

# School of Law

University of New England

2014 Newsletter

Edition 2



## Welcome

### Michelle Edgely

A new member of the School of Law, Michelle Edgely, commenced in mid-September. Michelle hit the ground running by flying off to the United States to present a paper at the *Southern Criminal Justice Association Conference* in Clearwater Beach in Florida. Michelle's paper was drawn from her doctoral work and was entitled, 'Transforming the Judiciary - Can Judges Learn Therapeutic Jurisprudence?'. While Michelle was in the US she visited mental health courts and met with judges in Fort Lauderdale, Albany (GA), Brooklyn and Queens. Michelle also visited the Center for Court Innovation in

New York and met with researchers studying the use of therapeutic jurisprudence in relation to mentally impaired offenders in American courts.

In November, Michelle was off to Sydney for the 2014 congress of the *Australia and New Zealand Association of Psychiatry Psychology and Law*. Michelle will be presenting another paper drawn from her doctoral research, entitled 'Mainstreaming Therapeutic Jurisprudence for Mentally Impaired Offenders: Can the Challenges be Overcome?'

Then in December, Michelle went to Melbourne for the 8th Annual *Australian and New Zealand Critical Criminology Conference* to present,



Michelle Edgely

'Two Models of Mainstreaming Therapeutic Jurisprudence for Mentally Impaired Offenders: A Tale of Two Cities'

## Vale

### Professor Eilis Sinnott Magner -Clilverd

Born to Dr Desmond and Miriam Magner in Regina, Canada 27 July 1946, Eilis had a passion for teaching. Her career, which spanned more than 45 years, began as a Primary School Teacher in Canada in 1968. When she moved to Australia, she worked first as a High School Teacher in Goulburn. Her interest then turned to law and she returned to study, and then secured a position as a Research Assistant in the Department of Law at the University of Sydney in



Inside ...

Kirby Seminars - 4

AgLaw News - 13

Research Outputs - 12

Spring Graduates - 20

UNE  
University of  
New England

School  
of Law

1979. She remained at USyd until 1995. Her special interests included Corporation Law, Evidence and Women and Law.

Eilis came to UNE in 1996 to take up the position of Foundation Chair of Law and was an exuberant and much loved member of the UNE community.

She was the Head of Law between 1996 and 1997, UNE's Senior Ombudsman from 2004 to 2006, and Deputy Chair (2003-2006) and Chair (2007-2012) of the Academic Board.

In 2013 she returned to teaching Civil Procedure and Evidence, Alternative Dispute Resolution and Trade Practices Law.

Her book, *Joske's Law and procedure at meetings in Australia*, is one that many have in their bookshelves for reference.

Eilis had a keen passion for the game of bridge and had a long affiliation with the Armidale Bridge Club. She was also General Counsel to the Australian Bridge Federation for the past 16 years.

While her professional achievements were substantial, above all, Eilis will be remembered fondly by friends, students and colleagues alike for her kindness, razor-sharp wit, and mischievous intellect, generosity of spirit and wonderful sense of humour.

Eilis passed away in Singapore on the 14 July 2014 and is sadly missed by her husband Don, devoted family and all those whose lives were touched by this intelligent, articulate, warm and compassionate friend and colleague.

## Public Lecture presented by The Honourable Michael Kirby AC CMG

### **'Will human rights in North Korea change?'**

Despite a flight cancellation, and subsequent rescheduling on another carrier, The Honourable Michael Kirby arrived at UNE on the 1 August 2014 just in time for one of the School of Law's famous and delicious morning teas. After being met by his very good friend Deputy Vice Chancellor Faith Trent, Michael Kirby was joined in the Law Staff Common room by Vice Chancellor Professor Annabelle Duncan, Deputy Vice Chancellor Faith Trent, LSS representative Mark Jongebloed, and members of the School of Law staff. With a cup of tea in one hand and a lovely smile on his face, Michael Kirby walked around the room meeting and greeting all present.

Immediately following the very personal and pleasant morning tea, Michael Kirby was escorted to the JP Belshaw Theatre to deliver his presentation titled 'Will human rights in North Korea change?'

The theatre was packed to capacity with additional seating being arranged. Every spare spot was taken up, including audience members sitting on the floor at the front of the theatre, in the aisles, on the stairs and standing at the back. In addition to this huge local audience, the lecture was also beamed to FutureCampus Parramatta, Tamworth Study Centre and the Taree Study Centre.

During Michael Kirby's presentation, the audience on the livestream website peaked at 69 but 100 people visited the site during the presentation. Since the recording, it has been viewed 1260 times.

Following lunch Michael Kirby took time to meet our postgraduate students and the Law Students' Society past and present executive committee. The Honourable Michael Kirby talked to them about what he has learned in law over the past 50 years. This talk was then followed by a presentation to around 50 law students. Following the presentation Michael Kirby joined students and staff for afternoon tea and photo sessions before leaving for Sydney.

The School of Law greatly appreciates the generosity shown by the Honourable Michael Kirby in giving so freely of his time to



*Deputy Vice Chancellor Faith Trent, The Honourable Michael Kirby, Vice-Chancellor Professor Annabelle Duncan and Professor Michael Stuckey.*

personally meet as many people as he could in his short visit as well as impressing all with his immense knowledge and recall.

To listen to Michael Kirby's public lecture go to: [www.une.edu.au/about-une/academic-schools/school-of-law/The-Hon.-Michael-Kirby](http://www.une.edu.au/about-une/academic-schools/school-of-law/The-Hon.-Michael-Kirby)



*Dr Same Varayudej, Wellett Potter, Chittasuphang Tontipiromya, Hitelai Polume-Kiele, The Honourable Michael Kirby, Tanya Howard, Pongsit Aroonratanakul and Andrew Lawson*

## The Annual Sir Frank Kitto Public Lecture

In seeking to reopen public debate around the abuse of executive powers of asylum seekers in mandatory detention, the **President of the Australian Human Rights Commission, Emeritus Professor Gillian Triggs**, delivered the Sir Frank Kitto lecture titled 'Australian exceptionalism: Human rights and executive power' at the University of New England on Wednesday 15 October 2014. The lecture explored the increasing use of executive discretion that isn't often subject to judicial scrutiny.

Professor Triggs looked at how executive discretion has been used when new anti-terrorism laws were introduced, when asylum seekers have been held under mandatory detention and with the so-called 'Bikie' laws.

Professor Trigg also talked about Australia's fragmented approach to human rights, which she believes is placing some groups at risk.

Professor Triggs was formerly the Dean of the Faculty of Law at the University of Sydney and the Director of the British Institute of International and Comparative Law.

Professor Triggs has combined an academic career with international commercial legal practice. Her focus at the Commission is on the implementation in Australian law of the human rights treaties to which Australia is a party, and to work with nations in the Asia Pacific region on practical approaches to human rights.

Professor Triggs' long-standing commitment to legal education



*Emeritus Professor Gillian Triggs*

builds upon the Commission's efforts to inform Australians, especially children, about their fundamental human rights.

To listen to this lecture you may log on to: [www.une.edu.au/connect/livestream](http://www.une.edu.au/connect/livestream)

## Commemorative Public Lecture in Honour of the late Bryan Pape

**Professor George Williams AO** from the University of New South Wales presented to the Armidale and UNE community a Public Lecture 'Bryan Pape and his Legacy to the Law' on the 25 November 2014.

Apart from being a well-regarded legal academic at the University of New England, Bryan Pape was one of the most successful self-represented litigants in the history of the High Court. Against the odds, he convinced the Court to reshape the way that the Constitution regulates how the Commonwealth is to spend taxpayers' money.



*Professor George Williams*

This decision has had enormous impact on Australian law, such as through subsequent decisions that have struck down federal funding for chaplains in schools. The lecture explored Bryan Pape's contribution to the law through this case and explained how he was able to convince the High Court, and how the Pape Case is continuing to affect how Australia is governed.

George Williams AO is one of Australia's leading constitutional lawyers and public commentators. He is the Anthony Mason Professor at the University of New South Wales, and has held visiting positions in Toronto, New York and London. George has written and edited 31 books, including 'Australian Constitutional Law and Theory' and 'The Oxford Companion to the High Court of Australia'. George has appeared as a barrister in the High Court cases dealing with matters such as freedom of speech, freedom from racial discrimination and the rule of law.



*Mr Bryan Pape*

He has served on a number of public inquiries, and as chair of a community consultation committee helped to bring about Australia's first State Bill of Rights, the Victorian Charter of Human Rights and Responsibilities. George is also a columnist for the *Sydney Morning Herald*.

## Kirby Seminars

All audio files of Kirby seminar may be listened to via:

[www.une.edu.au/about-une/academic-schools/school-of-law/kirby-seminars](http://www.une.edu.au/about-une/academic-schools/school-of-law/kirby-seminars)

**Dr Bernadette Boss** delivered her Kirby seminar Friday 12 September 2014. 'Humanitarian Law v Human Rights Law in UN Collapsed State Peacekeeping'.

