



ASPIRATIONS & INSPIRATIONS

Law Research Newsletter
November-December 2017



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Conferences/Seminars

On 18 December 2017, Professor William van Caenegem and participants from around the world gathered at the Australian Embassy in Paris for the second International Comparative Colloquium on *IP and Fashion: from Creator to Consumer*. Participants included representatives of the fashion design world, such as the IP Rights Enforcement Manager of Hermes International, the Director of Jewellery Design of Cartier, and the former Legal Director, IP and Brand Protection, of Tommy Hilfiger and LVMH.

The discussions were centred around the design of IP rules for the purpose of supporting creative fashion brands in the differing conditions of a number of jurisdictions. A number of comparative articles have now been published around this topic, co-authored by William van Caenegem, Violet Atkinson, Viv Azard and Julien Canlorbe.

The importance of the Colloquium was highlighted in the opening address by Brenden Berne (Australian ambassador to France), who noted the impending FTA negotiations between the EU and Australia and deepening economic ties with France. A further colloquium or conference will be held this year.



From L-R, Catherine Palmer - *Principal Legal Counsel - Joseph, United Kingdom*, Violet Atkinson – *Bond University and Cronin Litigation, Australia*, Jean-Claude Masson – *IP Rights Enforcement Manager, Hermes International*, Associate Professor Eleonora Rosati – *University of Southampton and Attorney, Italy*, Chair: Viviane Azard – *Attorney, Bardehle Pagenberg, Paris, France*



Panel 4: Direct to consumer: IP and Developing Business Practices in Fashion

From L-R, Amandine Doat – *Legal Counsel, ADOAT Legal (Formerly Legal Director IP and Brand Protection, Tommy Hilfiger and LVMH)*, Aminata Sambe – *Producer and Director (Co-Producer “Dries”)*, Caroline Merckx – *Project Manager, Flanders Fashion Institute*, Geraldine Blanche – *SciencesPo, Paris, France*, Chair: Associate Professor Eleonora Rosati – *University of Southampton and Attorney, Italy*

Conferences/Seminars cont'd

In November, **Professor Jonathan Crowe** attended the Animal Law Conference at Griffith University, where he presented 'Options for Recognising Animal Personhood under Australian Law'.



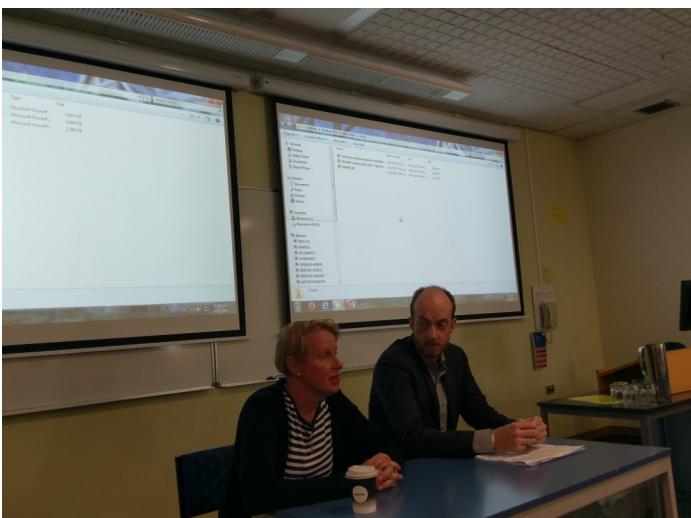
Professor Jonathan Crowe presenting at the Animal Law Conference

Assistant Professor Victoria Baumfield attended a corporate governance event in Doha where she discussed corporate governance in the context of recent financial reforms in Qatar. The event was covered by CNBC Arabia and can be viewed in full [here](#).



Victoria Baumfield speaking at the Doha corporate governance event.

In December, **Professor Jonathan Crowe** presented 'Three Illusions of Modern Politics' at the Law and Society Association of Australia and New Zealand Conference (Otago University). Additionally, **Professor Rachel Field** and **Professor Jonathan Crowe** co-presented 'What Comes After Neutrality? A New Paradigm for Mediation Ethics' (pictured below).



