ASPIRATIONS & INSPIRATIONS

Law Research Newsletter
June 2017

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On 16 June, the Faculty of Law and Centre for Commercial Law hosted a multi-disciplinary, multi-stakeholder Colloquium on *Food GIs and FTAs: Obstacle or Opportunity?* led by Professor William van Caenegem.

The Colloquium represented the capstone event for the most recent research project led by Professor William van Caenegem and Dr Jen Cleary (University of South Australia), for the Rural Industries Research and Development Corporation (RIRDC).

The Colloquium received some media interest prior to the event with the following article in *Get Farming* and a number of radio interviews.

The keynote address was to be given by the Minister for Trade, Tourism and Investment, and Bond Alumnus, the Honourable Steven Ciobo; however, due to unforeseen travel delays, the Minister was unable to attend in person but sent through the following video message in his absence (click on image below):

At the Colloquium, the topic of the advantages and disadvantages of a GI system for domestic producers and consumers was discussed by a high level panel of experts. They considered the implications of the coming trade negotiations with Europe, as the EU has managed to persuade most of our important Asian trading partners to introduce GI registration systems. The debate is laden with technicalities and subtleties of GI and trademarks law; but it is also a simple question of playing into a new trend towards consumer demand for reliable indications of regional origin and consistent quality standards.

Participants gave excellent feedback on the event; the general consensus being that the Colloquium advanced the GI in FTAs debate from a number of perspectives and laid foundations for further discussions.

Pictured from left to right: Ivano Casella (Delegation of the European Union to Australia, Counsellor and Head of the Economic and Trade Section), Professor William van Caenegem (Bond University) and Caroline McCarthy (Department of Foreign Affairs and Trade, Acting Assistant Secretary North Asia Services and Investment Branch, Free Trade Agreement Division).
Domestic Trade Panelists from left to right:
Charlotta Iggulden (IP Australia), David Salisbury (ACCC), Helen Thomas (King Island Council), Jennifer Medway, (RIRDC), Chair Dr Jen Cleary (Uni of Adelaide).
International Trade Panelists from left to right:

David Porritt (Department of Agriculture and Water Resources), Ivano Casella (Delegation of the EU), Caroline McCarthy (DFAT), Charles McElhone (Dairy Australia).
Conferences/Seminars cont’d

Associate Professor Danielle Ireland-Piper chaired and presented on a panel themed ‘The Migration of Constitutional Ideas’ at the 2017 Conference of the International Society of Public Law in Copenhagen, Denmark. The panel, pictured in the attached photo, included scholars from Brazil, China, United Kingdom and Australia.

On the 22 June, Professor William van Caenegem spoke on a panel at a QUT Faculty of Law Intellectual Property and Innovation Law Research Symposium on Intellectual Property and Trade in the Pacific Century.

Impact and Engagement

On the 27 June, Professor Jon Crowe spoke at the Australian Institute of International Affairs with Anna John on ‘The Role of Private Military Companies in UN Peacekeeping Operations’.

The event was attended by around 50 people with backgrounds in international relations, law and the military. The talk discussed the challenges raised by the role of private military companies in UN peacekeeping, including some recent high profile case studies. It sparked a robust discussion among the audience about the role of the UN in maintaining global security and the ongoing relevance of international humanitarian law. For the article outlining this talk, please click here.

The recent Colloquium on Food GIs and FTAs: Obstacle or Opportunity? hosted by the Faculty of Law and Centre for Commercial Law was the concluding event for two reports funded and published by RIRDC: Local to Global: Provenance Branding and Farmer Co-operation for High Value Export Markets (William van Caenegem, Lucie Tréguier and Jen Cleary, December 2016) and Provenance of Australian food products: is there a place for Geographical Indications? (William van Caenegem, Peter Drahos and Jen Cleary, July 2015) and a book published with Springer: William van Caenegem and Jen Cleary (eds), The Importance of Place: Geographical Indications as a Tool for Local and Regional Development (Springer, 2017).

Assistant Professor Victoria Baumfield has been cited by a NSW Supreme Court Judge in a paper delivered to the NSW Bar—see Fn 42 in the speech here.

Thanks to Associate Professor Michelle Markham’s suggestion to her student, Milla Ivanova to submit her excellent assignment as an entry into the Tax Analysts annual global student writing competition, Milla has won in the category of Tax Notes International.
Book Review

A book edited by Professor William van Caenegem and Emeritus Professor Mary Hiscock (Edward Elgar, 2014) entitled The Internationalization of Legal Education: the Future Practice of Law was favourably reviewed by Kathryn Taylor in the Australian Journal of Asian Law (2016) 7(1).