Dr Bernadette Boss is an ACT Magistrate and Coroner but also has extensive military operational experience with the Australian Army as both a legal officer and signals officer, serving in both regular and reserve capacities. Dr Boss spoke to the School of Law on the international law basis for occupying territory during peace keeping operations, the subject of her doctoral thesis. She contrasted the approach which relies upon the Fourth Geneva Convention to regulate occupation of foreign territories by peacekeeping forces with an approach based upon international human rights law. Dr Boss argued that, where the peacekeeping operation drew its authority from the Charter, the international human rights law approach was more consistent with the United Nations Charter.

The presentation was well attended, including a number of staff and students from UNE's Peace Studies discipline, and provoked strong questions and discussion afterwards.

**Gabrielle Appleby**, Senior Lecturer, Deputy Director, Public Law and Policy Research Unit, University of Adelaide, delivered her Kirby Seminar on Tuesday 4 November 2014, 'Can judges have legal opinions? Recusal and pre-judicial advice'.

"On 5 November 2013, seven judges of the High Court sat ready to hear the first day of argument in *Unions New South Wales v New South Wales*, an extremely

important constitutional case involving the application of the implied freedom of political communication to campaign finance reforms. Just as the hearing was set to commence, counsel for the Commonwealth drew the Court's attention to advice provided by Gageler J, in his previous capacity as Commonwealth Solicitor-General, that touched on the constitutional validity of one of the challenged provisions. The Court adjourned. Over an hour later, the Court returned and Gageler J gave brief reasons recusing himself. He explained that as the existence of his advice was now known to the parties, but he was unable to disclose the content of the advice, he was recusing himself to avoid any apprehension of bias. In the following six months, Gageler J recused himself from two more important constitutional cases for similar reasons.

Gageler J's recusal decisions raise important bias questions. There is the question of whether recusal is required on the basis of a pre-judicial opinion, where that opinion was on a matter of law only (such as the constitutionality of legislation). In this paper, Gabrielle develops an argument that the provision of a pre-judicial opinion on a question of law should not necessarily constitute grounds for recusal. Provided the law allows the judge to give a public account of this advice (and Gabrielle argues that it does, or at least should), there is little to distinguish pre-judicial opinions on matters of law from judicial comments in obiter dicta, or judicial writings and speeches that express opinions on the law. There is also the ongoing question about whether recusal ought to be the decision of the judge involved, particularly when the judge is sitting on a full court. Building on the positions of Anthony Mason and Ian Callinan, Gabrielle argues that the decision to recuse must be made by the Court that is potentially affected by the bias, not the individual judge."

**Associate Professor Alex Gardner**, Faculty of Law, The University of Western Australia, Centre for Mining, Energy and Natural Resources Law; Chief Investigator, National Centre for Groundwater Research and Training, delivered his Kirby Seminar on Monday 16 June 2014, 'Mining access to water resources - traditions and developing principles'.

Are mining and coal seam gas ("CSG") production subject to the key legal principles that apply generally to water resources management, especially the allocation of water resources in circumstances of water scarcity and competing uses? The sometimes exceptional circumstances of the mineral sector's use of water was acknowledged in clause 34 of the 2004 Intergovernmental Agreement on a National Water Initiative ("NWI"), by which it was agreed that minerals and petroleum project proposals may need to be assessed in light of sector specific factors that may require management arrangements outside the scope of the NWI.

Recently, the exceptional NWI status of the minerals and CSG sectors has been questioned because of the growing scale and risk of the water resource impacts, especially in respect of groundwater in certain regions. The National Water Commission («NWC») said, in its 2010 Mining and Coal Seam Gas Positions Statements, that the clause 34 special circumstances had not been adequately articulated and that the regular resort to environmental approval laws to make special arrangements for resources projects was no sufficient substitute for better integrating these sectors' use of water resources into the general water planning and entitlement regimes. There was particular concern with cumulative, possibly irreversible, impacts and there is a growing concern with legacy liabilities post mining tenure.

The presentation drew on a paper of the same title that is soon to be published. It reviewed the extent to which the regulation of the taking and interference with water resources by mining and CSG operations has been reformed to bring them under the general regulatory regimes for water resources management. It analysed aspects of the relevant legislative regimes of New South Wales, Queensland and the Commonwealth, to evaluate the extent to which the National Water Commission's recommendations have been implemented by legislative reforms and the key principles of those regimes, including adaptive management.

## UNE hosts Symposium and Legal History Conference

### Private Law at the End of Empire; Perspectives from Home and Abroad

The School is proud to have hosted two important legal history events at the end of 2014. 9 December Professor Mark Lunney hosted a one-day symposium, 'Private Law at the End of Empire; Perspectives from Home and Abroad'.

The symposium considered the relationship between English law and the law of its Empire and Commonwealth during the first half of the 20th century. Building on research on earlier periods, the symposium explored the complex inter-relationship between the law of the 'mother' country and its application in its colonies and dominions at a time when the notion of Empire was changing to that of Commonwealth. Speakers were Professor Paul Mitchell (University College London), Professor John McLaren (University of Victoria, Canada), Professor Stuart Anderson (Otago University, Dunedin NZ) and Associate Professor David Rolph (Sydney University).

### The 33rd Annual Australia and New Zealand Law and History Society Conference

After the symposium, the School hosted the 33rd Annual Australia and New Zealand Law and History Society Conference. This was the second time the School hosted this event, the first being held in Armidale in 2007. This year the conference was held at the Aanuka Beach Resort in Coffs Harbour 10-13 December. The conference theme was 'Law's Empire or Empire's Law?: Legal Discourses of Colonies and Commonwealths'. Keynote speakers included Professor Paul Mitchell and Professor Michael Grossberg, President of the American Society for Legal History.

## Awards and Prizes

**Dr Amanda Kennedy** was presented with the Award for Excellence and Innovation in the Teaching of the Law for her citation.

The award was assessed on the following criteria:

- Teaching approaches that inspire learning;
- Approaches to assessment and feedback that encourage independent learning and respect and support;
- Development of curricula that reflect teaching innovation and leadership; and
- Scholarly work that enhances learning and teaching activities.



*Dr Amanda Kennedy*

Winners of the 2014 Awards were announced at the 2014 Annual ALTA Conference at Bond University in July.

### Annual Richard Macrory Prize

Along with his colleague Associate Professor Bettina Lange from the Centre for Socio-Legal Studies at the University of Oxford, **Dr Mark Shephard** has been awarded the inaugural Annual Richard Macrory Prize for the best article in the Journal of Environmental Law in 2014. The article – 'Changing Conceptions of Rights to Water? An Eco-Socio-Legal Perspective', *J Environmental Law* (2014) 26 (2): 215-242 - publishes research Mark and Associate Professor Lange carried out in England during 2012 and 2013 regarding stewardship and conceptions of water rights. The research was funded by the British Academy.

The Prize, £500 of OUP books, is awarded each year for the most thought-provoking and innovative article published in the *Journal* in that year. All articles published in the *Journal* are eligible for the award.

The Vice-Chancellor's Governance Committee this year asked the 2014 Cohort of Vice-Chancellor's Scholars to nominate an academic who had had an impact or been instrumental in helping them with their studies of achieving their results. The School of Law is very pleased and proud to advise that **Bronwen Leroy** was the recipient of one such nomination. The award was acknowledged at a Vice-Chancellor's Scholar Reception dinner and Bronwen also received an e-certificate acknowledging her nomination.

## Seed Grants

**Dr Tristan Taylor** has been awarded a **UNE Research Seed Grant** for his research project: *Genocide and Mass-violence in the Pre-Modern West: A Comparative Study*. This follows on from his successful UNE Partnerships Early Career Development Award Grant in 2013-14 on genocide in the Roman world. Tristan will use the grant to undertake research in the United States and will be presenting aspects of his research at the upcoming Australasian Society for Classical Studies Conference in Adelaide in January, and the Classical Association in the UK in 2015.

**Dr Amanda Kennedy**, along with a team of UNE researchers including Dr Sue Gregory, Jennifer Charteris, Dr Yvonne Masters, and Associate

Professor Myfanwy Maple, have been successful in obtaining UNE Seed Grant funding to explore a research project on *Cyber Security and Social Media: Securing students' well-being*. The project will explore the use of disappearing media (e.g. Snapchat), mapping its impact on youth well-being and interpersonal relationships (including cyber bullying). Dr Kennedy will be providing input into the legal dimensions of this project.

## Scholarships

The School of Law congratulates Dr Same Varayudej for his strong advocacy before the HDR Scholarship Committee in support of two applicants from the School of Law. **Ms Saranne Cook for an APA and Mr Vivek Nemane for an IPRS**. Both candidates were successful.