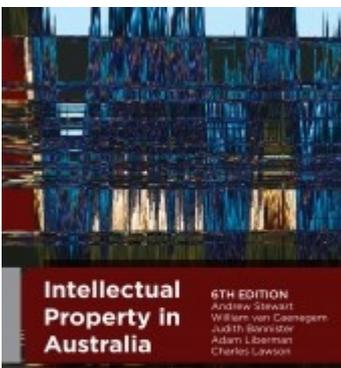
Impact and Engagement

Professor Rachel Field, along with Zoe Rathus and Sam Jeffries from Griffith University, sent a submission and two articles to the Parliamentary Inquiry into a better family law system to support and protect those affected by family violence. They were asked to speak at the hearing and were subsequently cited in the report that followed. The full report can be accessed [here](#). Additionally, each of the articles can be viewed [here](#) and [here](#).

Associate Professor Michelle Markham's recent article on international arbitration in the ADRJ attracted the attention of the Director of the Tax and Transfer Policy Institute at the Crawford School of the ANU, and she was asked to write a post for the Austaxpolicy blog. Check out 'Recurring Resistance to Tax Treaty Arbitration as a Dispute Resolution Mechanism' on the Austaxpolicy blog [here](#).

Book Launch

Congratulations to **Professor William Van Caenegem** on the launch of his new book, *Intellectual Property in Australia* (6th ed.) The event was hosted at the offices of Gilbert & Tobin, a leading IP law firm in Sydney. The 6th edition of this longstanding textbook, published by LexisNexis, was launched by the Hon Robert French AC, former Chief Justice of the High Court of Australia. Justice French gave an entertaining and informative speech about his years in practice and some of the IP cases he came across then and when on the bench. Andrew Stewart, who has been a co-author of this work ever since it first appeared as 'McKeough & Stewart' also spoke, thanking the co-authors over the years for their work and commending the publishers for their continued support. The audience, mostly consisting of Sydney legal practitioners, enjoyed the speeches and cocktails and some attended dinner afterwards at a local waterside restaurant.

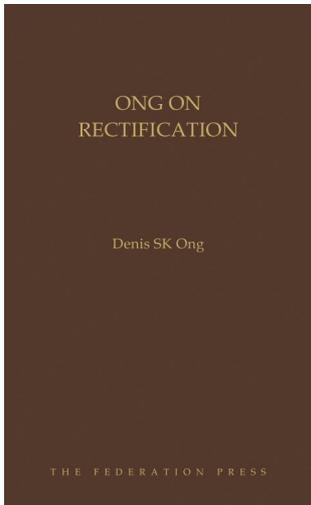


From L-R, Tim Williams of G+T, Adam Liberman co-author, former Chief Justice of the High Court of Australia Robert French, Andrew Stewart co-author and Professor William van Caenegem.

Publications

Books

Congratulations to **Professor Denis Ong** on his seventh book publication with Federation Press:



Ong, D .S. K. (2017). *Ong on Rectification*. The Federation Press.

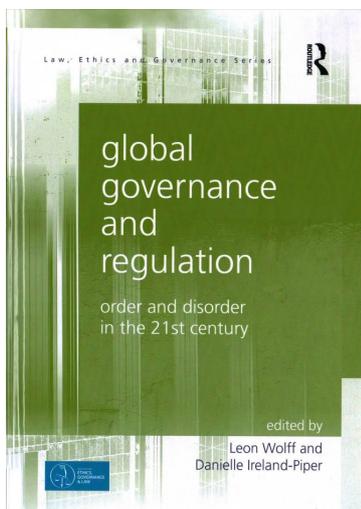
The extract reads: 'In Ong on Rectification, Professor Denis SK Ong brings his customary penetrating analysis of the authorities to the equitable remedy of rectification.

Topics discussed include: the nature of rectification; a detailed exploration of the principles of contractual construction; the difference between construction and rectification; rectification of both common and unilateral mistakes; and rectification of wills.

