opportunities to be involved in editing a publication and to have their research published in a refereed publication.

Right Now magazine can be downloaded from:
www.rightnow.org.au

Newsletters

Corporate Law Bulletin

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

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



JOURNAL AFFILIATIONS

Journal Affiliations in 2008

<i>Journal</i> Member , Editorial Position	<i>Journal</i> Member , Editorial Position	<i>Journal</i> Member , Editorial Position
<i>Across the Board</i> Ian Ramsay , Member of the Editorial Board	<i>Australian Accounting Review</i> Ian Ramsay , Member of the Editorial Board	<i>Australian International Law Journal</i> Stuart Kaye , Member of the Editorial Board
<i>Antartic and Southern Ocean Occasional Papers</i> Stuart Kaye , Member of the Editorial Board	<i>Australian and New Zealand Journal of Law and Education</i> Ian Ramsay , Member of the Editorial Board	<i>Australian Journal of Asian Law</i> Tim Lindsey and Amanda Whiting , Co-Editors Sarah Biddulph , Sean Cooney , Pip Nicholson and Cheryl Saunders , Members of the Advisory Committee
<i>Art, Antiquity and Law</i> Andrew Kenyon , Assistant Editor, Aboriginal Culture and Indigenous Peoples	<i>Australian Corporations & Securities Law Reporter</i> Ian Ramsay , Consultant Editor	<i>Australian Journal of Family Law</i> Belinda Fehlberg , Member of the Editorial Board
<i>Asian Studies Association of Australia, Southeast Asia Publications Series</i> Tim Lindsey , Member of the Editorial Board	<i>Australian Feminist Law Journal</i> Jenny Morgan , Member of the Advisory Board	<i>Australian Journal of Labour Law</i> Anna Chapman , Co-Editor and Section Editor (Legislative Developments) Colin Fenwick , Senior Associate Editor Anna Chapman and Breen Creighton , Members of the Editorial Committee
<i>Australian Business Law Review</i> Paul Ali , Section Editor (Banking and Finance)	<i>Australian Feminist Studies</i> Ann Genovese , Member of the Editorial Board	
<i>Australasian Parliamentary Review</i> Cheryl Saunders , Member of the Editorial Board	<i>Australian Intellectual Property Journal</i> David Brennan , Editor	

Journal
Member, Editorial Position

Australian Yearbook of International Law
Dianne Otto, Member of the Editorial Board
Kristen Walker, Member of the Editorial Board

Canadian Journal of Women and the Law
Jenny Morgan, Australian Correspondent

Capital Markets Law Journal
Paul Ali, Member of the Editorial Board

China Law Yearbook
Sarah Biddulph, International Editor

Company and Securities Law Journal
Paul Ali, Editor; Section Editor (Corporate Finance)
Ann O'Connell, Section Editor (Securities Regulation)
Ian Ramsay, Member of the Editorial Board
Geof Stapledon, Section Editor (Directors' Duties and Corporate Finance)

Journal
Member, Editorial Position

Constitutional Court Review
Cheryl Saunders, Member of the Editorial Board

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

Corporate Law Bulletin
Ian Ramsay, Editor

Corporate Ownership and Control
Geof Stapledon, Member of the Editorial Board

Deakin Law Review
Peter Rush, Member of the Editorial Board

Doing Business in Asia
Tim Lindsey, Contributing Editor; Member of the Editorial Advisory Board

Journal
Member, Editorial Position

Employment Law in Asia
Tim Lindsey, Member of the Editorial Advisory Board

Federal Law Review
Adrienne Stone, Editor

Feminist Review
Ann Genovese, Australian Correspondent

Fibreiculture Journal
Andrew Kenyon, Member of the Editorial Board

Genetics Law Monitor
Loane Skene, Joint Editor

Global Change, Peace and Security
Tim McCormack, Member of the Editorial Committee

Journal
Member, Editorial Position

Global Dialogue on Federalism in the 21st Century: Practices, Perspectives and Prospects
Cheryl Saunders, Member of the Editorial Board

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

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

Immigration and Nationality Law Reports
James Hathaway, Consulting Editor

Indian Journal of International Economic Law
Tania Voon, Member of the Editorial Board

In-Spire: Journal of Law, Politics and Societies
Anne Orford, Member of the International Advisory Board

Journal
Member, Editorial Position

Intellectual Property Forum
Sam Ricketson, Member of the Editorial Board

International Construction Law Review
Doug Jones AM, Co-Editor in Chief

International Criminal Law Review
Tim McCormack, Member of the Editorial Board

International Feminist Journal of Politics
Anne Orford, Member of the Editorial Board

International Journal of Comparative Labour Law and Industrial Relations
Colin Fenwick, Member of the Editorial Board

International Journal of Constitutional Law (I.CON)
Simon Evans, Australasian Recent Developments Correspondent
Cheryl Saunders, Symposium Editor; Member of the Editorial Board

Journal
Member, Editorial Position

International Journal of Information Policy and Law
Andrew Christie, Member of the Editorial and Advisory Board

International Securities Regulation: Pacific Rim
Ian Ramsay, Consultant Editor

International Union Rights
Colin Fenwick, Member of the Editorial Board

Journal of Australasian Tax Teachers Association
Miranda Stewart, Member of the Editorial Board

Journal of Conflict and Security Law
Tim McCormack, Member of the Editorial Board

Journal of Corporate Law Studies
Geof Stapledon, Member of the Editorial Board

Journal
Member, Editorial Position

Journal of Energy & Natural Resources Law
Lee Godden, Member of the Editorial Board

Journal of Indonesian Islam
Tim Lindsey, Member of the Editorial Board

Journal of Intervention and State-Building
Anne Orford, Member of the International Advisory Board

Journal of Law and Financial Management
Ian Ramsay, Member of the Editorial Board

Journal of Law, Information and Science
Andrew Christie, Member of the Information Technology Board
Megan Richardson, Member of the Advisory Board

Journal of Medical Ethics
Loane Skene, Member of the Editorial Board

Journal
Member, Editorial Position

Journal of Refugee Studies
James Hathaway, Member of the International Editorial Advisory Board

Jurnal Hukum Humaniter
(*Journal of Humanitarian Law*)
Tim McCormack, Honorary Editor

Jus Politicum
Cheryl Saunders, Member of the Scientific Council

Law and Critique
Shaun McVeigh, Member of the Editorial Board
Peter Rush, Member of the Editorial Board

Law and Policy
Christine Parker, Member of the Editorial Board

Laws of Australia
Cheryl Saunders, Editor (Constitutional Title)

Journal
Member, Editorial Position

Legal Education Review
Lee Godden, Member of the Editorial Board

Legal Ethics
Christine Parker, General Editor

Macquarie Journal of Business Law
Ian Ramsay, Member of the Editorial Board

Media and Arts Law Review
Andrew Kenyon, Editor
Megan Richardson, Member of the Editorial Board
Sam Ricketson, Member of the Editorial Board