Publications

Congratulations on the following recent publications:

- A special issue of Masaryk University Journal of Law and Technology has just been published with Professor Dan Svantesson as Guest Editor.


Faculty-Published Journals

Most popular papers downloaded in June:

**Australian Journal of Clinical Education**
Sarah Brooks, Nikki Milne, Rob Marc Orr & Rebecca Terry, ’Is a students ability to critically self-reflect, related to their performance on physiotherapy clinical placements?’ (36 downloads)

Francina Cantatore, Linda Crane and Deborah Wilmoth, ’Defining Clinical Education: Parallels in Practice’ (12 downloads)

Sarah Kabir, ’Addressing the Barriers to Clinical Education in Emergency Medicine’ (12 downloads)

**Bond Law Review**
Eric Colvin, ’Causation in Criminal Law’ (282 downloads)
Michael J. Duffy, ’Shareholders Agreements and Shareholders’ Remedies Contract versus Statute’ (204 downloads)
Brendan Edgeworth, The Rights and Liabilities of Assignees of Leases, Reversions and Mortgages Under the Real Property Acts: Recent Developments (197 downloads)

**Corporate Governance eJournal**
Kim Kercher, ’Corporate social responsibility: Impact of globalisation and international business’ (372 downloads)
Matthew Hooper, ’The Business Judgement Rule: ASIC v Rich and the reasonable-rational divide’ (171 downloads)
Tim Jay and Madeline Taylor, ’A case of champagne: a study of geographical indications’ (125 downloads)

**Owen Dixon Society eJournal**
Katie Allan, ’From Parker v Parker to Pirate Kings: The legacy of Lord Denning—A Toast’ (20 downloads)
Yulan Xiang, ’Achieving better outcomes for Chinese law students studying overseas’ (8 downloads)
Geof Barlow and Jim Corkery, ’Walter Campbell: A distinguished life’ (8 downloads)

**Revenue Law Journal**
Madeline Taylor, ’Is it a levy, or is it a tax, or both?’ (143 downloads)
Vince Morabito & Stephen Barkoczy, ’What is a Tax? The Erosion of the “Latham Definition”’ (104 downloads)
Stephen Barkoczy, ’The Nature of “Present Entitlement” in the Taxation of Trusts’ (91 downloads)

**Sports Law eJournal**
Natasha Schot, ’Negligent liability in sport’ (195 downloads)
Jim Corkery, ’Dangerous Sports and Obvious Risks - Anyone For Cricket?’ (57 downloads)
James Johnson, ’Restraint of Trade Law in Sport’ (47 downloads)
Academic Spotlight
Research Excellence Award Winner 2017
Professor Jonathan Crowe

Research areas of interest
My research ranges across a variety of areas, but the unifying theme is the role of ethical values in informing and underpinning the law. My research in legal and ethical theory explores questions like the nature and scope of the obligation to obey the law and the role of ethical values in judicial reasoning. I have also recently written on legal and doctrinal issues in fields such as constitutional law, corporations law, sexual assault law and international humanitarian law.

Current research projects
My main project at present is a book on the natural law tradition in legal and ethical theory, which I have been working on for around ten years. I am preparing the third edition of my textbook on legal theory and planning a new text on Australian constitutional law. I am also working on a major article on constitutional implications, arguing that judges can legitimately make implications based on narratives and values drawn from social sources outside the constitutional text.

Recent publications
I have been working on a book project with Rachael Field on mediation ethics that is due out with Edward Elgar early next year. Other recent projects include a book chapter on metaphysical foundations of natural law theories in the Cambridge Companion to Natural Law Jurisprudence; a journal article on mediation ethics in the Sydney Law Review; and an article on the role of private military companies in UN peacekeeping operations in the Melbourne Journal of International Law.

What is your dream project/area of research to work on?
My next big project will be a book on the role of intuition in judicial reasoning. I plan to develop a new theory of legal reasoning that explains how judges use their intuitive responses to the facts of cases alongside legal rules and principles to reach decisions in the cases before them. The book will draw on recent works in moral and social psychology and sociological jurisprudence, as well as featuring case studies from Australian and international law.

Best research advice you can share
Be persistent and have confidence in the value of your own work. It is easy to be discouraged by a rejection from a journal or publisher, but the best work often results from using rejection as a way to test and refine your ideas.
Academic Spotlight
Emerging Research Excellence Award Winner 2017
Assistant Professor Iain Field

Research areas of interest
My primary research interests lie in tort law, with a particular focus on tort law defences and damages. My most recent publications examine the nature, function and classification of good faith defences in tort law, and the nature and availability of bereavement damages in foreign and domestic jurisdictions.