Professor Ong very carefully sets out both the Australian and English authorities, highlighting the differences between them as well as remaining "grey" or unresolved areas. This book will be an invaluable resource for all those involved in contractual construction, disputes and adjudication.

The book is Professor Ong's seventh major book in the field of equity and is the perfect supplement to his earlier works which now include: *Trusts Law in Australia* (now in its 4th edition); *Ong on Equity*; *Ong on Specific Performance*; *Ong on Subrogation*; *Ong on Rescission* and *Ong on Contribution*.'

Congratulations to **Associate Professor Danielle Ireland-Piper** on the publication of her co-edited book (Routledge):



Ireland-Piper, D. & Wolff, L. (2017). *Global Governance and Regulation: Order and Disorder in the 21st Century*. Routledge.

The extract reads: 'With a diverse group of contributors from law, business and the social sciences, this book explores the line not only between order and disorder in global affairs, but also chaos and control, continuity and change, the core and the margins. The key themes include: global crises and the role of international law, norms and institutions; the challenge of pluralism to regulatory clarity; and critical assessments of taken-for-granted systems and values such as capitalism, centralised government, de-militarisation and the separation of powers.

Publications cont'd

This blend of contemporary subject-matter, empirical studies, multi-disciplinary perspectives and academic theories provides a comprehensive analysis to current and emerging debates in the broader global community. In utilizing interdisciplinary studies to draw out common issues and alternative solutions, the book will appeal to a wide readership among academics and policy-makers.¹

Other Publications

Crowe, J. & Sveinsson, L. (2017). Intimidation, consent and the role of holistic judgments in Australian rape law. *University of Western Australia Law Review*, 42(1).

Field, D. (2017). Trial by motive. *Bond Law Review*, 29(2), 1-18.

Field, R. M. (2017) Proposing a system of contextual ethics for mediation for a range of mediation models and in both ad hoc and institutional environments. *Contemporary Asia Arbitration Journal*, 10(2), 293-320.

Field, R. & Roy Aspro, A. (2017). A compulsory dispute resolution capstone subject: An important inclusion in a 21st century Australian law curriculum. *Legal Education Review*, 27(1), 1-21.

Galloway, K. (2017). A rationale and framework for digital literacies in legal education. *Legal Education Review*, 27(1).

Galloway, K. et al (2017). Learning to feel like a lawyer: Law teachers, sessional teaching and emotional labour in legal education. *Griffith Law Review*, 1-28. DOI: 10.1080/10383441.2017.1406791.

James, N. & Cantatore, F. (2017). Heroism science offers a new framework for cultivating civic virtue within clinical law programs. *Australian Journal of Clinical Education*, 2(1), 1-19.

James, N. & James, R. (2017). What are we trying to achieve by teaching animal law to law students? *Legal Education Review*, 27(1).

Ma, W. J. (2017). CAAI arbitration rules 2017: The new rules for arbitrations seated outside Taiwan. *Contemporary Asia Arbitration Journal*, 10(2), 337-385.

Svantesson, D. J. B. et al (2017). Data & Jurisdiction Policy Options: Cross-border access to user data. *2nd global Internet and Jurisdiction Conference*, Internet & Jurisdiction.

Svantesson, D. J. B. et al (2017). Data protection and humanitarian emergencies. *International Data Privacy Law*, 7(3), 147-148.

Svantesson, D. J. B. et al (2017). Machine learning with personal data: Is data protection law smart enough to meet the challenge? *International Data Privacy Law*, 7(1), 1-2.

Svantesson, D. J. B. et al (2017). The rise of cybersecurity and its impact on data protection. *International Data Privacy Law*, 7(2), 73-75.

Felicity Gerry, Q. C., & **Svantesson, D. J. B.** (2017). The Microsoft case and a new era in access to extraterritorial evidence in D. Caruso & Z Wang (eds), *Proof in Modern Litigation: Evidence Law & Forensic Perspectives* (Barr Smith Press) 91-102.

Walkden-Brown, J. (2017). Digesting discourse: How animal law facilitates high quality legal education. *Legal Education Review*, 27(1).