Melbourne Journal of International Law
(Student members of the Journal are responsible for all editorial work)
David Brennan, Martin Davies, Alison Duxbury, Michelle Foster, Jim Hathaway, Stuart Kaye, Andrew Kenyon, Tim McCormack, Andrew Mitchell, Anne Orford, Bruce Oswald, Dianne Otto, Jacqueline Peel, Gerry Simpson, John Tobin and **Tania Voon**, Members of the Advisory Board

Journal
Member, Editorial Position

Melbourne Legal Studies
Andrew Kenyon, Editor

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

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

Ocean Development and International Law
Stuart Kaye, Member of the Editorial Board

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

Publius
Cheryl Saunders, Member of the Editorial Board

Journal
Member, Editorial Position

Refuge
James Hathaway, Member of the Editorial Board

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

Regulation & Governance
Christine Parker, Member of the Editorial Board

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

Revenue Law Journal
Michael Kobetsky, Member of the Advisory Board

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

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

Journal
Member, Editorial Position

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

Revue Québécoise de Droit International
(Quebec Journal of International Law)
James Hathaway, Member of the Reading Panel

Singapore Academy of Law Journal
Ian Ramsay, Member of the International Editorial Board

The Journal of Law and Social Justice
Shaun McVeigh, Editor (Public Space)

The New Zealand Armed Forces Law Review
Tim McCormack, Consultant Editor

The Pearson Papers
Bruce Oswald, Member of the Editorial Board

Journal

Member, Editorial Position

The Third World and International Law

Dianne Otto, Member of the International Advisory Board

Third World Legal Studies

Dianne Otto, Member of the Advisory Board

Tort Law Review

Michael Tilbury, Member of the Editorial Board

Torts Law Journal

Harold Luntz, Editor

Ian Malkin, Member of the Editorial Board

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

Trade Practices Law Journal

Tim Lindesy, Contributing Editor (Report from Asia)

Journal

Member, Editorial Position

Victoria University Law Review

Shaun McVeigh, Member of the International Advisory Board

Yearbook of Climate Change Compliance

Jacqueline Peel, Member of the Advisory Board

Yearbook of International Humanitarian Law

Tim McCormack, Editor-in-Chief





FACULTY RESEARCH WORKSHOP SERIES

2008 Faculty Research Workshop Series

3 March 2008

Professor Anne Orford (Melbourne Law School)
'The Responsibility to Protect and the Politicization of International Law'

10 March 2008

Associate Professor Carolyn Evans (Melbourne Law School)
'Anti-Discrimination Laws in Religious Schools: National and International Responses'

17 March 2008

Associate Professor Lisa Phillips (Osgoode Hall Law School)
'Helping Out in the Family Firm: The Legal Treatment of Unpaid Market Labor'

31 March 2008

Professor Stuart Kaye (Melbourne Law School)
'The Protection of Submarine Cables and the Forgotten Origins of International Law in Australia'

7 April 2008

Dr Sarah Biddulph (Melbourne Law School) and **Associate Professor Sean Cooney** (Melbourne Law School)
'Working for no Wages: Regulatory Innovation in China'

14 April 2008

Dr Helen Durham (Melbourne Law School)
'The Laws of War and Traditional Practices in the Pacific: Dangers in Self-Defeating Universalism'

21 April 2008

Dr Wendy Larcombe (Melbourne Law School) and **Associate Professor Pip Nicholson** (Melbourne Law School)
'An Empirical Approach to Students' Expectations at the Melbourne Law School'

28 April 2008

Dr Christine Parker (Melbourne Law School) and **Associate Professor Vibeke Lehman Nielsen** (University of Aarhus)
'Empirical Research on Business Compliance in Regulatory Capitalism: How Can Researchers Measure Compliance'

5 May 2008

Associate Professor Carolyn Evans (Melbourne Law School)
'Research Students; Supervision and Satisfaction'

12 May 2008

Professor Susan Sterett (University of Denver)
'Negotiating Law: Due Process in Social Welfare Payments After Hurricane Katrina'

19 May 2008

Dr Caron Beaton-Wells (Melbourne Law School)
'Cartel Criminalisation in Australia: An Opportunity for Pioneering Research'

28 July 2008

Associate Professor Miranda Stewart (Melbourne Law School)
'Big Business and Tax Policy: Regulatory Capitalism in Action'

11 August 2008

Associate Professor Cally Jordan (Melbourne Law School)
'Unlovely and Unloved: Corporate Law Reform's Progeny'

18 August 2008

Associate Professor Elise Bant (Melbourne Law School)
'The Defence of Change of Position'

25 August 2008

Simon Clews (Director, Writing Centre for Scholars and Researchers, Melbourne School of Graduate Research)
'Writing for a General Audience'

1 September 2008

Dr Joo-Cheong Tham (Melbourne Law School)
'Parliamentary Deliberation and the Tyranny of the National Security Executive: The Case of Control Orders in Australia and the United Kingdom'

8 September 2008

Jürgen Kurtz (Melbourne Law School)

'Adjudging the Exceptional at International Law: Security, Public Order and Financial Crisis'

15 September 2008

Associate Professor Shaun McVeigh (Melbourne Law School)

'Difficulties of Declaration and of Repatriation'

6 October 2008

Natalie Wieland (Melbourne Law School)

'Legal Research Skills Advisor Role within the Law Library'

13 October 2008

Dr Michelle Foster (Melbourne Law School)

'The Obligation to Protect: The Scope of State Responsibility for Non-Citizens in International Human Rights Law'

20 October 2008

Bruce Oswald (Melbourne Law School)

'Detention of Civilians during UN Peace Operations: Developing a Special Regime'

27 October 2008

Associate Professor Cally Jordan (Melbourne Law School)

'Chaos: The Financial Crisis, its Genesis and Implications'

3 November 2008

Professor Belinda Fehlberg (Melbourne Law School), **Dr Grania Sheehan** (Australian Urban and Housing Research Institute) and
Professor David Studdert (Melbourne Law School)

'Using Surveys to Conduct Empirical Legal Research: Strengths, Limitations and Challenges'



ACADEMIC STAFF

2008 Academic Staff

Dean and William Hearn Professor of Law

James Hathaway

LLB York. LLM Col. JSD Col.

Barrister and Solicitor, Law Society of Upper Canada and New Brunswick

Professors

Michael Bryan

MA Oxf. BCL Oxf. PhD Lond.

Camille Cameron

BA Saint Mary's LLB New Br. LLM Camb.

Belinda Fehlberg

BA Melb. LLB Melb. DPhil Oxf.

Barrister and Solicitor Victoria and the High Court of Australia

Richard Garnett

BA NSW LLB NSW LLM Harv.

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

Lee Godden

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

Barrister and Solicitor Australian Capital Territory, Solicitor Queensland

Stuart Kaye

BA Syd. LLB Syd. LLM Syd. JSD Dal. FRGS

Barrister of the Supreme Court of New South Wales, Supreme Court of Queensland, Supreme Court of Tasmania and the High Court of Australia

Andrew Kenyon

LLB Melb. LLM Lond. PhD Melb.

