ASPIRATIONS & INSPIRATIONS

Law Research Newsletter
February 2017

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Welcome to the latest issue of the Bond Faculty of Law Research Newsletter, now titled ‘Aspirations & Inspirations’ at the suggestion of our new Associate Dean Research, Professor Vai Lo Lo. In this newsletter you can read about the latest publications by academics within the Faculty; some examples of the many ways in which work by our academics is having an impact upon the legal profession, our legal system and the wider community; the latest achievements by our HDR students, our research centres and our research networks; and some upcoming research events and opportunities. You can also read about the insights and experiences of one of our most experienced scholars, the world-renowned, well-respected and widely adored Emeritus Professor Mary Hiscock.

Under Professor Vai Lo Lo's thoughtful leadership as well as that of her immediate predecessors Professors Michael Weir and Rick Bigwood, and supported and facilitated by our hard working Research Development Manager Tonya Roberts, the Faculty’s research efforts and outcomes have continued to slowly but steadily expand and increase. This is despite the significant challenge faced by legal researchers here in the Faculty. We are, more than any other law school in Australia, focussed upon providing our students with an exceptional learning experience. This requires us, as law teachers, to invest considerable amounts of time designing and developing learning resources, engaging with our students in and outside of classes, providing our students with extensive personal consultation times, and using assessment tools and strategies such as moooting and skills demonstrations that are pedagogically exceptional but enormously time consuming and resource intensive. Teaching and assessment take up so much of our time and energy that it can be very difficult for us to make room in our busy days to engage in quality research and scholarship. It is therefore impressive and gratifying to see so much quality research and scholarship taking place.

In the following pages you will read about the many books and journal articles produced by Bond Law academics, the conference papers, seminars and roundtables at which our colleagues have had a notable presence, the grants being applied for, and the many important journals being published. The Centre for Commercial Law, the Transnational International and Comparative Law and Policy Network, and the Centre for Professional Legal Education are all actively engaged in a variety of scholarly activities and all are moving from strength to strength thanks to the magnificent efforts of the various directors, coordinators, managers, administrators and members. As with so many things, Bond Law performs at an unexpectedly impressive level when it comes to research and scholarship, and of that we should be proud.

Of course, good teaching and good research are not mutually exclusive, and there are many synergies between those two important fields of activity. Good teaching is informed by good research: research into the area of knowledge being taught and research into teaching, learning and assessment practices. An academic can produce original research about what they teach and original research about how they teach. An academic actively engaged in research in the same areas in which they teach will be readily able to educate their students about the very latest developments in the field. Research and scholarship can enliven our teaching; we can, for example, engage our students in research projects about the topics being taught, simultaneously developing the students’ own research skills and inculcating in them an appreciation of some of the finer details of the field and the challenges of being a scholar. Identifying the most appropriate nexus between our teaching and our research isn’t always easy, but it is marvellous that so many of our colleagues have found a way to do so, writing books and articles, applying for grants, supervising students and appearing at conferences, while simultaneously coordinating subjects, marking assessment, volunteering at clinics and judging moots.

One of the best things about our Faculty is the high level of collegiality and the willingness of our more experienced researchers to mentor, advise and support our more junior researchers. No matter what problem you are presently confronting, it is likely that someone in the Faculty has already dealt with a similar problem, or at least knows someone else who has done so. You are never alone when facing research challenges: you only need to ask for help. And this newsletter is just one of many ways we are helping each other.

Professor Nick James
Executive Dean
Faculty of Law
Conferences/Seminars

The 2017 Interdisciplinary Colloquium on Sports was held in the Faculty on 16/17 February, and was hosted by the Centre for Commercial Law, Faculty of Law and Faculty of HSM. Congratulations to Annette Greenhow who co-convened the Colloquium with Lisa Gowthorp from HSM; this was their second interdisciplinary collaboration.

In November 2016, Narelle Bedford was invited to present on Administrative Law to the annual QCAT members’ conference. This was a significant honour. Among Narelle’s fellow presenters were Justice David Boddice, Supreme Court of Queensland and Fleur Kingham, President of the Land Court.

In February, Tory Baumfield presented at the 2017 Corporate Law Teachers Association conference, held at Griffith University. Her presentation and related paper were entitled, “Are the Efforts to Adopt the Benefit Company Form in Australia Socially Irresponsible?”.

