GCLP NEWSLETTER

Message from the Co-Directors

Consolidation — The Third Year

Our third and fourth years of operation, 2017—2018, have been years of consolidation. 2017 saw the publication by Routledge of our interdisciplinary book, *Global Governance and Regulation: Order/Disorder in the 21st Century*, which has it genesis in our 2015 conference. We also hosted our second interdisciplinary conference with the theme “The Law and Politics of Control and Power”. The conference attracted participants from disciplines as varied as psychology, law and international relations. Selected papers from this conference will be published in a special edition of the *Bond Law Review* in August 2018. The *Global and Comparative Law and Policy (GCLP) Network*, previously known as the Transnational, International and Comparative Law and Policy (TICLP) Network also hosted an successful research poster competition, engaging staff, HDR students and UG students alike. Our membership expanded to include a new HDR student, Rebecca Azzopardi, while our existing HDR student, Michael Krakat successfully underwent the confirmation process. Further, a number of members and affiliates were recognised for their work, including through media and by publication.

The GCLP Network remains grateful to the Faculty of Law at Bond University for its support of GCLP events and projects.

UPCOMING EVENTS 2019

Save the Date & Call for Abstracts and Panel Proposals

Biennial Interdisciplinary Conference of the Global and Comparative Law and Policy (GCLP) Network themed “Legal and Social Change” on 19-20 July 2019, Bond University, Gold Coast, Australia. Further details to follow.

The TICLP Network calls for conference paper abstracts and panel proposals to be sent to direland@bond.edu.au by 1 February 2019.

Pictured here, along with the Bond University Executive Dean of Law Nick James (far left) and the PVC (Research) Keitha Dunstan (middle right), are four of the Bond University authors who contributed to the book, *Global Governance and Regulation: Order and Disorder in the 21st Century* (Routledge, 2018): Louise Parsons (second left), Danielle Ireland-Piper (middle left), Lisa Bonin (second right) and Umair Ghori (far right). The book was co-edited by Danielle Ireland-Piper (Bond) and Leon Wolff (QUT). Other contributing authors include: Anthony Cassimatis, Jonathan Crowe, Susan Bird, Malcolm Davis, Sanzhuan Guo, Madhav Gautam, Victoria Schnure Baumfield, Douglas Guilfoyle, Maziar Falarti, Syed Ali Abbas, Eve Massingham, Jodie O’Leary, and Narelle Bedford.

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Inside this issue:

GCLP Interdisciplinary Conference 2017 2
GCLP Insights: Victoria Baumfield 3
GCLP HDR Profile: Rebecca Azzopardi 3
Interdisciplinary Poster Competition 4
Publication highlights 5
Other highlights 6

Global and Comparative Law and Policy (GCLP) Network, Bond University, Gold Coast QLD 4229 Australia
The Keynote address was delivered by Professor Kim Rubenstein on ‘Power, Control and Citizenship’. Among other things, Kim spoke about the concept of inclusive citizenship in the wake of the Uluru Statement. Her paper has since been converted to a journal article and will be included in the 2018 special edition of the Bond Law Review. Many interesting and varied papers then followed: from power struggles in trade and investment; to the ethics of the control humans assert over animals; and to the perverse exercises of power in situations of domestic violence. One particularly popular plenary panel provided ‘Interdisciplinary Perspectives on Power and Politics’. The panel was constituted by Professor Jonathan Crowe, who spoke on the ‘Three Illusions of Modern Politics’; Dr Sally Sargeant on ‘Conformity, Compliance and Control: Insights from Psychology’ and Dr Caitlin Byrne on ‘Contesting Power: Perspectives from International Diplomacy.’

In addition to attracting participation from academics and members of the public, students were also given a role in the conference. Students participated actively in lively discussions as audience members and a select number delivered their own conference papers at an exceptional level.

Ultimately, the conference brought together various expertise and viewpoints and was considered a success. The 2017 conference was coordinated by Elizabeth Greene, Danielle Ireland-Piper and Jodie O’Leary. We look forward to hosting the 2019 edition!
Water Supply Governance Research Leads to Community Engagement and Research Impact