Barrister and Solicitor of the Supreme Court of Victoria

Ian Malkin

BA Manit. LLB Manit. LLM Lond.

Barrister and Solicitor of the Queen's Bench of Manitoba

Jenny Morgan

BA Syd. LLB NSW LLM Yale

Barrister and Solicitor Victoria

Dianne Otto

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

Megan Richardson

BA Well. LLB Well. LLM Yale LLM Brussels

Barrister and Solicitor of the High Court of New Zealand

Sam Ricketson

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

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

Andrew Robertson

LLB QIT LLM QUT PhD ANU

Solicitor of the Supreme Court of Queensland and the Supreme Court of England and Wales

Gerry Simpson

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

Loane Skene

LLB Melb. LLM Monash LLD Melb.

Barrister and Solicitor Victoria, Barrister and Solicitor of the High Court of Australia

Adrienne Stone

BA NSW LLB NSW LLM Col. JSD Col.

Australian Red Cross Professor of International Humanitarian Law

Timothy McCormack

LLB Tas. PhD Monash

Davies Collison Cave Professor of Intellectual Property

Andrew Christie

BSc Melb. LLB Melb. LLM Lond. PhD Camb.

Barrister and Solicitor of the Supreme Court of Victoria and Solicitor of the Supreme Court of England and Wales, Registered Trade Marks Attorney Australia

Harold Ford Professor of Commercial Law

Ian Ramsay

BA Macq. LLB Macq. LLM Harv.

Solicitor of the Supreme Court New South Wales and the High Court of Australia and Member of the New York Bar

Laureate Professor

Cheryl Saunders AO

BA Melb. LLB Melb. PhD Melb.

Barrister Queensland (Personal Chair in Faculty of Law)

Zelman Cowen Professor of Law

Michael Crommelin

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

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

ARC Professorial Fellow

Anne Orford

BA Qld. LLB Qld. LLM Lond. PhD Adel.

Solicitor of the Supreme Court of Queensland

Federation Fellows

Timothy Lindsey

BA Melb. BLitt Melb. LLB Melb. PhD Melb.

Professor of Asian Law, Barrister and Solicitor Victoria

David Studdert

BA Melb. LLB Melb. ScD Harvard MPH Harvard

Associate Professors and Readers

Michael Lambiris

LLB Lond. PhD Rhodes

Christine Parker

BA LLB Qld. PhD ANU

Martin Vranken

LicLaw Leuven PhD Leuven LLM Yale

Associate Professors

Paul Ali

LLB Auck. MJur Auck. SJD Syd.

Solicitor of the Supreme Court of New South Wales, Barrister and Solicitor of the High Court of New Zealand

Elise Bant

BA LLB UWA, BCL DPhil Oxon.

Barrister and Solicitor Supreme Court of Western Australia and the High Court of Australia

Caron Beaton-Wells

LLB Melb. LLM Melb. PhD Melb.

Barrister and Solicitor of the Supreme Court of Victoria

Sarah Biddulph

BA Syd. LLB Syd. PhD Melb.

Barrister and Solicitor of the High Court of Australia, Solicitor New South Wales

David Brennan

BComm Melb. LLB Melb. PhD Melb.

Sean Cooney

BA Melb. LLB Melb. LLM Melb. LLM Col. JSD Col.

Barrister and Solicitor Victoria and the High Court of Australia

Alison Duxbury

BA Melb. LLB Melb. LLM Cantab. PhD Melb.

Barrister and Solicitor of the Supreme Court of Victoria

Manfred Ellinghaus

LLB Melb. LLM Yale

Barrister and Solicitor of the Supreme Court of Victoria

Carolyn Evans

BA Melb. LLB Melb. DPhil Oxon.

Barrister and Solicitor of the Supreme Court of Victoria

Simon Evans

BSc Syd. LLB Syd. PhD Cantab.

Barrister and Solicitor of the High Court of Australia,
Solicitor New South Wales

Colin Fenwick

BA Melb. LLB Melb. LLM Melb. LLM Virginia

Barrister and Solicitor Victoria

Jeremy Gans

LLB ANU BSc ANU MA Tor. PhD NSW

Beth Gaze

B Sc Monash LLB Monash LLM Berkeley

Barrister and Solicitor of the Supreme Court of Victoria
and the High Court of Australia

Pamela Hanrahan

*BA Melb. LLB Melb. LLM Case Western Reserve
University SJD Melb.*

Barrister and Solicitor of the Supreme Court of Victoria

John Howe

BA Monash LLB Monash LLM Temple PhD Melb.

Barrister and Solicitor Victoria, Western Australia and
High Court of Australia

Cally Jordan

BA Carleton MA Tor. LLB McGill BCL McGill

DEA Paris I

Barrister and Solicitor, Law Society of Upper Canada;
Advocate, Barreau du Québec; Attorney, California
State Bar; Attorney, New York State Bar; Solicitor, Hong
Kong

Shaun McVeigh

LLB Exe.

Andrew Mitchell

LLB Melb. BComm Melb. LLM Harv.

Grad Dip Intl L Melb. PhD Cantab.

Barrister and Solicitor of the Supreme Court of Victoria
and the High Court of Australia

Pip Nicholson

*BA Melb. LLB Melb. LLM (Public Policy) ANU
PhD Melb.*

Ann O'Connell

BA Melb. LLB Melb. LLM Melb.

Barrister and Solicitor Victoria

Sundhya Pahuja

BA Melb. LLB Melb. LLM Br.Col.

Barrister and Solicitor of the Supreme Court of Victoria

Andrew Palmer

BA Well. LLB Monash BCL Oxon.

Barrister of the Supreme Court of Victoria

Jacqueline Peel

BSc Qld. LLB Qld. LLM NYU PhD Melb.

Solicitor of the Supreme Court Queensland

Helen Rhoades

LLB Melb. LLM Melb.

Barrister and Solicitor Victoria

Peter Rush

BA NSW LLB NSW MPhil Cantab. PhD Edin.

Miranda Stewart

BSc Syd. LLB Syd Grad Dip ANU LLM NYU

Barrister and Solicitor Victoria

Maureen Tehan

LLB Monash BA Melb. LLM Melb.

Barrister and Solicitor Victoria, South Australia, Western Australia and the High Court of Australia, Legal Practitioner Northern Territory of Australia

Tania Voon

BSc Melb. LLB Melb. Grad Dip Intl L Melb. LLM Harv. PhD Cantab.

Barrister and Solicitor of the Supreme Court of Victoria and the High Court of Australia

Kristen Walker

BSc Melb. LLB Melb. LLM Melb. LLM Col.

Barrister and Solicitor Victoria

Christian Witting

BEc Monash LLB Monash SJD Melb.