Impact and Engagement

Congratulations Jodie on being invited by the Royal Commission for the Protection and Detention of Children in the Northern Territory to a closed Alternatives to Detention Forum in Alice Springs last week.

- In November, Jodie O’Leary’s co-authored textbook Criminal Law in Queensland and Australia (7th ed, 2014) was cited by the Supreme Court of Western Australia in The State of Western Australia v Siddique [No 2] [2016] WASC 358. Jodie has signed the contract to write the 8th edition of Criminal Law in Queensland and Australia with co-authors Eric Colvin and John McKechnie.


Grant Applications:

- Jon Crowe as Chief Investigator for an ARC Discovery Project—’the Role of Intuition in Legal Reasoning’.
- Michael Weir as Co-Chief Investigator with UTS for an ARC Discovery Project—’Failures in Regulation of Complementary and Alternative Medicines’.
- Jon Crowe as Co-Chief Investigator with UQ for an ARC Discovery Project—’The Ethics of Judgement’.
Congratulations on the following recent publications:


- **Mark Israel**, Natalie Skead, Mary Heath, Anne Hewitt, Kate Galloway, and Alex Steel, ‘Fostering “Quiet Inclusion”: Interaction and Diversity in the Australian Law Classroom’ (2017) 66(2) Journal of Legal Education 332.


- **Winnie Ma** and Helena His-Chia Chen, ‘Taming the Unruly Horse: the New York Convention’s Public Policy Exception to the Enforcement of Arbitral Awards’ in Chang-fa Lo, Nigel N.T. Li, Tsai-yu Lin (eds), Legal Thoughts Between the East and West in the Multilevel Legal Order (Springer, 2016) 575-595.

- **Louise Parsons**, ‘Competitive Mooting as Clinical Legal Education: Can Real Benefits be Derived from an Unreal Experience?’ (2016) 1 Australian Journal of Clinical Education.


Rebecca Ananian-Welsh and Jonathan Crowe (eds), Judicial Independence in Australia (Federation Press, 2016).

John Farrar and Pamela Hanrahan, Corporate Governance (LexisNexis Butterworths, 2016).

Rachael Field, James Duffy and Colin James (eds), Promoting Law Student and Lawyer Well-Being in Australia and Beyond (Routledge, 2016).


Danielle Ireland-Piper, Accountability in Extraterritoriality (Edward Elgar, 2017).


Denis Ong, Ong on Contribution (Federation Press, 2016).


Christopher Jamin and William van Caenegem (eds), The Internationalisation of Legal Education (Springer, 2016).


Hugh Zillman and Andrew Hemming, LexisNexis Questions and Answers – Civil Procedure (LexisNexis Butterworths, 2016).

What’s Happening?

Dan Svantesson, having just completed the ARC Future Fellowship project is now working on a book summarising the findings of that project. The manuscript is due with OUP at the end of March. He is currently waiting for the final page proofs of a book co-edited with Darek Kloza (VUB, Belgium) as well as a book co-authored with Radim Polcak (Masaryk University, Czech Republic).

Bond Law School is currently developing initiatives to foster and sustain student well-being. These initiatives include a research project led by Rachael Field, on student well-being and learning experiences - the 2017 Law Student Well-Being Research Project. The survey will ask Bond Law students about their Law School experience and general well-being. The results of the survey will help the Faculty to understand the mental health needs of the Bond student cohort, and will assist us to design and evaluate strategies to better support law student well-being, and thereby better support law student learning success. This study also aims to contribute to the improvement of law student well-being nationally, by contributing to the Australian scholarly literature in this area.
Academic Spotlight

This month we bring the spotlight to Emeritus Professor Mary Hiscock and her research activity in 2016. Best told in Mary’s own words, the following describes “what an Emeritus Professor can do, when some of the teaching and administrative pressures go and are replaced by attractive temptations such as leisure.”

Research and publication

I was asked to contribute a chapter to a Festschrift for Professor Herbert Ma of Taiwan on his 90th birthday. He is described as a “towering figure in legal philosophy and legal education”, and is highly respected globally. He was educated at Fudan, Harvard, and National Taiwan University Law Schools. He was Dean of the Law Faculty and a Professor at National Taiwan University for more than fifty years, and was then made a Grand Justice of the Constitutional Court. The title of the publication is Legal Thoughts between the East and the West in the Multilevel Legal Order, and is published by Springer 2016. The Festschrift is almost 600 pages.