## UNE and China discuss the governance challenges of food systems

May 2014 the University of New England School of Law co-hosted a major international conference in China together with the Beijing Foreign Studies University (BFSU) on 'The Governance Challenges of Food Systems'. Capitalising on UNE's particular expertise in agricultural law, environmental law and food security, the conference focussed on issues surrounding sustainability and food production at an international level.

Conference organiser and Deputy Director of UNE's AgLaw Centre, Dr Amanda Kennedy, said that the quality and expertise of the conference attendees made for an extremely productive event.

"The speakers and contributors at the conference were very international, and included representatives from government and non-governmental organisations, as well as a range of leading experts and academics from BFSU, UNE and elsewhere", Dr Kennedy said. "Amongst the topics discussed in depth were food consumption, equitable distribution and supply, food safety, the environmental factors of feeding populations, and the challenges that exist in maintaining efficient food systems. The risks of modern-day technologies and how they might be governed was also addressed, as were the human rights of global food governance."

"Obviously these are some of the major questions of our times, and discussing them in the backyard of the world's largest consumer, China, made the conversation all the more relevant."

"The world population is increasing at such a rapid rate that we need to reassess everything we know about food production and consumption." "The participants of the conference examined these challenges and the different possibilities for legal reform, with the ultimate goal of creating a world food system that is more efficient in meeting people's needs, does less harm to the earth, and is far more fair than present systems."



Professor Michael Stuckey (Head of School, School of Law, UNE), Ms Gabrielle Rolan (Acting Pro-Vice Chancellor External Relations), Professor Meng Wan (Dean, Beijing Foreign Studies University School of Law), Professor Guohua Yan (Vice President, Beijing Foreign Studies University), Mr Justin Hayhurst (Deputy Head of Mission, Australian Embassy), Dr Amanda Kennedy, Professor Mark Perry, Dr Jacqueline Williams, Mrs Jackie Su.

The conference was opened by Head of UNE School of Law, Professor Michael Stuckey, and the Dean of BFSU, Professor Meng Wan. A welcoming address was made by the Deputy Head of Mission at the Australian Embassy in China, Mr Justin Hayhurst, who discussed the importance of the relationship between China and Australia into the future.

UNE and BFSU have signed a Memorandum of Understanding, and this conference paves the way for a broader relationship of academic partnership.

The conference organisers are now working towards the publication of a book based on the papers presented by participants.

More information on the specific areas of discussion, as well as photographs from the event can be found at the website of the *Governance Challenges of Food Systems Conference*:  
[www.foodsystemsgovernance.com](http://www.foodsystemsgovernance.com)



## From Mongolia to Shanghai

In September the School of Law, UNE's AgLaw Centre, along with UNE's School of Environmental and Rural Sciences, co-hosted a conference in Ulaanbaatar, Mongolia, with local partners, the Law School at the National University of Mongolia and the Mongolian University of Life Sciences. Entitled 'Education and Research Opportunities in Environmental Science, Law and Policy'; the speakers

from UNE were, Professor Paul Martin (Law, AgLaw), Professor Iain Young (ERS), Dr Amanda Kennedy (Law, AgLaw) and Professor Michael Stuckey (Law), who addressed an audience of more than 50 interested academics, students and stakeholders from business and government. Earlier, Professors Stuckey and Young were able to publicise the event on live local television (translated into Mongolian).



*Here is a photo of Professor Michael Stuckey and Professor Iain Young from Environmental and Rural Science being interviewed on Mongolian TV.*

### The 4th Sino-Australian Law Deans' Conference hosted by Zhejiang University 28-29 September 2014



Professor Stuckey, while in Ulaanbaatar, was also honoured to meet with Mr Batzandan Jalbasuren (Member of the State Great Hural) to discuss educational possibilities for Mongolian state legislators in the area of environmental law and governance.

From Mongolia, Law colleagues proceeded to other engagements in China. Dr Kennedy presented papers at Shanghai University Law

School and at the Faculty of Law at the Shanghai University of Finance and Economics. Professor Stuckey concluded an MOU and Staff and Student Exchange Agreement with the Law School at Beijing Foreign Studies University, before travelling on to Hangzhou where he spoke at the 4th Sino-Australian Law Deans' Conference hosted by the Guanghua Law School at Zhejiang University.

## ARC Centre of Excellence for Creative Industries and Innovation

Professor Mark Perry was part of the meeting for the ARC Centre of Excellence for Creative Industries and Innovation at ACU in Sydney. There was much lively discussion around intellectual property rights, ranging through liability for authorisation, ownership and inequality, developments in Indonesia, IP in Palestine, Open Data, Open Access in Nigeria, ISP Liability and Crown Copyright. From the left, John Gilchrist, Christoph Antons, Mark Perry, Vera Lipton, Jo Gray, Brian Fitzgerald, Rawan Alo-Tamimi, Ben Atkinson, Kylie Pappalardo and Kunle Ola.

## ARC Linkage Infrastructure, Equipment and Facilities Grant

Professor Mark Lunney and Professor Michael Stuckey are part of a team that has been awarded an Australian Research Council Linkage Infrastructure, Equipment and Facilities Grant of \$410,000 for 'The Australasian legal history libraries stage II'.

Australia's leading legal historians will partner with the Australasian Legal Information Institute (AustLII) to create a massive expansion of free online access to Australasian legal history through digitisation and data aggregation.

The Legal History Libraries on AustLII will become a comprehensive trans-Tasman collection from 1788-1999, including all reported case series and those from colonial newspaper reports, and all Acts enacted, plus key collections of historical Bills, Gazettes, legal commentaries, and Parliamentary reports.

The Libraries are expected to double in size from their current 50,000 items of cases and legislation. The Libraries will enable previously impractical access, comparative research, and international collaborations.

## LS 480 – Mod III Advocacy (Moots)

The late **Bryan Pape** was instrumental in introducing mooting as Module III in *LS 480 - Advanced Legal Research, Legal Writing, and Advocacy*. This is a compulsory unit in the UNE law degree.

Unlike most other universities, every UNE law graduate in the last 16 years has had to appear as an advocate in a moot.

Moots take place twice a year, in Trimesters One and Two.

The Moot Court sittings stretch over two weeks and two weekends. The sittings take place over the last two weeks of the teaching period.

The moots involve between 100 – 130 students. In these last sittings, there were 37 moots. The School of Law appoints one of the administrative staff to act as the Moot Court Registrar, leading up to and during the sittings, this too reflects the reality of court sittings as closely as possible.

The Moot Court sitting times are from 9.00 am to 6.00 pm. Each complete moot has four students and takes about two hours. Sometimes, students have to appear with no opponent or solo. The court accommodates this.

In 2005, the School of Law renovated one of its lecture theatres. The result was the purpose-built Sir Frank Kitto Moot Court Room and is where students moot on campus.

The Armidale sittings of the Moot Court take place on campus in Sir Frank Kitto Moot Court Room and are only on weekdays. The Armidale venue also accommodates video-conference facilities for student appearances from Australia-wide and from overseas. Many students use the Parramatta campus to video-conference into Armidale at no personal expense.

On the weekends of the sittings the Moot Court goes 'on circuit'.

On the first weekend, the Moot Court sits in the Federal Court of Australia, Queens Square, Sydney. These sittings are usually all Saturday and Sunday.

On the second weekend, the Moot Court usually sits in the FCA, Sydney on Saturday. On Sunday it sits in the FCA, Melbourne.

Although sometimes traumatic, many students comment that mooting is the highlight of their legal studies. 'Mooting brings together everything that I've learnt over these last three or four years' (or words to that effect) is a common student observation after mooting.



Mr Paul Akon - LS480 unit coordinator

## Dr Ottavio Quirico

Dr Quirico recently spent some time in Italy at the European University Institute in Florence where he worked on research in International Law and European Union (EU) Law.

He also delivered lectures on EU Law at the Centre for European Studies at ANU in Canberra within a Course on EU Law: 'Regionalism Integration in a Comparative Perspective'. The first lecture was on The EU as a Normative System in light of the Accession to the ECHR and the second on The EU as a Sustainable System? International Implications.



## Mr Cameron Moore

Cameron took some time out from a recent overseas trip to meet up with Ottavio Quirico. This photo was taken at the European Union Institute in Florence. During this trip Cameron had meetings to discuss research collaboration with the Centre for the Democratic Control of Armed Forces and the Legal Division of the International Committee of the Red Cross, both in Geneva, Switzerland.