Barrister and Solicitor of the High Court of Australia

David Wood

BA ANU LLB Melb. MA Melb. PhD Melb.

Senior Lecturers

Jenny Beard

BA ANU LLB ANU LLM Pub Intl L Lond Sch of Eco & Pol Sc. PhD Melb.

Gary Cazalet

BA Monash LLB Monash

Anna Chapman

BComm Melb. LLB Melb. LLM Melb.

Barrister and Solicitor Victoria

Michelle Foster

BComm UNSW LLB UNSW LLM Mich. SJD Mich.

Andrew Godwin

BA Melb. LLB Melb. LLM Melb.

Linda Haller

LLB Monash LLM Qld. PhD Qld.

Matthew Harding

BA Melb. LLB Melb. BCL Oxon. DPhil Oxon.

Jacqueline Horan

BA Monash LLB Monash LLM Monash PhD Melb.

Barrister and Solicitor Victoria and the High Court of Australia

Michael Kobetsky

BEcon USyd. LLB Tas. LLM Lond. PhD Deakin

Barrister and Solicitor Victoria

Jürgen Kurtz

BA Melb. LLB Melb. LLM Melb. LLM Mich.

Barrister and Solicitor Victoria and High Court of Australia

Sunita Jogarajan

BComm Melb. LLB Melb. CA ICAA MAppTax UNSW

Wendy Larcombe

BA Melb. BLitt Melb. LLB Melb. GradDipEd Melb.

PhD Melb.

Janice Luck

LLB Tas. LLM Lond.

Barrister and Solicitor Victoria

Hayden Opie

BComm Melb. LLB Melb. LLM Tor.

Barrister and Solicitor Victoria

Bruce Oswald CSC

BBus RMIT LLB ANU LLM Lond. MA Kent

Barrister New South Wales

Glenn Patmore

BA Monash LLB Monash LLM Queens

Barrister and Solicitor of the Supreme Court of Victoria

Michelle Taylor-Sands

BA Monash LLB Monash

Joo-Cheong Tham

LLB Melb. LLM Melb. PhD Melb.

John Tobin

BA Melb. BComm Melb. LLB Melb. LLM Lond.
Barrister and Solicitor of the Supreme Court of Victoria
and of the High Court of Australia

John Waugh

LLB Melb. BComm Melb. BA Melb. LLM Melb.
MPhil Cantab.
Barrister and Solicitor Victoria

Lecturers**Matthew Bell**

BA Melb. LLB Melb. MConstrLaw Melb.
Barrister and Solicitor Victoria

Arlen Duke

BComm Melb. LLB Melb.

Lisa Sarmas

BA Melb. LLB Melb. LLM Melb.
Barrister and Solicitor of the Supreme Court of Victoria

Michelle Sharpe

BA Adel. LLB Adel. PhD Melb.

Stacey Steele

BA Qld. MA Monash LLB Monash LLM Melb.

Amanda Whiting

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

ARC Postdoctoral Fellow**Ann Genovese**

BA Adel. LLB Adel. PhD UTS

Senior Research Fellows**Chris Dent**

BA Murdoch LLB Murdoch PhD Murdoch

Helen Durham

BA Melb. LLB Melb. SJD Melb.
Barrister and Solicitor of the Supreme Court of Victoria
and the High Court of Australia

Research Fellows**Anna Everett**

LLB Bond LLM Bond

Catherine MacNeil

BSc Monash LLB Monash
Barrister and Solicitor Victoria

Ruth Quibell

BA Swin. PhD Swin.

Fiona Rotstein

BA Melb. LLB Melb.
Barrister and Solicitor Victoria and the High Court of
Australia

Stephen Sempill

BA Melb. LLB Melb.

Robin Wright

BMus Melb. LLB La Trobe MA Monash
Barrister and Solicitor Victoria

Honorary Staff**Professor Emeritus****Sandford Clark**

LLB Adel. PhD Melb.
Barrister and Solicitor of the Supreme Courts of Victoria
and South Australia

Sir Zelman Cowen AK GCMG GCVO PC

MA Oxon. DCL Oxon. LLD Oxon.

Harold Ford AM

LLM Melb. SJD Harv. LLD Melb.

Colin Howard

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

David Lanham

LLB Leeds BCL Oxon.

Barrister-at-Law Lincoln's Inn

Harold Luntz

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

Barrister and Solicitor Victoria

Professorial Fellows

Ian Bailey SC

BArch Newcastle (NSW) DipLaw NSW

Barrister at Law

Breen Creighton

LLB Belf. LLB Melb. PhD Cantab.

Martin Davies

BA Oxf. BCL Oxf. MA Oxf. LLM Harv.

Sir Daryl Dawson AC KBE CB

LLB Melb. LLM Yale

Costas Douzinas

LLB Athens LLM PhD Lond.

Tony Duggan

BA Melb. LLB Melb. LLM Tor.

John Farrar

LLB Lond. LLM Lond. LLD Lond. PhD Brist.

Barrister and Solicitor of the High Court of Australia

The Honorable Justice Paul Finn

BA Qld. LLB Qld. LLM Lond. PhD Cantab.

Malcolm Fraser AC CH PC

Francis Gurry

LLB Melb. LLM Melb. PhD Cantab.

Doug Jones AM

BA Qld. LLB Qld. LLM Qld.

Geoffrey Lindell

LLB Adel. LLM Adel.

Barrister and Solicitor South Australia

Richard Mitchell

LLB Melb. LLM Melb. MSc Lond.

Barrister and Solicitor

The Hon. Robert Nicholson AO

BA WAust. LLB WAust. MA Georgetown LLM Melb.

Gaetano Tony Pagone QC

BA Cantab. DipEd Monash LLB Cantab. LLM Cantab.

Robin Sharwood AM

BA Calif. LLB Calif. LLM Calif. SJD Harv.

Barrister and Solicitor

San-Hyun Song

LLB Seoul LLM Tulane

Geoffrey Stapledon

BEc Adel. LLB Adel. DPhil Oxon.

Sir Ninian Stephen KG AK GCMG GCVO KBE

LLD Syd.

Michael Tilbury

LLB Lond. BCL Oxon.

Barrister of New South Wales and the High Court of Australia

Brigadier Ian Westwood

LLB Syd. LLM S. Aust.

Sarah Worthington

BSc ANU LLB UQ. LLM Melb. PhD Cantab.

Principal Fellows

George Beaton

MMBCH MBA (Witwatersrand) PhD

Lt Colonel Michael Kelly AM

BA Macq. LLB Macq. PhD NSW

Sue MacCallum

LLB Melb. LLM Melb.

Barrister and Solicitor Victoria

Robert Mathews OAM

BSc Monash MSc La Trobe

Kevin Pose

LLB Monash BCL Oxon.