My chapter is entitled ‘The Universality of Good Faith and Moral Behaviour: A Challenge for the Principles of Asian Contract Law.’ Winnie Ma also contributed a chapter with Helena Chen “Taming the Unruly Horse: The New York Convention’s Public Policy Exception to the Enforcement of Arbitral Awards”.

Presentations/Seminars

- The Trade Law Forum: Harmonised Legal Platforms for Business. This was at the UNCITRAL Regional Centre at Incheon, Korea. I spoke on Legal Education for the Global Economy, as part of a panel. The proceedings were published in the UNCITRAL Report to the UN 6th Committee in 2016. The sponsors were the UN, the Ministry of Justice, Korea, The Hague Conference on Private International Law, the Korea Law Research Institute, and the International Bar Association. The seminar was held 16 – 18 May.
Presentations/Seminars cont’d

- The Biennial Meeting of the International Academy of Commercial and Consumer Law was held at the University of Kyushu in Fukuoka Japan between 11 and 15 July. The theme was “An Appraisal of the Current State of Transnational Commercial and Consumer Law”. My paper was “Contemporary Dispute Resolution is forcing the Common Law to recognise Good Faith Negotiation as an Enforceable Legal Obligation.” We are negotiating with Springer to publish the proceedings under the title of “Transnational Commercial and Consumer Law: Current Trends in International Business Law”, edited by Toshiyuki Kono (Kyushu), Arie Reich (Bar Ilan, Israel) and me.

- A celebration of 50 years of UNCITRAL, sponsored by the Attorney-General’s Department and the University of Queensland. The seminar was held at the Supreme Court in Brisbane on December. My contribution was an analysis of the UNCITRAL Convention and Rules on Transparency, currently being considered for adoption by the Australian Government. The seminar materials were published on Dropbox via the University of Queensland website. Click here to access the papers.

Interviews

Trailblazing Women Lawyers
This began as a recorded archive for the National Library some years ago. Part of it is incorporated in this exhibition launched in November 2016 at the National Library in Canberra.

You can read Mary’s interview here at the online exhibition entitled Australian Women Lawyers as Active Citizens. The exhibition showcases the experiences of women featured in the Australian Research Council-funded project, Trailblazing Women and the Law, and documents their impact on others and in broader society.

The project was led by Professor Kim Rubenstein of the Australian National University, together with Associate Professor Gavan McCarthy and Helen Morgan from the University of Melbourne, in partnership with Australian Women Lawyers, the Family Court of Australia, the Federal Court of Australia, the National Foundation for Australian Women and the National Library of Australia. The online exhibition and other outcomes of the project is accessible through the Australian Women’s Register, part of the Australian Women’s Archives Project, National Foundation for Australian Women.

Internationalisation of Legal Education
An interview by Anul Agrawal of the Bench and Bar Journal of India, the equivalent of the Australian Law Journal. The topic was Internationalisation of legal education. The interview was conducted when Mary was in Korea.
In 171 we are pleased to welcome two new PhD students to the Faculty; Feiyue Li and Daniel Shabrokh.

**Feiyue Li**

Feiyue Li has completed a comparative study of the river management systems between China and Australia. His current research interests are transboundary water law, international politics and environmental law. He aims to investigate an optimal transboundary water rights system and trading mechanisms in transboundary watercourses.

Feiyue is under the supervision of Prof Vai Io Lo and Prof Michael Weir.

**Daniel Shabrokh**

Daniel Shabrokh completed his Juris Doctor degree and Post Graduate Diploma in Legal Practice at Bond University.

He currently practices as a solicitor mainly in family law and has just started his PhD in the same field. His PhD thesis which he is very passionate about is on social justice and gender equality, examining provision of adequate and equitable support for all victims of domestic and family violence regardless of gender in Australia.

Daniel is supervised by Prof Rachael Field.

**In brief:**

- Lynden Griggs (PhD by Published Work) is under examination.
- Leyla-Denisa Obreja (PhD) was successfully confirmed in 171.