## Adjunct Professor Harry Geddes

Adjunct Professor Geddes attended the 'Public Law in the Age of Statutes: A Conference in Honour of Emeritus Professor Pearce'. The conference, was held on the 24<sup>th</sup> October at the National Library in Canberra, was part of the ANU College of Law's annual Public Law Weekend series. The conference was attended by several federal, state and territory judges and tribunal members, as well as counsel, solicitors and academics. Harry chaired one of the sessions, in which the speakers were Professor Margaret Allars SC of the University of Sydney and Professor John McMillan, the Australian Information Commissioner.

After the conference, the 8<sup>th</sup> edition of Pearce and Geddes, *Statutory Interpretation in Australia* was launched by the Honourable Chief Justice Robert French of the High Court of Australia, at University House, Australian National University, Canberra.

## Dr Jonathan Liljeblad

Jonathan has been actively engaged in field work and conference presentations on a range of issues related to his research.

During 2014, Dr Liljeblad had a book published on endangered species trade, and also had 4 articles accepted for publication in scholarly journals on indigenous rights and dissident art.

Jonathan has conducted fieldwork in Los Angeles to study performance artists engaged in human rights issues and Burma (Myanmar) to study civil society activists attending the ASEAN People's Forum.

Jonathan has also presented papers at the Governance Challenges of Food Systems conference in Beijing on the topic of human rights and global food governance and the Law & Society Annual Meeting in Minneapolis on the topic of legal responses to indigenous tourism issues. Jonathan is currently continuing several research projects dealing with the transnational propagation of legal norms, including subjects as international law and national parks, human rights in the performing arts, and non-governmental organisations in the Association of Southeast Asian Nations. He will be a Fulbright Scholar to Burma in the early part of 2015.



## Moodle Moot Conference - Cairns

**Vicki Vivers**, Administrative Officer, and **Lyn Gollan**, Administrative Assistant, escaped the chilly Armidale winter and attended a three day MoodleMoot Conference in sunny Cairns, 30<sup>th</sup> June — 2<sup>nd</sup> July. The focus of the conference was on the sharing and exchange of knowledge with others in the Moodle community. Various master classes, presentations and practical demonstrations were offered across a wide variety of topics. In addition to the valuable learning opportunities Vicki and Lyn were able to avail themselves of, they were also at the conference to support **Bronwen Leroy** and **Lisa King** in their presentation of a redeveloped, scaffolded method of teaching Industrial Law using Moodle tools and other functionality.

## Professor Mark Lunney

Professor Lunney was invited to give a seminar to the Francis Forbes Society for Australian Legal History on Wednesday 22nd October at the NSW Bar Association in Sydney. The title was 'Historiography and the History of Australian Private Law: The Untold Story' and the abstract was as follows: "The history of private law in Australia, between 1901-1945, particularly the law of obligations, has largely been seen as devoid of creativity. This is because the conventional view of this area of law is that Australian courts merely copied and applied English authority. This paper suggests that the conventional view may need to be reconsidered. Drawing on the work of a number of historians, the paper suggests that contemporaries did not view the choices as either an independent Australian tort law or subservience to English law.

Rather, these members of the profession saw themselves as independent Australian Britons contributing to the development of the common law of the Empire.

Viewed in this light, the contributions of Australian courts and lawyers during the first half of the twentieth century may be more significant than previously thought."

The seminar was well attended and included the Chief Justice of the Federal Court of Australia, James Allsop, current NSW Supreme Court judge Geoff Lindsay, retired NSW Court of Appeal judge John Bryson, and retired NSW Supreme Court judge John Hamilton. Thanks are due to Professor Shaunnagh Dorsett from the UTS Faculty of Law for arranging the seminar.



*Professor Mark Lunney with students at Shanghai University of Finance and Economics School of Law after his lecture there on the 6th November 2014.*

Professor Lunney also spent some time in Shanghai in early November delivering lectures at Shanghai University of Finance and Economics School of Law. Professor Lunney also presented lectures at Fudan University Law School and East India University of Political Science and Law.

## Special Studies Program Leave (SSP) Dr Same Varayudej

**Dr Same Varayudej commenced SSP Leave in December 2014 and will return 31<sup>st</sup> May 2015. An abstract of Same's SSP follows:**

"The principal aim of my program of study is to write an article on constitutionalism and the judicialisation of politics in Thailand for publication in a top law journal. Since its adoption of constitutional monarchy in 1932, Thailand's parliamentary democracy has been regularly interrupted by major political crises. There have been 18 military coups, followed by the promulgation of new and/or revised 18 constitutions. The vicious cycle of coups has entailed a persistent alternation between authoritarian and democratic regimes which has undermined Thailand's constitutionalism and Rule of Law.

The turbulent history of Thailand's constitutionalism suggests that there

is a need for major constitutional reform – one where the Constitution is reviewed to ensure adherence to the Rule of Law and democracy. This article will focus on critical analysis of the concept of contemporary constitutionalism and its relationship with the concept of judicialisation of politics the process by which judges encroach upon the powers of the executive and the legislative branches of government through the decisions they make in the course of constitutional adjudication. The article will address the risks of judicialisation of politics in Thailand that that could have a negative impact on the Thai Constitutional Court's judiciary neutrality, integrity and independence and undermine public respect for the Constitutional Court and the Rule of Law. This is one of the key issues that requires urgent constitutional reform in order to avoid a cyclical return to an authoritarian regime once every four and a half years as was the case in the past.

The second aim of my SSP is to organise a one-day conference on the issues arising from Thailand's constitutional reform and democratic developments to be held at Thammasat University (TU). I have already expressed my interest to the Dean, Associate Professor Narong Jaihar, at TU Faculty of Law that I would like to collaborate with him and his faculty members in organising a conference in March/April 2015 on the issues concerning Thailand's constitutional reform and democratic developments. I will also present a paper in the conference on 'Challenges and Prospects for Constitutionalism, the Rule of Law and Democracy in Thailand' to be held at the TU Faculty of Law, approximately in March or April 2015".



## Dr Eric Ghosh

Dr Eric Ghosh presented a paper titled *'Judicial reference to consensual community values - Pointing towards constitutional juries?'* at the 1st International Congress on Constitutional Law and Political Philosophy, Federal University of Minas Gerais, Belo Horizonte, 4–7 November 2014. The theme of the conference was 'New democratic approaches to constitutionalism' which, the conference organiser mentioned, was inspired by a workshop Eric organised last year at an international legal philosophy conference. Eric has been invited this year, along with other constitutional scholars including Richard Bellamy (UCL), Stephen Gardbaum (UCLA) and Mark Tushnet (Harvard), to provide keynote addresses.



*Marcelo Kokke, Marcelo Marciel Ramos, Dr Eric Ghosh and Livi Miraglia..*

## Associate Professor Lillian Corbin

Associate Professor Lillian Corbin recently visited Nankai University in Tianjin, China. Whilst there she participated in a Symposium – 'The Latest Legislative Developments of International Business Law' – in which she presented a paper titled 'Public Policy and the Public Policy Exception: A matter of balance'.

Lillian also visited a Jilin University where she spoke to a class of Masters students about the Regulation of Lawyers in Australia.



*Associate Professor Lillian Corbin with other conference delegates.*



*Associate Professor Lillian Corbin addressing a class at a Jilin University.*



*Professor Zuo and another Professor from the Tianjin Law School showing the gifts presented to them by Associate Professor Lillian Corbin.*

## A Visit to India

In October, Professor Michael Stuckey, Professor Mark Perry and Dr Amanda Kennedy visited India to explore partnerships with university law institutions. They visited OP Jindal University in Sonapat, where Dr Kennedy spoke to students about environmental justice and land use conflict.

Professor Mark Perry held a workshop with staff on intellectual property law.

Following this, the UNE team visited the Indian Institute of Technology (IIT) in Kharagpur, where they discussed potential collaborations with their School of Law.



*Dr Amanda Kennedy addressing group of students at OP Jindal University.*



*Professor Mark Perry, Professor Michael Stuckey, Dr Amanda Kennedy and Professor Mark Perry and Indian colleagues*



# The Australian Centre for Agriculture and Law (AgLaw)

## International collaboration on community-led natural resource governance

During May and June there were exciting developments in the collaboration with 3 major US universities around issues of community action in natural resource governance, which are being led by the Australian Centre for Agriculture and Law. UNE and Penn State University signed a memorandum of understanding to continue to advance their strong collaborations within the ARC Funded project on 'Next Generation Landscape Governance' and the Invasive Animals CRC funded projects on 'Facilitating Effective Community Action'. This MOU will be the basis for extending that already effective collaboration.

Representative of that work, UNE and Penn State have formed further collaborations with Sam Houston University and Cornell University, to advance research on the human and institutional dimensions of natural resource management, with a particular emphasis on reforms that will better motivate and enable citizens to take action on the control of invasive species like wild dogs, rabbits, cats and pigs. Included in this research is work on reforming legal and institutional arrangements to remove impediments and strengthen supports for effective action.