External Staff

Senior Fellows (Graduate Program)

Mr Greg Ahern, Victorian Bar

Professor Owen Anderson, University of Oklahoma

Ms Carol Andrades, Ryan Carlisle Thomas

Professor Tony Anghie, University of Utah

Professor Brian Arnold, Goodmans LLP, Canada

Professor Graeme Austin, University of Arizona

Mr John Baartz, Allens Arthur Robinson

Ms Melanie Baker, Allens Arthur Robinson

Mr Trevor Beadle, Davies Collinson Cave

Professor Larissa Behrendt, University of Technology,
Sydney

Dr Andrew Bell SC, New South Wales Bar

Mr David Bennett QC, formerly Victorian Bar

Ms Judy Bourke, Senior Fellow

Professor Douglas Branson, University of Pittsburgh

Mr Andrew Broadfoot, Victorian Bar

Ms Leisha Browning, Royal Australian and New
Zealand College of Psychiatrists

Ms Eugénie Buckley, Cricket Australia

Professor David Campbell, Durham University

Mr David Campbell-Williams, Thomson Playford
Cutlers

Professor David Caudill, Villanova University

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

Ms Karin Clark, Allen Arthur Robinson

Mr Daniel Clough, Victorian Bar

Mr Richard Comerford, Passionate Learning

Mr Matt Connock SC, Victorian Bar

Professor Hugh Corder, University of Cape Town

The Hon. Justice Philip Cummins, Supreme Court of
Victoria

Professor Eve Darian-Smith, University of California

Ms Jennifer Davies SC, Victorian Bar

Mr Jan Job de Vries Robbé, Dutch Development Bank
FMO

Mr Aldrin De Zilva, BDO Kendall

Mr John Dorter, Allens Arthur Robinson

Associate Professor Hassan El Menyawi, United
Nations University for Peace, United States