Water is a critical necessity of life, but how many of us give much thought to where it comes from, who supplies it to us, or how much it costs to source, treat and deliver the water that we use every day? Since 2011, GCLP member and Bond University Assistant Professor of Law Victoria (“Tory”) Baumfield has been studying the organization of the Southeast Queensland water supply system and the various restructurings of the system that successive state governments have implemented since bulk water supply was first taken over by the state in 2008 in response to the Millennium Drought and many of the local water retailers amalgamated into regional entities. This research, which draws from not only corporate law and public law but also regulatory theory and economics, formed the basis for a study of comparative water supply governance, comparing Queensland’s water supply to the systems in England, Scotland, and Wales, that Tory presented at GCLP (then TICLP)’s 2016 conference on water and disorder. This research was ultimately published in chapter 9 of GCLP’s recent book, Global Governance and Regulation, under the title “Monopolisation, Market Liberalisation and Madness: Order and Disorder in Water Supply Governance”. Southeast Queensland’s water supply is provided on a monopolistic basis, typically from council-owned corporatised water retailers that purchase their water from a state-owned “bulk water” supplier. England, in contrast, has privatised its water supply and has taken steps to open up non-household water supply to competition. This will allow businesses, charities and public sector customers to switch suppliers. In Wales, Welsh Water (Glas Cymru) is run as a not-for-profit that must act in the best interests of the company’s customers. It contracts out the management of its business based on competitive tendering. Scotland’s reforms have focused on engagement with customers that give customer bodies a legal role in the pricing process. One of Tory’s research goals is to identify solutions to enable Southeast Queensland’s water supply system to be run in a way that encourages maximum efficiency and accountability to the public, while ensuring adequate water supply in the face of population growth and possible future droughts. In the past year, the press has become aware of Tory’s research and she has been called upon to explain aspects of Southeast Queensland’s water supply system (including why our water currently costs approximately double the cost of water in Sydney and Melbourne) on television (speaking on Channel Nine’s Gold Coast News), ABC Radio (broadcast Australia-wide on AM and FM), and in print and internet stories in Queensland and across Australia. As Tory’s research profile has grown, she has been contacted by Southeast Queensland’s bulk water supplier, Seqwater, and will be meeting with them in June 2018 to hear more about how they run their business and to discuss their long-term planning. Tory looks forward to being part of the solution to Southeast Queensland’s water challenges.

GCLP HDR Research Profile: Rebecca Azzopardi

Rebecca Azzopardi is a Masters of Law (Research) Candidate. Her supervisors are Professor Dan Svan tessson and Associate Professor Jay Forder. Rebecca completed her LLB/BA at the University of Canberra and is also a Semester Teaching Fellow at Bond and a practicing lawyer. Her hobbies and interests include crossfit, netball and being a dance mum.

Rebecca’s research considers, in a comparative perspective, the powers of the Australian Commonwealth government to collect and share information for national security purposes. Her work is particularly focused on border protection, the issues around which extend well beyond issues such as people smuggling, to the broader issue of movement of persons and goods across the Australian border and ensuing implications for national security. The focus of Rebecca’s research is not on the border policies themselves, but in providing a legal analysis of the powers, tools and strategies used by the government to obtain useful data and the legal framework that permits agencies to share that information or work together to support the operation of border policies. Rebecca has found that the legislative framework that grants powers to collect and share information is complex and covers information that impact many aspects of the community, such as personal and commercial information, biometric data, passenger travel records, telecommunications, intelligence and audio and visual footage. The collection methods employed include covert measures such as the use of assumed identities and access to computers and the use of human intelligence sources as well as interceptions, compulsory reporting, the use of warrants and surveillance devices. In Rebecca’s view, the complexity of this issue is further compounded by the involvement of various Australian agencies including operational, law enforcement, intelligence, policy and traditional border agencies, each with their own functions and powers to address border security risks. The role that information plays and the need for agencies to effectively cooperate with each other has been the subject of several reviews and formal recommendations to government, culminating in the development of the Home Affairs Portfolio late last year. In that context, Rebecca’s research examines whether the evolving legislative framework facilitates a useful level of cooperation between domestic agencies to meet the government’s objectives.
An interdisciplinary judging panel composed of Associate Professor Dr Stuart Murray (International Relations, Faculty of Society and Design), Assistant Professor Dr Wayne Petherick, (Criminology, Faculty of Society and Design), Faculty of Health Sciences and Medicine), and Assistant Professor Victoria Baumfield (Faculty of Law) were pleased to select the awardees, who were announced by Assistant Professor Victoria Baumfield and Associate Professor Dr Danielle Ireland-Piper:

**Undergraduate**

*First Place:* Lucas Flach, Faculty of Law (‘The People’s Power and Control: Australia v EU - The People’ Representation in the founding legislation of national and transnational confederations’).

*Second Place:* Patrick Cross, Faculty of Law (Can Human Rights be Enforced Without Recourse to the Courts?: A Comparative Analysis between the Constitutions of Australia and Belarus).

*Highly Commended:* Isabelle Silberling, Faculty of Law (‘Nepal and Australia: A Constitutional Comparison’).

**Higher Degree Researchers**

*First Place:* Sneha Raut, Bond Business School, (Fraud – Power and Control gone wrong!).

*Equal Second Place:* Michael Krakat, Faculty of Law (Citizenship by Investment Laws);

Florentina Benga, Faculty of Law (Enhancing Public Legal Education through Access to Justice Centres in the Context of Contemporary Legal Education in Law Schools).

**Academic Staff**

First Place: Narelle Bedford and Lisa Bonin, Faculty of Law (Public Interest Standing: Shifting Power and Control through Access to Justice).

Second Place: Khaled Halteh, Bond Business School (Bankruptcy Prediction).

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**Media Coverage**

In 2018, Victoria Baumfield received extensive media coverage of her work on water governance, both on radio and on television. Congratulations!