As part of this work, a team of US specialists spent time with UNE and other colleagues, investigating how significant improvements might be made to motivational and support arrangements and associated institutions. UNE and PSU are jointly leading a major project to bring a deeper human science perspective into invasive animals management.

This project is funded by the Invasive Animals CRC and involves many Australian collaborators including

QMDC, NSW DPI, Qld DAFF, and the Tasmanian DPIWWE. Penn State has brought together a strong international team to investigate the human issues and to create a 'toolkit' of support and training materials for Australian researchers and practitioners. This is illustrative of the UNE/PSU collaborations that is now producing significant results.



*Penn State rural engagement specialists, Bill Shuffstall and Walt Whitmer (second and fourth from the left), with Professors Paul Curtis (Cornell University) and Michael Fortunato (Sam Houston University) were discussing human dimensions of natural resource management with Harley West from QMDC, at Stanthorpe.*

## European Commission Institute for Environment and Sustainability

Dr Williams attended the EC Institute for Environment and Sustainability 16–28 June Ispra, Italy to hold discussions on collaborative research on the EC Common Agricultural Policy (CAP) and Good Agricultural & Environmental Condition examples and the feasibility of a single farm payment support for Australian farmers for sustainable food and fibre production and ecosystem service delivery.

### EC 'Land as a Resource' Conference

Dr Williams was also invited to attend the EC 'Land as a Resource' Conference 17–19 June 2014 in Brussels. This was a high level discussion as a preliminary to a new EC communication and directive on 'Land as a Resource'. More details on the conference and the speakers (with presentations and speeches) can be found here:

[http://ec.europa.eu/environment/land\\_use/conference\\_en.htm](http://ec.europa.eu/environment/land_use/conference_en.htm)

Interestingly, special mention was made of Australia as an example of the dire consequences that can happen without farmer support.



## The 12th Annual Colloquium of the IUCN Academy of Environmental Law

Several members of the AgLaw team attended the 12<sup>th</sup> Annual Colloquium of the IUCN Academy of Environmental Law 'Energy for a Fair Society in a Safe Planet' 30 June—5 July in Tarragon, Spain.

## Peri-urban 14: International Conference on Peri-urban Landscapes

Professor Paul Martin and Dr Jacqueline Williams held a workshop on 'What sort of research program will be needed to support improvement in the management of peri-urban regions' UWS Campus, Parramatta 8—10 July. The aim of the workshop was to 'sketch out' a research program that will best meet the needs of peri-urban communities and local governments, which could be the basis for a strong collaboration between communities, local government and research organisations. This workshop was built on the foundations of earlier peri-urban research undertaken by the AgLaw Centre in Western Sydney with the CRC for Irrigation Futures.

## Visiting the centre

During May, Peter Noble, an Adjunct Associate Professor with the School, paid a visit to the School of Law. Peter has just left the role of Director of Governance for TAL (a major insurer, subsidiary of Dai-ichi of Japan) but will continue to work with them on issues of sustainability. He is on the Executive of the UN SII 'Sustainable Insurance Initiative'. He is also co-owner of one of Australia's major meat processing business, and on the Board of the Australian Meat Processors Council. Previously he has been Partner and Managing Partner for a couple of major law firms.

**AgLaw is working on issues of partnered environmental governance between the SII and the insurance industry.**

## Dr Elodie LeGal

Elodie presented a paper 'Using social science perspectives on risk to implement environmental justice analysis – Is this the right way forward to mitigate the social risks of low carbon technologies and help policy-makers achieve renewable energy worldwide?' This paper has been submitted for publication. Elodie also presented a paper 'Incorporating behavioural sciences into legal scholarship to improve national water governance systems' at the online Interdisciplinary Water Congress, organised by the Universidade de Vigo in Spain (2—6 June 2014) (paper accepted for publication).

## Dr Jacqueline Williams and Dr Amanda Kennedy

Amanda Kennedy and Jacqueline Williams presented their paper on 'Good governance for sustainable energy development: An Australian case study'.

Their paper explored the nature of the current mining versus agriculture land use conflict in the Namoi region examining relevant State and Federal regulatory frameworks and identifying how the law has behaved as an actor in this conflict and investigating applicable institutional arrangements that continue to influence the dispute. Through analysis of Namoi stakeholders' interview data, institutional analysis, case law and other development documents, the case study uncovered a range of social and environmental justice issues associated with the development of energy. Their paper concluded with the consideration of what is meant by the notion of 'good governance' in the context of sustainable energy development for a fair society in a safe planet emphasising the importance of procedural fairness, recognition, democratic participation, transparency and accountability in environmental governance.

## Dr Jacqueline Williams

Dr Williams attended the Global Network Human Rights and the Environment Symposium 'Reimagining 'humanity' in the nexus between human rights and the environment' 30 June—1 July 2014 Tarragona.

Jacqueline William, Johnnie Aseron (Ooral Centre) and Professor Neyooxet Greymorning (University of Montana) as part of the collaborative research activities presented their paper on 'Decolonising Environmental Law'.

In this context, they asked, - What is law and whose laws are we referring to? Environmental law (in contrast to the above and as a relatively new, innovative Anglo-centric instrument) has, even if unintentionally, created a means to legitimise unsustainable and inequitable development, the antithesis of its genesis. Will philosophical reinvestigation and decolonising environmental law (activism and praxis) lead to the protection of the earth as well as a better understanding for human rights? What role does self-determination play? Should we expect environmental law to succeed in such a contextual environment, one that has been predicated on dominant paradigmatic structure, inequality and the denial of pre-existent cultures and relationships to nature? Experiences of First Nations Peoples, as in the case of land rights and treaties, as well as those of Agrarian Communities, as experienced through current practices for integrated catchment management and regional natural resource management, further highlighted this recurrent paradigm.



## International Symposia on Society and Resource Management (ISSRM): 'Challenges of Rural and Urban Transformation'

**Dr Williams**, Johnnie Aseron (Oorala Centre) and Professor Neyooxet Greymorning (University of Montana) as part of the collaborative research activities, held a multi-disciplinary interactive workshop with participants from many countries and many disciplinary backgrounds on 'Innovative Collaboration, Inclusive Practices Governance and Recognising Cultural Capital: Sharing North American and Australian Experiences in Handover 9<sup>th</sup> —13<sup>th</sup> June 2014'. This interactive and entertaining workshop explored ideas that define NRM ecological, economic and social

impacts to First Nations Peoples and Agrarian Communities, sharing Australian and North American experiences. The workshop also investigated through cultural perspectives, ideas of governance and governance structures, what it means to work collaboratively and definitions of and for Inclusive Practices. Following the workshop they presented their paper as part of the ISSRM conference proceedings on 'Transparent stakeholder-ship: lessons for collaborative governance from First Nation Peoples and rural communities in Australia and North America'. This paper explored

current collaborative governance regimes of rural communities and First Nation Peoples of Australia and North America through applied research undertaken on cultural safety methodologies; inclusive practices, regional natural resource management evaluations (2006 and 2012) and comparative case studies. After exposing inherent patterns present in current policy environments, they identified key attributes and principles required, as well as future research needed, for what may constitute a more comprehensive and genuine collaborative governance model.

## Andrew Lawson - PhD Student

Report from the 18<sup>th</sup> IFOAM Organic World Congress Istanbul, Turkey, October 2014.

Andrew, together with around 1,000 delegates from 81 countries attended the 18<sup>th</sup> Organic World Congress organised by the International Federation of Organic Agriculture Movements (IFOAM). Farmers, agronomists, traders, certifiers, researchers, thinkers, and activists participated in nearly 100 conference sessions and workshops. The host city was Istanbul, home to more than 14 million people, capital of ancient empires, and trend-setter for a country experiencing all the excitements and shortcomings of rapid development.

Andrew participated as a panellist on the 'Institution Building' session on Day 2 as well as addressing specifically the following lead questions.

- What are the strategic and communication implications for the Organic Movement given the existence of other initiatives?



*Some Congress participants – left to right: Vitoon Panyakul (Green Net, Thailand; alumni of UNE), Andrew Lawson (UNE), Liz Clay (Organic Trust Australia), Gerald Herrmann (Organic Services, Germany; former IFOAM president), Ann-Helen Meyer von Bremen (Uttryck, Sweden), and Gunnar Rundgren (Grolink, Sweden; former IFOAM president).*

- What are the main sustainability initiatives and how are they characterized?

Andrew introduced his responses by contrasting his perspective with the perspectives of the other panellists.

## Tanya Howard (PhD student)

Tanya presented a paper titled 'Giving the community a blank cheque: case studies of community engagement in natural resource governance'.

Tanya's paper was presenting early results from case studies of environmental governance mechanisms under the NSW Planning Act, and the Draft Wind Farm guidelines. European experiences of conflict and planning for renewable energy in much more crowded landscapes, raised questions about what kind of land uses Australian rural communities expect, and find acceptable.