Ms Kylie Evans, Victorian Department of Justice

Mr Brent Fisse, Brent Fisse Lawyers

Mr Ben Fitzpatrick, Victorian Bar

Mr Michael Flynn, Victorian Bar

Mr Peter Fox, Victorian Bar

Professor Ian Freckelton SC, Victorian Bar

Mr Martin Fry, Allen Arthur Robinson

Professor Michal Fal, Haifa University, Israel

Professor Benjamin Geva, Osgoode Hall Law School,
York University

Mr Jonathan Gill, Carrick Kellow Smyth Solicitors

Mr Peter Gillies, Pitcher Partners

Professor Lawrence Gostin, Georgetown University

Mr Stewart Grieve, Corrs Chambers Westgarth

Ms Erica Grundell, Victorian Department of Human Services

Mr Peter Hallett, Watermark Patent and Trade Mark Attorneys

Dr Peter Harcourt OAM, Victorian Institute of Sport

Professor George Hay, Cornell Law School

Dr Ian Heath, First Thoughts

Dr Gitte Heij, CARA Consulting P/L

Ms Michelle Herring, JGL Financial Solutions

Mr Ray Hind, Davies Collison Cave

Mr Paul Hockridge, Deloitte

Mr Nick Hopkins, Victorian Bar

Mr Tony Horan, Victorian Bar

Professor Vicki Jackson, Georgetown University

Mr Nasos Kaskani, Corrs Chambers Westgarth

Professor Panos Koutrakos, University of Bristol

Judge Mark Kravitz, United States District Court

Professor John Lowe, Southern Methodist University

Mr Geoff Mansfield, Griffith Hack

Professor Paul Marcus, College of William and Mary

Mr Leighton McDonald, Australian National University

Mr John McKenna, Freehills

Mr John Morgan, Allens Arthur Robinson

Mr Terry Murphy SC, Victorian Bar

Professor Christina Murray, University of Cape Town

Mr Jim Murray, William Buck

Mr Tim Neilson, Greenwoods & Freehills

Mr Gregory Nell SC, New South Wales Bar

Mr Stephen Newman, Cornwall Stodart

Dr Tania Obranovic, Davies Collison Cave

Mr Frank O'Loughlin, Victorian Bar

Professor Raul Pangalangan, University of the Philippines

Mr Alan Peckham, Freehills

Mr Alistair Pound, Victorian Bar

Ms Angela Quintarelli, GE Money

Ms Alexandra Richards QC, Victorian Bar

Mr Craig Richards, Bicycle Victoria

Mr Bill Rimmer, Victorian Bar

Professor David Rosenbloom, New York University

Mr Peter Rozen, Victorian Bar

Mr Des Ryan AM, Davies Collison Cave

Mr Robert Sanders, Global IP Services LLP

Mr Peter Sankoff, University of Auckland

Professor Julian Savulescu, University of Oxford

Mr Garry Sebo, Hall & Wilcox

Mr Richard Shaddick, Greenwoods & Freehills

Mr John Sharkey AM, Deacons

Ms Daphna Shraga, Office of Legal Affairs, United Nations

Ms Karen Sinclair, Watermark Patent and Trade Mark Attorneys

Ms Sharon Smit, Smart Business Solutions

Professor Greg Smith, Australian Catholic University

Professor Allen Snyder, University of San Diego

Mr Ken Spence, Greenwoods & Freehills

Mr Andrew Stephenson, Clayton Utz

Mr Trevor Stevens, Davies Collison Cave

Professor Andrew Stewart, University of Adelaide

Associate Professor Cameron Stewart, Macquarie University

Mr John Stonier, Licensing Consultant

Mr William Swadling, University of Oxford

Mr David Tadgell, Phillips Ormonde & Fitzpatrick

Professor John Tiley, University of Cambridge

Mr Michael Tuckfield, Clayton Utz

Mr Simon Uthmeyer, DLA Phillips Fox

Professor Ian Walden, University of London

Ms Kimberlee Weatherall, University of Queensland

Mr David Webber, Davies Collison Cave

Mr Jon Webster, Allens Arthur Robinson

Dr Philip Williams, Frontier Economics

Ms Sue Williamson, Clayton Utz

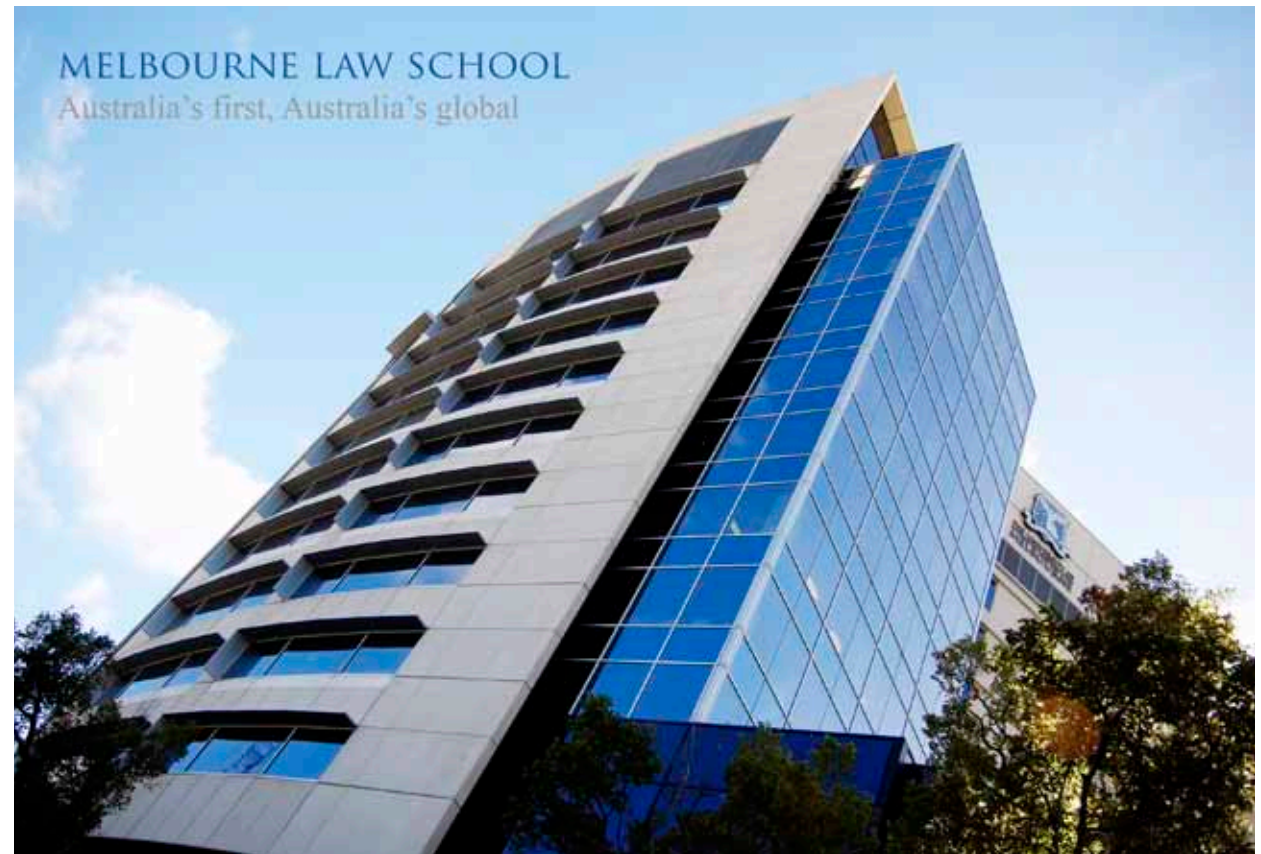
Professor Jane Winn, University of Washington

Mr Peter Wood, Minter Ellison Lawyers

Mr Richard York, Vodafone, New Zealand

Mr Greg Zerzan, International Swaps and Derivatives
Association

Professor Peer Zumbansen, Osgoode Hall Law
School, York University





GRADUATE RESEARCH DEGREES COMPLETED 2008

Graduate Research Degrees Completed 2008

Doctor of Laws

Buckley, R

The Regulation of the Interaction of the International Financial System and Developing Countries

Skene, L

Medical Law

Doctor of Philosophy

Al-Azri, K

Development, Culture and the Dilemma of Equality in 'Modern' Omani Society: The Practice of Kafa'a in Marriage and Talaq

Supervisors: Tim Lindsey and Abdullah Saeed

Bird, J

Bioethics and Human Rights: Mapping the Boundaries of the Human Subject

Supervisor: Natalie Stoljar

Brophy, E

The Integration of Complementary and Alternative Medicine into Health Care: Regulating for Consumer Choice, Autonomy and Responsibility

Supervisors: Christine Parker, Harold Luntz, Marie Pirota and Vicki Kotsirilos

Coleman, A

The International Court of Justice and Claims for Self-Determination

Supervisors: Tim McCormack and Tania Voon

Duxbury, A

The Participation of States in International Organisations: The Role of Human Rights and Democracy

Supervisors: Tim McCormack and Gerry Simpson

Gerber, P

From Convention to Classroom: The Long Road to Human Rights Education

Supervisor: Dianne Otto

Henderson, I

Targeting During Armed Conflict: A Legal Analysis

Supervisors: Tim McCormack and Andrew Mitchell

Wardrop, A

The Regulation of Essential Service Insolvencies and the Public Interest: Case Studies of Australia's Electricity Industry and Melbourne's Public Transport Industry

Supervisor: Tim Lindsey

Doctor of Juridical Science

de Jonge, A

Hong Kong Firms with Chinese Characteristics? Determinants of Corporate Governance in Hong Kong-listed Chinese State-owned Enterprises

Supervisor: Tim Lindsey

Petrovic, J

The Old Bridge of Mostar and Increasing Respect for Cultural Property in Armed Conflict

Supervisors: Tim McCormack and Helen Durham

Master of Laws by Thesis

Date, J

Implications of Canon Law for Church Organisations Operating in Australia

Supervisors: Ian Ramsay, Carolyn Evans and Robin Sharwood

Irving, J

Security and Liberty: Freedom of Expression and Counter-terrorism Laws in Australia

Supervisors: Tim McCormack and Carolyn Evans



GRADUATE RESEARCH DEGREES IN PROGRESS

Graduate Research Degrees in Progress 2008

Doctor of Philosophy

Allan, S

The Regulation of Science: Research on Human Embryos, Cloning and the Law

Supervisors: Loane Skene and Christine Parker

Allen, D

Reforming Australia's Anti-Discrimination Legislation: Individual Complaints, the Equality Commission and Tackling Discrimination

Supervisors: Beth Gaze and Jenny Morgan

Alneyadi, M

Surrogacy: Its Legal Boundaries in UAE and Islamic Jurisprudence

Supervisors: Tim Lindsey and Michael Bryan

Anderson, J

Conceptions of Juvenile Criminality and the Establishment of the Children's Court in Victoria, 1880s-1906

Supervisors: Ann Genovese and Julie Evans

Barnett, K

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

Supervisors: Michael Bryan and Andrew Robertson

Barr, O

Geographies of Jurisdiction: Aboriginal Sovereignty and the Common Law in Australia

Supervisors: Jenny Beard and Maureen Tehan

Becroft, R

The Development of a Standard of Review in World Trade Organisation Disputes

Supervisors: Richard Garnett and Andrew Mitchell

Bird, H

Conciliatory Enforcement of Australian Company Law: The Operation and Use of Enforceable Undertakings by ASIC, the Corporate Regulator

Supervisor: Ian Ramsay

Brodie, M

Agents of Change: What Power do National Human Rights Have to Affect the Process of Transformative Social Change?

Supervisors: Dianne Otto, John Chesterman and Brian Burdekin

Bulto, T

The Imperatives of Extraterritorial Application of the Human Right to Water: A Case Study of the Nile Basin

Supervisors: Carolyn Evans and Jacqueline Peel

Burke, R

Accountability of UN Peacekeepers under International Law for Crimes Committed while Deployed on Peacekeeping and Peace-Support Operations

Supervisors: Stuart Kaye and Alison Duxbury

Clarke, B

Law, Occupation and Jus ad Bellum: Was Armed Resistance to the Occupation of Iraq Justified under International Law?