Wolski, B. (2017). Collaborative Law: An (un)ethical process for lawyers? *Legal Ethics*. 20(2). DOI: 10.1080/1460728x.2017.1397401.

Faculty-Published Journals

Australian Journal of Clinical Education

Sarah Kabir, '[Addressing the Barriers to Clinical Education in Emergency Medicine](#)' (39 downloads)

Francina Cantatore, Linda Crane and Deborah Wilmoth, '[Defining Clinical Education: Parallels in Practice](#)' (31 downloads)

Francina Cantatore and Nickolas J. James, '[Heroism Science offers a New Framework for Cultivating Civic Virtue within Clinical Law Programs](#)' (14 downloads)

Bond Law Review

Eric Colvin, '[Causation in Criminal Law](#)' (755 downloads)

Nicholas James, '[Separate Legal Personality: Legal Reality and Metaphor](#)' (435 downloads)

Michael Duffy, '[Shareholders Agreements and Shareholders' Remedies Contract Versus Statute?](#)' (406 downloads)

Corporate Governance eJournal

Kim Kercher, '[Corporate social responsibility: Impact of globalisation and international business](#)' (1345 downloads)

Tim Jay and Madeline Taylor, '[A case of champagne: a study of geographical indications](#)' (381 downloads)

Sabina Medarevic, '[Environmental Corporate Social Responsibility and the Carbon Economy: A Case for CSR, the Triple Bottom Line and Obliquity](#)' (220 downloads)

Owen Dixon Society eJournal

Gerard Carney, '[The State Trials of Louis XVI & Marie-Antoinette](#)' (38 downloads)

Katie Allan, '[From Parker v Parker to Pirate Kings: The legacy of Lord Denning—A toast](#)' (21 downloads)

Geoff Barlow and Jim Corkery, '[Walter Campbell: A distinguished life](#)' (19 downloads)

Revenue Law Journal

John Tretola, '[The Interpretation of Taxation Legislation by the Courts—A reflection on the Views of Justice Graham Hill](#)' (213 downloads)

David Mouritz, '[Taxation Treatment of Foreign Currency Exchange Gains and Losses on Borrowings By Australian Resident Taxpayers](#)' (146 downloads)

Madeline Taylor, '[Is it a levy, or is it a tax, or both?](#)' (143 downloads)

Sports Law eJournal

Natasha Schot, '[Negligent liability in sport](#)' (416 downloads)

Jim Corkery, '[Dangerous Sports and Obvious Risks - Anyone For Cricket?](#)' (104 downloads)

James Johnson, '[Restraints of Trade Law in Sport](#)' (71 downloads)

Academic Spotlight

Professor Michael Weir



Research areas of interest

Property law and Medicine and the Law with a focus on the Regulation of Complementary and Alternative Medicine.

Current research projects

In 2018, I will commence the 5th edition of *Real Property Law in Queensland*; and articles on Issues in the Statutory Regulation of Western Herbal Medicine, Nutritional Medicine, Therapeutic Massage, Myotherapy and Naturopathy in Australia.

Recent publications

Articles under review:

1. Holding Out and Protected Titles - Issues for Non-Registrant Complementary and Alternative Health Practitioners
2. Strata Title, Dispute Resolution and Law Reform in Queensland

What is your dream project/area of research to work on?

Being part of an ARC grant on the regulation of Complementary and Alternative Medicine.

Best research advice you can share

Where possible publish in journals acknowledged as very good or excellent; think about how your writing contributes to your discipline; collaborate with others where it is appropriate; forge a niche for yourself which reflects a passion you have and attend conferences to motivate you to finish a paper and it should lead to an article. When you get a profile in an area others will ask you to join research projects, grants, chapters and articles.

Favourite way to relax?

Reading, walking, watching sports, gardening, movies and restaurants.