**HDR Publications:**

- Michael Krakat was asked to write a piece in the newsletter of the Investment Migration Council. Click [here](#) to read ‘Becker’s Long Shadow: Close Call for Australian “Uniform” Residence-By-Investment Scheme’?

**Reminder:**

- All students receiving the Research Training Program (RTP) Scholarship support (formerly RTS), either living stipend and fee off-set, must now acknowledge the Commonwealth’s support when they publish or produce materials, i.e. thesis/articles related to the research project during and after the completion of studies. The acknowledgement must be displayed in a prominent place using the following text: This research was supported by an Australian Government Research Training Program Scholarship.
Centre for Commercial Law

On 28 November 2016, the Centre co-hosted with the European Law Institute an event titled “Internet Jurisdiction Thinking Outside the Box(es)” in Vienna. Dan is on the far left, William in the middle facing the camera.

Transnational, International and Comparative Law and Policy (TICLP) Network

TICLP Network had a busy year hosting a number of events, welcoming a new HDR student, Michael Krakat, planning for our second biennial event, and writing our first edited book: Global Governance and Regulation: Order and Disorder in the 21st Century (Routledge, 2017).

The TICLP Network looks forward to launching this book later in 2017. The book had its genesis in our inaugural biennial Interdisciplinary Conference on “Global Order and Disorder” held in 2015. The editors are Danielle Ireland-Piper, from Bond University, and Leon Wolff, from the Queensland University of Technology and includes a number of chapters by authors from Bond University. The book will be available for purchase in July 2017 and is currently available for pre-order at the following link.


The TICLP Network extended the deadline for abstracts in response to its call for papers to 10 February 2017. The conference dates are 26 and 27 May and the keynote address on "Power, Control and Citizenship" will be delivered by Professor Kim Rubenstein from the Australian National University. Among many other achievements, Professor Rubenstein has appeared as counsel in a number of High Court cases and was named in the first batch of Westpac’s ‘100 Women of Influence’. Registration for both presenters and non-presenters will be available from March 2017. Details and program to follow on our website. www.bond.edu.au/ticlp.

Did you know the TICLP Network has an active presence both on Twitter and on Facebook? Find us on Twitter at the handle: @TICLP_Network and on Facebook at this link. Please take a look at our 2016 newsletter available here.

Centre for Professional Legal Education (CPLE)

As the Centre begins its second year of operation, our academic members continue to produce high quality scholarship into legal education. Kate Galloway and Nick James have started planning a legal education ‘mega-project’ looking at the impact of digital disruption upon the way the traditional core of the law curriculum is being, can and should be taught. A major review of the PLT program is now underway. The Centre’s various CPD and Masterclass initiatives continue towards fruition: our new Personal Insolvency Professional Accreditation online program was launched last month, our first masterclass on Technology and Legal Practice is now being offered and we have commenced work on a new Sports Law initiative. Construction of our new Graduate Certificate in Legal Education is well underway, our DRC team is continuing to offer high quality short courses in dispute resolution, and Libby Taylor and Rachael Field have been working hard to repackgage those short courses as a fully-fledged Graduate Certificate in Family Dispute Resolution, while at the same time preparing to launch our brand new Family Dispute Resolution Clinic. The Bond Law Clinic continues to flourish, and this year we will hopefully see the launch of a new Start-Up Law Clinic where law students will work with legal practitioners to provide advice to the participants in The Transformer, Bond’s new entrepreneurship initiative.
Faculty Published Journals

The **Australian Journal of Clinical Education** (AJCE) is a new on-line journal jointly published by Law and HSM via epublications@bond. The AJCE is a double blind peer-reviewed journal devoted to issues of practice and innovation in clinical education across the two disciplines of Law and Health.

The journal came to fruition during 2016 and has recently (December) published the first full text article, along with an editorial piece; articles are published on a rolling basis. Being ‘new’ the journal does not yet have an ISSN but should be eligible to apply for one within the next 1-2 months.

At an editorial committee meeting held in 2016, the committee agreed that the Bond HDR community also be encouraged to publish their research in the AJCE. The strategy identified for this purpose was to advertise the journal on the HDR community iLearn website.