During the conference Tanya also attended a field excursion to a 'green' housing development that showcased design and technology files that could reduce the ecological footprint while providing a very liveable community. The determination of European communities to face the challenges of climate change and resource scarcity is inspiring, and provides a great example to countries such as Australia.

Tanya commented that presenting at an international conference is a great opportunity to get feedback, and found the comments and questions from the audience very thought provoking. ISSRM showcases a broad range of disciplines, with lots of interesting perspectives about environmental governance and policy that help put our Australian experiences into a broader context.

## Cotton Research and Development Corporation s (CRDC) post-graduate industry tour

Tanya visited Narrabri in May 2014 to take part in the Cotton Research and Development Corporation's (CRDC) post-graduate industry tour. Along with other students from all over Australia, Tanya visited a family owned cotton farm, a large corporate cotton farm, saw a cotton gin and classing operation in action, and heard from cotton seed distributors, growers, agricultural suppliers and scientific researchers about the successes and challenges of the cotton industry.

The tour provided a first-hand experience of the cotton industry and gave students a chance to ask questions from people involved at almost every stage of the cotton production cycle.

The cotton industry invests heavily in research and development, and is proud of its reputation as early adopters of new technology and seed and pesticide improvements. Of interest to the AgLaw Centre, is the way that cotton farmers interact with the regulatory framework and the adoption of the industry standard, My BMP (best management practice). Changing climactic conditions and competition for resources such as water are some of the factors that will characterise the future of R&D in cotton growing areas.



*Cotton Research and Development Corporation postgraduate students on tour in Narrabri.*

July 2014 Tanya was invited to participate in an international workshop run by the philanthropic research centre the Kettering Foundation. Based in Dayton, Ohio, the Kettering Foundation organises research exchanges that connect grass roots practitioners with researchers and policy makers to promote deliberative techniques for communicating about complex issues. The foundation's research question is 'What does it take to make democracy work as it should?' Tanya's research focus on improving community engagement in natural resource governance was enhanced by workshop sessions that brought together participants from A (Angola) through to Z (Zambia) to reflect on local and global drivers for democratic change.

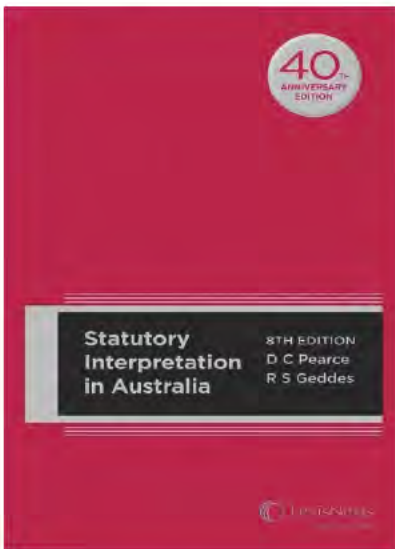


*Workshop participants at the Kettering Foundation's 'Doing Democracy Better' research exchange 2014.*

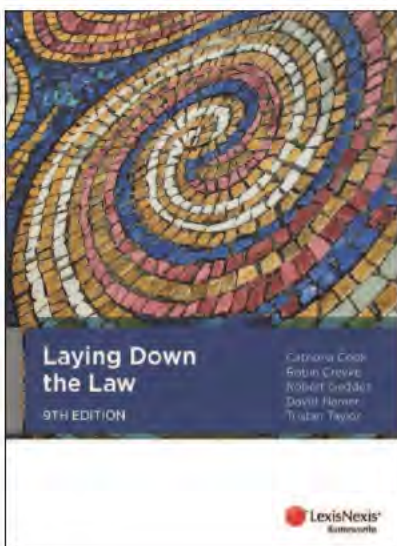
# School of Law Research Outputs

## Books

Dennis C Pearce and **Robert S Geddes** 2014, 'Statutory Interpretation in Australia' (*LexisNexis Butterworths 8<sup>th</sup> ed.*). ISBN: 9780409336955

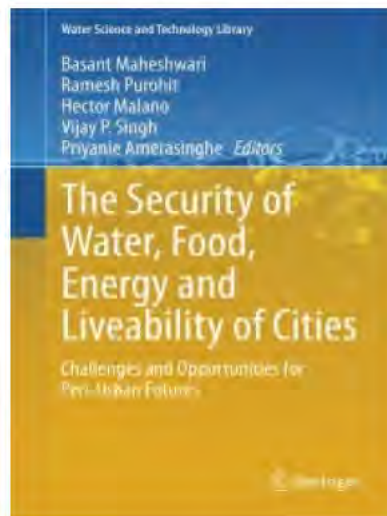


Catriona Cook, Robin Creyke, **Robert S Geddes**, David Hamer, **Tristan Taylor**, 2014, 9<sup>th</sup> Edition *Laying Down the Law*, one of Australia's leading introductory legal textbooks, has just been published. Among its 5 co-authors are Adjunct Professor Harry Geddes and Dr Tristan Taylor of the UNE School of Law. ISBN 9780409336221

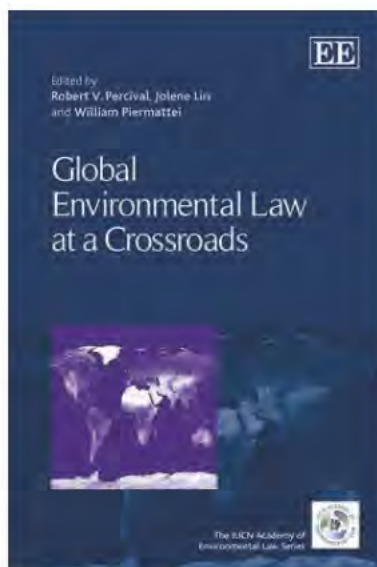


## Book Chapters

**Jacqueline Williams and Paul Martin** 2014, 'Developing Law and Governance Strategies for Peri-urban Sustainability in Urbanisation of Peri-urban Regions: Challenges and Opportunities for Security of Water', *Food and Liveability of Future Cities Springer Science Netherlands*. ISBN: 9789401788786



**Jacqueline Williams, Amanda Kennedy** and Donna Craig 2014, 'Lost in Translation: threatened species law in Australia' in *Global Environmental Law at a Crossroads* (Edward Elgar, Cheltenham).



Johnnie Aseron, **Jacqueline Williams** and Neyooxet Greymorning 2014, 'Inclusive Practices, Innovative Collaboration Governance and Recognising Cultural Capital: Environmental Law through a Cultural Lens' 11<sup>th</sup> Colloquium Proceedings of the IUCN Environmental Law Academy (Edward Elgar, Cheltenham).

## Book Chapter submitted

**Cameron Moore** submitted 2014, 'Use of Force in Maritime Regulation and Enforcement' in the *International Research Handbook on Maritime Regulation and Enforcement* (Routledge, UK).

## Book Review

**Cameron Moore**, 'The Causes of War: Volume I: 3000 BCE to 1000 CE' by Alexander Gillespie, *New Zealand Year Book of International Law*.

## Journal articles

Marty Branagan, **Jacqueline Williams** and **Amanda Kennedy** 2014, 'Editorial: Mining in a Sustainable World', *International Journal of Rural Law and Policy* Issue 1.

**Paul Martin** and **Jacqueline Williams**, 'Science Hubris and insufficient safeguards' *Environmental and Planning Law Journal* (Vol. 31 Pt 4 July 2014).

## Journal articles

**Saurabh Jain** 'Conduit companies, beneficial ownership, and the test of substantive business activity in claims for relief under double tax treaties' has been published in the special 10th anniversary issue of the *eJournal of Taxation*. Although the issue was published on the 12 June 2014, it has been back dated to December 2013.

**Michael Stuckey**, "Francis Palgrave and the Celtic and Anglo-Saxon racial distribution in Britain: Nineteenth Century Thought and (recent) DNA evidence and its significance", *Australian Celtic Journal*, 12 (2014) 115-125.

**Jacqueline Williams**, 'Governance Challenges of Food Systems: An Australian perspective' *Australian Environment Review* August 2014 edition.

## Further Conference and Seminar presentations and/ or attendances

**Associate Professor Greg Carne** attended the *Australian and New Zealand Society of International Law Annual Conference*, 3—5 July 2014, Australian National University Canberra.

**Adam Edwards**, attended the *State Legal Conference* in Sydney, 29 August 2014.

**Eric Ghosh** 2014, 'An alternative interpretation of liberty as non-domination' at the Australian Society of Legal Philosophy conference in Perth in 27—29 June 2014. This is part of a larger project on the republican revival in democratic and constitutional theory.

**Amanda Kennedy and Jacqueline Williams**, 2014, 'Good Governance for Sustainable Energy Development: An Australian Case Study' IUCN Academy of Environmental Law Colloquium Tarragona Spain, 2—4 July 2014.