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**SUBMISSIONS FROM GCLP AUTHORS**

Narelle Bedford and Danielle Ireland-Piper ‘Submission to the Joint Select Committee on Constitutional Recognition Relating to Aboriginal and Torres Strait Islander Peoples’, 8 Jun 2018.

Narelle Bedford, Submission to Joint Standing Committee on Migration: An inquiry into the review processes associated with visa cancellations made on criminal grounds, 21 Jun 2018.

GCLP PUBLICATION HIGHLIGHTS: January 2017—July 2018

BOOKS

Danielle Ireland-Piper, Accountability in Extraterritoriality: A Comparative and International Law Perspective (Edward Elgar, 2017)

Leon Wolf and Danielle Ireland-Piper (eds.), Global Governance and Regulation: Order and Disorder (Routledge, 2018).

BOOK CHAPTERS

Victoria Baumfield, ‘Monopolisation, Market Liberalisation and Madness: Comparative Approaches to Water Supply Governance’ (Chp 9) in Leon Wolf and Danielle Ireland-Piper (eds), Global Governance and Regulation: Order and Disorder (Routledge, 2018).

Victoria Baumfield, ‘How Change Happens: the Benefit Corporation in the United States and Considerations for Australia’ in Beate Sjafjell and Irene Lynch Fannon (eds), Creating Corporate Sustainability: Gender as an Agent for Change (Cambridge University Press, 2018)


Jonathan Crowe, ‘The Scope and Application of International Humanitarian Law’ in Anthony Cassimatis, Michael Crowley and Fauve Kurnadi (eds), Australian Red Cross Handbook on International Humanitarian Law Meeting (Australian Red Cross, 2018) 27


Danielle Ireland-Piper, ‘Nationality and Extraterritoriality: A Disordered Paradigm?’ (Chp 6) in Leon Wolf and Danielle Ireland-Piper (eds), Global Governance and Regulation: Order and Disorder (Routledge, 2018).


Louise Parsons, ‘Domestic Regulatory Architecture for the Protection of Financial Stability after the GFC: Global Order or Disorder?’ (Chp 10): in Leon Wolf and Danielle Ireland-Piper (eds), Global Governance and Regulation: Order and Disorder (Routledge, 2018).

PEER-REVIEWED JOURNAL ARTICLES


Forthcoming

Victoria Baumfield ‘The Australian Paradox: Conservative Corporate Law in a Progressive Culture’ in Beate Sjafjell and Christopher Bruner (eds), The Cambridge Handbook of Corporate Law, Corporate Governance and Sustainability (Cambridge University Press, forthcoming 2019).


Global and Comparative Law and Policy (GCLP) Network, Bond University, Gold Coast QLD 4229 Australia
OTHER HIGHLIGHTS

Jonathan Crowe travelled to the United Kingdom in May 2018 to deliver a series of talks on statutory interpretation and the role of the judge. He participated in an invitation-only Symposium on Adjudication in the Faculty of Law at the University of Cambridge on 11-12 May 2018, attended by leading international academics and judges, including the Hon Robert French AC, former Chief Justice of the High Court of Australia.

Annette Greenhow was recently invited to be a panellist at the North American Society for Sport Management (NASSM) in Halifax, Nova Scotia on ‘Framing an Interdisciplinary Research Project on Youth Sport Concussion’. She was invited to participate in the Concussion in Sport workshop hosted by Sport Canada and the Sport Information Resource Centre (SIRC) in Ottawa. This was focussed on the implementation and evaluation of concussion guidelines released across the nation and used by National Sporting Organisations.

Danielle Ireland-Piper travelled to Utrecht University in the Netherlands as a Visiting Scholar in March-April 2017. While based at Utrecht in March-April 2017, Danielle delivered a lecture on ‘Cosmopolitanism and Extraterritoriality’.

FORTHCOMING SPECIAL INTERDISCIPLINARY EDITION OF THE BOND LAW REVIEW (2018)

“THE LAW AND POLITICS OF CONTROL AND POWER’

Guest Editors: Jonathan Crowe and Danielle Ireland-Piper

Includes:

Aboriginal Recognition: Treaties and Colonial Constitutions, ‘We have been here forever...’ (Irene Watson)

Power, Control and Citizenship: The Uluru Statement from the Heart as Active Citizenship (Kim Rubenstein)

Law and Power: Ten Lessons from Foucault (Nick James)

Three Illusions of Modern Politics (Jonathan Crowe)

Investment Court System (ICS) or ‘Regional’ Dispute Settlement? : The Uncertain Future of Investor-State Dispute Settlement (Umair Ghori)

The Winner Takes it All: Legal Costs as a Mechanism of Control in Public Law (Narelle Bedford)

Genuine Links Beyond State and Market Control: The Sale of Citizenship by Investment in Inter- and Supra-National Legal Perspective (Michael Krakat)

BLOGS AND OTHER IMPACT PIECES