HDR News

Confirmation

Congratulations to the following law students on passing Confirmation in December:

Zejun Du, PhD

‘Law and Policy: Illegal Economic Immigration in China’

Abstract: With the rapid economic development of China, illegal foreign immigrants in China are increasing. In the past two decades, China has become an attractive destination country for people from some developing countries. Illegal immigrants mainly gather in the Pearl River Delta, the Yangtze River Delta, Beijing, and the northeast region. These illegal immigrants came from Vietnam, Myanmar, North Korea, Africa, Korea, etc. This thesis will analyse the reasons and impacts of illegal immigrants in China, explore the problems in regulating illegal immigration in China, compare the China experiences with those selected countries, put forward recommendations to Chinese government, and draw lessons for other countries

Rebecca Azzopardi, LLM (Res)

‘The Powers of the Australian Commonwealth Government to Collect and Share Information in the Interests of National Security, with a Focus on Border Protection.’

Abstract: As part of its overall national security strategy, one of the contemporary challenges for the Commonwealth government is the protection of Australia’s borders. This is a task that is undertaken by a number of government agencies, each with their own vested interest in border issues. I argue that a central function of the Commonwealth in this space is the ability to collect and share information at a domestic level, provided doing so is (1) based on lawful powers, (2) accountable and (3) balanced against other public interests including the protection of privacy and other freedoms. There have been calls for better coordination between agencies culminating in the Commonwealth’s announcement this year of a significant reform of Australia’s intelligence and domestic security agencies by establishing a Home Affairs portfolio. My thesis examines how the Commonwealth collects and shares information to support the operation of border policies and whether the evolving legislative framework operates to facilitate or hinder these activities. I aim to provide recommendations for legislative reform that strike a balance between the need for Commonwealth agencies to collect and share information effectively to ensure border integrity and the expectation of the community that individual rights to privacy are not unnecessarily impacted.

New HDR Student



Welcome to our newest PhD student, Carol Barnes. Carol is a retired solicitor who after 30 years is returning to university to undertake a PhD in disability discrimination law – with a focus on students with disability who are also intellectually gifted. Carol practised as a banking and finance lawyer with a large international firm in Sydney. She is an honorary Visiting Fellow (gifted education) at the School of Education, UNSW Sydney, and national coordinator/Sydney meeting convener for GLD Australia, a not-for-profit online learning community focussing on gifted learners with disability (GLD). A resident of Queensland, Carol is also vice-president/parent support group convener of the Queensland Gifted Association’s Gold Coast branch. Since 2009, Carol has made over 100 presentations on GLD at schools and universities in Australia, and at gifted, disability, medical, and legal conferences on five continents. She has also consulted on GLD to government departments and statutory authorities, and has testified on GLD before parliamentary inquiries.

Carol is supervised by **Professor Nick James** and **Professor Vai lo Lo**.

Other News

HDR student, **Michael Krakat**, recently contributed to the Investment Migration Council Bulletin publication with a short analysis of the 'dual citizenship crisis' stemming from Section 44(i) of the *Australian Constitution*. His piece was titled, 'Between the Local and the Global: Plural Citizenship in Australia', and can be viewed [here](#).

Congratulations to **Senior Teaching Fellow Eugenia Georgiades** and Assistant **Professor Victoria Baumfield** for being selected to take part in the PSAP (Principal Supervisor Accreditation Program) starting in February 2018. PSAP was developed as a new pathway to supervision of higher degree by research students. As part of Bond University's capacity building initiatives, academics are invited to participate in a series of workshops to increase their capacity and become Principal or Associate Supervisors.

End of Year Celebration

Thank you to all the HDR students and supervisors who joined us for an end of year celebration.



Faculty News

Twilight Seminars

On 24 November 2017, Visiting Scholar Professor Alain Strowel from University Saint-Louis, Brussels and University Louvain gave a presentation titled 'Data Governance in the Digital Economy: European Developments on Data Ownership, Data Protection and Data Access'. Professor Strowel discussed the EU framework for data ownership, data protection and data access, which highlighted digital policy issues that all countries face.



Professor Alain Strowel and Professor William van Caenegem

On 30 November 2017, Visiting Scholar Dr Radim Polcak from Masaryk University presented a seminar titled 'AI Liability'. Dr Polcak discussed the recent approaches to liability of autonomous systems that represents, together with data protection, product safety and design compliance, the most emerging regulatory challenge in AI. You can access the recording of his talk [here](#).