In January:

**AJCE** had 30 full-text downloads.

Most popular papers were:

- *Defining Clinical Education: Parallels in Practice* (20 downloads)
- *Piloting an integrated, interprofessional programme for people living with Type II diabetes: outcomes and experiences* (10 downloads)

**Bond Law Review** had 10,255 full-text downloads.

Most popular papers were:

- *Causation in Criminal Law* (334 downloads)
- *Separate Legal Personality: Legal Reality and Metaphor* (235 downloads)
- *Shareholders Agreements and Shareholders’ Remedies Contract Versus Statute?* (212 downloads)

**Corporate Governance eJournal** had 2161 full-text downloads.

Most popular papers were:

- *Corporate Social Responsibility: Impact of globalisation and international business* (549 downloads)
- *A case of champagne: a study of geographical indications* (249 downloads)

**Owen Dixon Society eJournal** had 80 full-text downloads.

Most popular papers were:

- *From Parker v Parker to Pirate Kings: The legacy of Lord Denning—A Toast* (22 downloads)
- *Walter Campbell: A distinguished life* (19 downloads)
- *Sir Owen Dixon* (11 downloads)

**Revenue Law Journal** had 3347 full-text downloads.

Most popular papers were:

- *The Interpretation of Taxation Legislation by the Courts - A Reflection on the Views of Justice Graham Hill* (145 downloads)
- *What is a Tax? The Erosion of the Latham Definition* (110 downloads)
- *Is it a levy, or is it a tax, or both?* (107 downloads)

**Sports Law eJournal** had 801 full-text downloads.

Most popular papers were:

- *Negligent liability in sport* (332 downloads)
- *Dangerous Sports and Obvious Risks—Anyone for Cricket?* (80 downloads)
- *Restraint of Trade Law in Sport* (48 downloads)
For Your Information:

Open Access (OA) is a movement to make available online research and scholarly material for the greater benefit of all, without cost, to enhance learning and scholarly communication. There are different types of OA, click here for an explanatory powerpoint presentation. For academics wanting to apply for payment of their Article Processing Charge for Open Access publications, click here for further information and the APC application form.

Research Week will be held 16-20 October this year. Research Services are calling for all expressions of interest to be submitted through this form to research@bond.edu.au. Please cc in lawresearch@bond.edu.au so we can assist if required. Applications support may be available. Applications are due by 14 April.

Next year all Australian Universities will report all scholarly publications for the period 2011-2016 through the Excellence in Research for Australia (ERA) to the Australian Research Council. The ERA Draft Journal List is now open for review. This is an opportunity to make sure quality journals in our discipline are eligible for the next ERA collection. Please check this list and advise lawresearch@bond.edu.au of any journals you want included or removed.

The University Research Highlights report is now available online here. The Faculty of Law inserts will soon be available.

The Federation Press has announced they are taking submissions for the Holt Prize 2017. The Holt Prize is a biennial publishing award which recognises excellence in unpublished legal works of an academic or practical nature. The winner of the Holt Prize is awarded a $12,000 cash prize and a publishing contract with The Federation Press. Submissions close 31 March 2017.

Upcoming Events:

Our first Twilight Seminar ‘Reflective Practice in Legal Education and the Law’ will be held on Thursday 9 March presented by Michele Leering. The seminar will begin with refreshments at 5:30pm in the Gregor Heiner Foyer, (HSM building). The seminar begins at 6pm, please click here to rsvp.

An External Grant Application Panel will be held in Case Study 1, Tuesday 14 March, lunch provided. Hear from a panel of experienced academics. To rsvp, contact lawresearch@bond.edu.au

Everyone welcome to attend a Brown Bag Seminar on Wednesday 15 March, 12-1pm, Law Boardroom (BYO lunch). Katrina Kluss (UQ PhD Candidate) will be presenting ‘Towards the Ideal in a Non-Ideal World: The case for assigning legal personhood to non-human animals in Australia’.

The University is rolling out the new research capture system Pure, over the following months. Our Faculty will have specific training in July. Pure has replaced Research Master and provides a one-stop shop for all research activity to be presented and co-managed by academics themselves. Initial reports are extremely positive.
Dan Svantesson was featured in the February edition of *Proctor* for winning the VC Researcher of the Year Award late 2016.


As a contributing author, Narelle Bedford was invited to attend the book launch of *Doping in Sport: What role for administrative law?* At UNSW in August 2016.