**Amanda Kennedy and Jacqueline Williams**, 'Land Use Conflict and Food Systems Governance: An Australian Case Study', An International Conference on Food Security, Sustainability and the Law, Beijing Foreign Studies University 24 May 2014.

**Jonathan Liljeblad** attended the *ASEAN People's Forum*, 21—23 March 2014, Yangon, Myanmar.

**Jonathan Liljeblad** attended *Governance Challenges of Food Systems*, 14 May 2014. Beijing, China.

**Jonathan Liljeblad** attended *Law & Society Association Annual Meeting*, 29 May—1 June 2014 Seattle, Washington.

**Cameron Moore**, 'Martial Law in Northern Australia, New Guinea and Papua 1942 – 1946', Regional Australia at War Conference, UNE, August 2014.

**Cameron Moore**, 'Human Rights in the ADF' Human Rights in the Asia Pacific Security Sector Conference, Bangkok, September.

**Cameron Moore**, 'The External Affairs Prerogative and the Australian Occupation of German New Guinea: 1914—1921', Australia and New Zealand Law and History Society Conference, Coffs Harbour, December 2014.

**Cameron Moore**, 2014, 'The Maritime Powers Act 2013 (Cth): Broader Issues', Navy Legal Conference, Sydney.

**Cameron Moore**, 2014, 'External Security Operations' and 'Countering Terrorist Threats from the Air and Sea' - Guest Lectures, University of Adelaide Military Operations Law course.

**Cameron Moore**, 'The ADF and External Security', Presentation to the South Australian ADF Reserve Legal Panel.

**Cameron Moore**, 'Australia's Interventions in Somalia, East Timor and the Gulf: An Exercise in Unlimited Power?' UNE School of Humanities Research Seminar.

**Cameron Moore**, 'The Maritime Powers Act 2013 (Cth): Broader Issues', University of Wollongong Maritime Powers Act Symposium, Canberra.

**Cameron Moore**, 'Maritime Law Enforcement', Australian High Commission, Colombo, Sri Lanka.

**Tristan Taylor**, Conference of 'Contributors to the Oxford Handbook of Roman Law and Society', June 2014, Edinburgh, UK.

**Jacqueline Williams**, 'Natural Resource Governance in Australia' 16 June 2014 Institute of Environment and Sustainability Joint Research Centre of European Commission Ispra, Italy.

**Jacqueline Williams**, 'Soils Governance in Australia' 17 June 2014 Institute of Environment and Sustainability Joint Research Centre of European Commission Ispra, Italy.

**Jacqueline Williams**, Johnnie Aseron and Professor Neyooxet Greymorning, 'Highlighting North American and Australian Experiences: looking toward collaborative efforts' International 20th Symposium for Society and Resource Management Hannover Germany 8—14 June 2014.

**Jacqueline Williams**, Johnnie Aseron and Professor Neyooxet Greymorning, 2014, 'Innovative Collaboration, Inclusive Practices, Governance and Recognising Cultural Capital: Sharing North American and Australian Experiences: Workshop' International 20th Symposium for Society and Resource Management Hannover Germany 8—14 June 2014.

Jacqueline Williams, Johnnie Aseron and Professor Neyooxet Greymorning, 'Decolonising Environmental Law Global Network Human Resources and the Environment' Symposium Tarragona Spain, 30 June—1 July 2014.

**Dr Siva Barathi (Sharllene) Marimutha** attended the *Civil Justice Research and Teaching Workshop* held at the University of Tasmania Staff Club in Hobart, Tasmania, 17—18 February 2014.

**Dr Siva Barathi (Sharllene) Marimutha** attended the *Asian Law Institute (ASLI) Conference* held University Malaya, Kuala Lumpur, Malaysia, 29—30 May 2014.

**Cameron Moore** attended the *ADF and External Security Conference* Faculty of Law, University of Melbourne, October 2014.

**Jennifer Greaney** attended the *World Indigenous Legal Conference*, Brisbane, 24—26 June 2014.

**Lyn Gollan** attended the *WorkSmart Office Professionals Conference* at the Gold Coast, 21—22 August 2014.

**Kylie Lingard** (PhD student with AgLaw Centre) attended the *Indigenous Studies Program*, Columbia University the New York, USA, 27—29 May 2014.

**Ben Livings** attended the *ALTA Conference* at Bond University 11—12 July 2014.

**Carmel Velleley**, Academic Manager attended the *TEMC Conference* in Cairns 31 August—3 September 2014.

**Kip Werren** and **Professor Mark Perry** attended the *Armidale Regional Outlook Conference (ABARES Conference)*, 15 October 2014, UNE, Armidale.

**Lisa King** will be presenting: 'Developing an Online Learning Community in Industrial Law' at the 31st *ASCILITE Conference* in Dunedin, New Zealand, 23—25 November 2014.

**Belinda Eastgate** and **Carmel Velleley** attended the *COALA Conference* at Murdoch University, Perth, 27—31 October 2014.

## In progress

**Cameron Moore**, has submitted his PhD Thesis *The Australian Defence Force and the Executive Power: Limiting the Indefinable?*, ANU 2014.

**Cameron Moore**, book chapter entitled 'Self Determination' in *Climate Change and Human Rights*, Routledge, UK.

**Cameron Moore**, Revised edition of the *ADF Manual Australia's Maritime Jurisdiction*.

## Voiceless Australia—New Zealand Interschool Moot on Animal Law (ANIMAL)

This is what the organisers thought of UNE students **Yasmin Schaedler** and **John Drake** (shown in photo to the left) -

'The competition was so fabulous very much due to the high quality of competitors like yourself so congratulations!'

It was a moot about Animal Law but the substantive law was Administrative Law, and in particular, the ADJR Act. Very briefly, it was in regard to two main issues relevant to a review in the Federal Court of a licence granted to an exporter of live animals by the secretary of the relevant department. Those two main issues were: standing, and then grounds of review and remedies under the ADJR Act. On the facts, the exporter had a negative history, the secretary may have been too easily satisfied, and the applicant was a group

which had an interest (more than mere intellectual or emotional or so it might be argued). Either side, in different rounds, had to be argued. John was in his final year of law, and Yasmin was more-or-less in first year, but her performance was excellent, a credit to her ability to be able to get up to full speed in such a short time. She was impressive. Yasmin and John have a particular love of animals and their feelings are aligned. It is apparent that the winners, Bond University, had an advantage as they had practised until they were word perfect, including with questions, with their coaches who were apparently also at the moot coaching between each round. At the same time, they were excellent and deserved winners. Bond also has a unit in Animal Law.

Both Yasmin and John believe that UNE should have a stand-alone unit in Animal Law (it is included as a part of Natural Resources Law with Cameron Moore which John has completed). Yasmin said: 'The moot was such a positive experience and I am very grateful for all of the support.'



Mooting and Administrative Law was all new to me but I can safely say I now have a deep appreciation for both. John was such a patient and knowledgeable partner/mentor which made the entire experience even more enjoyable. John helped me tremendously and with more than formal moot coaching, I truly believe we would have had a chance at winning. We made continuous improvement throughout the competition, as we got the hang of it.

## Philip Kowlick

Philip Kowlick's PhD thesis *A critical examination of witness protection in Australia*, was completed in October 2014 after nine years of part time research. It will be available in the Law Library in both hard copy and electronically for anyone who has an interest.

Philip worked full time in a senior management role with the Australian Federal Police but took time out to spend the last three months at UNE finalising his thesis. Philip's supervisors were the late Professor Eilis S Magner, School of Law, Professor John Scott and Dr Jenny Wise, BCSS, Criminology.

### *Crime, Justice, Welfare: Can the Metropole listen?*

Phil attended the British Society of Criminology's annual conference in the United Kingdom: 'Crime, Justice, Welfare: Can the Metropole listen?' which was hosted by the University of Liverpool from the 9<sup>th</sup> to the 12<sup>th</sup> of July.

There he presented a paper based on his PhD thesis which significantly identified the limitations to the study created by the secrecy surrounding witness protection, the alternative model and legislation developed within the thesis and issues to do with the impacts of social media on witness protection.

### *Testing the edges: Challenging Criminology*

He also presented a paper 'Witness Protection: The proper limits of secrecy' at the Australia New Zealand Society of Criminology Conference: Testing the edges: Challenging Criminology, in Sydney from the 1<sup>st</sup> to the 3<sup>rd</sup> of October.

The paper Professor Eilis Magner and Phil submitted to the Conference before Eilis sadly passed away was well received and has generated some interest in the print media, particularly Fairfax, since the Conference.



Philip Kowlick



## Dr Nazrul Islam

Dr Nazrul Islam has completed this PhD thesis "Can A Reflexive Governance Structure deliver IWRM Principles in Bangladesh?"