Current research projects
I am currently engaged in research that examines various aspects of contributory negligence. I recently co-authored an article with Professor Joachim Dietrich entitled "The Reasonable Tort Victim: Contributory negligence, standard of care and the "equivalence theory"", which is due to be published later this year in the Melbourne University Law Review. This article considers when it is necessary and, if so, appropriate, to modify the legal standard of care by imbuing the reasonable person with certain personal characteristics, and whether the reasonable person standard should always be applied equivalently to defendants and plaintiffs. I am also in the process of completing an article that examines the relationship between contributory negligence and the mitigation doctrine.

Recent publications
In addition to the co-authored article just mentioned, my recent publications include:


Best research advice you can share/was given
One of the best pieces of advice I ever received, and which I always endeavour to follow, is to focus on quality. I don’t mean to suggest that there is any single way to measure this, or that we ought only to publish in the most highly regarded journals. However, I do think that we ought to aim to produce the best research that we are able to, and to avoid the temptation to publish simply for the sake of satisfying quotas (although obviously we do need to do this!). Another piece of advice that sticks with me is to be ambitious, and to deal with the hard questions. This is probably something that gets easier over time, but at the very least I think we should always try to contribute something of value. Apart from anything else, research is a lot more enjoyable if we are invested in it.
Transnational, International and Comparative Law and Policy (TICLP) Network

The TICLP Network has launched its second interdisciplinary research poster competition. The theme is "Power and Control" and entries are welcome from all disciplines and from undergraduates, HDR students and academic staff. Queries to Danielle Ireland-Piper or Victoria Baumfield.

Interdisciplinary Research Poster Competition

The Transnational, International and Comparative Law and Policy Network invites you to submit a research poster on a topic with International, transnational or comparative themes relating to policy or law. Your topic should engage with the theme: **"CONTROL AND POWER"**

Submissions from **ALL disciplines** at Bond University are welcome. Your poster should be sent in PDF format to Danielle Ireland-Piper on dirland@bond.edu.au by 4:00 pm on Tuesday 26 September 2017 (Week 2 of 17),. The posters will be judged by a panel of three academics from three different disciplines.

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<th>Category</th>
<th>1st Place</th>
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<td>HDR students</td>
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<td>Undergraduate students</td>
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<td>Staff</td>
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All finalists will have their posters professionally printed and displayed during Research Week and winners will be acknowledged at an event to take place between 16-20 October 2017.

*A research poster is a visual communication tool that allows you to present your research in a clear, concise, graphic format. It attracts attention, conveys information clearly, and initiates conversations, and can represent any stage of the research process.*
On 30 June, we held our HDR Colloquium ending in a social event for all HDRs and supervisors. It was well attended and five students had the opportunity to present their research to interested faculty and other HDRs (see photos below).

Florentina Benga, PhD candidate:
‘Enhancing Legal Education through Access to Justice Centres: A Comparative Study between Australia and the United States’

Sophia O’Brien, PhD candidate:
‘Ending or Addressing Impunity? Responding to Questions of Responsibility, Accountability, Judgment and Justice’

Zejun (Doris) Du, PhD candidate:
‘Law and Policy: Illegal Immigration in China’

Dani Larkin, PhD candidate:
‘The Law and Policy of Indigenous Cultural Identity and Political Participation: A Comparative Analysis as between Australia, Canada and New Zealand’

In addition, David Millhouse, PhD candidate, presented on ‘Systemic and Cyclical Failure in the Australian Financial Products and Services Sector: A Comparative Analysis and Recommendations for the Future Development of the Law’. 
Grant Application

Professor Dan Svantesson is part of a team which lodged a grant application titled ‘C4e - CyberSecurity, CyberCrime and Critical Information Infrastructures Centre of Excellence’ with his co-researcher Dr Radim Polcak of Masaryk University. This is a major project with involvement by entities, such as the Czech Ministry of Defence, National Security Agency and Supreme Public Prosecutor’s Office, and represents an exceptional opportunity for Dan to become involved in a large-scale research project in the cyber security field. The funding is sought from the Czech government.

Visiting Scholar Program

Congratulations to Professor Dan Svantesson. He will be hosting his research colleague Dr Radim Polcak (Masaryk University) under the University’s Visiting Scholar Program in November.

Upcoming Events

Workshop on Research Methodologies

We are fortunate to have Emeritus Professors Mary Hiscock and John Farrar present a workshop on Research Methodologies for members of the faculty, including HDR students. The workshop will also include lunch. To register, please email lawresearch@bond.edu.au and include any dietary requirements. Everyone is welcome.

Workshop on Teaching

HDRs interested in a teaching academic career and academics new to Bond are invited to attend the Introduction to Teaching at Bond, to be held on Friday 8 September. Please register here.