From L-R, Professor Dan Svantesson, Dr Radim Polcak, Professor Alain Strowel and Associate Dean (Research) Professor Vai Io Lo



Dr Radim Polcak

Faculty News cont'd

Academic Workshop

Following the Twilight Seminars held in November, Professor Alain Strowel and Dr Radim Polcak gave brief presentations on developing a career in research.



From L-R, Associate Dean (Research) Professor Vai Io Lo introduces Visiting Scholars Dr Radim Polcak and Professor Alain Strowel

Forthcoming Twilight Seminars

Visiting scholar Professor Vicki L. Beyer will be delivering a Twilight Seminar titled, "What is PM Abe's Work-Style Reform and Can it Succeed?". You can register [here](#).

Abstract

As part of his 'three arrows' approach to strengthening the Japanese economy, PM Shinzo Abe is pursuing monetary easing, fiscal stimulus and structural reforms, including so-called Work-style Reform. The penchant of Japanese workers for excessive working hours, combined with a rise in job insecurity, are widely regarded as the primary causes of increasing stress-related mental illness in Japan. Another issue is limited opportunities for women even as the workforce shrinks. But can Work-Style Reform succeed in changing the attitudes of both employers and workers to bring about true reform? This seminar will give an overview of Japan's employment practices before discussing the current direction and the likelihood of real change. Is there anything here that can inform what's happening in the Australian workplace? Come along and see!

Key Details

When: 5:30– 7pm, 12 March 2018

Where: Case Study 1, Faculty of Law (4_3_37)

As part of Animal Law Week, Barrister Katrina J Kluss will be delivering a Twilight Seminar titled, 'Practical Animal Rights: Linking Theory with Legal Advocacy'. You can register [here](#).

Abstract

The presentation will outline some of the principal philosophies which underpin the arguments for legal recognition of rights for animals. It examines the way these philosophies are, and might be in future, adapted and implemented in legal practice and advocacy. The presentation will highlight that an effective framework in which to link theory to practice can be found in an adaptation of John Rawls' ideal and non-ideal theory, and suggests practical ways in which pragmatic law reform might be achieved in Australia within this framework.

Key Details

When: 5:30– 7pm, 19 March 2018

Where: Case Study 1, Faculty of Law (4_3_37)

Notices

PURE

Public Portal

You control what is shown on your public profile by switching content on and off through the PURE backend. Below is a link to a short 1 minute video which illustrates how you can edit your personal profile information in order to control what can be seen by others on the Portal, including metrics and affiliations. For example, you may wish to turn off h-index scopus data which undercounts law and social science citations <https://vimeo.com/243209491>.

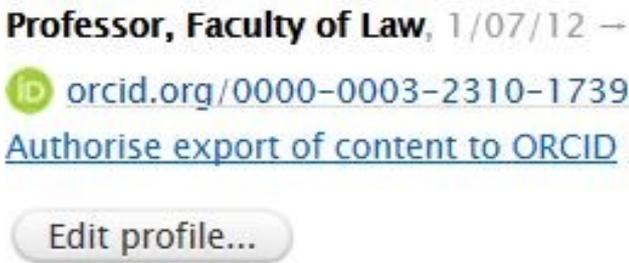
PURE Assistance

Click [here](#) to access the PURE webpage on the Bond website. From here you can enter the back end 'PURE LOGIN' to manage your profile, upload your publications, activities and so forth. You can also access the 'PURE Research Portal' which is what the public will see.

The webpage also includes a number of quick reference guides on PURE and quick access to assistance through Service Now.

PURE-ORCID

Don't forget to authorise the export of content to ORCID on your PURE profile, by clicking on the hyperlink as shown below. This will allow all the information on PURE to be pushed to ORCID automatically at intervals. The reverse is not the case; ORCID does not populate PURE.



Law Research Sharepoint

A reminder that the Law Research Sharepoint site is available on and off campus through a *Bond staff email address*. All current research policies and forms can be accessed through this site. Links to research events, seminars and resources are also available for law academics. You can access the Sharepoint site by clicking [here](#).