The objective of this thesis was to find out a 'reflexive solution' to overcome the obstacles in implementing the Integrated Water Resources Management (IWRM) principles in Bangladesh using a multi-disciplinary management approach. The findings of the study would be useful for other countries as well to progress implementation of IWRM principles.

A 'water governance model' was proposed with integration of all necessary elements that affect IWRM. It was examined whether the planning and managing water resources addresses the ecological, economic and community ambitions or IWRM principles. It is difficult to implement IWRM based on the foundation of 'less integrated' and certainly less 'epistemologically reflexively organised' foundations for water resources policy planning and management.

The applied contribution of this research is to provide specific advice on the arrangement of institutional or governance arrangements with the potential to underpin IWRM implementations in countries like Bangladesh.

# Spring Graduation - 24 October 2014

## Doctor of Philosophy

### Dr Wanida Phromlah

*Feasible Reforms for Thailand's Forest Governance System* supervisors Professor Paul Martin, Dr Amanda Kennedy, Dr Jacqueline William, and Dr Miriam Verbeek.

Wanida's research is on forest resource governance in Thailand. It aims to propose feasible reform directions for forest governance in Thailand that will provide greater social and environmental benefits from forestry and help overcome identified forest governance deficiencies. The research is underpinned by an engaged policy research methodology. Such a philosophy equally values the contribution of experts and of stakeholders in helping to define the issues and possible solutions to problems within a system and enables the development of a reform program that is more likely to deal with the full suite of relevant issues. The thesis makes ten feasible recommendations, together with possible implementation actions, to improve Thailand's forest governance system.



*Dr Wanida Phromlah*

### Dr Rohan Price

When Rohan Price graduated with his PhD in the Spring graduation he had much to reflect on. "It was an amazing day", he said. "Members of my family came up from Valery and Hobart to Armidale to see me graduate". Rohan was a property law lecturer in the early days of the UNE School of Law 1999-2004. "It was a case of not only teaching at UNE but being taught by UNE as well and that's quite special" he commented. Rohan met his wife Tameeka at UNE in 2003 and she and other family members, including Rohan's 74 year old mother, Liz, celebrated Rohan's graduation. Rohan's PhD thesis was on the use of property law as a political tool in interwar Hong Kong. He is working on a biography of Hong Kong Land Officer Philip Jacks which will be published next year.



*Ms Tameeka Stewart and Dr Rohan Price*

### **Graduate Diploma in Legal Studies**

Martyne Burke  
Robert James Casey  
Lydia Ann Loy  
Edren Ravino

### **Bachelor of Arts and Bachelor of Laws with Honours**

Alex Leigh Bourne

### **Bachelor of Arts and Bachelor of Laws**

Nadia Therese Daoud  
Kenneth John Diplock  
Rena Jamila Hamdan  
Justine Kimi (P)  
Simon Josiah Mason  
Nynka Stellema  
Matthew James Isaac Woolley  
Virginnia Joy Yow

### **Bachelor of Business and Bachelor of Laws**

Brianna Gallagher  
Richard O'Halloran (P)

### **Bachelor of Criminology and Bachelor of Laws**

Dean Jonathan Bensch  
Ebony Jade Hopmere  
Samantha Manet Lees  
Breanna Rose McLean  
Shannon Maree O'Brien

### **Bachelor of Economics and Bachelor of Laws**

Jabez Andia Tilty

### **Bachelor of Environmental Science and Bachelor of Laws**

Elizabeth Jokantas

### **Bachelor of Financial Administration and Bachelor of Laws**

Elise Fordham  
Maja Popovic (P)

### **Bachelor of Laws with Honours**

Michelle Devenish Meares

### **Bachelor of Laws**

Rachel Ansomaa Agyare-Mandigora  
Alina Theresa Nicole Anderhuber (P)  
Belinda Kim Brogan  
Aaron Brooker  
Morgan Aaron Bryant  
Emma Katherine Buggy  
Ned Cutcher  
Robert Michael Dickerson  
Mary Farah  
Kate Elizabeth Field  
Angela May Flynn  
Stephen Ralph Giddings  
Sandra Lee Gully  
Melanie Ann Hemers  
Chelsea Jenkins  
Lisa Nicole Jones  
Naomi Lee Grant Kauter  
Vu Kim Anh Khong  
Michael Robert Klimek  
Joyce Krishna  
Mary Elizabeth Notzon Larsen Jack Lindgren  
Dean Scott Lyon (P)  
Taras Peter Maksymczuk  
Kimberly Jane Matheson  
Jessica Kate McCarthy (P)  
Melissa Jayne McKeering  
Rizwan Ismail Mohinudeen (P)  
Andrea Louise Nash

Laura Dianne Nightingale (P)  
Dominic Gregory Nunan  
Kingsley Okafor  
Jonathon Paff  
Anthony Richard Prytz  
Issa Rabaya (P)  
Sonja Radovic  
Monica Brigid Rooney  
Harinder Singh Sandhu (P)  
Sonja Elenor Schoenborn (P)  
Michelle Elizabeth Scottford  
Jan Shepley  
Robert William Simpson  
Amberley Isabel Sprague  
Claire Melanie Kate Storage  
Annette Mary West  
Emily Margaret Kate Willmott (P)

### **Juris Doctor**

Samantha Ann Rodriquez  
Aleksandar Stupar

### **Master of Laws**

Gulsun Demirel

### **Master of Sustainability**

Hung Quang Luong  
Julia Kathleen Woiwod

(P) denotes those graduands who were unable to attend the March graduation ceremony.



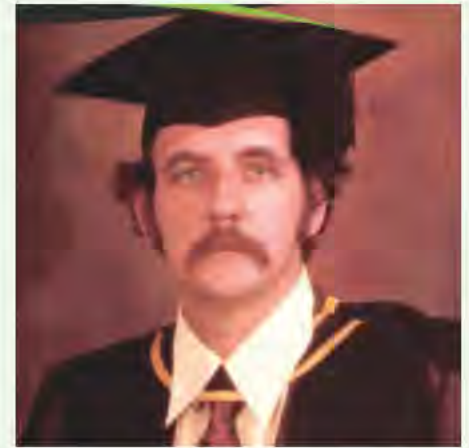
## The Bob Hughes Scholarship Fund

The Bob Hughes Scholarship is established in recognition of the remarkable contribution of the late Bob Hughes to the establishment, in 1993, and subsequent development of the School of Law at the University of New England. He brought the School into existence and played a dominant role in implementing its program. Twenty years later the School now stands as a monument to his enterprise, determination, perceptiveness and courage.

Bob was born in Macksville in 1950. Articled to a solicitor in Macksville, he studied law under the SAB system. A few years after admission as a solicitor he had his own practice and owned offices in Macksville and Nambucca Heads. At the same time he studied for a BA as an external student of the University of New England, with majors in Politics and Philosophy. In 1983, having been awarded a Commonwealth

Scholarship, he sold his practice and became a full-time student. He graduated with first class honours and a University Medal in 1984. He then commenced a PhD in political philosophy and was awarded the degree in 1990. His thesis was greatly admired by his examiners and demonstrated his broad and multi-disciplinary scholarship, his fascination with the philosophical underpinnings of law and social science, and his formidable powers of intellect and analysis.

Bob developed a vision to create a law school at UNE and developed a plan for its establishment and operation. With help from a Visiting Professor, Emil Hayek, Bob designed the LLB degree, wrote most of the units, planned the gradual employment of staff as courses expanded, and established the Law Library. Bob envisioned that someday all law courses at UNE would be studied electronically by students who would have access to a virtual law library.



Bob died in 2008. It is now a matter of history that the Law School at UNE has been a great success.

The Bob Hughes Scholarship Fund is established to assist law students from disadvantaged backgrounds in completing their studies in Law at the University of New England.

**For further information, please contact:**

**Office of Advancement, UNE**

**Phone 02 6773 2870**

**Email: [foundation@une.edu.a](mailto:foundation@une.edu.a)**

## School of Law Facebook Page



The School of Law has recently set up a Facebook page in order to share events and other School of Law information. Please 'like' the School of Law's Facebook page so that we can keep you updated about what is happening at the School of Law.

You will be able to access the page by either:

typing the name of the page '**UNE School of Law**' in the Search box in the upper-right corner of any page on Facebook. From the results page, you will then need to select the 'Page's filter' in the left-side menu to show only 'Page' results. Click the 'Like' button next to the Page name and posts from 'UNE School of Law' will begin appearing on your news feed.

## Calling Law alumni!

**The School of Law is very keen to publish accomplishments of alumni in the newsletter and is inviting submissions**

**Please forward content to Lyn Gollan:**

**[lgollan2@une.edu.au](mailto:lgollan2@une.edu.au)**

**une**  
University of  
New England

**School  
of Law**