Supervisors: Tim McCormack, Michael Kelly and Michael Gillooly

Colmenares, N

International Jurisdiction and Amnesty

Supervisors: Tim Lindsey and Tim McCormack

Crouch, M

Bridging the Gap? Muslim-Christian Relations in post-Suharto Indonesia (1998-2008)

Supervisors: Tim Lindsey and Amanda Whiting

Daniels, J

The Law and Economics of Part IIIA of the Trade Practices Act

Supervisors: Caron Beaton-Wells and Rhonda Smith

Dirou, P

Food Security, Development and Law: Insights from the Indonesian Development Experience

Supervisors: Tim Lindsey, Sundhya Pahuja and Shaun McVeigh

Elkman, S

Moral Foundations of Intellectual Property Law

Supervisors: Michael Bryan and Megan Richardson

Eslava, L

The Spatial Dimension of Law and Development: Jurisdictions, Sovereignty and Citizenship Under Siege

Supervisors: Jenny Beard and Anne Orford

Fenwick, S

Islamic Liberalism and the Rule of Law: Rights and the Politics of Transition in post-Suharto Indonesia

Supervisors: Tim Lindsey and Abdullah Saeed

Finnin, S

How Prosecutors Shape International Criminal Law and Justice

Supervisors: Tim McCormack, Jenny Morgan and Andrew Mitchell

Foerster, A

Towards an Ecologically Sustainable Allocation of Water Resources? An Analysis of Recent and Ongoing Water Law Reform in NSW and Victoria, with Respect to their Capacity to Deliver Environmental Outcomes

Supervisors: Lee Godden and Jacqueline Peel

Frith, A

Sustainable Indigenous Entities for Making Agreements

Supervisors: Maureen Tehan, Lee Godden and Marcia Langton

Godwin, A

The Relevance of Traditional Proprietary Rights to the Reform of Rural Land Rights in China

Supervisors: Sarah Biddulph and Michael Bryan

Goodwin, E

Industry-Specific Legal Regulation of Workplace Relations in the Australian Building and Construction Industry: An Examination and Evaluation

Supervisors: John Howe and Sean Cooney

Graydon, C

Domestic Violence in Timor-Leste: Is there a Place for Indigenous Justice Systems?

Supervisors: Tim Lindsey and Dianne Otto

Hammond, E

A Wrong Turn in Australian Qualitative Judicial Review: Why Judicial Moves to Restrict Qualitative Review to Substantive Comments 'Mandated by Statute' are Bad for Australian Judicial Review

Supervisor: Cheryl Saunders, Simon Evans and Adrienne Stone

Ho Foui Sang, M

Law and the Protection of Historical Truth: A Comparative Study of Legal Responses to Situations of Political Injustices

Supervisor: Anne Orford

(This project is being conducted under a Cotutelle agreement with the University of Paris X)

Hudson, E

Copyright and Cultural Institutions: Law and Lessons from the United States and Canada

Supervisors: Andrew Kenyon and Andrew Christie

Kailis, G

A Public Right to Fish?

Supervisors: Stuart Kaye and Michael Crommelin

Karagiannakis, M

Corporate Officials and International Criminal Law

Supervisors: Gerry Simpson and Cally Jordan

Kelly, C

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

Kingsley, J

Pancasila Society: Community Engagement in Lombok
Supervisors: Tim Lindsey and Abdullah Saeed

Kirk, S

Voluntary Simplicity: Towards a Post-Growth Theory of Property
Supervisors: Lee Godden and Jenny Beard

Landau, I

Regulating Labour Standards in Vietnam: Law, Socialism and the Role of the Vietnamese State
Supervisors: Pip Nicholson, Sean Cooney and John Howe

Le Roy, K

Democratic Participation in Constitution Making: Emerging Best Practice
Supervisor: Cheryl Saunders

Lesh, M

Israel's Policy of Targeted Killing and International Humanitarian Law
Supervisors: Tim McCormack, Michael Schmitt and Alison Duxbury

Lester, E

Making Sovereignty, Migration and Race Work in Australia: Paradoxes and Prospects
Supervisors: Jenny Beard and Shaun McVeigh

Liu, G

The Role of Equity in Trusts Law: The Law and Practice of the Chinese Trust Code
Supervisors: Michael Bryan and Sarah Biddulph

McDougall, C

Giving the Green Light to Prosecutions of Nationicide: Proposed Solutions to the Jurisdictional and Definitional Issues Surrounding the Crime of Aggression
Supervisors: Tim McCormack, Gerry Simpson and Stuart Kaye

Merrett, A

The Assessment and Regulation of Market Power in Australia
Supervisors: Megan Richardson, Rhonda Smith and Rachel Trindade

Muriu, D

Recognition, Redistribution and Resistance: Assessing the Usefulness of the Right to Health in Africa
Supervisors: Anne Orford and Jenny Beard

Musa, N

Administration of Religion in the Federal Structure of Malaysia
Supervisors: Carolyn Evans and Cheryl Saunders

Mussawir, E

Jurisdiction: The Expression and Representation of Law
Supervisors: Peter Rush and Anne Orford

Nastevski, V

The Enactment of War Crimes Legislation in Australia without Offending the Prohibition on Retrospective Legislation
Supervisors: Tim McCormack and Michelle Foster

Oswald, B

The Application of International Law to United Nations and Regional Peace Operations
Supervisors: Tim McCormack, Wendy Larcombe and Daniel Bethlehem

Otomo, Y

Decision-making in International Law: Towards an Ethics of Occupation and Exchange
Supervisors: Anne Orford and Jenny Beard

Parker, A

The Family Law Amendment (Shared Parental Responsibility) Act 2006: A Study of the Impact of the Legislation on Judicial Determination of Shared Parenting Cases

Supervisors: Belinda Fehlberg and Helen Rhoades

Pausacker, H

In the Eye of the Beholder: Law, Pornography and Indonesia's Islamic Defenders Front

Supervisors: Tim Lindsey and Abdullah Saeed

Pourpouras, J

Islamic Financing: The Use of Zakat and Non-Riba Transactions in Islamic Banks and Charities to Facilitate Terrorism Financing Practices

Supervisors: Tim Lindsey and Abdullah Saeed

Purcell, J

A Corrective and Distributive Justice Analysis of Creditor Entitlements in Bankruptcy

Supervisors: Michael Bryan and Matthew Harding

Rowe, J

Health in Prisons: Who Cares and How? A Transversal Analysis of the Issues from the International Red Cross and Red Crescent Movement's Point of View

Supervisors: Tim McCormack, Stuart Kaye and Nick Crofts

Ruschena, D

Litigation and Liability as Regulation to Reduce Tobacco Related Harm: Making the Polluter Pay for the Harm Tobacco Causes

Supervisors: Christine Parker, John Howe and Jonathan Liberman

Saboor, H

Pakistan's Islamic Identity, its Blasphemy Law and the International Law of Human Rights

Supervisors: Carolyn Evans and Amanda Whiting

Sauntharajah, J

Constantly Colonised: Legal Containment of Minority Religions' Legal Identities in Post-Colonial Singapore

Supervisors: Pip Nicholson, Abdullah Saeed and Li-Ann Thio

Saw, TG

The Final Cut: Film Censorship and Judicial Review in Malaysia, Hong Kong and Australia

Supervisors: Andrew Kenyon and Amanda Whiting

Scardamaglia, A

The Historical Foundations of Trade Mark Law in Australia

Supervisors: Megan Richardson and Chris Dent

Schlesinger, N

Making International Criminal Law: Factors Influencing Judicial Behaviour at the ICTY and ICTR

Supervisors: Tim McCormack and Tim Marjoribanks

Sheehan, K

The Regulatory Framework for Executive Remuneration: an Empirical Analysis of Extended Disclosure and Shareholder Voting Mechanisms

Supervisors: Christine Parker and Chander Shekhar

Shi, C

Political Determinants of Corporate Governance in China

Supervisor: Tim Lindsey

Simic, O

Gender Based Violence and Human Rights Violations Committed by UN Peacekeepers

Supervisors: Dianne Otto and Michelle Foster

Simpkins, J

Courts and Constitutionalism: The Judicial Branch in Constitution-making and the Promotion of a Culture of Constitutionalism

Supervisors: Cheryl Saunders and Adrienne Stone

Storey, M

Statutory Property in Australia

Supervisors: Simon Evans and Lee Godden

Sugden, P

An Analysis of Remedies in International Property Law
Supervisor: Michael Bryan

Tan, D

The Contributions of Cultural Studies to Right of Publicity Laws: Evocative Identification, Associative Appropriation and Political Recoding
Supervisors: Andrew Christie and Andrew Kenyon

Tassin, V

The Extension of the Continental Shelf
Supervisors: Stuart Kaye and Andrew Mitchell
(This project is being conducted under a Cotutelle agreement with the Sorbonne University)

Taylor-Sands, M

Creating 'Saviour Siblings': The Role of the Welfare of the Child Principle in Regulating Preimplantation Tissue Typing in Australia and the UK
Supervisors: Christine Parker, Loane Skene and Margaret Coady

Thampapillai, D

India and China: From Intellectual Property Pirates to Producers Within the World Trade Organisation
Supervisors: Sam Ricketson and Tania Voon

Tobin, J

Children's Right to Health: Seeking Clarity in the Content of Article 24 of the UN Convention on the Rights of the Child
Supervisors: Anne Orford and Philip Alston

Vaitiekunas, A

The Court of Arbitration for Sport: Does it Make Law?
Supervisors: Hayden Opie and David Wood

Welsh, M

Civil Penalties Under the Corporations Act 2001 (Cth) and the Enforcement Role of the Australian Securities and Investments Commission
Supervisor: Ian Ramsay

Weybury, D

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

White, A

Islamic Arbitration (Takhim) as an Answer to Demands for Shari'ah-based Dispute Resolution in the Context of Secular States. An Analysis of the Experience in Indonesia and a Proposed Framework for Implementation in the United States
Supervisors: Tim Lindsey and Abdullah Saeed

Whitehall, D

Hannah Arendt and the Appearance of the Reproductive Body in International Law
Supervisors: Anne Orford and Ann Genovese

Wynn-Pope, P

The Responsibility to Protect against Crimes Against Humanity and Genocide: Effective Operationalisation of the Principle
Supervisors: Tim Lindsey and Tim McCormack

Young, C

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

Doctor of Juridical Science

Adams, K

Mediating Work and Family Responsibilities: A Comparative Study of Legislative Strategies
Supervisors: Jenny Morgan and Beth Gaze

Green, M

Election Communication Law and Practice in Australia, the United Kingdom and the United States
Supervisor: Andrew Kenyon

Rome-Sievers, C

Commercial Fraud and Recovery of Assets
Supervisor: Michael Bryan

Master of Laws by Thesis

Chaug, YB

Issues in Private Equity
Supervisor: Paul Ali

Duong, M

Commercial Dispute Resolution in the Vietnamese Economic Court
Supervisor: Pip Nicholson

Dzau, J

Corporate Social Responsibility: To Act in the Best Interests of the Company – A Paradigm Shift
Supervisors: Christine Parker and James McConvill

Gisonda, E

Ideology of Australian Contract Law
Supervisor: Andrew Robertson

Hochstrasser, D

The Use of Compelled Surgery in Order to Retrieve Evidence
Supervisors: Jeremy Gans and Andrew Palmer

Irving, M

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

Nel, E

Child Victim Witnesses of Sexual Offences in the Criminal Justice System
Supervisors: Jeremy Gans and Andrew Palmer

Poon, KC

Corporate Counsels: The Undefined Watchdog
Supervisor: Christine Parker

Thomas, T

Relationship Contracting for the Delivery of Major Infrastructure Projects: Panacea or Placebo?
Supervisor: Fred Ellinghaus

Master of Philosophy in Law

Donaghey, T

Unjust Enrichment in the Australian Courts
Supervisors: Michael Bryan and Elise Bant





DESIGNED, COMPILED AND EDITED BY THE
OFFICE FOR RESEARCH (LAW)

Ms Angela Hendley-Boys - Project Officer
Ms Lucy O'Brien - Manager Law Research
Ms Mas Generis - Research Support Officer
Ms Jenny McFadden - Research Administration Officer
Ms Sophie Garrett - Administrative Officer

FOR MORE INFORMATION

Melbourne Law School

Location: University Square
185 Pelham Street, Carlton, Victoria 3053

Tel: +61 3 83441090

Fax: +61 3 8344 4601

Website: www.research.law.unimelb.edu.au

2008
www.research.unimelb.edu.au



MELBOURNE LAW SCHOOL

Australia's first, Australia's global

INTELLECTUAL PROPERTY

For further information refer to:
www.unimelb.edu.au/Statutes/

COPYRIGHT IN THIS PUBLICATION IS OWNED BY THE UNIVERSITY AND NO PART OF IT MAY BE REPRODUCED WITHOUT THE PERMISSION OF THE UNIVERSITY.

CRICOS PROVIDER CODE: 00116K
ISBN 0 7340 3603 5

DISCLAIMER

The University has used its best endeavours to ensure that material contained in this publication was correct at the time of printing. The University gives no warranty and accepts no responsibility for the accuracy or completeness of information and the University reserves the right to make changes without notice at any time in its absolute discretion.

STATEMENT ON PRIVACY POLICY

When dealing with personal or health information about individuals, the University of Melbourne is obliged to comply with the *Information Privacy Act 2000* and the *Health Records Act 2001*.

For further information refer to:
www.unimelb.edu.au/unisec/privacypolicy.htm